



**Norwood Young America Planning Commission**  
**Tuesday, April 21, 2015**  
**Norwood Young America City Council Chambers, 310 Elm St. W.**  
**7:00 p.m.**

**AGENDA**

**Craig  
Heher  
Chairperson**

1. Call to Order  
Pledge of Allegiance

2. Adoption of Agenda

**Bill  
Grundahl  
Vice-Chair**

3. Approve Minutes – March 17, 2015 meeting

**Karen  
Hallquist**

4. Public Hearings
  - A. Home Occupations Ordinance
  - B. Administrative Permits Ordinance
  - C. Stuff It Mini-Storage Variance Request
  - D. Zoning Code Amendment – Allow Limited Manufacturing in C-3 District

**JR  
Hoernemann**

5. Old Business
  - A. Home Occupations Ordinance
  - B. Administrative Permits Ordinance

**Mark  
Lagergren**

6. New Business
  - A. Stuff It Mini Storage Variance Request
  - B. Zoning Code Amendment – Allow Limited Manufacturing in C-3 District
  - C. Updating of Nuisance Standards

**Jim  
Keller,  
Council  
Liaison**

7. 2015 Goals & Objectives Update

8. Monthly Building Permit Report

9. Commissioner's Reports

10. Adjourn

**UPCOMING EVENTS**

- April 27<sup>th</sup> 6:30 p.m. – City Council Meeting – PC Rep. – Karen Hallquist  
May 13<sup>th</sup> 6:30 p.m. – EDC meeting – PC Rep. – Craig Heher  
May 11<sup>th</sup> 6:30 p.m. – City Council Meeting – PC Rep. – Karen Hallquist  
May 19<sup>th</sup> 5:30 p.m. – Parks & Rec. Comm. Meeting – PC Rep. – Karen Hallquist  
May 19<sup>th</sup> 7:00 p.m. – Planning Commission Regular Meeting



*Norwood Young America  
Planning Commission Minutes  
March 17, 2015*

**Present:** Commissioners Craig Heher, Bill Grundahl, Karen Hallquist, JR Hoernemann, Mark Lagergren, and Council Liaison Jim Keller.

**Absent:** None.

**Staff:** City Administrator Steve Helget and Consulting Planner Cynthia Smith-Strack, Municipal Development Group.

**1. Call to Order**

Meeting was called to order by CH at 7:00 pm. All present stood for the Pledge of Allegiance.

**2. Adoption of Agenda**

*Motion* – ML/KH, all in favor to approve the agenda as presented.

**3. Approval of February 17, 2015 Minutes**

*Motion* – BG to approve February 17, 2015 meeting minutes as presented. Second by JK, all in favor.

**4. Old Business**

A. Home Occupations Zoning Code Amendment.

Chairperson Heher introduced the agenda item. Strack referenced a revised draft ordinance included in the information packet. She noted the proposed standards provide for three different classes of home occupations: those that are prohibited, those that are permitted following administrative review, and those that are special and require an interim use permit. Generally prohibited home occupations were those involving illegal substances or actions. Those which are ‘special’ require an interim use permit due to a potential to impact residential neighborhoods. All others will be ‘permitted’ following administrative review as long as they comply with proposed standards relating to all home occupations.

Strack stated a ‘right of entry’ standard has been inserted into the draft Ordinance as per PC discussion in February. In addition, yellow highlighted text in the draft connotes items of significant discussion at the February meeting, including: the maximum number of vehicles allowed to be stored on site of home occupation, the maximum number of employees, and limiting outdoor storage.



The PC discussed limiting the number of vehicles at a site at one time. The PC reached consensus to limit the number of vehicles on site relating to a home occupation to a maximum of two at one time.

The PC discussed limiting the number of persons not residing at the premises who are involved in the home occupation. The PC reached consensus to limit that number to two employees.

The PC discussed prohibiting exterior storage of items related to the home occupation unless specifically allowed elsewhere within the City Code. The PC reached consensus to incorporate such language.

JK addressed the potential of limiting any type of construction contractor as a type of home occupation. The PC reached consensus to classify contractor yards as prohibited home occupations. Strack is to create a definition for 'contractor yard'.

Helget requested the following be added as a prohibited home occupation: "Home occupations generating hazardous waste or noxious matter".

Helget requested 'electrical interference' be added to the list of prohibited conduct for home occupations and that the reference in Subd. 4, C to 'property line' be changed to premises. Helget requested the same change be made in Subd. 7, A, 8.

*Motion* ML, second JK to approve aforementioned changes and call for a public hearing on the proposed home occupation standards. All voted in favor of the motion.

## **5. New Business.**

### **A. Administrative Permits Ordinance.**

Chairperson Heher introduced the agenda topic. Strack noted some standards within the zoning code require official action by the Planning Commission like variances, CUP's, and rezonings. However, the majority of standards are not reviewed by the Planning Commission but rather require internal review by staff to ensure consistency with the Code. The fact the Code doesn't currently include a process for internal review was discussed at the January joint meeting with the City Council. The joint group indicated at that time a preference to develop such standards.

To those ends proposed language for insertion into Chapter 12 has been drafted and is offered for consideration. The proposed language doesn't prescribe new standards for property uses, rather it establishes an administrative process similar to that followed for site plan review, variance review, and the like. The proposed amendment defines what information is required from applicants so as to allow internal staff review and decision making. In addition the proposed language defines what staff must review prior to arriving at a decision regarding a request. Lastly, the proposed ordinance directs what, if any, written action is needed.



The Commission reviewed the proposed language.

*Motion:* BG, second ML to call for a public hearing on the proposed language. Motion approved unanimously.

#### B. Administrative Citations.

Chairperson Heher introduced the agenda item. Strack stated the draft Ordinance was produced by City Attorney Jay Squires and reflected discussion had at the joint Council/PC meeting in January. The proposed Code amendment would not be to Chapter 12, Land Use, but would be an amendment to Chapter One of the Code.

Administrative citations are another tool the City can use to enforce the Code and achieve compliance with Code standards. Unlike criminal or civil citations, administrative citations are not processed through the conventional judicial system. Rather an alternative local impartial administrative hearing process is established and available to those disputing a charge. The administrative citation process doesn't eliminate the ability of the City to charge out a violation through conventional means. The administrative citation process is best used for simple violations such as work without a permit, violation of a CUP, nuisances, building permit violations and the like.

The PC discussed its involvement with review of the draft Ordinance. The PC reached consensus that the alternate process would be helpful in enforcing certain zoning standards but that the City Council was the entity that should hold a public hearing on the proposed language.

### **6. 2015 Goals and Objectives**

Chairperson Heher introduced the agenda topic. Strack provided an overview of the report.

JK inquired as to how the PC should determine what compliance effort is needed. He suggested each PC member drive through the City to determine what needed to be done. Following discussion the PC reached consensus that individual members should not be responsible for identifying where compliance was needed. Rather such items should be addressed as identified through complaints, as identified by staff, and/or as directed by the City Council.

ML suggested CUP audit review commence again in fall of 2015.

### **7. Commissioner's Reports**

JRH noted groundbreaking for The Haven was set for March 31<sup>st</sup>. The PC is invited to attend.

BG stated he has been getting flack about following procedures. He stated he hoped what the PC reviewed at the meeting would remedy some of that.



CH noted the EDC did not have a quorum at its regular meeting earlier this month. A few community members were present and discussed informally their perceptions of some zoning issues and staffing.

ML stated the last two City Council meetings were filled with typical city business. Some discussion was held on a request to operate an alcohol delivery business and the Council ultimately decided not to require a license for such a business.

KH noted the Park and Rec Commission was moving in a positive direction and had set goals and was following up.

## **8. Adjourn**

Motion – CH/BG, all in favor, the meeting was adjourned at 8:22 p.m.

Respectfully submitted,

---

*Steve Helget*  
Zoning Administrator





To: Chairperson Heher  
Members of the Planning Commission  
Administrator Helget

From: Cynthia Smith Strack, Municipal Development Group, Inc.

Date: April 15, 2015

Re: Public Hearing: Home Occupations Ordinance

---

#### **BACKGROUND**

The Planning Commission has been reviewing home occupations standards since November of last year. The Commission will hold a public hearing on the proposed standards at the April meeting.

The proposed amendment will allow additional flexibility in the type of home occupations allowed. The proposed ordinance provides for prohibited, permitted, and special home occupations. Under the proposed ordinance, permitted home occupations are allowed provided the City is notified of the intent to operate a permitted home occupation. The proposed amendment will require special home occupations obtain an interim use permit. The interim use permit will allow for input from neighbors prior to establishment of the special home occupation. At this time home occupations, if allowed, require City approval and are specifically limited to occurring within a dwelling.

A copy of the proposed Ordinance is attached. Proposed new language is indicated in **bold, underlined type face**. Language proposed to be deleted is indicated in ~~strikethrough~~. It is noted some renumbering has occurred as part of the language update. For ease in incorporating the draft standards into the existing Code, this Ordinance will repeal and replace existing standards as opposed to amending existing subdivisions.

#### **ACTION:**

The Planning Commission shall hold the public hearing. The Planning Commission will be asked to make a recommendation to the City Council to approve or deny the Ordinance during the business portion of the PC meeting.



**CITY OF NORWOOD YOUNG AMERICA  
ORDINANCE NO. █**

**AN ORDINANCE REPEALING AND REPLACING SECTION 1245.09 OF  
THE CITY CODE RELATING TO ACCESSORY STRUCTURES.**

- I. THE CITY COUNCIL OF THE CITY OF NORWOOD YOUNG AMERICA, MINNESOTA TO PROMOTE THE PUBLIC SAFETY, HEALTH, AND WELFARE, HEREBY ORDAINS CHAPTER 12, SECTION 1245.09 OF THE CITY CODE SHALL BE REPEALED AND THE REPLACED WITH THE FOLLOWING:**

**1245.09 Home Occupations.**

**Subd. 1 In General.** Home Occupations may be permitted in any district where they do not jeopardize the health, safety and general welfare of the surrounding neighborhood. All home occupations conducted in the home shall comply with the provisions of this Section. This Section shall not be construed, however, to apply to home occupations accessory to farming.

**Subd. 2 Purpose and Intent.**

- A. The purpose of this Section is to provide for the conducting of home occupations while protecting the health, safety, and general welfare of the surrounding neighborhood.
- B. The intent of this Section is to establish operational standards and review procedures for home occupations. This Section provides a mechanism to distinguish between permitted home occupations that are allowed under administrative permit and more intense home occupations which require an interim use permit and public hearing.

**Subd. 3 Scope.**

- A. All occupations conducted in a dwelling unit or on the premises of a principal residential use shall comply with the provisions of this Section, the provisions of the district in which it is located, and all other Sections of the City Code.
- B. Home occupations are defined as and limited to all of the following:
  - 1. Gainful occupations or professions engaged in by the occupant(s) of a dwelling;
  - 2. Which are carried on within a dwelling unit or structure(s) accessory thereto;  
and,



3. Which are clearly incidental to the principal use of the property as a residential dwelling unit.
- C. Home occupations shall be classified as either 'Permitted' or 'Special' home occupations. Home occupations not specifically identified as 'Permitted' or 'Special' shall be considered prohibited. Permitted home occupations are allowed without a permit but shall adhere to the 'General Performance Standards' contained in this Section as may be amended. 'Special home occupations require the issuance of an 'Interim Use Permit' as provided for in Section 1210.07 of the City Code as may be amended and shall adhere to the 'General Performance Standards' contained in this Section as may be amended.
- D. Home occupations whether permitted or allowed under an 'Interim Use Permit' are not transferable, shall expire when the occupation ceases, and/or shall expire upon the sale of the subject property or transfer of title to the real estate upon which the occupation is conducted.
- E. Home occupations existing on the effective date of this Ordinance are considered legal non-conforming uses and shall be allowed to continue. In the event an expansion, enlargement, or intensification of an existing home occupation is contemplated, the standards of this Section shall be applied.
- F. Nothing in this Section is intended to prohibit or regulate non-commercial activities in residential neighborhoods.

#### **Subd. 4 Prohibited Home Occupations.**

- A. Home occupations involving illegal substances, illegal devices, and/or unlawful activities are prohibited.
- B. Home occupations involving sexually oriented materials and/or activities as defined by Mn. Statutes as may be amended are prohibited.
- C. Home occupations conducted in a manner which produce noise, vibration, smoke, dust, odors, heat, electrical interference, or glare detectable at or beyond the premises are prohibited.
- D. Home occupations involving materials or storage of items declared a public nuisance, as defined in Chapter Six of the City Code, as may be amended.
- E. Home occupations with contractor storage yards. Contractor storage yards are defined as areas out-of-doors used for the storage of tools, equipment, building materials, sand, soil, rock, gravel, vegetation, paints, pipe, or electrical components which are used in or associated with building or construction contractor. Building or construction contractors include general contractors, excavation contractors, landscaping contractors, building



contractors, plumbing contractors, electrical contractors, HVAC contractors, concrete or masonry contractor, and other specialty contractors.

F. Home occupations generating hazardous waste or noxious matter.

~~Subd. 3 Uses Not Permitted. The following uses have a tendency to be too intense or potentially disruptive for home occupations and thereby adversely affect residential areas. The following uses are specifically not permitted as home occupations:~~

~~A. Repair services of all kinds including auto repair, appliance repair, and small engine repair.~~

~~B. Music, dance, or exercise instruction which provides instruction to groups of more than two individuals at a time.~~

~~C. Medical and dental offices.~~

~~D. Mortuaries.~~

~~E. Kennels.~~

F. Automobile and equipment sales.

#### Subd. 5 Performance Standards.

A. All Permitted Home Occupations and Special Home Occupations shall comply with the following Performance Standards.

1. ~~No Home occupations shall~~ **be conducted in a manner which produces no indication of light, glare, noise, odor, or vibration, smoke, dust, or heat detectable at or beyond the premises** that will in any way have an objectionable effect upon adjacent or nearby property.
2. Equipment used in conjunction with a home occupation shall not create electrical interference to surrounding properties.
3. ~~All Home occupations shall comply with the performance criteria or nuisance ordinance~~ **Chapter Six of the City Code relating to nuisances.**
4. ~~Any Home occupations shall be clearly incidental and subordinate secondary to the principal residential use of the premises property shall should not change the residential character thereof, and shall result in no incompatibility or disturbance to the surrounding residential uses~~ **of the neighborhood, be incompatible with surrounding land uses, disturb surrounding residential uses, or be intrusive to surrounding dwellings.**



5. Home occupations shall not require internal or ~~No~~ exterior structural modifications or alterations or involve construction features not customarily found in dwellings except where required to comply with local and state fire and police recommendations.
6. Operation of a home occupation shall be limited to the residential dwelling, an attached garage, or an accessory structure. All home occupations shall be conducted entirely within the principal dwelling and may not be conducted in accessory buildings. All storage associated with the home occupation shall occur in the principal dwelling.
7. Home occupation walk-in traffic shall be conducted only between the hours of 6:00 a.m. and 10:00 p.m. ~~No home occupation shall be conducted between the hours of 10:00 p.m. and 7:00 a.m. unless said occupation will create no on-street parking demand.~~
8. ~~Only one other person beyond those who customarily reside on the premises shall be employed.~~ Home occupations shall not occupy or use greater than twenty-five percent (25%) of the combined footprint of structures on the subject parcel. In addition, a home occupation shall not occupy or use greater than twenty-five percent (25%) of the lot area; except that home day care providers may use greater than twenty-five percent (25%) of the lot area for play/recreation purposes.
9. ~~Only one sign shall be permitted. Such sign shall be a non-illuminated nameplate of not more than one square foot in area, and shall be attached to the entrance of the dwelling.~~ Signage for home occupations shall be limited to one (1) non-illuminated sign which shall not exceed four (4) square feet in area.
10. ~~There shall be no storage of equipment used in the home occupation, except personal automobiles used in the home occupation may be parked on the site.~~ Exterior storage of items related to the home occupation is prohibited unless specifically allowed elsewhere within the City Code.

Parking demands associated with the use shall be accommodated within the accessory garage and the normal driveway area.

No loading or unloading or other outdoor activities, except parking, shall be permitted.
11. ~~No sale of products or merchandise shall occur on the lot or within any buildings on the lot except that merchandise which is stored elsewhere than on the lot may be sold via the electronic medium, provided customers do not come to the home occupation premises for any part of the transaction.~~ Home occupations shall not generate excessive employee, customer, or client traffic that is detrimental to the character of the surrounding properties.



12. Areas used for home occupations shall meet all applicable fire and building codes.
13. A home occupation shall not be established before a dwelling unit exists on the subject property.
14. Home occupations shall be operated and licensed as required by applicable state and/or federal law.

**Subd. 6 Permitted Home Occupations.**

- A. Permitted home occupations are those home occupations which are not identified as 'Prohibited Home Occupations' under Subd. 4 of this Section or 'Special Home Occupations' under Subd. 7 of this Section as may be amended.
- B. Permitted home occupations require administrative approval by the Zoning Administrator.
- C. Permitted home occupations shall comply at all time with the "Performance Standards" contained in Subd. 5 of this Section as may be amended.

**Subd. 7 Special Home Occupations.**

- A. Special home occupations require the issuance of an 'Interim Use Permit' as provided for in Section 1210.07 of the City Code as may be amended.
- B. Special home occupations are activities which include any of the following:
  1. Home occupations involving retail or wholesale trade on-site which is conducted by more persons than the occupant of the dwelling unit.
  2. Home occupations providing services on-site which are conducted by more persons than the occupant of the dwelling unit.
  3. Home occupations involving outdoor storage of materials not typically associated with residential dwellings.
  4. Home occupations involving outdoor storage of items of which the dwelling unit occupant is not the fee owner.
  5. Home occupations conducted between the hours of 10:00 p.m. and 6:00 a.m. that generate walk-in traffic.



6. Home occupations involving 'Dangerous Weapons' as defined by Mn. Statutes, provided:
  - i. The Applicant possesses a current federal firearms license.
  - ii. The Applicant provides written evidence of home owners/rental insurance specifying current coverage for proposed home occupation.
  - iii. The applicable federal firearms license and home owners/rental insurance are maintained.
  - iv. Inspection of the facility by the Fire Chief and adherence to conditions as required by said Fire Chief.
  - v. Adherence to conditions imposed under Subd. C of this Section, as may be amended.
7. Home occupations involving the regular, reoccurring delivery or pick-up of materials by commercial vehicles more than one time per week.

C. Right to Impose Conditions for Special Home Occupations.

1. The City Council may impose such conditions on the granting of an interim use permit for a special home occupation as may be necessary to carry out the purpose and provisions of this Section.
2. Such conditions may include, but are not limited to:
  - i. Limiting hours of operation.
  - ii. Limiting the number of vehicles at the site at one time to no more than two (2) vehicles relating to a home occupation.
  - iii. Limiting the amount of vehicles used in conducting the home occupation.
  - iv. Requiring parking be provided on-site and off of the public street.
  - v. Limiting the duration and/or volume of on-street parking.
  - vi. Limiting the number of employees not residing at the premises who are involved in a home occupation to a maximum of two (2) persons.
  - vii. Limiting the volume of traffic generated by the home occupation.



- viii. Limiting the amount of outdoor storage of materials, property other than real estate, chattel, and/or equipment used or stored on-site in conjunction with the home occupation.
- ix. Requiring additional setbacks and/or buffering so as to reduce noise, vibration, smoke, dust, odors, heat, or glare detectable at or beyond the property line resulting from the home occupation.
- x. Limiting the number of customers, guests, and/or clients present at the site in conjunction with the home occupation.
- xi. Limiting the amount of time the Interim Use Permit is in effect to a specific date, time, or event occurrence.
- xii. Requiring inspection by law enforcement, the Building Official, and/or the Fire Chief and adherence to public safety conditions imposed thereby.

**Subd. 8 Home Occupations Existing Prior to Effective Date.**

- A. Home occupations existing prior to the effective date of this Ordinance **Fill in date** that are prohibited under this Ordinance shall be considered legal non-conforming uses and shall be subject Section 1215 of the City Code, as may be amended, relating to non-conformance.

Existing home occupations lawfully existing on the date of this Ordinance may continue as nonconforming uses. Expansion of a nonconforming home occupation is prohibited. Any existing occupation that is discontinued for a period of more than one (1) year, or is in violation of the Ordinance provisions under which it was initially established, shall be brought into conformity with the provisions of this Section.

- B. Home occupations in existence prior to the effective date of this Ordinance **Fill in date** that require an Interim Use Permit under the standards of this Ordinance shall be required to obtain as applicable, an Interim Use Permit if/when one of the following occurs:

1. The home occupation ceases for more than one year.
2. The nature of the home occupation changes to a different type of home occupation requiring an interim use permit.
3. The existing home occupation is expanded, enlarged, or intensified as defined in the Zoning Ordinance relating to non-conformance.



C. Home occupations in existence prior to the effective date of this Ordinance **(fill in date)** that require administrative approval shall be required to obtain said administrative approval if/when one of the following occurs:

1. The home occupation ceases for more than one year.
2. The nature of the home occupation changes to a different type of home occupation.
3. The existing home occupation is expanded, enlarged, or intensified as defined in Section 1215 relating to non-conformance.

**Subd. 9 Right of Entry.**

~~The City of Norwood Young America hereby reserves the right to inspect the premises in which the home occupation is being conducted to insure compliance with the provisions of the Section.~~

The Zoning Administrator or designee, whenever necessary to make an inspection to enforce this Chapter, may enter such building or premises at all reasonable times to inspect. If the building or premises is occupied, the Zoning Administrator or designee shall first present proper credentials and request entry. If a building or premises is unoccupied, the Zoning Administrator or designee shall make a reasonable effort to locate the owner or other persons having charge or control of the building or premises and request entry. If requested entry is refused, the Zoning Administrator or designee shall have recourse to every remedy provided under Chapter 1 or Chapter 2 of the City Code so as to secure entry.

**II. EFFECTIVE DATE: THIS ORDINANCE IS EFFECTIVE UPON ITS ADOPTION AND PUBLICATION AS PRESCRIBED BY LAW.**

Adopted by the City of Norwood Young America on the \_\_\_ day of \_\_\_\_\_, 2015.

Attest:

\_\_\_\_\_  
Tina Diedrick, Mayor

\_\_\_\_\_  
Steven Helget, City Administrator

Adopted:  
Published:





To: Chairperson Heher  
Members of the Planning Commission  
Administrator Helget

From: Cynthia Smith Strack, Municipal Development Group, Inc.

Date: April 15, 2015

Re: Public Hearing: Administrative Permits Ordinance

---

**BACKGROUND**

At the March regular meeting the Commission reviewed draft language relating to administrative permits. The language was drafted following a joint workshop session with the City Council. The language is intended to assign administrative review authority and responsibility. The language is proposed for insertion in Chapter 12, under 'Administration' following the designated process for site plan review.

The proposed language establishes processing requirements to help ensure review/approval of actions that don't require official action by the Planning Commission. The proposed Ordinance defines what information is required from applicants so as to allow internal staff review and decision making. In addition the proposed language defines what staff must review prior to arriving at a decision regarding a request. Finally, the proposed ordinance directs what, if any, written action is needed.

At this time the zoning code doesn't include any direction or process for administering approvals for items that don't come before the Planning Commission.

The proposed Ordinance is offered for public hearing. Notice was posted and published as required by state law. No comments have been received at this time.

**ACTION:**

The Planning Commission shall hold the public hearing. The Planning Commission will be asked to make a recommendation to the City Council to approve or deny the Ordinance during the business portion of the PC meeting.

**CITY OF NORWOOD YOUNG AMERICA  
ORDINANCE NO. █**

**AN ORDINANCE AMENDING CHAPTER 12 OF THE CITY CODE BY  
ADDING SECTION 1210.09 RELATING TO ADMINISTRATIVE  
APPROVAL BY THE ZONING ADMINISTRATOR.**

- I. THE CITY COUNCIL OF THE CITY OF NORWOOD YOUNG AMERICA, MINNESOTA TO PROMOTE THE PUBLIC SAFETY, HEALTH, AND WELFARE, HEREBY ORDAINS CHAPTER 12 OF THE CITY CODE SHALL BE AMENDED BY ADDING SECTION 1210.09 AS FOLLOWS:**

**1210.09 Zoning Administrator Approval and Zoning Permit Approval Process.**

**Subd. 1 Purpose.** The purpose of this Section is to establish a procedure for administrative review by the Zoning Administrator and the issuance of administrative permits where necessary.

**Subd. 2 Scope.** Approval by the Zoning Administrator or designee is required as specified within a zoning district, individual zoning standard, or for certain activities as provided within Chapter 12 of the City Code. An administrative permit is required as specified within a zoning district or zoning standard contained in Chapter 12 of the City Code. This Section does not apply where a specified process exists for review, including by not limited to those prescribed under Sections 1210.04 (Variance), 1210.05 (Amendment), 1210.06 (Conditional Use Permit), 1210.07 (Interim Use Permit), or 1240.02 (Planned Unit Development).

**Subd. 3 Procedures, Administrative Permit.** The Applicant shall file a written application for an administrative permit, along with any proposed plans, application fee, and any other information required by the Zoning Administrator. The written application shall be on a form provided by the City. The Zoning Administrator may waive information required under Section 1210.09, Subd. 3(A).

A. Information Requirement. The information required for all administrative permit applications shall include:

1. A concise statement describing the proposed use, event or activity, including the purpose, type of merchandise involved, dates and times of operation, number of employees involved, provisions for on-site security, provisions for on-site parking, and other pertinent information required by the Zoning Administrator to fully evaluate the application.
2. A copy of the approved site plan for the property or a sketch using an approved "as built" survey as the basis which accurately represents existing conditions on the

site, including entrances and exits, bona fide parking and driving areas, and which accurately indicates any proposed temporary structures, including tents, stands and signs.

3. An accurate floor plan, when in the judgment of the Zoning Administrator, such a plan is necessary to properly evaluate the location of the event and the effectiveness of available entrances and exits.
  4. Information identified in Subsection 500.03.10, Subd. 3 of this Chapter as required by the Zoning Administrator.
- B. The Zoning Administrator shall review the application and related materials to determine whether or not the application is complete. If the application is not complete the Zoning Administrator shall notify the applicant in writing of an incomplete application within fifteen (15) days of the date the application was submitted.
- C. When the application is complete, the Zoning Administrator shall review the proposal to determine whether or not the activity proposed is consistent with required standards contained in the applicable section of Chapter 12. The Zoning Administrator shall make a determination and notify the Applicant of the decision in writing within sixty (60) days of filing a complete application. In making a determination, the Zoning Administrator shall consider possible adverse effects of the proposed events or activity. Judgment shall be based upon (but not limited to) the following factors the following:
1. Compliance with and effect upon the Comprehensive Plan and public facilities plans, as may be amended.
  2. The establishment, maintenance or operation of the use, event or activity will promote and enhance the general public welfare and will not be detrimental to or endanger the public health, safety or welfare.
  3. The use event, or activity will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted.
  4. The establishment of the use, event or activity will not impede the normal and orderly development and improvement of surrounding property for uses permitted in the district.
  5. Adequate public facilities and services are available or can be reasonably provided to accommodate the use, event or activity which is proposed.
  6. The use, event or activity shall, in all other respects, conform to the applicable regulations of the district in which it is located.

- D. If approval is contemplated, a written permit shall be issued to the applicant when a determination of compliance has been made. Specific conditions to assure compliance with applicable evaluation criteria, codes, ordinances and the standards of this Chapter shall be attached to the permit.
- E. If denial is contemplated, a determination of non-compliance with applicable codes, ordinances and the standards in this paragraph shall be communicated to the applicant in writing and the application for the permit shall be considered denied; unless, within ten (10) days of the date of such notice, the applicant submits revised plans and/or information with which the Zoning Administrator is able to determine compliance.
- F. Unresolved disputes as to administrative application of the requirements of this paragraph shall be subject to appeal as defined by Section 1210.02 (Appeals) of the City Code.

**Subd. 4 Administrative Approval (Non-Permit) Process.** In instances where administrative review and approval is required but a written administrative permit is not required, review by the Zoning Administrator shall follow the general procedures required under Section 1210.09, Subd. 3. All uses, events or activities allowed by administrative approval shall conform to the applicable standards outlined in the zoning district in which such use, event or activity is proposed and any/all standards applicable to the proposed request.

**II. EFFECTIVE DATE: THIS ORDINANCE IS EFFECTIVE UPON ITS ADOPTION AND PUBLICATION AS PRESCRIBED BY LAW.**

Adopted by the City of Norwood Young America on the \_\_\_ day of \_\_\_\_\_, 2015.

Attest:

\_\_\_\_\_  
Tina Diedrick, Mayor

\_\_\_\_\_  
Steven Helget, City Administrator

Adopted:  
Published:



To: NYA Planning Commission Chairperson Heher  
Members of the Planning Commission  
NYA Administrator Steve Helget

From: Cynthia Smith Strack, Municipal Development Group, Inc.

Date: April 15, 2015

Re: Grady Kruse (d.b.a. Stuff It Ministorage): Variance Request

**Applicant:** Grady Kruse

**Subject Property Address:** 28 Industrial Blvd

**Property ID:** 588500030

**Legal:** East 124.56' of Lot 2, Block 1  
Young America Industrial Park

**Request:** Variance to allow impervious surface coverage of 81.50% in the B-I District



**PUBLIC HEARING REQUIRED**

Consideration of a variance to exceed the allowable impervious surface coverage in the B-I Business Industrial requires a public hearing. Accordingly, a notice of public hearing was posted, published in the *NYA Times*, and mailed to property owners within 350 feet of the subject parcel.

The public hearing notice included the time, place, and purpose of the hearing for Comprehensive Plan amendment.

**EXAMINATION OF REQUEST**

The Applicant proposes a variance to the maximum impervious surface coverage allowed in the B-I District which is eighty (80) percent. The Applicant proposes eighty-one and a half (81.5) percent. The City previously approved rezoning of the property. A site illustration was included with the review and is attached for Commissioner information. At this time one 4,803 sf mini-storage structure exists on the subject property. The Applicant proposes the addition of a 2,000 sf secondary mini-storage structure.

Rezoning of the property was contingent upon meeting the impervious surface coverage limitation. The Applicant is now seeking a variance to exceed the standard. The Applicant is afforded this right under City zoning standards. It is noted the City Code doesn't allow for a minor or administrative variance process, therefore, official review by the Planning Commission is required.

## **Applicable Standards**

Chapter 1210.04, Subd. 3 of the City Code establishes criteria for the approval of variances as follows:

***Subd. 3 Standards for Granting Variance.*** *The board of appeals may vary the regulations of this chapter when supporting evidence in each specific case indicates that:*

- A. Exceptional or extraordinary circumstances apply to the property, which do not apply generally to other properties in the same zoning district as a result of lot size or shape, topography, or other circumstances over which the owner of the property since the effective date of this Chapter has had no control;*
- B. The literal interpretation of this Chapter would deprive the applicant of rights commonly enjoyed by other properties in the same zoning district;*
- C. The special conditions or circumstances do not result from the actions of the applicant;*
- D. Granting the variance will not confer on the applicant any special privilege that is denied by this Chapter to owners of other lands, structures or buildings in the same zoning district;*
- E. The purpose for the variance is not based exclusively upon a desire to increase the value or income potential of the property;*
- F. The variance is the minimum variance necessary to alleviate the hardship; and*
- G. The variance would not be materially detrimental to the purposes of this Chapter or to property in the same zone.*

**Please note the Code standards were developed prior to a law change in 2011 relating to a distinction between 'undue hardship' and 'practical difficulty' applicable to processing of variance requests in municipalities.**

The 2011 law allows the granting of a variance if the proposed activity is in harmony with the general purposes and intent of the Code and if the variance is consistent with the Comprehensive Plan. Practical difficulty 'test' centers around three questions as follows:

1. Does the property owner propose use of the property in a reasonable manner? The Planning Commission should consider whether or not the landowner would like to use the property in a reasonable way but cannot do so under the rules of the Code. If the answer is 'yes' the first leg of the 'practical difficulties' evaluation is satisfied.
2. Is the landowner's situation due to circumstances that are unique to the property? The Planning Commission should consider whether or not the physical characteristics of the particular piece of property generated the variance request. The Commission can consider whether or not the Applicant created the situation. The Commission can consider economic hardship but economic hardship can't be the sole reason for granting a variance. Please note that an Applicant knowing they need a variance to use the property as desired does not prohibit the granting of a variance under this evaluation. If the answer is 'yes' the second leg of the 'practical difficulties' evaluation is satisfied.
3. Will the variance, if approved, alter the essential character of the neighborhood? The Planning Commission should consider whether or not the resulting situation will be out of place or scale with surrounding development and/or otherwise inconsistent with the built environment of the surround neighborhood. If the answer is 'no' the final leg of the 'practical difficulties' evaluation is satisfied.

If the answers to the aforementioned questions are satisfactorily answered a 'practical difficulty' exists. If a practical difficulty exists a variance may be granted.

**Findings of Fact**

As you recall, City Administrator Helget developed a questionnaire the PC uses to evaluate variance requests and assist in developing findings to support approval or denial of the request. Please find attached the evaluation form.

In addition, the following are offered as potential findings for and against granting a variance:

*Potential findings supporting a 'practical difficulty' exists:*

- *The proposed development is consistent with the Comprehensive Plan in terms of future land use and policies relating to commercial development.*
- *The property has been developed and used for ministorage all of the existing bituminous predates the construction of the secondary storage unit.*
- *Abutting property has high amount of impervious surface coverage, therefore, the proposed impervious surface volume will not be out of character.*
- *The amount of the proposed variance is 1.5% of the entire land area (i.e. less than 500 square feet) the variance request, therefore, is minimal.*
- *Options for removal of existing bituminous surface would include removal of part of the driveway. This appears unreasonable.*

*Potential findings supporting denial of the variance request:*

- *The Applicant has created the problem by developing the property previously with a large amount of impervious surface coverage.*
- *Economic hardship alone is not a suitable reason to approve a variance although it may be a contributing factor.*
- *Properties adjacent to the site are either residential in nature or vacant lots. Increasing the allowable amount of impervious surface coverage is not consistent with the surrounding neighborhoods.*

**Conditional Approval**

The City may apply conditions to the approval of a variance provided they are reasonable related to the request. For example, in exchange for increased impervious surface coverage the City could require the installation of additional trees, foundation plantings, shrubs, and the like.

**ACTION**

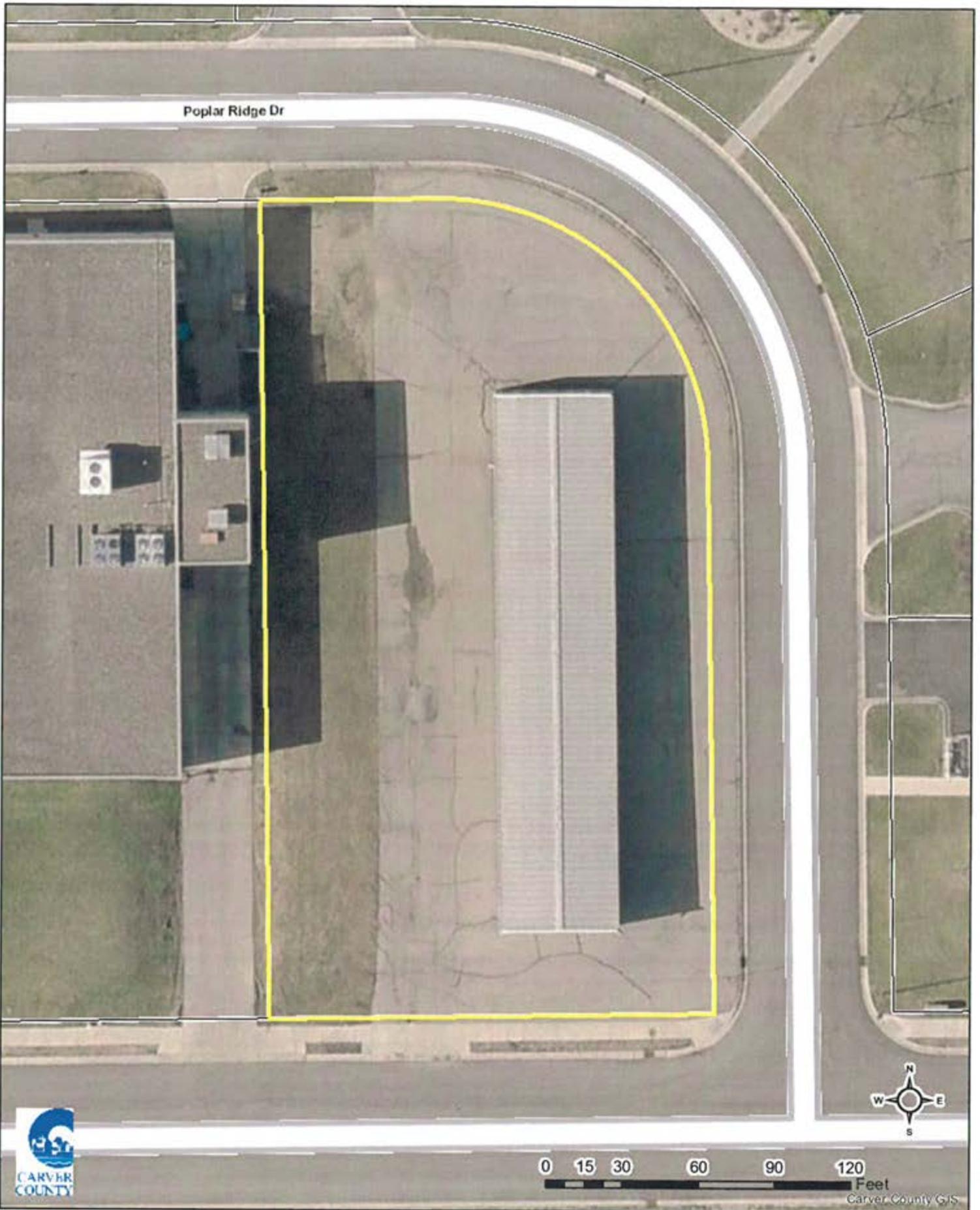
The Planning Commission shall hold a public hearing on the request.

The Planning Commission shall discuss the variance request during the business portion of the meeting.

As the planning agent for the City of NYA the Commission is asked to consider a MOTION recommending the City Council approve or deny the rezoning based on stated findings.

**ATTACHMENTS**

- Completed application
- Request narrative
- Site plan
- Aerial of the site
- Evaluation criteria



Poplar Ridge Dr



0 15 30 60 90 120 Feet



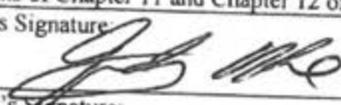
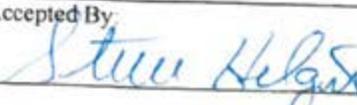
Carver County GIS

This map was created using Carver County's Geographic Information Systems (GIS), it is a compilation of information and data from various City, County, State, and Federal offices. This map is not a surveyed or legally recorded map and is intended to be used as a reference. Carver County is not responsible for any inaccuracies contained herein.

Map Date: 4/16/2015

# Planning and Zoning Application

City of Norwood Young America  
 310 Elm St. W, PO Box 59  
 Norwood Young America, MN 55368  
 Phone: (952) 467-1800 Fax: (952) 467-1818

Applicant's Name Kruse Investments LLC, dba Stuff It Mini Storage		Telephone Home Work/Cell 952-412-3313
Address (Street, City, State, ZIP) 28 Industrial Blvd. (Property Address) Home/office @ 9340 Johnson Dr, Address is @ Cologne MN 55322		
Property Owner's Name (If different from above) Grady and Jill Kruse		Telephone Home Work/Cell 952-466-2741
Location of Project 28 Industrial Blvd		
Legal Description East 124.56 Feet of Lot 2 Block 1 Young America Indal, Park		
Description of Request (Attach separate sheet, if necessary) We are requesting a variance to the 80% impervious surface. Our plan as currently designed is at 81.45%. Making the new proposed building smaller doesn't make sense from an economic standpoint, so the only option would be to cut up some of the existing pavement, which we want to avoid.		
Proposed Action(s): Check all that apply		
<input type="checkbox"/> Annexation \$300.00	<input type="checkbox"/> Comp Plan Amendment \$500.00 + Escrow	<input type="checkbox"/> Storm Water Plan \$250.00
<input type="checkbox"/> Application for Appeal \$150.00	<input type="checkbox"/> Sketch Plat \$200.00 + Escrow	<input type="checkbox"/> Rezoning \$350.00
<input type="checkbox"/> City Code Amendment \$250.00	<input type="checkbox"/> Site Plan \$300.00 + Escrow	<input type="checkbox"/> Street/Alley Vacation \$150.00
<input type="checkbox"/> Parking Reduction \$100.00	<input type="checkbox"/> PUD Sketch Plan \$200.00 + Escrow	<input type="checkbox"/> Zoning Text Amendment \$300.00
<input type="checkbox"/> CUP/IUP \$200.00 (Residential)	<input type="checkbox"/> PUD Plan Amendment \$300.00 + Escrow	<input type="checkbox"/> Recording Fee \$46.00
<input type="checkbox"/> CUP/IUP \$300.00 (Non Residential)	<input type="checkbox"/> PUD Final Plan \$300.00 + Escrow	<input type="checkbox"/> Other _____
<input type="checkbox"/> Variance \$150.00 (Residential)	<input type="checkbox"/> PUD General Concept Plan \$400.00 + Escrow	
<input checked="" type="checkbox"/> Variance \$200.00 (Non Residential)	<input type="checkbox"/> Preliminary Plat \$350.00 + \$10.00/Lot + Escrow	
<input type="checkbox"/> Lot Split \$200.00	<input type="checkbox"/> Final Plat \$250.00 + \$10.00/Lot + Escrow	
<input checked="" type="checkbox"/> Public Hearing Notice \$75.00	<input type="checkbox"/> Wetland Mitigation Plan \$100.00 + Escrow	
ALL ESCROW MUST BE PAID BY CERTIFIED CHECK Escrow Deposit \$2,000.00 Escrow Deposit - Site Plan Review: \$7,500 (Tacoma West Industrial Park), \$5,000.00 (All other site plan reviews) Escrow Deposit - Development Review (paid at Sketch Plan): \$10,000.00		
ALL PLANNING & ZONING APPLICATION FEES ARE IN ADDITION TO LEGAL, ENGINEERING AND ASSOCIATED COSTS.		
*APPLICATIONS WILL BE PROCESSED ONLY IF ALL REQUIRED ITEMS ARE SUBMITTED*		
The undersigned certifies that they are familiar with application fees and other associated costs, and also with the procedural requirements of Chapter 11 and Chapter 12 of the City Code and other applicable ordinances.		
Applicant's Signature 	Date 3-30-2015	
Fee Owner's Signature:	Date	
<b>For Office Use Only</b>		
Accepted By: 	Amount \$275.00	Date 4/16/2015

# Stuff It MINI-STORAGE

City of Norwood Young America  
310 Elm St. W. PO Box 59  
Norwood Young America, MN 55368

3-30-2015:

We are writing you this letter to request that our property at 28 Industrial Boulevard in Norwood Young America (legal description: East 124.56 feet of Lot 2, Block 1, Young America Industrial Park) be granted a variance to the impervious surface requirement.

Once our new building is built, we will be at 22, 214 square feet of impervious surface or 81.45%. The requirement says we need no more than 80% so we would need to reduce the impervious surface by 406.8 square feet. We could do this by making the proposed building smaller, but from a financial standpoint, this does not make sense because of the reduced rents we would receive with smaller units. The other option is to cut up some of the existing driveway. This is something we want to avoid since it will be harder for customers to navigate around and through the property.

The neighboring property (Econo Foods) appears to be over the 80% threshold. We'd like the opportunity to maximize our lot in the same manner. We are hoping since we are so close, that we can be granted some leniency in this situation given that our property has road on three sides and there's not many other viable options.

Thank you for your consideration and please let us know if you have any questions.

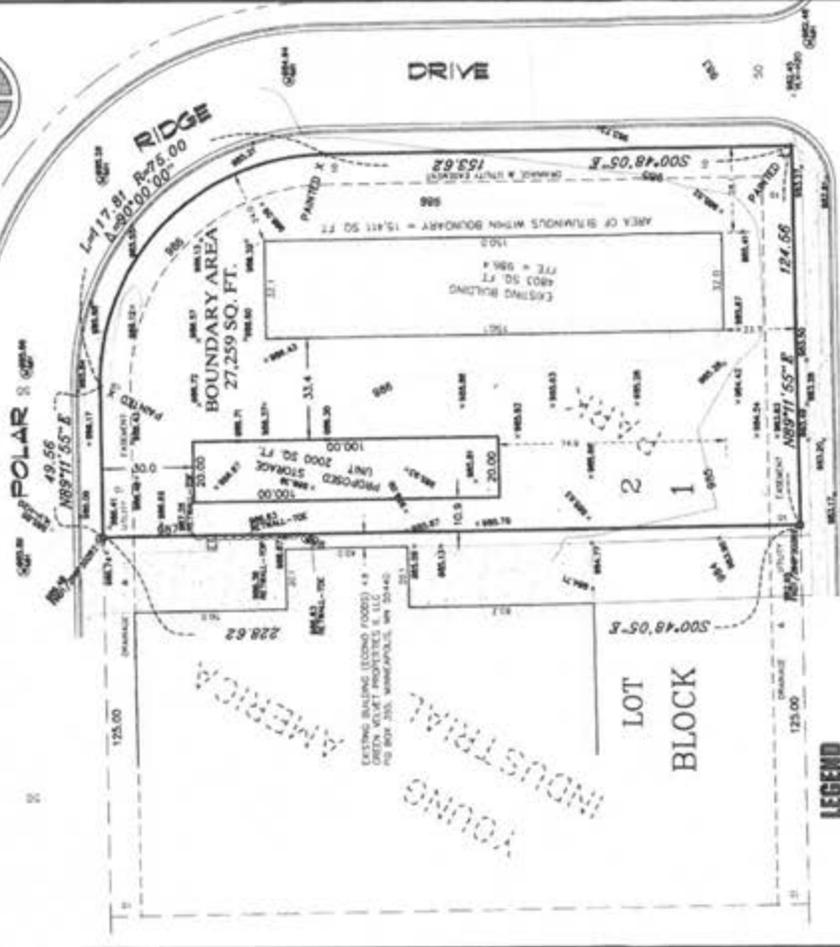
Sincerely,



Grady and Jill Kruse  
Owners, Stuff It Mini Storage.  
9340 Johnson Drive  
Cologne, MN 55322  
952-412-3313  
grady@kruseonline.net

# CERTIFICATE OF SURVEY

-for- STUFF-IT MINI STORAGE  
-Part of- Lot 2, Block 1, YOUNG AMERICA INDUSTRIAL PARK, NYA, MN.



## LEGEND

- DENOTES IRON MONUMENT FOUND
- ▲ DENOTES EXISTING SPOT ELEVATION
- DENOTES ELECTRICAL BOX
- DENOTES METAL WALL
- DENOTES EXISTING CONTOUR
- DENOTES CONCRETE SURFACE
- DENOTES IRONBOUND SURFACE

## NOTES

1. Field survey was completed by L.C. Rut and S.M. on 1/14/75.
2. Each plat on this set is to be taken as a whole.
3. This survey was prepared without the benefit of the work. Additional statements, restrictions and/or encumbrances may exist other than those shown hereon. Survey subject to encumbrances and restrictions of record the responsibility of an attorney's title opinion.
4. Due to field work being completed during the winter season there may be encumbrances in addition to those shown that were not visible due to snow and/or conditions characteristic of Minnesota winters.

## LEGAL DESCRIPTION OF RECORD PER WARRANTY DEED DOC. NO. 543807

The East 124.56 feet of Lot 2, Block 1, YOUNG AMERICA INDUSTRIAL PARK, Carver County, Minnesota, according to the recorded plat thereof, that lies East of the West 125.00 feet, as measured along the North and South lines thereof.

Location: 28 Industrial Blvd, Norwood Young America, MN PID: 588500030

Scale 1" = 30' Project Manager: KON Job No.: 15016BT

I hereby certify that this plan, survey or report was prepared by me or under my direct supervision and that I am a duly Registered Land Surveyor under the laws of the State of Minnesota. Dated this 5th day of January, 2015.

*KAM*

Printed: 26JAN2015 License No.: 45356

**CASE E. RUD & SONS, INC.**  
Professional Land Surveyors  
255 Hwy 7 East  
Hutchinson, MN, 55350  
Tel: (507) 567-2000 Fax: (507) 567-2000





To: Chairperson Heher  
Members of the Planning Commission  
Administrator Helget

From: Cynthia Smith Strack, Municipal Development Group, Inc.

Date: April 15, 2015

Re: Public Hearing: Ordinance Amendment.  
Allow Limited Manufacturing Activities in C-3 Downtown Districts as a Conditional Use

---

### **BACKGROUND**

After the March regular Planning Commission a business owner from Waconia approached the City regarding a limited manufacturing use for 321 Elm Street. The proposed use involved making products from previously treated leather materials. The business owner stressed the importance of being able to move on property purchase by the close of April.

As written the C-3 Downtown District doesn't allow for any type of manufacturing, assembly, or production and, therefore, the contemplated use would not have been allowed. Following discussion with the business prospect and City Administrator a decision was made to draft language allowing limited manufacturing in the C-3 and to advertise a public hearing related thereto.

I regret the full Planning Commission could not discuss the potential amendment prior to the hearing notice being published, however, it appeared to be a logical approach at that time. Since the hearing notice was advertised the business prospect has found an alternative site for consideration in NYA. Following discussion with the City Administrator we are asking the Commission to hold the hearing and consider the proposed ordinance amendment.

To those ends an amendment to allow limited manufacturing under a CUP in the C-3 Downtown District has been drafted. Please note the language is similar to that required of contractor operations in the C-3 District which are also a conditional use. A copy of the proposed Ordinance is attached.

### **ACTION:**

The Planning Commission shall hold the public hearing. The Planning Commission will be asked to make a recommendation to the City Council to approve or deny the Ordinance during the business portion of the PC meeting.

### **ATTACHMENTS:**

Memo  
Proposed Ordinance  
Existing Code Language for C-3 District



CITY OF NORWOOD YOUNG AMERICA

ORDINANCE NO.     

AN ORDINANCE AMENDING SECTION 1230.10, SUBD. 4 OF THE CITY CODE RELATING TO CONDITIONAL USES ALLOWED WITHIN THE C-3 DOWNTOWN DISTRICTS AND SECTION 1210.06, SUBD. 3, B BY ADDING SUBP. 22 RELATING TO SPECIFIC STANDARDS FOR GRANTING A CONDITIONAL USE PERMIT FOR CUSTOM OR LIMITED MANUFACTURING ACTIVITIES IN THE C-3 DISTRICT.

- I. THE CITY COUNCIL OF THE CITY OF NORWOOD YOUNG AMERICA, MINNESOTA TO PROMOTE THE PUBLIC SAFETY, HEALTH, AND WELFARE, HEREBY ORDAINS CHAPTER 12, SECTION 1230.10, SUBD. 4 SHALL BE AMENDED AS FOLLOWS:

**Subd. 4 Conditional Uses.** The following uses are permitted, subject to the provisions of Section 1210.06:

*Principal Uses:*

- A. Contractor Operations (*Amended by Ord. 216; 8-24-2009*)
- B. Lodging Services, such as hotels, motels and bed and breakfasts.
- C. Entertainment Services, such as motion picture theaters and bowling alleys
- D. Licensed Daycare Facilities
- E. Custom or Limited Manufacturing, Assembly, or Treatment of Articles or Merchandise from Previously Prepared Materials, such as cloth, fiber, leather, metal, paper, plastic, stone, wax, wood, and wool

*Accessory Uses:*

- A. Outdoor Dining;
- B. Recreational Facilities;

- II. BE IT FURTHER ORDAINED CHAPTER 12, SECTION 1210.06, SUBD. 3,B SHALL BE AMENDED BY ADDING SUBP. 22 AS FOLLOWS:

22. Custom or Limited Manufacturing, Assembly, or Treatment of Articles or Merchandise from Previously Prepared Materials, such as cloth, fiber, leather, metal, paper, plastic, stone, wax, wood, and wool in the C-3, Downtown Districts shall conform to the following standards:

- a. No outdoor storage of any kind, including but not limited to materials, equipment, or machinery shall be permitted.



- b. All business vehicles shall be accommodated by off-street parking.
- c. Office or retail sales areas shall be maintained at the front (street-facing) side of the building.
- d. The standards of Section 1245.01 (Performance Standards) and 1245.02 (Architectural Standards and Guidelines) apply.

**III. EFFECTIVE DATE: THIS ORDINANCE IS EFFECTIVE UPON ITS ADOPTION AND PUBLICATION AS PRESCRIBED BY LAW.**

Adopted by the City Council of the City of Norwood Young America this \_\_ day of \_\_\_\_\_, 2015.

\_\_\_\_\_  
Tina Diedrick, Mayor

Attest:

\_\_\_\_\_  
Diane Frauendienst, City Clerk/Treasurer



- B. Outdoor Dining;
- C. Outdoor Storage;

**Subd. 5 Interim Uses.** The following uses are permitted as an interim use, subject to the provisions of Section 1210.07:

- A. Outdoor Storage

**Subd. 6 Lot Requirements and Setbacks.** The following requirements and setbacks are the minimum amount allowed in the C-2 District; with the exception of "Lot Coverage" which shall be the maximum amount allowed:

- A. Lot Area: 20,000 square feet
- B. Lot Width: 200 feet
- C. Lot Coverage: 80%
- D. Building Height: 35 feet (principal structure)  
25 feet (accessory structure)
- E. Setbacks:
  - Principal Structures:*
    - Front yard: 25 feet
    - Side yard: 5 feet
    - Side yard: 30 feet (if adjacent to a residential district)
    - Street side yard: 25 feet
    - Rear yard: 20 feet
    - Rear yard: 30 feet (if adjacent to a residential district)
  - Accessory Structures:*
    - Front yard: not permitted in front yards
    - Side yard: 5 feet
    - Street side yard: 25 feet
    - Rear yard: 5 feet
    - Alley rear yard: 10 feet

**Subd. 7 Architectural Standards and Guidelines.** Architectural Standards and Guidelines shall follow the provisions of Section 1245.03 of this Chapter.

**1230.10 C-3 Downtown Districts**

**Subd. 1 Intent.** The C-3, Downtown Districts, which include the original Norwood downtown, known as "Downtown Business" and the original Young America downtown, known as "Community Uptown", is intended to serve as the specialized service, retail, employment, and public business district for the community. The specific intent of this district is:

- A. To be the focal point for specialty services and goods focusing on neighborhood service related businesses;
- B. To allow for mixed commercial and residential uses since the district offers convenient access to services.
- C. To promote pedestrian-friendly design and development and encourage gathering areas.



**Subd. 2 Permitted Uses.** The following uses are permitted in the Downtown District:

- A. General commercial office space;
- B. Professional Services, such as medical/dental clinics, law offices, and accounting offices;
- C. Finance, Insurance and Real Estate;
- D. Personal or Business Services, such as laundry, barber, shoe repair, beauty salons, photography studios and physical fitness centers less than 5,000 square feet
- E. Public facilities serving all or portions of the city, such as municipal offices, library, post office.
- F. Retail Trade, such as grocery, hardware, drug, clothing, appliance and furniture stores.
- G. Dwelling units, if located above the street level in nonresidential structures.
- H. Specialty Shops, such as book and stationary stores, candy stores, ice cream parlors, tobacco, coffee, gift and florist shops;
- I. Standard restaurants
- J. On and off-sale liquor establishments
- K. Public Parks

**Subd. 3 Permitted Accessory Uses.** The following accessory uses are permitted in the Downtown Districts.

- A. Off-street parking and loading facilities, subject to Section 1250
- B. Fences, subject to Section 1245.05
- C. Lighting, subject to Section 1245.08
- D. Decks, patios and porches in conjunction with the principal use;
- E. Signs, subject to Section 1260

**Subd. 4 Conditional Uses.** The following uses are permitted, subject to the provisions of Section 1210.06:

*Principal Uses:*

- A. Contractor Operations (*Amended by Ord. 216; 8-24-2009*)
- B. Lodging Services, such as hotels, motels and bed and breakfasts.
- C. Entertainment Services, such as motion picture theaters and bowling alleys
- D. Licensed Daycare Facilities

*Accessory Uses:*

- A. Outdoor Dining;
- B. Recreational Facilities;

**Subd. 5 Lot Requirements and Setbacks.** The following requirements and setbacks are the minimum amount allowed in the C-3 District, with the exception of "Lot Coverage" and building height, which shall be the maximum amount allowed:

- A. Lot Area: no minimum established
- B. Lot Width: no minimum established
- C. Lot Coverage: no maximum established
- D. Building Height: 45 feet (principal structure) (*Amended by Ord. 216; 8-24-2009*)  
25 feet (accessory structure)
- E. Setbacks:



**Principal Structures:**

- Front yard: 0 feet
- Side yard: 0 feet
- Side yard: 5 feet (if adjacent to a residential district)
- Street side yard: 0 feet
- Rear yard: 0 feet
- Rear yard: 10 feet (if adjacent to a residential district or alley)

**Accessory Structures:**

- Front yard: not permitted in front yards
- Side yard: 5 feet
- Street side yard: 0 feet
- Rear yard: 5 feet
- Alley rear yard: 10 feet

**Subd. 6 Architectural Standards and Guidelines.** Architectural standards and guidelines shall follow the provisions of Section 1245.02 of this Chapter.

**1230.11 B-1 Business Industrial District**

**Subd. 1 Intent.** The B-1, Business Industrial District is intended to provide an area identified for light industrial and large-scale office-park development.

**Subd. 2 Permitted Uses.** The following uses are permitted in the Business Industrial District:

- A. Automobile repair, major
- B. Contractor Yards
- C. Light Industrial
- D. Office Complexes
- E. Garden and landscaping services
- F. Mini-storage facilities
- G. Retail in association with a contractor yard or wholesale trade business
- H. Vocational and Technical Schools
- I. Warehouses
- J. Wholesale Trade and Showrooms

**Subd. 3 Permitted Accessory Uses.** The following accessory uses are permitted in the Business Industrial District.

- A. Commercial or business buildings and structures for a use accessory to the principal use;
- B. Fences, subject to Section 1245.05;
- C. Lighting, subject to Section 1245.08;
- D. Signs, subject to Section 1260.

**Subd. 4 Conditional Uses.** The following uses are permitted, subject to the provisions of Section 1210.06:

*Principal Uses:*

- A. Adult Entertainment;





To: Planning Commission Chairperson Heher  
Members of the Planning Commission  
City Administrator Helget

From: Cynthia Smith Strack, Municipal Development Group

Date: April 21, 2015

Re: Updating of Nuisance Standards

---

Planning Commission Chairperson Heher has requested the updating of the nuisance ordinance be placed on the agenda for the April PC meeting. Heher made the request to ensure the item remains at the forefront of the Planning Commission's work items.

City Attorney Jay Squires is working on an amendment to the definitions contained in Section 600 of the Nuisance chapter.



## CHAPTER 6. NUISANCES

### Section 600 – Blighting Factors

**600.01 Causes of Blight.** It shall be hereby determined that the uses, structures and activities and causes of blight or blighting factors described in this Section, if allowed to exist, shall tend to result in blighted and undesirable neighborhoods so as to be harmful to the public welfare, health and safety. No person, firm or corporation of any kind shall maintain or permit to be maintained any of these causes of blight upon any property in the City owned, leased, rented or occupied by such person, firm or corporation.

**600.02 Junk, Trash, Rubbish and Refuse.** In any area within the City the storage or accumulation of junk, trash, rubbish or refuse of any kind, except refuse stored in such a manner as shall not create a nuisance for a period of time as shall be necessary to remove the same by commercial or private removal to an authorized landfill, recycling center or other State-approved method of removal, as provided for in Section 320 of this Code, and in no case shall this time exceed thirty (30) days.

The term “junk” shall include but shall not be limited to parts of machinery or motor vehicles, unused stoves or other appliances stored in the open, remnants of wood, decayed, weathered or broken construction materials no longer suitable or safe, approved building materials, metal or any other material or cast off material of any kind whether or not the same could be put to any reasonable use.

**600.03 Littering and Failure to Remove.** No person, firm or corporation shall leave, place, throw or deposit rubbish, garbage, yard wastes or other similar substances or materials in any public place, or in any vacant lot or premises in the City, or refuse to remove the same.

**600.04 Weeds, Vegetation and Substances.** No owner, agent or occupant of any premises shall permit upon his or her premises any weeds or grass growing to a height greater than six (6) inches or which have gone or are about to go to seed, fallen trees, dead trees, tree limbs or items which shall be a fire hazard or otherwise detrimental to the health or appearance of the neighborhood.

**600.05 Backyard Composting.** All composting consisting of yard waste and/or kitchen waste which have been left unattended and which cause offensive odors, attract rodents and/or pests or are unsightly, or do not meet the requirements stated below, are strictly prohibited:

**Subd. 1** Compost must be fully confined within fencing or an enclosed structure no larger than 4 feet high and 250 cubic feet in area.

**Subd. 2** Compost shall not be located in the front yard and must be located at least 5 feet from side and rear property lines.

**Subd. 3** Compost materials shall be regularly mixed and shall not include items such as meat, bones, grease, whole eggs, dairy products and feces. *(Amended by Ord. 242, 05-13-13)*

**600.06 Structures.**

**Subd. 1 Unfit Structure.** In any area the existence of any structure or part of any structure which because of fire, wind or other natural disaster, or physical deterioration shall no longer be habitable as a dwelling, nor useful for any other purpose for which it may have been intended shall be illegal.

**Subd. 2 Vacant Structure.** The existence of any vacant dwelling, garage, or other outbuilding, shall be illegal unless the building is kept securely locked, windows shall be kept glazed or neatly boarded up and otherwise protected to prevent entrance thereto by vandals. *(Amended by Ord. 162, 10/11/04)*

**Subd. 3 Hazardous Building.** "Hazardous Building" shall be defined as any home, shop, barn, building, structure or other improvement to real estate by which reason of its:

- A. Defective construction,
- B. Deterioration,
- C. Dilapidation,
- D. Partial or complete destruction,
- E. Condition constituting a fire menace,
- F. Violation of fire regulations,
- G. Violation of State Building Code,
- H. Unsafe or unsanitary condition,
- I. Unlawful or improper use,
- J. Instability rendering it likely to fall, or
- K. Emission of obnoxious fumes and odors, constitutes a present danger and peril to life, limb or property,
- L. Any other structure that would be considered hazardous under Minnesota Statutes Chapter 463.

**600.07 Enforcement.** Abatement of nuisances under this Section shall be handled as provided for in Section 610. In addition, a violation of this Section shall constitute a petty misdemeanor. All subsequent offenses shall constitute a separate violation of this Section.  
*(Amended by Ord. 168, 7/25/05)*

### Section 610 – General Abatement Procedures

**610.01 Service of Notice.** When service of an order or notice is required, unless otherwise required, any one or more of the following methods of service shall be adequate:

- A. by personal service; or
- B. by mail, unless it is a written order which gives three days or less for the completion of any act it requires; or
- C. if the appropriate party or address cannot be determined after reasonable effort, by posting a copy of the order in a conspicuous place on the property.

If a mailed order or notice is returned by the United States Postal Service, a good faith effort shall be made to determine the correct address, unless the order or notice orders abatement and that abatement has been completed.

**610.02 Abatement Procedure.** Unless the nuisance is subject to special procedures described in State law or elsewhere in this Code, in which case those procedures shall be followed, the City may abate a nuisance by the procedure described below:

**Subd. 1 Order.** The enforcement officer or his or her authorized representative shall serve a written notice upon the owner and occupant. The notice may be served upon any additional party known to have caused the nuisance. The notice shall contain the following:

- A. a description of the real estate sufficient for identification;
- B. a description and the location of the nuisance and the remedial action required to abate the nuisance;
- C. the abatement deadline, to be determined by the enforcement officer and his or her authorized representative(s) allowing a reasonable time for the performance of any act required, not to be less than 10 days unless a shorter time is required to protect the health, safety, and welfare of the public;
- D. a statement that the order may be appealed and a hearing before the City Council obtained by filing a written request with the City Administrator before the abatement deadline designated in the order; and
- E. a statement that if the remedial action is not taken nor a request for a public hearing filed with the City Administrator within the time specified, the City shall abate the nuisance and charge all costs incurred therein against the real estate as a special assessment to be collected in the same manner as property taxes or to be recovered by obtaining a judgment against the property owner.

**Subd. 2 Setting Hearing Date.** In the event that an appeal is filed with the City Administrator, the City Council shall as soon as possible fix a date for a public hearing.

**Subd. 3 Notice.** The City Administrator shall mail a notice of the date, time, place, and subject of the hearing to the owner, occupant, and known responsible parties.

**Subd. 4 Hearing.** At the time of the public hearing, the City Council shall hear from the enforcement officer, his or her authorized representative(s), and any other parties who wish to be heard. After the hearing, the City Council may confirm or modify the order of the enforcement officer. In either case, if the Council's determination requires abatement, the City Council shall, in the resolution, fix a time within which the nuisance shall be abated and shall provide that if corrective action is not taken within the time specified, the City may abate the nuisance. The City Administrator shall mail a copy of this resolution to same parties required to be notified in Subd. 3 of this Subsection.

**Subd. 5 City Abatement.** If the remedial action is not taken nor an appeal filed within the time specified, the City may abate the nuisance.

**610.03 Substantial Abatement Procedure.** When the enforcement officer or an authorized representative(s) determines that a nuisance exists on a property and the cost of abatement of the nuisance is estimated to exceed two thousand dollars or the abatement involves demolition of a building other than a structure accessory to a residential building or the abatement diminishes the value of the property in an amount estimated to exceed two thousand dollars, except in the case of an emergency as provided for in Subsection 610.04, the City shall abate the nuisance by the procedure described below.

A good faith estimate of the diminution in value or the abatement costs, not the actual cost calculated after the abatement is completed, shall be the basis which determines whether this abatement procedure shall be used.

**Subd. 1 Orders.** The enforcement officer shall serve a written order upon the owner, occupant, all interested parties, and any responsible party known to the officer. The order shall contain the following:

- A. a description of the real estate which shall be sufficient for identification;
- B. the location of the nuisance on the property;
- C. a description of the nuisance and the basis upon which it shall be declared to be a nuisance;
- D. the remedial action required to abate the nuisance; and
- E. the abatement deadline, to be determined by the enforcement officer allowing a reasonable time for the completion of any act required;
- F. a statement that if the remedial action is not taken before the abatement deadline, the matter shall be referred to the City Council who, after a public hearing, may order the City to abate the nuisance and charge all costs incurred against the real estate as a special assessment to be collected in the same manner as property taxes or to be recovered by obtaining a judgment against the property owner.

**Subd. 2 Notice to Public.** When an order requires, exclusively or as an option, the demolition of a building, the public shall be put on notice as follows:

- A. A copy of the order shall be placed on file in the office of the City Administrator.
- B. The enforcement officer shall notify the City Council of each property subject to a demolition order as follows. Each month the enforcement officer shall send to the City Council a list of the properties that have become subject to a demolition order. The list shall be in the form of a resolution declaring that an enforcement action has been commenced and that as a result of the nuisance status of a building on the property, an order has been issued detailing the violation and requiring, exclusively or as an option, that the building be demolished and that a copy of this order shall be on file in the office of the City Administrator. This resolution shall include a description of each property sufficient to identify the property and shall authorize and direct the City Administrator to file a copy of the resolution with the Carver County Recorder and/or Registrar of Titles.

**Subd. 3 Setting Hearing Date.** If the remedial action is not taken within the time specified in the written order, the enforcement officer may notify the City Council that substantial abatement shall be necessary and appropriate. Upon being notified by the enforcement officer, the City Council shall, as soon as possible, fix a date for an abatement hearing.

**Subd. 4 Notice.** Written notice of the time, date, place and subject of the hearing shall be given as set forth in this Subdivision.

- A. The City Administrator shall immediately notify the enforcement officer and his or her authorized representative(s).
- B. At least ten days prior to the hearing, the City Administrator shall mail a notice to all property owners of record within 300 feet of the property in violation of the Code provision.

- C. At least ten days prior to the hearing, the City Administrator shall notify the owner and all interested parties by personal service of the notice upon the owner or any duly authorized representative. If, after reasonable effort personal service cannot be made, either of the following methods of notice shall be considered adequate:
1. confirmed mail service which shall be either certified mail with signed receipt returned or first class mail confirmed by written response;
  2. mailing the notice to the last known address and publishing the notice once a week for two weeks in a newspaper of general circulation in the City and posting the notice in a conspicuous place on the building or property.
- D. At least ten days prior to the hearing, the City administrator shall mail a notice to any responsible party known to the City Administrator.

**Subd. 5 Hearing.** At the time of the public hearing, the City Council shall hear from the enforcement officer, authorized representative(s) and any other parties who wish to be heard. After the hearing, the City Council shall adopt a resolution, describing what abatement action, if any, it deems appropriate. If the resolution calls for abatement action it may either order the City to take the abatement action or fix a time within which the nuisance shall be abated and provide that if corrective action is not taken within the specified time, the City shall abate the nuisance. The City Administrator shall mail copies of the resolution to the parties required to be notified in Subd. 4 to their last known mailing address.

**610.04 Emergency Abatement Procedure.** When the enforcement officer and an authorized representative determines that a nuisance exists on a property and the nuisance constitutes an immediate danger or hazard which if not immediately abated shall endanger the health or safety of the public and there shall not exist sufficient time to follow the procedures of Subsections 610.02 or 610.03, the City may abate the nuisance by the procedure described below.

**Subd. 1 Order by Mayor.** The City shall order emergency abatement by an administrative order to be signed by the Mayor. A good faith effort shall be made to inform the owner that the action is being taken.

**Subd. 2 Notice of the Abatement.** Following an emergency abatement, as soon as the costs incurred are known, the enforcement officer shall serve written notice upon the owner. The notice shall contain:

- A. a description of the nuisance;
- B. the action taken by the City;
- C. the reasons for immediate action;
- D. the costs incurred in abating the nuisance and a statement that these costs may be charged as a special assessment against the property and collected in the same manner as property taxes; and
- E. a statement that the owner may obtain a hearing before the City Council to review the actions taken by the City by filing a written request with the City Administrator within ten working days of the date of the notice.

**Subd. 3 Setting Hearing Date.** In the event that the owner files a request for a review of the action with the City Administrator, the City Council shall as soon as possible fix a date for a public hearing.

**Subd. 4 Notice.** The City Administrator shall notify the owner of the date, time, place, and subject of the hearing.

**Subd. 5 Hearing.** At the time of the hearing, the City Council shall hear from the enforcement officer, any authorized representative(s) and any other parties who wish to be heard. After the hearing, the City Council may adopt a resolution levying an assessment for all or a portion of the costs incurred by the City in abating the nuisance. A copy of the resolution shall be mailed to the owner.

**610.05 Administrative Offense and Penalty.** In addition to abatement procedures outlined in this Section 610, violations of the nuisance ordinance are designated as an administrative offense and subject to an administrative penalty as established in the Fee Schedule by Ordinance of the City Council.

**Subd. 1 Notice.** Any officer of the Carver County Sheriff's Department, or any other person employed by the city, and having authority to enforce a code provision designated as an administrative offense, shall, upon determining that there has been a violation, notify the violator pursuant to Section 610.01-610.05 above of the violation. In addition to this notice, the violator shall be provided:

- A. A statement that failure to take remedial action by the specified deadline will result in an administrative penalty for violation of the nuisance ordinance; and
- B. A statement that additional violations of the same or substantially similar offense within a 12 month period of the abatement deadline stated above will result in an automatic administrative fine, which shall be increased for each subsequent offense

**Subd. 2 Payment.** Once such notice is given, the alleged violator must, within 10 days after issuance of the notice or passing of the specified deadline for abating the nuisance ordinance violation, pay the amount set forth established in the Fee Schedule by Ordinance of the City Council, or may request a hearing in writing, pursuant to Section 610.02 above. The penalty may be paid in person or by mail, and payment shall be deemed to be an admission of the violation.

**Subd. 3 Failure to Pay.** In the event a party charged with an administrative offense fails to pay the penalty, a misdemeanor or petty misdemeanor charge may be brought against the alleged violation in accordance with applicable statutes, or any unpaid fines may be charged against the real estate as a special assessment. If the penalty is paid or if an individual is found not to have committed the administrative offense by the hearing officer, no such charge may be brought by the city for the same violation.

**Subd. 4 Disposition of Penalties.** All penalties collected pursuant to this chapter shall be paid to the City Clerk's Office and may be deposited in the city's general fund.

**Subd. 5 Subsequent Offenses.** In the event a party is charged with a subsequent administrative offense within a 12-month period of paying an administrative penalty for the same or substantially

similar offense, the subsequent administrative penalty shall be increased by 25% above the previous administrative penalty except when otherwise provided by ordinance.

*(Amended by Ord. 242, 05-13-13)*

### Section 620 – Guns & Explosives

**620.01 Guns.** It shall be unlawful for any person to shoot or discharge any gun, air gun, pistol, revolver or other firearm or bow and arrow within the corporate limits of the City.

Nothing in this Code shall be construed to prohibit any firing of a gun, pistol or firearms when done in the lawful defense of person or property or family, or the necessary enforcement of the law.

**620.02 Explosives.** It shall be unlawful for any person to keep, store, or harbor any explosive substances such as dynamite, blasting caps, nitroglycerin, black powder or any other substance designed as an explosive, in Minnesota Statutes § 299F.72, without a permit as required by Minnesota Statutes § 299F.74 and explained in Minnesota Statutes § 299F.73.

### Section 630 – Building Alarm Systems

**630.01 Citation.** This Section shall be known, cited and referred to as the “Alarm Users Section.”

**630.02 Purpose and Scope.** The purpose of this Section shall be to protect the public safety services which serve the City from misuse and to provide for the maximum possible service to alarm users. This Section shall provide regulation for the use of burglary, robbery, fire, and medical alarms and shall establish a system of administration and an alarm users fee.

**630.03 Definitions.** For the purposes of this Section, certain terms and words shall be defined as follows:

**Subd. 1 Public Safety Personnel.** “Public Safety Personnel” shall mean all personnel employed by any law enforcement agency, and any firefighting personnel and any ambulance personnel.

**Subd. 2 Alarm User.** “Alarm User” shall mean any person in control of any building, structure, facility or tract of land wherein or whereon an alarm system is used or maintained within the City.

**Subd. 3 Public Safety Communications Center.** “Public Safety Communications Center” shall mean the central facility used to receive emergency requests for public safety services and general information from the public to be dispatched to public safety personnel.

**Subd. 4 Alarm System.** “Alarm System” shall mean any equipment or device which emits an audible, visual, or electronic signal upon the detection of a potential burglary, robbery, fire, medical emergency, trespass, or property intrusion. The term alarm system shall not include anti-theft or tampering alarms installed in any motor vehicle.

**Subd. 5 Sheriff.** “Sheriff” shall mean the Carver County Sheriff or his or her designee.

**Subd. 6 Person.** “Person” shall mean any human being, any corporation, partnership, firm, association, or other organization, any receiver, trustee, assignee, agent, or other legal representative of any of the foregoing, or any other legal entity.

**Subd. 7 False Alarm.** “False Alarm” shall mean an alarm signal eliciting a response by public safety personnel when a situation requiring a response shall not exist, and which is caused by the activation of the alarm system through mechanical failure, alarm malfunction, improper installation or the inadvertence of the owner or lessee of the alarm system or of his or her employees or agents. False alarms shall not include alarms caused by climatic conditions such as tornadoes, thunderstorms, utility line mishaps, violent conditions of nature or any other conditions which are clearly beyond the control of the alarm manufacturer, installer or alarm user.

#### **630.04 Compliance.**

**Subd. 1 Compliance.** No person shall locate, construct, alter, repair, install, use, or maintain any alarm system within the City except in full compliance with this Section and the standards adopted in this Section.

**Subd. 2 Audible Alarms.** All audible alarms shall meet the following requirements:

- A. Every person maintaining an alarm system with an audible alarm signal shall post a notice containing the name and telephone number of a person to be notified to render repairs or service to the alarm system during any hour of the day or night upon activation of the alarm system. The notice shall be posted at the main entrance to the premises or near the alarm in such a position as to be legible from the ground level adjacent to the building.
- B. Alarm systems with audible alarm signals that sound like police or fire sirens shall be prohibited.
- C. All alarm systems with audible alarm signals, except for fire alarms, shall have an automatic shut-off which shall silence the audible alarm signal within a period not to exceed fifteen (15) minutes.

**Subd. 3 Registration.** All persons using or maintaining any alarm system within the City shall register the alarm system with the sheriff, utilizing registration forms to be furnished by the sheriff, no later than the 30<sup>th</sup> day after the installation of the alarm system. Alarms installed prior to the adoption of this Code shall be registered within sixty (60) days of the effective date of this Code.

Any alteration or modification of any previously registered alarm system shall be registered with the sheriff, utilizing registration forms to be furnished by the sheriff, within thirty (30) days of the commencement of the alteration or modification.

**Subd. 4 Multiple Function Alarm Systems.** Alarm systems that have more than one alarm signal function (burglary, fire, etc.), shall report specifically which of the functions has been violated, when reporting to the Public Safety Communication Center for the purpose of dispatching public safety personnel to the site of the alarm system.

**Subd. 5 Communication Center.** No alarm system shall connect directly to the Public Safety Communications Center except financial institutions, and/or public buildings. All other alarms shall report to the Public Safety Communications Center in some other manner. No automatic telephone

dialing device shall be allowed to dial direct or be programmed so that it dials directly into the Public Safety Communications Center.

### 630.05 False Alarm Fees.

**Subd. 1 False Alarm Fee Imposed.** A false alarm fee shall be hereby imposed upon any alarm user from whose alarm system emanates more than three (3) false alarms within any twelve (12) consecutive month period. The fees payable under this Section shall be as set in the fee schedule as adopted from time to time by the Council.

#### Subd. 2 Exemptions.

- A. Public Buildings. All Federal, State, County and/or Municipal buildings and all public schools shall be exempt from the false alarm fee.
- B. New Alarm Systems. All newly installed alarm systems shall be hereby granted a thirty (30) day probationary period, commencing on the date of first operational use thereof, during which period false alarms shall not be counted for the purpose of computing the amount of any fee imposed by this Section.
- C. Alterations to Existing Alarm Systems. All alarm systems which are altered by the addition to any new alarm feature shall be hereby granted a fifteen (15) day probationary period, commencing on the date of the first operational use of the new feature, during which period false alarms shall not be counted for the purpose of computing the amount of any fee imposed by this Section.

**Subd. 3 Payment of Alarm User Fees.** Subsequent to any false alarm, the sheriff shall notify the affected alarm user in writing of the date of the false alarm, the apparent reason therefore, and the false alarm fee imposed pursuant to this Section. It shall be the duty of each alarm user to pay all fees imposed by this Section to the sheriff within thirty (30) days of the date of mailing of the sheriff's fee statement specifying the amount of the fees. For the purpose of mailing the sheriff's fee statement under this Section, the statement shall be mailed to the affected alarm user at his or her or its address shown on the registration form required by Subsection 630.04 of this Section.

One-half of all false alarm fees collected by the sheriff shall be remitted to the City to defray its administrative and prosecution costs incurred in connection with the enforcement of this Section. The other half of the false alarm fees shall be retained by the sheriff to defray his or her administrative costs incurred in enforcing this Section.

### 630.06 Enforcement.

**Subd. 1 User to Respond.** If in the judgment of public safety personnel at the scene of an alarm, it is determined that the alarm user should appear at the location of any alarm for the purpose of admitting public safety personnel to the subject premises to investigate any alarm system signal, or for the purposes of deactivating any alarm system signal, or for the purpose of identifying third parties found on the subject premises during the investigation of any alarm system signal, the alarm user shall appear immediately if so requested by the sheriff.

**Subd. 2 Remedial Action by User.** If an alarm user has had more than three (3) false alarms in a twelve (12) month period, the alarm user, upon the written request of the sheriff, shall be required to

submit in written form a description of any steps being taken to remedy any problems with false alarms emanating from the alarm user's location.

**Subd. 3 Administrative Rules/Regulations.** The sheriff shall promulgate the rules/regulations as shall be necessary for the implementation and/or administration of this Section.

**630.07 Violations and Penalties.**

**Subd. 1 Misdemeanor.** Any person who fails to comply with the provisions of this Section, shall be guilty of a misdemeanor, in addition to being subject to the false alarm fees imposed by this Section. A separate offense shall be deemed committed upon each day during or on which a violation occurs or continues.

**Subd. 2 Injunctive Relief.** In the event of a violation or a threat of violation of this Section, the City may institute appropriate action or proceeding, including requesting injunctive relief to prevent, restrain, correct, or abate the violation or threatened violation.

**Subd. 3 Civil Action.** If a person fails to comply with the provisions of this Section, the City may recover costs, damages, or false alarm fees in a civil action in any court of competent jurisdiction.

**Subd. 4 Governmental Services Lien.** In addition to the remedies specified in Subd. 1 and Subd. 2 above, but in lieu of the remedy specified in Subd. 3 above, the City may certify any unpaid false alarm fees to the County Auditor or County Finance Director as a governmental services lien for collection with the real property taxes imposed on the real property upon which the alarm system is or was located.

**Section 640 – Curfew**

**640.01 Curfew Imposed.** The City shall enforce the provisions of the Carver County ordinance.

Ordinance No. 25  
Carver County

JUVENILE CURFEW ORDINANCE

The County Board of Carver County ordains:

Subd. 1. Purposes and Findings.

(a) The Board of Commissioners of Carver County finds that there has been an increase in juvenile violence and crime by juveniles in recent years.

(b) Juveniles are particularly susceptible by their lack of maturity and experience to participate in unlawful activities and to be victims of older perpetrators of crime.

(c) Because of the foregoing, special and extenuating circumstances presently exist within this County that require special regulation of juveniles within the County in order to protect them and other persons during the nighttime hours, to aid in crime prevention, to promote parental supervision and authority over minors and to decrease juvenile crime rates; and

(d) In accordance with prevailing community standards, this Ordinance serves to regulate the conduct of minors in public places during nighttime hours, to be effectively and consistently enforced for the protection of juveniles from each other and from other persons, in public places during nighttime hours, for the enforcement of parental control of, authority over, and responsibility for their children, for the protection of the general public from nighttime mischief by juveniles, for the reduction in the incidents of juvenile criminal activities, for the furtherance of family responsibility and for the public good, safety and welfare; and

(e) It is the intent of the County Board to review and evaluate the need and effect of nighttime curfew for juveniles set forth in this Ordinance on the incidents of juvenile criminal activity and protection of juveniles against criminal activity.

#### Subd. 2. Authority

This Ordinance is enacted pursuant to Minn. Stat. § 145A.05, Subd. 7a (1994).

#### Subd. 3. Definitions.

(a) "Authorized adult" means any person who is at least eighteen (18) years of age and authorized by a parent or guardian to have custody and control of a juvenile.

(b) "County Board" means the Board of Commissioners of Carver County.

(c) "Emergency" means an unforeseen combination of circumstances or the resulting state that calls for immediate action. The term includes, but is not limited to, a fire, a natural disaster, or automobile accident or any situation requiring immediate action to prevent serious bodily injury or loss of life.

(d) "Juvenile" means a person under the age of eighteen (18) years. The term does not include persons under 18 who are married or have been legally emancipated.

(e) "Parent" means any person having legal custody of a juvenile (i) as natural, adoptive parent, or step-parent; (ii) as a legal guardian; or (iii) as a person to whom legal custody has been given by order of the court.

(f) "Public Place" means any place to which the public or a substantial group of the public has access and includes, but is not limited to, streets, highways, roadways, parks, public recreation, entertainment or civic facilities, schools, and the common areas of hospitals, apartment houses, office buildings, transport facilities, and shops.

(g) "Serious bodily injury" means bodily injury that creates a substantial risk of death or that causes death, serious permanent disfigurement, or protracted loss or impairment of the function of any bodily member or organ.

#### Subd. 4. Prohibited Acts.

(a) It is unlawful for a juvenile under the age of twelve (12) to be present in any public place within Carver County:

(1) any time between 9:00 p.m. on any Sunday, Monday, Tuesday, Wednesday, or Thursday and 5:00 a.m. of the following day.

(2) any time between 10:00 p.m. on any Friday or Saturday and 5:00 a.m. the following day.

(b) It is unlawful for any juvenile age twelve (12) to fourteen (14) years to be present in any public place within Carver County:

(1) any time between 10:00 p.m. on any Sunday, Monday, Tuesday, Wednesday, or Thursday and 5:00 a.m. of the following day.

(2) any time between 11:00 p.m. on any Friday or Saturday and 5:00 a.m. on the following day.

(c) It is unlawful for any juvenile age fifteen (15) to seventeen (17) years to be in any public place within Carver County:

(1) any time between 11:00 p.m. on any Sunday, Monday, Tuesday, Wednesday, or Thursday and 5:00 a.m. of the following day.

(2) any time between 12:01 a.m. and 5:00 a.m. on any Saturday or Sunday.

(d) It is unlawful for a parent or authorized adult of a juvenile to knowingly, or through negligent supervision, to permit such juvenile to be in any public place within the County during the hours prohibited by Paragraphs (a), (b), and (c) of this Subdivision under circumstances not constituting an exception to this Ordinance. The term "knowingly" includes knowledge which a parent or authorized adult shall reasonably be expected to have concerning the whereabouts of a juvenile under such person's care.

(e) It is unlawful for any person operating or in charge of any place of amusement or refreshment which is open to the public to knowingly permit any juvenile to be in such place during the hours prohibited by Paragraphs (a), (b), and (c) of this Subdivision under circumstances not constituting an exception to this Ordinance. The term "person operating" shall mean any individual, firm, association, partnership or corporation operating, managing or conducting any such establishment. The term includes the members or partners of an association or partnership and the officers of a corporation.

Subd. 5. Exceptions.

(1) The following constitute valid exceptions to the operation of the curfew:

(a) if a juvenile is accompanied by his or her parent or an authorized adult;

(b) if a juvenile is involved in, or attempting to remedy, alleviate, or respond to an emergency;

(c) if the juvenile is engaged in a lawful employment activity, or is going to or returning home from his or her place of employment;

(d) if the juvenile is attending an official school, religious, or other social or recreational activity supervised by adults and sponsored by a city or the county, a civic organization, or another similar entity that takes responsibility for the juvenile;

(e) if the juvenile is going to or returning home from, without any detour or stop, the official school, religious, or other recreational activity supervised by adults and sponsored by a city or the County, a civic organization, or another similar entity that takes responsibility for the juvenile;

(f) if the juvenile is on an errand as directed by his or her parent, without any detour or stop;

(g) if the juvenile is engaged in interstate travel;

(h) if the juvenile is on the public right-of-way, boulevard, or sidewalk abutting the juvenile's residence or abutting the neighboring property, structure, or residence;

(i) if the juvenile is exercising First Amendment rights protected by the United States Constitution (or those similar rights protected by Article I of the Constitution of the State of Minnesota), such as free exercise of religion, freedom of speech, and the right of assembly; or

(j) if the juvenile is homeless or uses a public or semi-public place as his or her usual place of abode.

(2) It is an affirmative defense to prosecution under Subd. 4(e) that:

(a) the owner, operator or employee of an establishment promptly notified the police department or sheriff's department that a juvenile was present on the premises of the establishment during curfew hours.

(b) the owner, operator or employee reasonably and in good faith relied upon a juvenile's representations of proof of age. Proof of age may be established pursuant to Minn. Stat. § 340A.503, Subd. 6, or other verifiable means, including, but not limited to, school identification cards and birth certificates.

#### Subd. 6 Enforcement.

Before taking any enforcement action under this section, a police officer or sheriff's deputy shall ask the apparent offender's age and reason for being in a public place. The officer/deputy shall not issue a citation or make an arrest under this section unless the officer/deputy reasonably believes that an offense has occurred and that no exception set forth in Subdivision 5 is applicable.

#### Subd. 7 Penalties.

(a) Violation of Subdivision 4(a), (b), and (c) will be prosecuted pursuant to Minn. Stat. § 260.195 and will be subject to penalties therein.

(b) Violation of Subdivision 4(d) or (e) is a misdemeanor.

Subd. 8. Severability.

If any court of competent jurisdiction adjudges any provisions of this Ordinance to be invalid, such judgement shall not affect any other provisions of this Ordinance not specifically included in said judgment.

Subd. 9. Effective Date.

The effective date of this Ordinance is February 1, 1996.

### Section 650 – Open Burning

**650.01 Purpose.** The purpose of this Section shall be to establish permitted categories of open burn events for residences and businesses within the incorporated areas of the City and provide for burning defined as a “Recreational Fire” as prescribed in this Section.

**650.02 Definitions.** For the purposes of this Section, the terms in this Section have the meaning given them.

**Subd. 1 Local Designated Authority.** “Local Designated Authority” shall mean a representative of the city, or the fire chief, fire marshal, or fire warden, who has been trained and certified by the Department of Natural Resources (DNR).

**Subd. 2 Open Burning.** “Open Burning” shall mean the burning of any matter if the resultant combustion products are emitted directly into the atmosphere without passing through a stack, duct or chimney, except a Recreational Fire as defined in this Section.

**Subd. 3 Recreational Fire.** “Recreational Fire” shall mean a fire set with approved starter fuel, that is no larger than three feet in diameter by two feet in height, using dry, clean wood; producing little detectable smoke, odor or soot beyond the property line; for recreational, ceremonial, food preparation or social purposes; extinguished completely before quitting the occasion; and respecting weather conditions, neighbors, burning bans, and air quality so that nuisance, health or safety hazards shall not be created. Mobile cooking devices such as manufactured hibachis, charcoal grills, wood smokers and propane or natural gas devices shall not be defined as recreational fires, but shall be allowed under this Section. *(Amended by Ord. 253, 7-28-14)*

**Subd. 4 Starter Fuels.** “Starter Fuels” shall mean dry, untreated, unpainted kindling, branches, or cardboard, or charcoal fire starter. Paraffin candles and alcohols shall be permitted as starter fuels and as aids to ignition only.

**Subd. 5 Wood.** “Wood” shall mean dry, clean fuel only such as twigs, branches, limbs, “presto logs,” charcoal, cordwood or untreated dimensional lumber. “Wood” shall not include wood that is green, with leaves or needles, rotten, wet, oil soaked, or treated with paint, glue or preservatives, nor, leaves and needles. Clean pallets may be used for recreational fires when cut into three foot lengths.

**650.03 Prohibited Materials.** No person shall conduct, cause or permit the open burning of any material, except as provided by definition in Subsection 650.02. This prohibition shall include but not be limited to the following:

- A. No person shall conduct, cause or permit open burning of oils, petro fuels, rubber, plastics, chemically treated materials, or other materials which produce excessive or noxious smoke such as tires, railroad ties, treated, painted or glued wood, composite shingles, tar paper, insulation, composition board, sheetrock, wiring, paint or paint fillers.
- B. No person shall conduct, cause or permit open burning of hazardous waste or salvage operations, or open burning of solid waste generated from an industrial or manufacturing process or from a service or commercial establishment or building material generated from demolition of commercial or institutional structures. No person shall conduct, cause or permit open burning of discarded material resulting from the handling, processing, storage, preparation, serving or consumption of food.
- C. No person shall conduct, cause, or permit the open burning of wetlands, grass lands, pastures, crop residue, or road right-of-ways except as provided in Subsection 650.05 of this Section.

**650.04 Allowed Burning.** Recreational fires contained in grills, hibachis, and similar devices as defined in Subsection 650.02, Subd. 3 shall be allowed.

**Subd. 1 Minimum Requirements for Recreational Fires.**

- A. Recreational fires must be at least 25 feet from all buildings, structures, and combustible materials. Combustible materials are things such as wood, paper, and plastics.
- B. Conditions which could cause a fire to spread within 25 feet of a structure shall be eliminated prior to ignition.
- C. Recreational fires must be constantly attended until the fire burns out completely or is extinguished.
- D. A minimum of one portable fire extinguisher complying with Minnesota State Fire Code or other approved on-site fire extinguishing equipment, such as dirt, sand, or garden hose shall be readily available at all times until the fire is extinguished.
- E. The only materials permitted in a recreational fire are wood from trees, small branches, brush, or charcoal. Treated lumber materials, construction debris, garbage, plastic materials, leaves, grass clippings, or waste materials are not allowed to be burned in recreational fires.
- F. Recreational fires must be immediately extinguished if they pose a fire safety risk, if they are not in compliance with the above, or when directed to do so by a law enforcement officer, firefighter, fire warden, or DNR officer. *(Amended by Ord. 253, 7-28-14)*

**650.05 Burning Ban or Air Quality Alert.** No recreational fire or open burn shall be permitted when the city, county, DNR, or local designated authority has officially declared a burning ban due to potential hazardous fire conditions or when the MPCA has declared an Air Quality Alert. Information regarding burning bans shall be obtained from the local fire department, DNR, or the MPCA before starting a permitted fire. *(Amended by Ord. 134, 4-24-2000)*

**650.06 Penalty.** Any person violating any provision of this Ordinance shall be guilty of a misdemeanor and upon conviction shall be punished by a fine and/or imprisonment.

**Section 660 – Noise**

**660.01 Noise Prohibited.** No person shall make or cause to be made any distinctly and loudly audible noise that unreasonably annoys, disturbs, injures, or endangers the comfort, repose, health, peace, safety, or welfare of any person or precludes their enjoyment of property or affects their property's value. This general prohibition shall not be limited by the specific restriction of the following Sections.

Prima Facie evidence of a violation of this Section shall be given if the noise is 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.

**660.02 Horns, Audible Signaling Devices, Etc.** No person shall sound any audible signaling device on any vehicle except as a warning of danger pursuant to Minnesota Statutes § 169.68.

**660.03 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, 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.

**660.04 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.

**660.05 Radios, Phonographs, Paging Systems, Etc.** No person shall use or operate or permit the use or operation of any radio receiving set, musical instrument, phonograph, paging system, machine, or other device for the production or reproduction of sound in a distinct and loudly audible manner as to disturb the peace, quiet and comfort of any person nearby.

**660.06 Motor Vehicles.** No person shall operate a motor vehicle within the City in violation of the motor vehicle noise limits of the Minnesota Pollution Control Agency, or in violation of any Section of this Code relating to motor vehicles.

**660.07 Participation in Noisy Parties or Gatherings.** No person shall participate in any party or other gathering of people giving rise to unreasonable noise, disturbing the peace, quiet, or repose of another person. When a police officer determines that a gathering is creating such a noise disturbance, the officer may order all persons present, other than the owner or tenant of the premises however, the disturbance is occurring, to disperse immediately. No person shall refuse to leave after being ordered by the Sheriff 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.

**660.08 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.

**660.09 Animals.** No person shall keep any animal that disturbs the comfort or repose of any person in the vicinity by its frequent or continued noise as regulated by Section 500 of this Code.

**660.10 Pile Drivers, Hammers, Etc.** The operation between the hours of 10:00 p.m. and 7:00 a.m. on M-F and 10:00 p.m. and 9:00 a.m. on weekends and holidays, of any pile driver, steam shovel, pneumatic hammer, derrick, steam or electric hoist, bulldozer, or other appliance, the use of which is attended by loud or unusual noise, shall be prohibited.

**660.11 Waiver of These Requirements.** A waiver of these requirements can be obtained from the City Administrator/City Clerk. The person wishing to receive exception to these rules to conduct necessary business, may make a written application to the City stating when, why and for how long the noise producing activity shall be conducted. If the request is denied by the City Administrator/Clerk, the applicant may appeal the decision to the City Council by appearing before the City Council during a regular Council meeting.

**660.12 Enforcement.** Each and every violation of this Section shall be a misdemeanor. In addition to this any party making a complaint may also enforce the ordinance, State and Federal noise rules and regulations, by injunction, action for abatement, or other appropriate civil remedy.

### Section 670 – Tree Regulations

**670.01 Private vs. Public Tree Ownership.** All trees within the public right of way shall be maintained by the City, and the City shall have the right to trim or remove any tree within the right of way regardless of who was responsible for the planting of the tree. All trees upon private property shall be the responsibility of the property owner.

**670.02 Public Property – Tree Planting Permit.** A permit shall be required to plant any tree upon a public boulevard or right-of-way. Any tree planted in the right of way without a valid permit shall be subject to removal by the City at the planter's expense. The permit application shall be submitted to the City Administrator at least five (5) business days before the planting. The permit shall be approved by the City Administrator. The granting of a permit shall not alter the City's authority to maintain the tree as it deems necessary pursuant to Section 640.01.

#### Subd. 1 Permit Contents.

- A. Type of tree to be planted.
- B. Size of tree to be planted.
- C. Map showing right-of-way boundary and tree location.

**Subd. 2 Permit Fee.** The permit fee shall be as set from time to time in the fee schedule adopted by the Council.

**670.03 Declaration of Policy Diseased Trees – Private Property.** The Council has determined that the health of the Elm and Oak trees within the municipal limits are threatened by fatal diseases known as Dutch Elm Disease and Oak Wilt, respectively. It has further been determined that the loss of Elm and Oak trees growing upon private and public 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 shall be declared to be the intention of the Council to control and prevent the spread of these diseases.

**670.04 Appointment of a Tree Inspector.** The Council shall designate a tree inspector(s), certified by the Minnesota Commissioner of Agriculture, who shall administer the Dutch Elm Disease and/or Oak Wilt control programs for the City in accordance with this tree disease Section.

**670.05 State Code Adopted.** The City shall hereby adopt Minnesota Statutes § 18.023 to § 18.024 relating to shade tree disease control, as if set out in full.

**670.06 Nuisances Declared.** The following shall be declared to be public nuisances whenever and wherever they may be found within the City:

**Subd. 1 Diseased Elm Trees.** Any standing or living tree or part thereof infected to any degree with the Dutch Elm Disease fungus, *Ceratocystis ulmi* (Busiman) Moreau, or which harbors any of the Elm bark beetles, *Scolytus multistriatus* (Eichh) or *Hypurgopinus rufipes* (Marsch). And also, any dead Elm tree or part thereof with bark intact including logs, branches, stumps, or firewood which has not been disposed of properly.

**Subd. 2 Diseased Red Oak Trees.** Any living or standing tree or part thereof in the Red Oak group (Red Oak, Pin Oak, Scarlet Oak, Black Oak) infected to any degree with the Oak Wilt fungus, *Ceratocystis fagacearum* (Bretz) Hunt.

**Subd. 3 Diseased White Oak Trees.** Also, any living or standing tree in the White Oak group (White Oak, Bur Oak, Bi-color Oak) that poses a threat of transmission of the Oak Wilt fungus to other trees of the same species through interconnected root systems.

**670.07 Inspection and Investigation.**

**Subd. 1 Annual Inspection.** The tree inspector shall inspect all premises and places within the City as often as practical to determine whether any disease affects trees within the City limits.

**Subd. 2 Entry upon Private Premises.** The tree inspector so designated by the Council may enter upon private premises at any reasonable time for the purpose of carrying out the duties assigned to him or her under this Code. Before making any inspection on private property within the City, the tree inspector shall give notice of the inspection to all affected residents and property owners either through an oral or written notice, or by publishing the notice in a local newspaper.

**Subd. 3 Diagnosis.** The tree inspector shall, upon finding indications of Dutch Elm Disease or Oak Wilt, take such steps for diagnosis as may be appropriate, including analysis of twig samples from actively wilting branches by the Minnesota Department of Agriculture Shade Tree Disease Laboratory, or other laboratories capable of performing such services approved by the Minnesota Commissioner of Agriculture. Whenever possible, diagnosis shall be based upon accepted field symptoms.

**670.08 Interference Prohibited.** It shall be unlawful for any person to prevent, delay or interfere with the City tree inspector or his or her agents while they are engaged in the performance of duties imposed by this Code.

**670.09 Procedure for Abatement and Removal – Private Property.**

**Subd. 1 General Procedure.** Whenever it is found with reasonable certainty that a tree has Dutch Elm Disease or Oak Wilt, the tree inspector shall proceed as follows: If the tree inspector finds that there is potential for infection of other Oak or Elm trees, he or she shall notify the owner of the property on which the nuisance is found, by certified mail, addressed to the owner at his or her last known address. The tree inspector shall specify on the notice a reasonable date before which the nuisance shall be abated. The tree inspector shall immediately report the action to the Council and, after the expiration of the time limited by the notice, the tree inspector may proceed to abate the nuisance as provided in this Section. The cost of the abatement, plus an administrative fee as set from time to time in fee schedule adopted by the Council, shall be assessed against the owner of the property involved, or against the property itself, the amount to be certified to the County Auditor shall be done in accordance with State law.

**Subd. 2 High Risk Elm Trees.** High risk Elm trees shall be defined as those trees that are dead, barren, or have extensive wilt (30 percent or more of the tree is wilted). Such trees shall be identified and marked. These high risk trees shall be removed with 20 days of notification of the property owner.

**Subd. 3 Low Risk Elm Trees.** Low risk Elm trees shall be defined as those trees that show early stages of infection in June or subsequently during the growing season with those symptoms not progressing beyond the 30 percent wilting point. Every reasonable effort shall be made to have low risk trees removed within 20 days of notification of the property owner, but in no case shall it be later than April 1 of the year following the appearance of symptoms.

**Subd. 4 Oak Trees.**

- A. All Oak trees within the City diagnosed as having Oak Wilt should be isolated from neighboring healthy Oak trees of the same species by chemical or mechanical disruption of common root systems to prevent root graft transmission of the Oak Wilt fungus.
- B. To control overland spread of Oak Wilt, the pruning of Oaks shall be avoided during the most susceptible period of infection, from April 15 to July 1. If wounding is unavoidable during this period, as in the aftermath of a storm or when the tree interferes with utility lines, a tree wound dressing shall be applied immediately.
- C. To prevent the Oak Wilt fungus from producing spores and to prevent overland spread of this fungus, any disease material of the Red Oak group wilting in July and August of one year shall be declared hazardous the following spring, from April 15 to July 1.
- D. Any hazardous Oak wood to be used as fuel wood or to be salvaged for other purposes shall be debarked or else completely covered by heavy plastic (4 mil. or greater) from April 15 until July 1 of the year following the appearance of symptoms. After this time there is no danger of spore production, and the wood does not need to be covered.
- E. Any branch greater than 2" in diameter of the Red Oak group determined to be hazardous and not salvaged shall be disposed of by burning, chipping, or removal to an authorized dump site proper to April 15 of the year following the appearance of symptoms. Dead standing Red Oaks that have advanced beyond the potential for spore production need not be removed except where they constitute a hazard to life and/or property. The City tree inspector shall advise accordingly.
- F. Stumps of trees of the Red Oak group removed due to Oak Wilt shall be completely covered, removed, or debarked to the ground line to eliminate all possibilities of spore formation and overland disease spread.

- G. White Oaks: Trees of the White Oak group (i.e. White Oak, Bur Oak, Bi-color oak) diagnosed as having Oak Wilt should be isolated by root graft disruption as previously stated. Diseased material originating from such trees will rarely ever support spore formation, and salvaged material therefore shall not require special treatment to prevent overland spread. Standing trees of this group showing early symptoms of Oak Wilt may be saved by removing affected branches. The City tree inspector shall advise accordingly.

#### **670.10 Root Graft Disruption (Barriers) at Property Boundaries.**

**Subd. 1 Root Graft.** If the tree inspector finds that Dutch Elm Disease or Oak Wilt threatens to cross property boundaries or disease control area boundaries, the tree inspector may require root graft disruption to prevent the spread of disease in this manner. If plowing or trenching is not possible due to terrain, location, or buried utilities, the tree inspector may require chemical root graft disruption. These barriers shall be placed in accordance with current technology and plans as may be designated by the Commissioner of Agriculture, State of Minnesota.

**Subd. 2 Cost.** The charge, or any portion thereof, for any necessary root graft barriers may be assessed against the property on which the root barriers are placed.

**Subd. 3 Community Control.** Because Oak Wilt is a community problem and because Oak Wilt control may benefit an entire neighborhood, the tree inspector shall recommend and encourage neighborhood participation and cooperation, including cost sharing, in root graft disruption and other control efforts, especially where Oak Wilt is in danger of spreading across property boundaries.

**670.11 Transporting Elm and Oak Wood Prohibited.** It shall be unlawful for any person to transport within the City any bark intact Elm wood, or wood from the Red Oak group that shall be determined to be hazardous, without having obtained a permit from the City tree inspector. The City tree inspector shall grant the permits only when such permission does not interfere with the provisions of this Code.

### **Section 680 – Loitering and Disorderly Conduct**

**680.01 Loitering Prohibited.** No person whether in a vehicle, on a bike, skateboard or similar device, or on foot shall loiter or stroll in, about or upon any of the following without lawful business:

- A. Street
- B. Alley
- C. Public Way
- D. Public Place
- E. Public Gathering/Assembly
- F. Store
- G. Shop
- H. Business
- I. Parking Lot
- J. Private Property

No person shall conduct himself/herself in a lewd, wanton or lascivious manner in speech or behavior. Nor shall any person loiter so as to obstruct any public place or private business establishment so as to

hinder or impede the free and uninterrupted passage of vehicles, traffic or pedestrians. *(Amended by Ord. 146, 2-25-2002)*

**680.02 Disorderly conduct Prohibited.** The performance of any of the following acts without authority of law by any person or persons is hereby declared to be disorderly conduct:

- A. Willfully disturbing any assembly or meeting or the peace and quiet of any family or neighborhood.
- B. Engaging in offensive, obscene, abusive, boisterous, or noisy conduct or in offensive, obscene, or abusive language tending reasonably to arouse alarm, anger, or resentment of others.  
*(Amended by Ord. 245, 7-22-2013)*
- C. Congregating with others on a public street or highway or other public place and obstructing access to or from any building or place, or obstructing free passage of others and refusing to move or make way when ordered to do so by any law enforcement officer.  
*(Amended by Ord. 146, 2-25-2002)*





To: Chairperson Heher  
Members of the Planning Commission  
Administrator Helget

From: Cynthia Smith Strack, Municipal Development Group, Inc.

Date: April 15, 2015

Re: 2015 Goals

---

The following are provided for Commission information and input:

1. Molnau CUP audit. I will be following up on this CUP later this month to see how things are going.
2. Southwest Paving: City Administrator Helget is aware no evidence of CUP amendment has been filed.
3. Expert Construction: I have been in contact with Matt McIntosh who is aware he needs to either comply with CUP standards or submit CUP amendment. He has agreed to be at the May 19, 2015 meeting.
4. 2015 Goals:
  - A. Update of zoning language related to home occupations – PUBLIC HEARING SCHEDULED.
  - B. Update of zoning language relating to accessory structures – COMPLETED.
  - C. Update of certain sections of the sign regulations, particularly those relating to volume of directional signage and number of wall signs per building face.
  - D. Review of/familiarization with the Official Zoning Map.
  - E. Review of the NYA Greenway Plan.
  - F. Continuance of clean-up efforts. ON-GOING
  - G. Establish dwelling unit minimum sizes
  - H. Provide for aging in place through the use of accessory apartments.
  - I. Driveway standards.
  - J. Landscaping standards.



## 2015 Building Permit Report

PERMIT #	NAME	ADDRESS	PURPOSE	DATE	PERMIT FEE	PLAN CHECK		
						FEE	SURCHARGE	VALUE
2015001	Curtis Heldt	217 Main St E	Replace bsmt floor	1/12/2015	\$153.25	\$99.61	\$3.50	\$7,000.00
2015002	Joe Laumann	114 Hill St W	Reroof	1/14/2015	\$55.00	\$0.00	\$5.00	\$0.00
2015003	Mike Green	812 Martingale Drive	Furnace changeout	1/20/2015	\$60.00	\$0.00	\$5.00	\$0.00
2015004	Jim Louwagie	940 Preserve Blvd	Water Heater	1/29/2015	\$15.00	\$0.00	\$5.00	\$0.00
2015005	McDonalds	410 Faxon Road	Renovations	2/23/2015	\$430.45	\$279.79	\$12.50	\$25,000.00
2015006	Urho Rahkola	226 Oak St S	Reside gable ends	2/6/2015	\$55.00	\$0.00	\$5.00	\$0.00
2015007	Steve Helget	415 Emma St	New Home		\$15,432.36	\$1,315.18	\$140.50	\$251,000.00
2015008	Del Brejle	205 1st Ave SE	Rewindow	2/13/2015	\$42.65	\$27.72	\$1.00	\$1,000.00
2015009	City of NYA	417 Elm St W	Dug-outs	2/13/2015	\$91.65	\$59.57	\$1.50	\$2,600.00
2015010	Paul Meyer	838 Elm St W	Demo Basement	2/27/2015	\$211.65	\$59.57	\$11.50	\$2,500.00
2015011	Principle Mfg	118 Railroad St W	Plumbing	2/27/2015	\$122.45	\$79.59	\$2.50	\$5,000.00
2015012	Jeff Morphew	706 Martingale Drive	Furnace changeout	3/2/2015	\$60.00	\$0.00	\$5.00	\$0.00
2015013	Jesse Erpelding	201 4th St SW	Plumbing	3/2/2015	\$90.00	\$0.00	\$5.00	\$0.00
2015014	Kevin Oelfke	510 Devonshire Dr	Rewindow	3/3/2015	\$55.00	\$0.00	\$5.00	\$0.00
2015015	NationsStar Mortgage	312 Washington St	Reroof	3/4/2015	\$55.00	\$0.00	\$5.00	\$0.00
2015016	Stan Albrecht	640 RR Drive Ste 700	Fire Sprinkler	3/4/2015	\$52.73	\$34.27	\$1.00	\$1,250.00
2015017	M. Sinnen	407 4th Ave SW	Reroof	3/4/2015	\$55.00	\$0.00	\$5.00	\$0.00
2015018	M. Gieseke	22 1st St NE	Reroof	3/9/2015	\$55.00	\$0.00	\$5.00	\$0.00
2015019	Eileen McGee	520 Morse St	Reside/Rewindow	3/9/2015	\$110.00	\$0.00	\$10.00	\$0.00
2015020	All Saints	526 Morse St	Demo	3/9/2015	\$100.00	\$0.00	\$5.00	\$0.00
2015021	Henry Ohnstad	1015 Fox Crossing	Finish Basement	3/12/2015	\$91.65	\$59.57	\$1.50	\$3,000.00
2015022	Carol Herrmann	405 Webster St SW	Wall Anchors		\$107.05	\$69.58	\$2.00	\$3,500.00
2015023	Brian Diedrick	223 Franklin St N	Plumbing	3/17/2015	\$60.00	\$0.00	\$5.00	\$0.00
2015024	Principle Mfg	118 Railroad St W	Alterations	3/18/2015	\$107.05	\$69.58	\$2.00	\$4,000.00
2015025	Todd Schultz	450 Oak Lane	Garage Addition	3/19/2015	\$276.45	\$179.69	\$7.50	\$15,000.00
2015026	Family Dollar	713 Faxon Road	New Construction		\$6,984.36	\$3,304.83	\$396.00	\$791,445.00
2015027	Matt Palaia	314 2nd St SW	Fire Repair	3/30/2015	\$1,901.52	\$1,118.99	\$116.00	\$201,164.57
2015028	Evan Bunn	110 2nd Ave SW	Fence	3/25/2015	\$55.00	\$0.00	\$5.00	\$0.00
2015029	Ross Schneider	410 Emma St	Pool	3/27/2015	\$486.00	\$315.90	\$15.00	\$30,000.00
2015030	Shannon Smith	19 Central Ave S	Rewindow/Reside	3/30/2015	\$110.00	\$0.00	\$10.00	\$0.00
2015031	Chris Goetz	115 Wilson St W	Reroof	3/30/2015	\$55.00	\$0.00	\$5.00	\$0.00
2015032	Thomas Hoppe	409 2nd Ave SE	Water Softener	3/30/2015	\$15.00	\$0.00	\$5.00	\$0.00
2015033	Steve Lemke	119 Elm St W	Reroof	3/31/2015	\$55.00	\$0.00	\$5.00	\$0.00

