

Active Ordinances for the City of Hendrum

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Hendrum, MN 56550
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Arranged and published 2017

Keri Plemmons, Clerk-Treasurer

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OCT
14
1901

ORDINANCE NO. 1

AN ORDINANCE PROHIBITING HORSES, CATTLE OR OTHER STOCK TO RUN AT LARGE OR STAKED OUT**THE COMMON COUNCIL OF THE VILLAGE OF HENDRUM, MINNESOTA DO ORDAIN AS FOLLOWS:****SECTION 1.**

It shall hereafter be unlawful for owner or keeper of any horses, cattle or other stock, to allow such horses, cattle or other stock to be or run at large within the corporate limits of the Village of Hendrum, or to stake out or tie out any horses, cattle, cows or other stock in any traveled street in the Village of Hendrum or any place when it can reach or pass over any sidewalk or crossing in said corporate limits of the Village of Hendrum, at any time of the year.

SECTION 2.

It shall be the duty of the village marshal and also of the village pound master to take up and impound all horses, cattle or other stock found at large or staked out or tied out contrary to the provisions of the ordinance, and to confine any such animal taken up by him in some secure place to be provided for that purpose and to properly feed and care for all animals so impounded by him, in section three, four, five and six in said ordinance, whenever the word marshal occurs the words of village pound master, as the case may be, shall be inserted thereafter.

SECTION 3.

It shall be the duty of the marshal within twelve hours after impounding any animals by virtue of this ordinance; to give personal notice to the owner, thereof, if known, to the said marshal at the time, when and place where said animal is impounded; and that if the said animal be not redeemed within four days it will be sold to pay the charges of impounding; and in all cases of impounding any animal by virtue of this ordinance, the village marshal within twenty four hours advertise the same for sale by posting written or printed notices in those public places in said village, which said notice shall contain a description of the animal or animals impounded, as the case may be, the time when and place where impounded; and if not redeemed will be sold to the highest bidder at the place when such animal is impounded in said village, at the specified, which shall not be less than four days from date of said notice, to pay the expenses of impounding, and keeping such animals and if the said

[PRESIDENT](#)

Marius Hansen

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B. J. Ostby

animal or animals be not redeemed before the time of such sale, as provided in section four of this ordinance, the said marshal shall sell the same at the time and place mentioned in said notice to the highest bidder, to pay such charges and expenses.

SECTION 4.

Any person entitled to the possession of such animal may redeem any animal impounded by virtue of this ordinance at any time before the sale of such animal, by paying to the said marshal all charges and expenses which shall have been incurred in impounding and keeping such animal or animals while impounded.

SECTION 5.

The said marshal shall, in case of sale of any animal under the provisions of this ordinance, after deducting all charges and expenses of impounding and keeping of such animal, pay the balance if there be any, to the village treasurer, for the use of the owner of said animal, provided he shall appear and claim the same within one year.

SECTION 6.

Any person who shall take from the possession of said marshal or from the place where the said marshal has confined any animal so impounded by said marshal shall be deemed a misdemeanor, and on conviction thereof before the village justice shall be fined five dollars, the cost of prosecution, and be committed to the village jail until such fine and costs of imprisonment are paid or he be discharged by order of the president of common council. This ordinance shall be in force from and after this passage.

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14
1901**

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ORDINANCE NO.

2

ORDINANCE NO. 2

LICENSING OF ALL DOGS RUNNING AT LARGE WITHIN THE CORPORATE LIMITS OF HENDRUM

SECTION 1.

That every person helping or harboring any dog, before allowing or suffering such dog to run at large within the corporate limits of Hendrum, shall annually on or before the first day of November, cause every such dog to be registered, numbered and described in the office of the village recorder of said village; who shall therefore issue to such person a license, licensing and authorizing such person to keep such dog; and every such person so licensed shall pay for such license the sum of one dollar for every male dog and one dollar for every female dog named in such license.

SECTION 2.

It shall be the duty of the village recorder to keep a correct list of all dogs registered, numbered and described in section one of this ordinance with the number and description.

SECTION 3.

The recorder shall annually, within one week after the first day of November, deliver to the village marshal a correct list of all the dogs registered and whose owners and keepers have been licensed to keep the same for the current year, and shall from time to time furnish to the said marshal a list of such dogs as are subsequently registered.

SECTION 4.

It shall be the duty of the village marshal or his deputies immediately upon receiving from recorder such list of all dogs, registered, numbered, and described as aforesaid, to kill and being or caused to be killed and buried, all dogs found at large in said village contrary to the provisions of this ordinance.

SECTION 5.

That the owner or keeper of any dogs who allows or suffers such dog to run at large without having complied with the provisions of this ordinance shall be guilty of misdemeanor and upon conviction thereof shall be punished by a fine of not less than five dollars, one half of which fine shall be for the use of the one making the complaint thereof, or in default of the payment of said fine, and cost of prosecution, shall be committed to the village jail until such

fine and costs of imprisonment are paid, or until he is discharged by the president of the village council of said village.

SECTION 6.

Any officer refusing or neglecting to perform the duties imposed on him shall be guilty of a misdemeanor and upon conviction thereof shall be punished by a fine of not less than twenty dollars, and cost of prosecution, or be committed to jail not less than thirty nor more than sixty days, unless discharged by order of president of the village council of said village.

SECTION 7.

Nothing in this ordinance shall be construed as authorizing the village marshal or his deputies to kill any dog impounded within the village of Hendrum, with its owner or keeper, and which is not owned, kept or harbored therein.

This ordinance shall take effect and be in force from and after its passage.

OCT
14
1901

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ORDINANCE NO.

5

ORDINANCE NO. 5

PROVIDING FOR LICENSING OF DRAYMEN WITHIN THE VILLAGE OF HENDRUM

THE COMMON COUNCIL OF THE VILLAGE OF HENDRUM, MINNESOTA DO ORDAIN AS FOLLOWS:

SECTION 1.

No person or persons shall carry on the business as draymen within the Village of Hendrum without having first obtained a license therefor in the manner hereinafter provided.

SECTION 2.

Any person or persons desiring to engage in the business of draying within the Village of Hendrum my obtain a license therefor by paying to the village treasurer the sum of five dollars for each year or fraction of a year, so to be engaged, upon the payment of the sum above specified the treasurer shall issue to the person so applying for license his receipt, specifying the amount paid and the kind of license paid for, which receipt shall be filed with the village recorder and the said recorder shall upon recording the same issue to the applicant a license in accordance to said receipt.

SECTION 3.

Any person or persons who shall carry on the business as drayman or shall haul, cart or transfer goods other than their own goods and merchandise, about said village and within its limits for hire without having first obtained a license as provided in this ordinance, shall upon conviction thereof pay a fine of not less than ten dollars nor more than fifty dollars, together with the cost of prosecution, and shall stand committed to the village prison until such fine and costs and cost of imprisonment are paid or until discharged by order of the president of the common council.

This ordinance shall take effect and be in force from and after its passage.

NOV
11
1901

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[VILLAGE](#)

[RECORDER](#)

B. J. Ostby

ORDINANCE NO.

13

ORDINANCE NO. 13

THE COMMON COUNCIL OF THE VILLAGE OF HENDRUM, MINNESOTA, DO ORDAIN AS FOLLOWS:

SECTION 1.

The firing or discharging of any fire arms, air gun, spring pistol or gun, air pistol or spring pistol or rifle in the public streets of the village of Hendrum is hereby prohibited.

SECTION 2.

Any person who shall fire or discharge any fire arms, air gun, spring gun, air pistol, spring pistol or rifle in the public streets of the village of Hendrum, shall, upon conviction thereof, before a justice of the peace of the village of Hendrum, be fined not to exceed five dollars, and the cost of prosecution, and shall stand committed to the village prison until such fine and costs are paid, or until discharged by order of the president of the common council.

This ordinance shall take effect and be in force from and after its passage.

NOV
11
1901

[PRESIDENT](#)

Marius Hansen

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B. J. Ostby

ORDINANCE NO.

14

ORDINANCE NO. 14

THE COMMON COUNCIL OF THE VILLAGE OF HENDRUM DO ORDAIN AS FOLLOWS:

SECTION 1.

That no railroad train of whatever description shall hereafter be allowed to obstruct any street or sidewalk crossing any railroad track within the limits of said village of Hendrum for longer a space of time than ten minutes.

SECTION 2.

Any railroad conductor or other person having charge or control over any railroad train who shall allow such train or any part thereof in the said village to remain on or across any street or sidewalk or any part thereof in the said village of Hendrum, contrary to the provisions of this ordinance, shall upon conviction thereof before a justice of the peace of said village be fined not to exceed twenty-five dollars, and costs of prosecution, and in default of said costs and fine may be imprisoned in the village prison of said village for a time not to exceed ten days.

This ordinance shall take effect and be in force from and after its passage and publication.

**APR
7
1902**

[PRESIDENT](#)

Marius Hansen

[COMMON](#)

[COUNCIL](#)

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[VILLAGE](#)

[RECORDER](#)

A. H. Gordon

ORDINANCE NO.

15

ORDINANCE NO. 15

AN ORDINANCE TO PROVIDE FOR THE MANNER OF CONSTRUCTING SIDEWALKS AND CROSSWALKS IN THE VILLAGE OF HENDRUM

THE VILLAGE COUNCIL OF THE VILLAGE OF HENDRUM DO ORDAIN AS FOLLOWS:

SECTION 1.

All sidewalks in said village hereafter to be constructed along any public street, unless otherwise ordered by the council or as provided hereinafter, shall be four (4) feet in width and constructed of two (2) inch pine plank six (6) or eight (8) inches wide and shall be set and spiked upon sleepers or stringers of the same material two (2) inches thick and six (6) inches wide, placed edgewise not over two (2) feet apart from centers and six (6) inches from sides of walk respectively and be placed upon a firm foundation. Provided however, all sidewalks hereafter to be constructed along Main Street in said village in front of Blocks number nine (9) ten (10) fifteen (15) and sixteen (16) shall be eight (8) feet in width and in front of Blocks number eleven (11) twelve (12) thirteen (13) fourteen (14) and eight (8) shall be six (6) feet in width and of the same materials and specifications as to constructions as hereinbefore provided.

SECTION 2.

All crosswalks in said village must be constructed of three (3) inch pine plank and be three (3) feet wide on top, beveling ten (10) inches in width on each side so that the sides shall be four (4) inches lower than the center. The planks must be laid lengthwise of the walk and firmly spiked to crosspieces of pine four (4) by six (6) inches where the planks meet and three (3) by six (6) inches in other places, placed edgewise not over two feet apart from centers and chamfered at the ends to correspond with the surface as aforesaid and be constructed under the direction of the council

SECTION 3.

No sidewalks or crosswalks not constructed in accordance with the provisions of this ordinance shall be accepted by the street commissioner or other officer of said village, unless specially ordered by the council.

SECTION 4.

This ordinance shall take effect and be in force on and after its publication.

**JUN
2
1902**

[PRESIDENT](#)

Marius Hansen

[COMMON](#)

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[VILLAGE](#)

[RECORDER](#)

A. H. Gordon

ORDINANCE NO.

17

ORDINANCE NO. 17

AN ORDINANCE PROVIDING FOR LICENSING AND RUNNING OF POOL AND BILLIARD TABLES

THE VILLAGE COUNCIL OF THE VILLAGE OF HENDRUM DO ORDAIN AS FOLLOWS:

SECTION 1.

The running or keeping for public use of pool or billiard tables by any person or persons or corporation within the corporate limits of the Village of Hendrum, except as hereinafter provided, is hereby prohibited.

SECTION 2.

No person, persons or corporation shall run or keep for public use any pool or billiard table or tables in said Village of Hendrum without first obtaining a license therefor, which shall be granted subject to the following restrictions, to-wit:

- a) Any such person, persons or corporation who shall first have been granted permission thereto by the Village council and who shall pay to said Village the sum of Ten Dollars (\$10.00) for the term of one year for each table desired to run or keep and filing with the Recorder the Village Treasurer's receipt for the money paid for such license, the said recorder shall issue such license to the person so applying.
- b) The Village Council may at any time revoke or cancel such license if, in their opinion, such action would be to the best interests of the Village, morally and otherwise.
- c) Any person, persons or corporation keeping or running such pool or billiard table or tables shall exclude minors from the use of such table or tables and shall keep closed between the hours of 11:00 P.M. and 5:00 A.M. on every week night and between the hours of 11:00 P.M. on Saturday nights and 5:00 A.M. the following Monday.

SECTION 3.

Any person violating any of the provisions or conditions of this ordinance shall upon conviction thereof before a Justice of the Peace of said Village, pay a fine of not less than five dollars (5.00) for each offense and shall stand committed to the Village jail until such fine and costs have been paid or until discharged by the President of the Common Council of said Village.

SECTION 4. This ordinance shall take effect and be in force from and after its passage and publication.

SEP
1
1902

[PRESIDENT](#)

Marius Hansen

[COMMON](#)

[COUNCIL](#)

[MEMBERS](#)

[VILLAGE](#)

[RECORDER](#)

A. H. Gordon

ORDINANCE NO.

18

ORDINANCE NO. 18

AN ORDINANCE REGULATING THE STACKING OR PILING OF HAY, STRAW, BRUSH AND OTHER COMBUSTIBLE MATERIALS WITHIN THE CORPORATE LIMITS OF THE VILLAGE OF HENDRUM

THE COMMON COUNCIL OF THE VILLAGE OF HENDRUM DO ORDAIN AS FOLLOWS:

SECTION 1.

No person or persons shall hereafter stack or pile nor cause to be stacked or piled within the corporate limits of the Village of Hendrum and within One-hundred-fifty (150) feet of any building in said village any hay, straw, brush or other combustible material, nor shall the owner or person in possession of any real estate in the Village of Hendrum keep, maintain or allow any other person to keep or maintain on such real estate any pile or stack of hay, straw, or brush or other combustible material.

SECTION 2.

Any person violating any provision of this ordinance shall upon conviction thereof pay a fine of not less than five dollars (\$5.00) nor more than twenty five dollars (\$25.00) together with the costs of prosecution and in default thereof be imprisoned in the Village Prison until such fine and costs of imprisonment are paid not to exceed ten days, or until discharged by the President of the common council of said village.

SECTION 3.

Wherever there shall be found any stack or pile of hay, straw, brush or other combustible material upon any premises within said village, the President of the common council of said Village, may order the owner or person in possession of such premises to remove such straw, hay, brush or other combustible material forthwith and if such order is not complied with within twenty-four hours from the time such owner or person in possession of such premises is ordered to remove such straw, hay, brush or other combustible material from such premises, the President of the common council of such Village, may cause such straw, hay, brush or other combustible material to be removed at the expense of the Village, and all costs or expenses of such removal shall be taxed up against such premises and shall be returned by the Village Recorder of said Village to the County Auditor in like manner as unpaid road tax against real estate.

This ordinance shall take effect and be in force from and after its passage and publication.

**AUG
1
1910**

[PRESIDENT](#)
Henry Marsden

[COMMON
COUNCIL
MEMBERS](#)

[VILLAGE
RECORDER](#)
A. H. Gordon

ORDINANCE NO.

21

ORDINANCE NO. 21

AN ORDINANCE DEFINING PUBLIC NUISANCES AND PUNISHMENT FOR MAINTAINING THE SAME WITHIN THE VILLAGE OF HENDRUM, NORMAN COUNTY, MINNESOTA

THE COUNCIL OF THE VILLAGE OF HENDRUM, NORMAN COUNTY, MINNESOTA DO ORDAIN AS FOLLOWS:

SECTION 1.

The keeping or maintaining within the village of Hendrum, a place, building or premises where persons habitually congregate at any time after six o'clock at night and before eight o'clock in the morning for the purpose of drinking intoxicating liquors, is hereby declared to be a public nuisance.

SECTION 2.

Any person or persons permitting or suffering any place, building or premises owned, occupied or controlled by him or them to be used for the purpose of a meeting place for persons who habitually meet between the hours of six o'clock at night and eight o'clock in the morning to drink intoxicating liquors shall be guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine of not less than five dollars (\$5) nor more than one hundred dollars (\$100) and costs of prosecution, and in default of the payment to be committed to the village jail for a period of not less than ten days nor more than thirty days or until such fine and costs are paid.

SECTION 3.

This ordinance shall take effect from and after its passage and publication.

**JUN
4
1914**

[PRESIDENT](#)

T. W. Bregge

[COMMON](#)

[COUNCIL](#)

[MEMBERS](#)

[VILLAGE](#)

[RECORDER](#)

M. C. Enger

ORDINANCE NO.

23

ORDINANCE NO. 23

AN ORDINANCE TO PROVIDE FOR THE MANNER OF CONSTRUCTION SIDEWALKS AND CROSSWALKS IN THE VILLAGE OF HENDRUM, MINNESOTA

THE VILLAGE COUNCIL OF THE VILLAGE OF HENDRUM, NORMAN COUNTY, MINNESOTA DO ORDAIN AS FOLLOWS:

SECTION 1.

All sidewalks in said village hereafter to be constructed unless otherwise specially ordered by the council shall be made of cement and sand, and according to the plans and specifications for building such sidewalk, on file with the recorder of said village.

SECTION 2.

All crosswalks in said village shall be made of cement and sand and according to the plans and specifications for building such crosswalks, on file with the recorder of said village.

SECTION 3.

No sidewalk or crosswalk not constructed in accordance with the provisions of this ordinance shall be accepted by the street commissioner or other officer of said village, unless otherwise specially ordered by the council.

SECTION 4.

This ordinance shall take effect and be in force on and the date of its publication

**JAN
3
1916**

[PRESIDENT](#)

[COMMON](#)

[COUNCIL](#)

[MEMBERS](#)

J. M. Douglas

O. D. Larson

Oscar Helland

[VILLAGE](#)

[RECORDER](#)

M. C. Enger

ORDINANCE NO.

25

ORDINANCE NO. 25

**AN ORDINANCE GRANTING PERMISSION TO THE STANDARD OIL COMPANY, TO ERECT,
AND MAINTAIN AN OIL STATION WITHIN THE CORPORATE LIMITS OF HENDRUM, MINN**

**BE IT ORDAINED BY THE VILLAGE COUNCIL OF THE VILLAGE OF HENDRUM IN THE COUNTY
OF NORMAN STATE OF MINNESOTA:**

SECTION 1.

That permission and authority is hereby given and granted to the STANDARD OIL COMPANY, a corporation, organized and doing business under and by virtue of the laws of the State of Indiana, to construct and maintain for a term of Fifty (50) years, upon the following described property, to-wit:

Industry Lot No Three (3) of the Great Northern Right of way, warehouse, tanks and other buildings necessary for its business, and to store therein illuminating oils, coal oils, naptha, gasoline and other mineral oils or fluids, the products of Petroleum in quantities sufficient to meet the requirements of it's said business.

SECTION 2.

All ordinances and parts of ordinances in conflict herewith are hereby repealed.

SECTION 3.

This ordinance shall be in force and effect on and after its passage and acceptance in writing by the said STANDARD OIL COMPANY.

OCT
8
1920

ORDINANCE NO.

28

ORDINANCE NO. 28

**AN ORDINANCE ANNEXING CERTAIN LOTS AND BLOCKS TO THE VILLAGE OF HENDRUM
THE VILLAGE COUNCIL OF THE VILLAGE OF HENDRUM, MINN., DO ORDAIN AS FOLLOWS:**

PRESIDENT

T. A. Olsen

COMMON

COUNCIL

MEMBERS

Theo. S. Nelson

Chr. Dyrendahl

Albert Laudro

VILLAGE

CLERK

L. A. Anderson

That the following described lots and blocks, or lands hereafter known as Outlot "Q", beginning at a point 793 feet west and 33 feet north of the quarter section corner common to sections 19-30, township 144, range 48 west of the 5th P.M., Norman county, Minnesota; running thence due north a distance of 297 feet; thence due west to the Right-of-Way to a point 33 feet north of the section line between sections 19 and 30; thence due east to the place of beginning and containing 3.65 acres all in the SW 1-4 of section 19, township 144, north of range 48, west of the 5th P.M., Norman county, Minnesota, be and the same hereby are annexed to such village and shall become a part of such village as effectually as if they had been originally a part thereof.

OCT
8
1920

ORDINANCE NO.

29

ORDINANCE NO. 29

AN ORDINANCE ANNEXING CERTAIN LOTS AND BLOCKS TO THE VILLAGE OF HENDRUM

THE VILLAGE COUNCIL OF THE VILLAGE OF HENDRUM, MINN., DO ORDAIN AS FOLLOWS:

That the following described lots and blocks, or lands hereafter known as Outlot "S", beginning at the SW corner of lot No. 8 of block No. 3 of Hancock's addition to the Village of Hendrum, Norman county, Minnesota; running thence due west a distance of 200 feet; thence due south a distance of 82.5 feet; thence due east a distance of 200 feet; thence due north a distance of 82.5 feet to the point of beginning, be and the same are hereby annexed to such village and shall become a part of such village as effectually as if they had been originally a part thereof.

PRESIDENT

T. A. Olsen

COMMON

COUNCIL

MEMBERS

Theo. S. Nelson

Chr. Dyrendahl

Albert Laudro

VILLAGE

CLERK

L. A. Anderson

OCT
8
1920

ORDINANCE NO.

30

ORDINANCE NO. 30

AN ORDINANCE ANNEXING CERTAIN LOTS AND BLOCKS TO THE VILLAGE OF HENDRUM

THE VILLAGE COUNCIL OF THE VILLAGE OF HENDRUM, MINN., DO ORDAIN AS FOLLOWS:

That the following described lots and blocks, or lands hereafter known as Outlot "R", beginning at a point 1796 feet south and 388 feet west of the quarter section corner common to sections 19 and 30, township 144, north of range 48, west of the 5th P.M., Norman county, Minnesota; running thence due south 165 feet; thence due west 386 feet; thence due north 82.5 feet; thence due east 186 feet to point of beginning, be and the same are hereby annexed to such village and shall become a part of such village as effectually as if they had been originally a part thereof.

PRESIDENT

T. A. Olsen

COMMON

COUNCIL

MEMBERS

Theo. S. Nelson

Chr. Dyrendahl

Albert Laudro

VILLAGE

CLERK

L. A. Anderson

MAY
29
1951

PRESIDENT

David O. Dyrendahl

COUNCIL

MEMBERS

Sivert Stennes

Oscar F. Sjoberg

Vernon Nygaard

VILLAGE

CLERK

Eddie Stordahl

ORDINANCE NO.

ORDINANCE NO.

AN ORDINANCE GRANTING A FRANCHISE TO RED RIVER VALLEY COOPERATIVE POWER ASSOCIATION, TO CONSTRUCT, ACQUIRE, OPERATE, AND MAINTAIN AN ELECTRIC SYSTEM IN THE VILLAGE OF HENDRUM, MINNESOTA, AND TO FURNISH ELECTRICITY TO THE VILLAGE AND THE INHABITANTS THEREOF, AND TO USE THE STREETS, ROADS, ALLEYS, AND OTHER PUBLIC PLACES WITHIN SAID VILLAGE

THE VILLAGE COUNCIL OF THE VILLAGE OF HENDRUM, COUNTY OF NORMAN, STATE OF MINNESOTA, DO ORDAIN AS FOLLOWS:

That Red River Valley Cooperative Power Association (hereinafter called the "Cooperative"), a corporation organized and existing under the laws of the State of Minnesota, its successor and assigns, is hereby granted a franchise;

- a) To construct or acquire, either or both, and thereafter to operate and maintain electric facilities consisting of, without limitation, generating plants, substations, transformers, switches, and appurtenances, within the limits of the Village of Hendrum, State of Minnesota, for the purpose of generating and supplying electric energy for light, heat and power;
- b) To furnish electric energy for light, heat and power for public and private use within the Village and to transmit electricity through and beyond the Village;
- c) To construct, reconstruct, maintain and operate electric transmission and distribution lines with all necessary appurtenances, including without limitation, poles, wires, anchors, anchor rods, and transformers on, over, along, upon, under or across the public streets, roads, alleys or other public thoroughfares, of the Village;
- d) To make all necessary excavations in the public streets, roads, alleys or other public thoroughfares and to cut and trim all trees or shrubbery insofar as may be necessary to keep them clear of the transmission and distribution lines and appurtenances.

This franchise is granted on the following terms and conditions:

First: The electric facilities shall be constructed, operated and maintained in a proper workmanlike manner so as to afford all reasonable safeguards to the public.

Second: All poles, wires, anchors, anchor rods, and other appurtenances which are located on, over, along, under or across the public streets, roads, alleys, or other public thoroughfares of the Village shall be so placed as not to interfere with traffic on the traveled portions of such thoroughfares; and the Cooperative, after the construction or reconstruction of the electric transmission or distribution lines, will restore to their original condition the streets, roads, alleys or other public thoroughfares on which such lines have been constructed in so far as this is practicable.

Third: The service rendered by the Cooperative shall be continuous except that the Cooperative shall not be held accountable for a failure of service which is caused by floods, Acts of God, strikes, or other causes beyond the control of the Cooperative.

Fourth: The Cooperative will comply with all reasonable rules and regulations of the Village and with all ordinances now in effect or which may hereafter be passed in so far as they do no conflict with the terms or the purposes of the franchise herein granted.

Fifth: This franchise shall be effective for a period of twenty-five years to be measured from the date of its approval and acceptance thereof by the Cooperative by notice in writing, filed with the Village Clerk within Ten (10) days thereafter.

OCT
9
1951

PRESIDENT

David O. Dyrendahl

COUNCIL

MEMBERS

Sivert Stennes

Oscar F. Sjoberg

Vernon Nygaard

VILLAGE

CLERK

Ed Stordahl

ORDINANCE NO.

ORDINANCE NO.

AN ORDINANCE REGULATING DIGGING IN STREETS AND ALLEYS IN THE VILLAGE OF HENDRUM

THE VILLAGE COUNCIL OF THE VILLAGE OF HENDRUM, COUNTY OF NORMAN, STATE OF MINNESOTA DO ORDAIN AS FOLLOWS:

SECTION 1.

It shall hereafter be unlawful for any person to do any digging or excavating in the streets or alleys in the Village of Hendrum without first obtaining a permit from the Village Council.

SECTION 2.

Any person violating the provisions of the ordinance shall be guilty of a misdemeanor and upon conviction may be punished by a fine of not more than \$100.00 or imprisonment for not more than 90 days.

MAR
5
1952

PRESIDENT

G. I. Sholy

COUNCIL

MEMBERS

Vernon Nygaard

Oscar. F. Sjoberg

Arthur Johnson

VILLAGE

CLERK

Ed Stordahl

ORDINANCE NO.

A

ORDINANCE NO. A

AN ORDINANCE LICENSING AND REGULATING THE SALE AND DISPOSAL OF NON-INTOXICATING MALT BEVERAGES WITHIN THE VILLAGE OF HENDRUM AND PROVIDING FOR ITS ENFORCEMENT AND THE PUNISHMENT OF VIOLATIONS THEREOF

THE COMMON COUNCIL OF THE VILLAGE OF HENDRUM, NORMAN COUNTY, MINNESOTA, DO ORDAIN AS FOLLOWS:

SECTION 1.

The sale and disposal of non-intoxicating malt liquor within the Village of Hendrum, as defined and permitted by the laws of the State of Minnesota, shall be licensed and regulated with the laws of the State and the provisions of this ordinance

SECTION 2.

Licenses granted under this ordinance shall be of two kinds, viz:

- a) "On Sale" licenses which shall permit the sale of non-intoxicating malt liquors for consumption on the premises of the licensee described in the license.
- b) "Off Sale" licenses which permit the licensee to sell such malt liquor in original packages not to be consumed upon said premises.

SECTION 3.

The annual fee for an "On Sale" license shall be the sum of Seventy-five and No-100 Dollars (\$75.00) and for an "Off Sale" license the fee shall be Five Dollars (\$5.00), as provided by law; and all licenses shall expire on the 15th day of January after issuance, after the first year of issuance.

SECTION 4.

Application for such licenses shall be made to the Village Council upon blanks furnished by the Village Clerk and accompanied by the required fee for such licenses, such fee to be returned to the applicant in case of refusal to grant such application.

SECTION 5.

No license for sale of non-intoxicating malt liquor shall be granted until applicant has signed waiver of authorizing unlimited inspection by the Village Police or Constable and authorizing search for and seizure of intoxicating liquor with or without a warrant.

SECTION 6.

No license for the sale of non-intoxicating malt beverages shall be issued to any person or corporations unless the licensee shall have been established in business in the Village of Hendrum for the last year prior to his application, provided, however, that applicants who are at this time bona fide residents of the Village of Hendrum established in business may be granted licenses as herein provided. "On Sale" licenses shall be granted only to restaurants, hotels and drug stores as provided by law and no "On Sale" license shall be granted to anyone to operate such business in a residence except where such licensee resides in a building occupied by him for an established business.

SECTION 7.

No sales of non-intoxicating malt liquors shall be made between the hours of 11:30 p.m. and 7 o'clock A.M., except on Saturday night such sales may be made until twelve o'clock midnight, also no such sales may be made on Sunday, and all such places holding "On Sale" and "Off Sale" licenses shall close and force patrons to vacate premises by 11:30 o'clock P.M. on all nights except Saturday when they shall close and force patrons to vacate by twelve o'clock midnight.

SECTION 8.

All proprietors of restaurants holding "On Sale" licenses shall not obstruct the public view from the streets into their places of business with screens, blinds or other means. No such malt liquor shall be sold, served or consumed at or in any theater, picture show, ball park, public streets, Village pavilion, dance hall, Village parks, or other places of public gathering where such gathering is for the purpose of public entertainment or amusement.

SECTION 9.

Any person desirous to sell non-intoxicating malt liquors within the Village of Hendrum in conformity with the laws of the state relative thereto, shall make application in writing to the Village Council through the Village Clerk which application shall contain the name and residence of the applicant; his age and whether married or single; whether the applicant is a citizen and voter, the period of his residence within the Village of Hendrum; whether the applicant has ever been arrested or convicted of any crime or any violation of any ordinance; a description of the premises where it is proposed to conduct such business; name and

address of the owner of the premises; name or names of the owners of the fixtures to be used; names and addresses of three or more persons within the Village of Hendrum who may be referred to as to applicant's character and such other information as the Village Council may from time to time require; such application shall be signed and sworn to by the applicant if an individual and if a corporation then an Officer thereof before a Notary Public or before the Village Clerk.

SECTION 10.

The Village Council shall cause an investigation to be made of the facts stated in said application for the purpose of ascertaining the fitness of the applicant. After such investigation the Village Council may after hearing thereon, grant or refuse such license.

SECTION 11.

No license shall be issued but to the proprietor of the business nor to anyone who has not been a resident of the Village for at least one year but in case of the sale of an established business whose owner holds a license, the same may be transferred to the buyer subject to the approval of the Village Council.

SECTION 12.

The Village Council shall have the power at its option, to revoke any license issued to a licensee who violates this ordinance or any ordinance of the Village of Hendrum or any of the criminal laws of the State of Minnesota, whose place of business becomes disorderly or where intoxicated persons are permitted to remain or in whose place of business the mixing or "spiking" of non-intoxicating liquors is carried on. No license shall be thereafter issued for a period of one year to sell non-intoxicating malt liquors in the place described in the revoked license.

SECTION 13.

It shall be unlawful for the proprietor of any restaurant, hotel or drug store, who is the holder of an "On Sale" license to sell or possess for sale any intoxicating liquor or to permit or suffer any person in such place of business to consume or mix for consumption any intoxicating liquors or to permit any intoxicated person, including said proprietor and his employees, in said place of business or to permit any person to cause a disturbance therein.

SECTION 14.

No licensee, his agent or employee, shall sell, serve or dispense upon the premises of said licensee any non-intoxicating liquor to any person under the age of twenty-one years nor

shall any licensee permit any person under the age of twenty-one years to be furnished with any non-intoxicating liquor on the premises. No person under the age of twenty-one years shall purchase, attempt to purchase, receive or drink any non-intoxicating malt liquor or any intoxicating liquor in any public place.

SECTION 15.

All ordinance or parts of ordinances not consistent herewith are hereby repealed.

SECTION 15-A.

Any person violating any provisions of this Ordinance shall be guilty of a misdemeanor and upon conviction thereof shall be punished by a fine of not less than Twenty-five Dollars and not more than One Hundred Dollars or imprisonment for not more than Ninety days.

SECTION 16.

This ordinance shall take effect and be in full force on and after its passage, approval and publication

OCT
8
1953

MAYOR

A. M. Lee

COUNCIL

MEMBERS

Arthur Johnson

Oscar F. Sjoberg

Vernon Nygaard

VILLAGE

CLERK

Leroy Lee

ORDINANCE NO.

34-B

ORDINANCE NO. 34-B

AN ORDINANCE EXTENDING THE CORPORATE LIMITS OF THE VILLAGE OF HENDRUM, MINNESOTA, TO INCLUDE CERTAIN UNPLATTED LANDS NOT EXCEEDING 200 ACRES IN AREA

WHEREAS, a certain petition dated July 21st, 1953, requesting annexation of the territory described below was duly presented to the council on the 8th day of October, 1953;

THE VILLAGE COUNCIL OF HENDRUM, MINNESOTA, ORDAINS:

SECTION 1. DECLARATION

It is hereby determined that the territory described below abuts upon the village and is so conditioned as properly to be subjected to the village government.

SECTION 2. TERRITORY ANNEXED

The corporate limits of the village are hereby extended to include the territory described as follows:

Commencing at a point 1796 feet due south from the northeast corner of the NW1/4 of Section 30, Township 144 North, of Range 48 West, of the Fifth Principal Meridian, then due south 225 feet, thence due west to the east boundary line of the Great Northern Railroad right-of-way, thence southeasterly on east boundary line of said Great Northern Railroad right-of-way, thence southeasterly on east boundary line of said Great Northern Railroad right-of-way to the south boundary line of the NW1/4 of said Section 30, then due west 180 feet to west boundary line of said Great Northern Railroad right-of-way, thence northwesterly along west boundary line of said Great Northern Railroad right-of-way to a point due west of the southwest corner of Outlot "N" of the Village of Hendrum, Norman County, Minnesota, thence due east to the southwest corner of said Outlot "N" of the Village of Hendrum, Norman County, Minnesota, thence due east to the southwest corner of said Outlot "N", thence due east 184.7 feet, thence due south to the southwest corner of Outlot "R" of the said Village of Hendrum, thence due east 320 feet, thence due north 165 feet, thence due east 424 feet to the point of beginning.

SECTION 3. FILING

The Village Clerk is hereby directed to file certified copies of this ordinance in the office of the Secretary of State and in the office of the County Auditor of Norman County, Minnesota.

SECTION 4. EFFECTIVE DATE OF ANNEXATION

Annexation shall be complete from and after the date when certified copies of this ordinance have been filed as directed in Section 3.

APR
10
1964

MAYOR

David M. Evert

COUNCIL

MEMBERS

William A. Hall

Louis Ohnstad

Arthur Johnson

VILLAGE

CLERK

John Johnson

ORDINANCE NO.

36

ORDINANCE NO. 36

AN ORDINANCE EXTENDING THE CORPORATE LIMITS OF THE VILLAGE OF HENDRUM TO INCLUDE CERTAIN UNINCORPORATED UNPLATTED LAND NOT EXCEEDING 200 ACRES IN AREA ABUTTING UPON THE VILLAGE LIMITS

WHEREAS, a certain petition dated February 25, 1964, requesting annexation of the territory hereinafter described was duly presented to the council on the 2nd day of March, 1964; and

WHEREAS, the quantity of land embraced within the area described in the petition and bounded as described is approximately 1. 8125 acres of unplatted land, no part of which is included within the limits of an incorporated city, village, or borough; and

WHEREAS, the petition was signed by all the owners; and

WHEREAS, no objections to the annexation have been received from the town board, the county board, or the governing body of any municipality whose boundaries abut upon the boundaries of the land to be annexed; and

WHEREAS, the land described in the petition abuts upon the village limits at the north boundary thereof;

THE VILLAGE COUNCIL OF HENDRUM, MINNESOTA ORDAINS:

SECTION 1.

1. That the annexation will be to the best interests of the village and of the territory affected.
2. That the territory described herein abuts upon the village and is urban or suburban in character.
3. That none of said territory is now included within the limits of any city, village or borough.

SECTION 2. TERRITORY ANNEXED

The corporate limits of the village are hereby extended to include the unplatted land described as follows and the same is hereby annexed to and included within the village as effectually as if it had originally been a part thereof:

A parcel of land located within the Southeast Quarter of the Southwest Quarter (SE1/4SW1/4) in Section Nineteen (19), Township One Hundred Forty-four (144) North, of Range Forty-eight (48) West, of the Fifth Principal Meridian and more particularly described as follows: Commencing at the Northeast corner of Outlot "Q" of the Village of Hendrum, Norman County, Minnesota, thence due East 240 feet, thence due South 330 feet to the South boundary line of said Section 19, thence due West 240 feet on the South boundary line of said Section 19, thence due North 330 feet on the East boundary line of said Outlot "Q" to the place of beginning.

SECTION 3. FILING

The village clerk is hereby directed to file certified copies of this ordinance with the Minnesota Municipal Commission, the Secretary of State and the County Auditor.

SECTION 4. EFFECTIVE DATE

This ordinance takes effect upon its passage and publication and the filing of the certified copies as directed in Section 3.

**MAY
4
1966**

MAYOR

David M. Evert

COUNCIL

MEMBERS

William A. Hall

Louis Ohnstad

Harry Johnson

VILLAGE

CLERK

John Johnson

ORDINANCE NO.

38

ORDINANCE NO. 38

AN ORDINANCE EXTENDING THE CORPORATE LIMITS OF THE VILLAGE OF HENDRUM TO INCLUDE CERTAIN UNINCORPORATED UNPLATTED LAND NOT EXCEEDING 200 ACRES IN AREA ABUTTING UPON THE VILLAGE LIMITS

WHEREAS, a certain petition dated March 9, 1966, requesting annexation of the territory hereinafter described was duly presented to the council on the 18th day of March, 1966; and

WHEREAS, the quantity of land embraced within the area described in the petition and bounded as described is approximately 2.92 acres of unplatted land, no part of which is included within the limits of an incorporated city, village, or borough; and

WHEREAS, the petition was signed by all the owners; and

WHEREAS, no objections to the annexation have been received from the town board, the county board, or the governing body of any municipality whose boundaries abut upon the boundaries of the land to be annexed; and

WHEREAS, the land described in the petition abuts upon the village limits at the north boundary thereof;

THE VILLAGE COUNCIL OF HENDRUM, MINNESOTA ORDAINS:

SECTION 1.

1. That the annexation will be to the best interests of the village and of the territory affected.
2. That the territory described herein abuts upon the village and is urban or suburban in character.
3. That none of said territory is now included within the limits of any city, village or borough.

SECTION 2. TERRITORY ANNEXED

The corporate limits of the village are hereby extended to include the unplatted land described as follows and the same is hereby annexed to and included within the village as effectually as if it had originally been a part thereof:

A parcel of land located within the South Half of the Southeast Quarter of the Southwest Quarter (S1/2WE1/4SW1/4) in Section Nineteen (19), Township One Hundred Forty-four (144) North, of Range Forty-eight (48) West, of the Fifth Principal Meridian and more particularly described as follows: Commencing point two hundred forty (240) feet east of the northeast corner of Outlot "Q" of the Village of Hendrum, Norman County, Minnesota, thence due east 385 feet, thence due south 330 feet to the south boundary line of said Section 19, thence west 385 feet on the south boundary line of said Section 19, then north 330 feet to the point of beginning.

SECTION 3. FILING

The village clerk is hereby directed to file certified copies of this ordinance with the Minnesota Municipal Commission, the Secretary of State and the County Auditor.

SECTION 4. EFFECTIVE DATE

This ordinance takes effect upon its passage and publication and the filing of the certified copies as directed in Section 3.

**JUNE
7
1967**

ORDINANCE NO.

40

ORDINANCE NO. 40

AN ORDINANCE EXTENDING THE CORPORATE LIMITS OF THE VILLAGE OF HENDRUM TO INCLUDE CERTAIN UNPLATTED LAND HEREIN DESCRIBED AND LOCATED IN THE SOUTHEAST QUARTER OF THE NORTHWEST QUARTER (SE1/4NW1/4) OF SECTION THIRTY (30) IN HENDRUM TOWNSHIP, NORMAN COUNTY, MINNESOTA

MAYOR

David M. Evert

COUNCIL

MEMBERS

William A. Hall

Louis Ohnstad

Harry Johnson

VILLAGE

CLERK

John Johnson

WHEREAS, a certain petition dated February 6, 1967, was duly presented to the Village Council on the 7th day of February, 1967, copies of said Petition also having been filed on February 7, 1967, with the Town Board of the Township of Hendrum and with the County Board of the County of Norman and with the Municipal Commission of Minnesota, which Petition was signed by all of the owners of the territory described therein, being less than on (1) acre in area, and which requested the annexation of said tract to the Village of Hendrum;

NOW THEREFORE THE VILLAGE COUNCIL OF HENDRUM, MINNESOTA DOES HEREBY ORDAIN:

SECTION 1. DECLARATION

It is hereby determined that the hereinafter described tract is unplatted land less than one (1) acre in area; that said tract abuts on the South boundary of the Village of Hendrum and is not presently included within the corporate limits of any incorporated city, village or borough; that no objections to the annexation thereof have been received from the Township of Hendrum, Norman County or any other Municipality; that said tract is urban in character, and that the annexation thereof would be to the best interest of the Village of Hendrum and of the said tract.

SECTION 2. TERRITORY ANNEXED

The corporate limits of the Village of Hendrum are hereby extended to include the territory described as follows:

Beginning at a point on the present South boundary of the Village of Hendrum, Norman County, Minnesota, which point is 160 feet West and 60 feet South of the Southeast corner of Lot R in the Village of Hendrum; thence West on the present South boundary line of the Village of Hendrum a distance of 276.7 feet to the East right-of-way line of U. S. Highway No. 75; thence Southerly, along said East right-of-way line of U. S. Highway No. 75, a distance of 100.9 feet; thence East, parallel with the present South boundary line of the Village of Hendrum, a distance of 263.35 feet; thence North 100 feet to the place of beginning.

SECTION 3. FILING

The Village Clerk is hereby directed to file certified copies of this Ordinance with the Minnesota Municipal Commission, the Secretary of State and the County Auditor of Norman County.

SECTION 4. EFFECTIVE DATE

This Ordinance shall be in full force and effect from and after its publication and the filing of the certified copies as directed in Section 3 herein.

DEC
8
1971

MAYOR

Theo. B. Olson

COUNCIL

MEMBERS

William A. Hall

Louis Ohnstad

Wayne Hetland

Leslie Ford

VILLAGE

CLERK

John Johnson

ORDINANCE NO.

41

ORDINANCE NO. 41

AN ORDINANCE REGULATING THE OPERATION OF SNOWMOBILES WITHIN THE VILLAGE OF HENDRUM, MINNESOTA

THE VILLAGE COUNCIL OF HENDRUM, MINNESOTA ORDAINS:

SECTION 1. DEFINITIONS

Subd. 1: "Person" includes an individual, partnership, corporation, the state and its agencies and subdivisions and any body of persons, whether incorporated or not.

Subd. 2: "Snowmobile" means a self-propelled vehicle designed for travel on snow or ice or a natural terrain steered by wheels, skis or runners.

SECTION 2. HOURS OF OPERATION

Subd. 1: No person shall operate a snowmobile on any street, roadway, or public thoroughfare within the Village of Hendrum between the hours of 10:00 o'clock P.M. and 6:00 A. M.

Subd. 2: The restriction on hours of operation in Subd. 1 above shall not apply to a person going in a direct route from the village limits to his home within the village limits, or from his home to the village limits; nor shall such restriction apply during times of emergency.

SECTION 3. OPERATION GENERALLY

It shall be unlawful for any person to drive or operate any snowmobile within the village limits of the Village of Hendrum in the following ways:

- a) At a rate of speed greater than reasonable or proper under all the surrounding circumstances.
- b) In a careless, reckless or negligent manner so as to endanger the person or property of another or to cause injury or damage thereto.
- c) While under the influence of intoxicating liquor or narcotics or habit forming drugs.
- d) Without a lighted head and tail light when required for safety.
- e) In any tree nursery or planting in a manner which damages or destroys growing stock or on any private property without the permission of the owner thereof.

- f) Without fully complying with the law as stated in M.S.A. Section 84.81 et seq. and any other rules and regulations pertaining thereto.

SECTION 4. PENALTIES

Any person who shall violate any provision of this ordinance or any state law or regulation incorporated herein by reference, shall be guilty of a misdemeanor and be punished by a fine of not more than ninety (90) days, or both

SECTION 5. VALIDITY

If any part of parts of this Ordinance shall be held unconstitutional, such unconstitutionality shall not affect the validity of the remaining parts.

MAR
10
1997

MAYOR

Donovan K. Kolness

COUNCIL

MEMBERS

Arlan Lang

Gloria Nepstad

Michael Smart

Randy Zimmerman

CITY CLERK

Anton L. Whitehead

ORDINANCE NO.

41

AMENDMENT OF ORDINANCE NO. 41

AN ORDINANCE REGULATING THE OPERATION OF SNOWMOBILES WITHIN THE VILLAGE OF HENDRUM, MINNESOTA

THE CITY COUNCIL OF HENDRUM, MINNESOTA ORDAINS:

SECTION 1. DEFINITIONS

Subd. 1: "Person" includes an individual, partnership, corporation, the state and its agencies and subdivisions and any body of persons, whether incorporated or not.

Subd. 2: "Snowmobile" means a self-propelled vehicle designed for travel on snow or ice or a natural terrain steered by wheels, skis or runners.

SECTION 2. HOURS OF OPERATION

Subd. 1: No person shall operate a snowmobile on any street, roadway, or public thoroughfare within the City of Hendrum except when going in a direct route from the city limits to his home within the city limits, or from his home to the city limits; nor shall such restrictions apply during times of emergency.

SECTION 3. OPERATION GENERALLY

It shall be unlawful for any person to drive or operate any snowmobile within the village limits of the Village of Hendrum in the following ways:

- a) Without a valid driver's license or a valid Snowmobile Safety Certificate.
- b) At a rate of speed greater than reasonable or proper under all the surrounding circumstances.
- c) In a careless, reckless or negligent manner so as to endanger the person or property of another or to cause injury or damage thereto.
- d) While under the influence of intoxicating liquor or narcotics or habit forming drugs.
- e) Without a lighted head and tail light when required for safety.
- f) In any tree nursery or planting in a manner which damages or destroys growing stock or on any private property without the permission of the owner thereof.
- g) Without fully complying with the law as stated in M.S.A. Section 84.81 et seq. and any other rules and regulations pertaining thereto.

SECTION 4. PENALTIES

Any person who shall violate any provision of this ordinance or any state law or regulation incorporated herein by reference, shall be guilty of a misdemeanor.

SECTION 5. VALIDITY

If any part of parts of this Ordinance shall be held unconstitutional, such unconstitutionality shall not affect the validity of the remaining parts.

DEC
7
1973

MAYOR

Theo. B. Olson

COUNCIL

MEMBERS

John Storsved

Nordal Nelson

Wayne Hetland

Leslie Ford

VILLAGE

CLERK

John Johnson

ORDINANCE NO.

43

ORDINANCE NO. 43

AN ORDINANCE PROHIBITING THE OPERATION OF MOTOR VEHICLES IN CERTAIN MANNERS DECLARED UNLAWFUL AND PRESCRIBING PENALTIES FOR THE VIOLATION THEREOF

THE VILLAGE COUNCIL OF THE VILLAGE OF HENDRUM DOES ORDAIN AS FOLLOWS:

SECTION 1. SQUEALING TIRES, GRINDING GEARS AND BACKFIREING

No person shall operate a vehicle within the Village of Hendrum in such manner as to cause the tires to squeal or the gears to grind or the motor to back-fire or to cause the tires to throw sand and gravel, except when an emergency creates a necessity for such operation.

SECTION 2. ERRATIC DRIVING

No person shall operate a vehicle on any street in the Village of Hendrum at an erratic or irregular and changing speed, except when traffic conditions necessitate such operation.

SECTION 3. PARKING OR HALTING

No person shall park or halt a vehicle on the main traveled portion of any street or highway in the Village of Hendrum unless directed to do so by a peace officer or unless traffic conditions necessitate such parking or halting.

SECTION 4. PENALTIES

Any person guilty of a violation of the Ordinance shall be guilty of a petty misdemeanor and upon a conviction thereof shall be subject to a fine of not more than one Hundred (\$100.00) Dollars.

SEP
18
1974

MAYOR

Theo. B. Olson

COUNCIL

MEMBERS

John Storsved

Nordal Nelson

Wayne Hetland

Leslie Ford

CITY CLERK

Alice Peterson

ORDINANCE NO.

45

ORDINANCE NO. 45

AN ORDINANCE PERTAINING TO THE COLLECTION AND DISPOSAL OF GARBAGE AND REFUSE

THE CITY COUNCIL OF THE CITY OF HENDRUM DOES ORDAIN:

SECTION 1.

It shall be unlawful for any person, firm or corporation to not dispose of garbage and refuse which accumulates upon their property at least once a week. Every householder, occupant and owner of any dwelling, boarding house, apartment building, or any other structure utilized for dwelling purposes shall use the garbage and refuse collection as provided by the City of Hendrum.

SECTION 2. DEFINITIONS

For the purposes of this chapter, the following terms, phrases, words, and their derivations shall have the meaning given herein:

- a) Garbage. Waste foodstuffs or table wastes of vegetable or animal origin, together with other incidental admixtures. Dead animals weighing 15 pounds or less shall be classified as garbage.
- b) Refuse. This shall include all inorganic matter such as tin cans, glass, paper, ashes, sweepings, leaves, grass, etc. Stones, sod, earth, concrete, contractor's building materials, large automobile parts, large appliances, inflammable liquids, tree trunk sections over four inches in diameter, animal wastes except when adequately wrapped, or articles so heavy or bulky that they cannot be easily lifted by one man shall not be considered refuse.

SECTION 3.

Every householder, occupant and owner of any dwelling, boarding house, apartment building, or any other structure utilized for dwelling purposes and any restaurant, industrial or commercial establishment that accumulates garbage shall provide one or more fly tight metal "garbage" containers of 30 or 32 gallon capacity to contain all garbage which accumulates between collections. All plastic bags of sufficient strength to prevent tearing of

the bag or loss of the garbage or refuse therefrom may be used. No such container shall weigh in excess of seventy-five (75) pounds when full.

All apartment buildings containing four (4) or more units, and each commercial, industrial establishment, or restaurant where garbage accumulates and the volume exceeds four (4) 30 or 32 gallon containers per week shall use vat service with pickup of no less than once per week. The actual size of vat and frequency of service is to be based on need as determined by the City Code Enforcement Officer. Vats shall be of no less than one (1) cubic yard capacity and designated with the proper attachments for lifting into refuse trucks. No garbage or refuse shall be burned in any yard, street or open area.

SECTION 4.

All accumulations of garbage must be put in the containers as provided herein. Tree limbs under four inches in diameter and in three-foot lengths tied in bundles, leaves, grass, or other refuse in waterproof bags, magazines tied securely and weighing less than 20 pounds, and Christmas trees up to six feet in length shall be placed on pick-up day next to the alley or at the curb line.

SECTION 5. COLLECTION SUPERVISED BY COUNCIL

All garbage and refuse accumulated in the City shall be collected, conveyed and disposed of under supervision of the Council. The Council shall have the authority to make rules and regulations concerning days of collection, type and location of waste containers and such other matters as they deem necessary provided that such are no contrary to the provisions of the Ordinance.

SECTION 6.

It shall be the responsibility of every resident to notify the City at least one (1) week in advance of starting or discontinuance of service because of extended absence.

SECTION 7. MAINTENANCE OF SANITARY CONDITIONS

Persons accumulating garbage or refuse shall comply with the following requirements:

- a) Refuse in Street. No person shall place any garbage or refuse in any street, alley or other public place, or upon any private property whether owned by such person or not, unless it be in proper containers for collection or under express approval granted by the Council. Nor shall any person throw or deposit any refuse in any stream or other body of water.

- b) Scattering of Refuse. No person shall cast, place, sweep or deposit any garbage or refuse in such a manner that it may be carried or deposited by the elements off his property within the City.
- c) Burning of Refuse and Garbage. No person shall bury or burn any garbage or refuse in the City except in accordance with regulations established by the State Pollution Control Agency.
- d) Placement of Container. Garbage and refuse containers shall be placed on the day of collection at ground level on the property, and adjacent to the alley or street.
- e) Contagious Disease Refuse. The removal of wearing apparel, bedding or other refuse from homes or places where highly infectious or contagious diseases have prevailed shall be performed under the supervision and direction of the Health Officer. Such refuse shall not be placed in containers for regular collections.
- f) Inflammable or Explosive Refuse. Highly inflammable or explosive materials shall not be placed in containers for regular collection but shall be disposed of as directed by the fire Chief at the expense of the owner.

SECTION 8. FEES FOR COLLECTION AND DISPOSAL

The fees for collection and disposal of garbage and refuse for all residential users shall be as determined by Contract with the City of Hendrum, plus a reasonable amount for administrative expense. The City shall compute the amount due the City for garbage and refuse collection and render a statement thereof to each residential user. All amounts due hereunder shall be payable at the office of the City Clerk on the 15th of the month of which the statement is presented.

SECTION 9.

That all ordinances and parts of ordinances in conflict herewith are hereby repealed.

SECTION 10.

This ordinance shall be in full force and effect from and after its passage and publication.

OCT
20
1975

MAYOR

Leslie Ford

COUNCIL

MEMBERS

John Storsved

Nordal Nelson

Wayne Hetland

Allen Christopherson

CITY CLERK

Alice Peterson

ORDINANCE NO.

46

ORDINANCE NO. 46

AN ORDINANCE EXTENDING THE CORPORATE LIMITS OF THE CITY OF HENDRUM TO INCLUDE CERTAIN UNPLATTED LAND HEREIN DESCRIBED AND LOCATED IN THE SOUTHEAST QUARTER OF THE NORTHWEST QUARTER (SE1/4NW1/4) OF SECTION THIRTY (30), TOWNSHIP ONE HUNDRED FORTY-FOUR (144), RANGE FORTY-EIGHT (48), NORMAN COUNTY, MINNESOTA

WHEREAS, a Petition was presented to, and filed with, the City Council of the City of Hendrum on August 14, 1975, copies of said Petition also having been filed on August 14, 1975, with the Town Board of the Township of Hendrum and with the County Board of the Norman County and with the Municipal Commission of Minnesota, which Petition was signed by all of the owners of the tract of land described therein, said tract not exceeding forty (40) acres in area, and which requested the annexation of said tract to the City of Hendrum; and whereas, no objections to the annexation thereof were received within sixty (60) days thereafter from the Township of Hendrum, Norman County, or any other municipalities,

NOW THEREFORE THE CITY COUNCIL OF THE CITY OF HENDRUM, MINNESOTA DOES HEREBY ORDAIN:

SECTION 1. DECLARATION

It is hereby determined that the hereinafter described tract is unplatted land not exceeding forty (40) acres in area; that said tract abuts on the South boundary of the City of Hendrum and is not presently included within the corporate limits of any municipality; and that said tract is urban in character, and that the annexation thereof would be to the best interest of the City of Hendrum and said tract and the owners thereof.

SECTION 2. TERRITORY ANNEXATION

The corporate limits of the City of Hendrum are hereby extended to include the tract of land in the County of Norman and State of Minnesota described as follows:

Beginning at a point on One Hundred Sixty (160') feet West and One Hundred Sixty (160') feet South of the Southeast corner of Lot "R", Hancock's Addition to the Village, now City, of Hendrum, Norman County, Minnesota; thence West Two Hundred Sixty-three

and thirty-five hundredths (263.35') feet to the East right-of-way of U.W. Highway No. 75; thence Southerly along said right-of-way a distance of One Hundred and Nine-tenths (100.9') feet; thence East Two Hundred Fifty-one (251.0') feet parallel to the South boundary line of said Lot "R"; thence North to the place of beginning; all within the Southeast Quarter of the Northwest Quarter (SE1/4NW1/4) of Section Thirty (30), Township One Hundred forty-four (144), Range Forty-eight (48).

SECTION 3. FILING

The City Clerk is hereby directed to file copies of this Ordinance with the Minnesota Municipal Commission, the Secretary of State and the County Auditor of Norman County, and the Town Clerk of the Township of Hendrum.

SECTION 4. EFFECTIVE DATE

This Ordinance shall be in full force and effect from and after its publication and the filing of the certified copies as directed in Section 3 herein.

**APR
11
1977**

ORDINANCE NO.

47

ORDINANCE NO. 47

AN ORDINANCE ADOPTING THE MINNESOTA UNIFORM FIRE CODE BY REFERENCE

THE CITY COUNCIL OF HENDRUM ORDAINS:

SECTION 1. UNIFORM FIRE CODE

The Minnesota Uniform Fire Code, one copy of which has been marked as the official copy and which is on file in the office of the City Clerk of the City of Hendrum, and has been filed with the Secretary of State and the Commissioner of Administration of the State of Minnesota, is hereby adopted as the Fire Code for the City of Hendrum, for the purpose of prescribing regulations governing conditions hazardous to life and property from fire or explosion. Every provision contained in said code, except as modified or amended by this ordinance, is hereby adopted and made a part of this ordinance as if fully set forth herein.

SECTION 2.

- c) The chief of the fire department serving the City or his representative authorized by him shall enforce the provisions of this ordinance.
- d) The chief of the fire department may detail such members of the fire department as inspectors as shall, from time to time, be necessary. The chief of the fire department may recommend the employment of technical inspectors, who, when such authorization is made, shall be selected through an examination to determine their fitness for the position. The examination shall be open to members and non-members of the fire department and appointments made after examination shall be for an indefinite term with removal only for cause.

SECTION 3. DEFINITIONS

- a) Wherever the word "jurisdiction" is used in the Minnesota Uniform Fire Code, it shall be held to mean the City of Hendrum.
- b) Wherever the work "corporation counsel" is used in the Minnesota Uniform Fire Code, it shall be held to mean the attorney for the City of Hendrum.

MAYOR

John Storsved

COUNCIL

MEMBERS

Nordal Nelson

Wayne Hetland

Allen Christopherson

Odin Aune

CITY CLERK

Janice Tommerdahl

SECTION 4. ESTABLISHMENT OF LIMITS OF DISTRICTS IN WHICH STORAGE OF FLAMMABLE OR COMBUSTIBLE LIQUIDS IN OUTSIDE, ABOVEGROUND TANKS IS TO BE PROHIBITED.

- a) The limits referred to in Section 15.201 of the Minnesota Uniform Fire Code, in which storage of flammable or combustible liquids in outside, above-ground tanks is prohibited, are hereby established as follows: Any such tanks must receive a special permit from the City of Hendrum since such tanks are not specifically mention in the Zoning Ordinance as presently written.
- b) The limits referred to in Section 15.601 of the Minnesota Uniform Fire Code, in which new bulk plants for flammable or combustible liquids are prohibited, are hereby established as follows: Any such bulk plants must receive a special permit from the City of Hendrum since such bulk plants are not specifically mentioned in the Zoning Ordinance as presently written.

SECTION 5. ESTABLISHMENT OF LIMITS IN WHICH BULK STORAGE OF LIQUIFIED PETROLEUM GASES IS TO BE RESTRICTED.

The limits referred to in Section 20.105(a) of the Minnesota Uniform Fire Code, in which bulk storage of liquefied petroleum gas is restricted, are hereby established as follows: Any such bulk storage must receive a special permit from the City of Hendrum since such bulk storage is not specifically mentioned in the Zoning Ordinance as presently written.

SECTION 6. ESTABLISHMENT OF LIMITS OF DISTRICTS IN WHICH STORAGE OF EXPLOSIVES AND BLASTING AGENTS IS TO BE PROHIBITED

The limits referred to in Section 11.106(b) of the Minnesota Uniform Fire Code, in which storage of explosives and blasting agents is prohibited and hereby established as follows: Any such storage of explosives and blasting agents must receive a special permit from the City of Hendrum since such storage is not specifically mentioned in the Zoning Ordinance as presently written.

SECTION 7.

The Minnesota Uniform Fire Code is amended and changed by specifically adopting the following sections:

- g) The fire department, under the direction of the fire chief, shall function as the agency by which the fire chief administers and enforces the fire prevention provisions of this code and the department shall assist the fire chief in such administration.
- h) The chief and members of the fire department so designated, shall have the powers of a police officer in performing their duties under this code.
- i) INSPECTIONS AND UNSAFE BUILDINGS

- 1) The fire chief and his designated assistants, in the fire department, shall inspect as often as may be necessary, all buildings and premises, including such other hazards or appliances as the chief may designate for the purpose of ascertaining and causing to be corrected, any conditions which would reasonably tend to cause fire or contribute to its spread, or any violation of the purpose or provisions of this code and of any other law or standard affecting fire safety.
- 2) All buildings or structures which are structurally unsafe, or not provided with adequate egress, or which constitute a fire hazard or otherwise dangerous to human life, or which in relation to existing use, constitute a hazard or otherwise dangerous to health or public welfare, by reason of inadequate maintenance, dilapidation, obsolescence, fire hazard, disaster damage or abandonment, as specified in this code, or any other effective ordinance, are, for the purpose of this section, unsafe buildings. All such unsafe buildings are hereby declared to be public nuisances and shall be abated by repair, rehabilitation, demolition or removal in accordance with the provisions of the ordinance of the City of Hendrum, or by any other procedures provided by law.

SECTION 8. APPEALS

Whenever the chief shall disapprove an application or, refuse to grant a permit applied for, or when it is claimed that the provisions of the code do not apply or that the true intent and meaning of the code have been misconstrued or wrongly interpreted, the applicant may appeal from the decision of the chief to the City Council within 30 days from the date of the decision being appealed.

SECTION 9. NEW MATERIALS, PROCESSES OR OCCUPANCIES WHICH MAY REQUIRE PERMITS

The Hendrum City Council, The Hendrum City Fire Chief, and the Hendrum City Attorney, shall act as a committee to determine and specify after giving affected persons the opportunity to be heard, any new materials, processes or occupancies which shall require permits, in addition to those not enumerated in said code. The chief shall post such lists in a conspicuous place in his office and distribute copies thereof to interested persons.

SECTION 10. PENALTIES

- a) Any person who shall violate any provisions of this code hereby adopted or fail to comply therewith, or shall violate or fail to comply with any order made thereunder,

or who shall build in violation of any detailed statement of specifications or plan submitted and approved thereunder, or any certificate or permit issued with such an order as affirmed or modified by the Hendrum City Council or by a Court of competent jurisdiction, with the time fixed herein, shall severally for each and every such violation and non-compliance respectively, be guilty of a misdemeanor punishable by a fine of not exceeding \$300.00 and by imprisonment for a period not exceeding 90 days. The imposition of one penalty for any violation shall not excuse the violation or permit it to continue; and all such persons shall be required to correct or remedy such violations or defects within a reasonable time; and when not otherwise specified, each day that prohibited conditions are maintained shall constitute a separate offense.

- b) The application of the above penalty shall not be held to prevent the enforced removal or prohibited conditions.

SECTION 11. REPEAL OF CONFLICTING ORDINANCES

All former ordinances, or part thereof, conflicting or inconsistent with the provisions of this ordinance, or of the code hereby adopted, are hereby repealed.

SECTION 12. EFFECTIVE DATE

This ordinance becomes effective from and after its passage and publication.

DEC
12
1977

MAYOR

John Storsved

COUNCIL

MEMBERS

Nordal Nelson

Wayne Hetland

Allen Christopherson

Odin Aune

CITY CLERK

Gloria Nepstad

ORDINANCE NO.

48

ORDINANCE NO. 48

AN ORDINANCE EXTENDING THE CORPORATE LIMITS OF THE CITY OF HENDRUM TO INCLUDE CERTAIN UNPLATTED LAND HEREIN DESCRIBED AND LOCATED IN THE NORTHWEST QUARTER (NW1/4) OF SECTION THIRTY (30), TOWNSHIP ONE HUNDRED FORTY-FOUR (144), RANGE FORTY-EIGHT (48), NORMAN COUNTY, MINNESOTA

WHEREAS, a Petition was presented to, and filed with, the City Council of the City of Hendrum on August 27, 1977, copies of said Petition also having been filed on August 27, 1977, with the Town Board of the Township of Hendrum and with the County Board of the Norman County and with the Municipal Commission of Minnesota, which Petition was signed by all of the owners of the tract of land described therein, said tract not exceeding forty (40) acres in area, and which requested the annexation of said tract to the City of Hendrum; and whereas, no objections to the annexation thereof were received within sixty (60) days thereafter from the Township of Hendrum, Norman County, or any other municipalities,

NOW THEREFORE THE CITY COUNCIL OF THE CITY OF HENDRUM, MINNESOTA DOES HEREBY ORDAIN:

SECTION 1. DECLARATION

It is hereby determined that the hereinafter described tract is unplatted land not exceeding forty (40) acres in area; that said tract abuts on the South boundary of the City of Hendrum and is not presently included within the corporate limits of any municipality; and that said tract is urban in character, and that the annexation thereof would be to the best interest of the City of Hendrum and said tract and the owners thereof.

SECTION 2. TERRITORY ANNEXATION

The corporate limits of the City of Hendrum are hereby extended to include the tract of land in the County of Norman and State of Minnesota described as follows:

That part of the Northwest Quarter (NW1/4) of Section Thirty (30), Township One Hundred Forty-four (144), Range Forty-eight (48), described as follows: Beginning at the Southeast corner of Lot R in the City of Hendrum; thence North 90 degrees East (assumed bearing), along the South line of Lot R in the City of Hendrum as extended East,

for a distance of 386.17 feet; thence South 18'40" East, for a distance of 386.17 feet; thence South 18'40" East for a distance of 260 feet; thence South 90 degrees West for a distance of 546.69 feet; thence North 18'40" West for a distance of 200 feet; thence South 90 degree West for a distance of 276.77 feet to the Easterly right-of-way line of Trunk Highway No. 75; thence North 7 degrees 38'53" West for a distance of 276.77 feet to the Easterly right-of-way line of Trunk Highway feet; thence North 90 degrees East for a distance of 445.02 feet to the Point of Beginning and containing 3.65 acres, more or less.

SECTION 3. FILING

The City Clerk is hereby directed to file copies of this Ordinance with the Minnesota Municipal Commission, the Secretary of State and the County Auditor of Norman County, and the Town Clerk of the Township of Hendrum.

SECTION 4. EFFECTIVE DATE

This Ordinance shall be in full force and effect from and after its publication and the filing of the certified copies as directed in Section 3 herein.

**NOV
12
1979**

MAYOR

Robert Nygaard

COUNCIL

MEMBERS

Nordal Nelson

Wayne Hetland

Lyle Peterson

Odin Aune

CITY CLERK

Joann Schlapkohl

ORDINANCE NO.

48

ORDINANCE NO. 48

FIREWOOD ORDINANCE

AN ORDINANCE OF THE CITY OF HENDRUM, MINNESOTA, ESTABLISHING A SHADE TREE PROGRAM, PROVIDING REGULATION FOR THE CONTROL OF CERTAIN DISEASES AFFECTING TREES, INCORPORATING AGENCY RULES AND REGULATIONS, AND PROVIDING FOR PENALTY FOR VIOLATION THEREOF

THE CITY COUNCIL OF THE CITY OF HENDRUM, MINNESOTA, ORDAINS AS FOLLOWS:

SECTION 1. REGULATIONS ADOPTED BY REFERENCE

Sections 1.0109 through 1.0111 of 3 Minnesota Code of Agency Rules, Department of Agriculture, Shade Tree Program (1978 Edition) together with amendments thereof to date, are hereby adopted by reference and made a part of this ordinance as if set out hereafter in full, except as hereinafter provided. A copy of said agency rules herewith incorporated is on file in the city hall.

SECTION 2.

The stockpiling of bark bearing elm wood within the City Limits of the City of Hendrum shall be permitted during the period from September 15 through April 1 of any given year. Any such wood not utilized by April 1 of any year must then be removed and disposed of as provided by this ordinance and the regulations incorporated thereby.

SECTION 3.

Where the provisions of this ordinance conflict or are inconsistent with any other ordinance of the City, the provisions of this ordinance shall super-cede except in instances where one regulation is more restrictive than another in which case the more restrictive shall apply and control.

SECTION 4.

Any person who shall violate any provisions of ordinance shall, upon conviction thereof, be deemed guilty of a misdemeanor, and shall be subject to a fine of not to exceed \$10.00, or to imprisonment of not to exceed 3 days, or both.

SECTION 5.

This ordinance shall become effective upon its due passage and enactment and publication according to law.

DEC
14
1981

MAYOR

Robert Nygaard

COUNCIL

MEMBERS

Nordal Nelson

Wayne Hetland

Lyle Peterson

Odin Aune

CITY CLERK

Joann Schlapkohl

ORDINANCE NO.

49

ORDINANCE NO. 49

AN ORDINANCE REGULATING GAMBLING IN THE CITY OF HENDRUM BY NON-PROFIT ORGANIZATIONS

THE CITY COUNCIL OF THE CITY OF HENDRUM DOES HEREBY ORDAIN AS FOLLOWS:

SECTION 1. DEFINITIONS

For purposes of this Ordinance, the following words and phrases have the following definitions:

- a) **Gambling devices:** means those gambling devices known as paddlewheels, tipboards, or apparatus used in conducting raffles.
- b) **Paddlewheel:** means a wheel marked off into sections containing one or more numbers in which, after being turned or spun, uses a pointer or marker to indicated winning chances.
- c) **Tipboard:** means a board, placard, or other device measuring at least twelve (12") inches square and marked off in a grid or similar pattern in which each section contains a hidden number or numbers or other symbol which determines the winning chances.
- d) **Raffle:** means a game in which a participant buys a ticket for a chance at a prize with the winner determined by a random drawing.
- e) **Profit:** means the gross receipts from the operation of gambling devices and the conduct of raffles less reasonable sums expended for prizes, local licensing fees, taxes and maintenance costs for the devices.

SECTION 2. LICENSES RESTRICTED

No license for operation of a gambling device shall be issued to any organization other than a fraternal, religious, veteran or other non-profit organization covered by Minnesota Statutes Section 290.05, Subd. 1, Clause l or k. Any such organization must have been in existence for at least three (3) years prior to filing of the application for gambling license and must have at least thirty (30) active members at the time of issuance of the license.

SECTION 3. APPLICATION FOR LICENSE

Every application for gambling license shall be on a form supplied by the City Clerk. Every application for a gambling license shall be submitted with a Fidelity Bond in the amount of \$10,000.00 in favor of the organization conditioned on the faithful performance of the duties of the gambling manager. Every application shall be approved or rejected by the City Council no sooner than thirty (30) days nor more than one hundred eighty (180) days from the date of submission.

SECTION 4.

At the time of the filing of the application, the applicant shall file with the City Clerk a license fee for a gambling license. The fee for a gambling license shall be \$100.00 (one hundred dollars) or such other fee as the City Council may, by Resolution, adopt. The license fee for a gambling license shall not be modified more than once in a any calendar year. Any change in license fees shall not apply or pertain to any applications then pending.

SECTION 5. PERIOD OF LICENSE

Each license granted by the City Council shall be valid for a period of one (1) year unless, prior thereto the license shall be suspended or revoked as hereafter provided.

SECTION 6. SUSPENSION OR REVOCATION OF LICENSE

- a) **Grounds for Suspension or Revocation:** The City Council may, by Resolution, suspend or revoke the gambling license of any organization on the following grounds:
 - 1. Violation of Minnesota Statutes Section 349.26;
 - 2. Violation of Minnesota Statutes Section 325.54;
 - 3. Violation of any other law or Ordinance relating to the operation of gambling devices or establishments selling liquor;
 - 4. Fraudulent or dishonest gambling devices or any other deceptive or misleading practice by persons or the organization engaged in the operation of the gambling devices;
 - 5. Improper record keeping, failure to supply receipts;
 - 6. Failure to allow police officers or other government officials to examine records or business establishment;
 - 7. Allowing a person who has been convicted of a violation of this Ordinance to participate in the operation of any gambling device or conduct of raffle within five (5) years from the date of conviction.
- b) **Procedure for Suspension or Revocation:** Upon direction of the City Council, the City Clerk shall send to the organization named in the application or gambling manager named in the application by certified mail, return receipt requested, a notice that, at

the next regular meeting of the City Council of the City of Hendrum, which shall not be less than ten (10) days from the date of mailing of the notice, the Council shall consider the suspension or revocation of the gambling license. The notice shall include reasonable notice to the applicant for the grounds of suspension or revocation.

- c) **Hearing:** At the time of the hearing on the suspension or revocation of the gambling license, the City Attorney shall present reliable evidence which shall satisfy the City Council by preponderance of the evidence that grounds for suspension or revocation exist. The applicant may be represented by counsel and shall have the right of cross-examination of all witnesses called by the City to testify. Reliable evidence as used herein of the evidence on behalf of the City, the applicant shall have the right to present such relevant testimony as they desire. Upon submission of the applicant's testimony, the City shall have the right to present rebuttal. After conclusion of the testimony, the Council shall, by a two-thirds vote, decide whether to suspend or revoke the gambling license. In the event of suspension, the Council may establish such reasonable conditions for reinstatement as they deem necessary. In addition, the Council may establish a period of suspension for a period of not less than thirty (30) days.

SECTION 7. USE OF PROFITS

The profits from the operation of gambling devices or the conduct of raffles shall be used solely for lawful purposes as defined in Minnesota Statutes Section 349.12, Subd. 6, and as authorized by a majority vote at a regular meeting of the organization.

SECTION 8. GAMBLING MANAGER

Each application shall state the name of the gambling manager for the period of the license. The gambling manager shall indicate on the application his acceptance of the duties and responsibilities of the office and his promise, under oath, to be bound by the laws pertaining to the operation of gambling devices. No person shall be a gambling manager who is not an active member of the organization making said application. The gambling manager shall receive no compensation other than reasonable reimbursement of expenses incurred in connection with his duties. The gambling manager may also be the Bingo manager for the applicant. However, the gambling manager shall not serve any other organization as whether gambling manager or Bingo manager. The gambling manager shall be responsible for the gross receipts and profits from gambling devices and raffles and for their operation. The gambling manager shall give a Fidelity Bond in the sum of \$10,000.00 in favor of the organization conditioned on the faithful performance of his duties and the Bond and Waiver

thereof shall be subject to the same provisions as those applying to the Bond required of a Bingo manager pursuant to Minnesota Statutes Section 349.17, Subd. 7. Said Bond to be submitted with the application for license.

SECTION 9. PARTICIPATION IN CONNECTION WITH OPERATION OF GAMBLING DEVICE OF CONDUCT OF RAFFLE

No person who is not an active member of an organization or its Auxilliary or the spouse or surviving spouse of an active member may participate in the organization's operation of a gambling device or conduct of a raffle.

SECTION 10. RECORDS

Each organization shall maintain records in writing to the operation of gambling devices or conduct of raffles consistent with the provisions of Minnesota Statutes Section 349.26, Subd. 13.

SECTION 11. PRIZES

Total prizes from the operation of paddlewheels and tipboards awarded in any single day in which they are operated shall not exceed \$500.00. Total prizes resulting from any single spin of a paddlewheel or from any single tipboard shall not exceed \$100.00. Total prizes awarded in any calendar year by any organization from the operation of paddlewheels and tipboards and the conduct of raffles shall not exceed \$15,000.0 Merchandise prizes shall be valued at fair market retail value.

SECTION 12. VIOLATION

Notwithstanding anything heretofore provided for the suspension or revocation of the gambling license, any person or persons violating or aiding and abetting, counseling, hiring, or directing the violation of this ordinance or any part thereof shall be guilty of a misdemeanor and shall be punished by a fine or not less than two hundred (\$200.00) dollars nor more than five hundred (\$500.00) dollars or a jail sentence of not more than ninety (90) days or both. Nor person convicted of a violation of this ordinance shall serve or be allowed to participate in the operation of any gambling device or conduct of a raffle for any organization for a period of five (5) years.

SECTION 13. SEVERABILITY

If any portion of this ordinance is held invalid or suspended, such invalidity or suspension shall not apply to any other part of the ordinance or any other ordinance.

SECTION 14.

Ordinance #20, dated January 1906, is hereby rescinded due to changes in Minnesota Statutes and the above ordinance will replace same.

SEP
11
1989

MAYOR

Nordal J Nelson

COUNCIL

MEMBERS

Lyle Peterson

Bev Dyrendahl

Michael Smart

Odin Aune

CITY CLERK

Joann Kolnes

ORDINANCE NO.

50

ORDINANCE NO. 50

AN ORDINANCE AUTHORIZING THE INCLUSION OF CITY OFFICIALS AND MUNICIPAL OFFICERS UNDER THE PROVISIONS OF MINNESOTA WORKERS' COMPENSATION ACT

THE CITY COUNCIL OF THE CITY OF HENDRUM DOES HEREBY ORDAIN:

SECTION 1.

Pursuant to Minnesota Statutes 176.011 Subd. 9 Clause 5, the elective officials of the City of Hendrum including, but not limited to the Mayor and City Councilmen, and all Municipal Officers, including but not limited to Fire Chief, City Treasurer, City Attorney, and all other officers appointed for a regular term of office are hereby included in the coverage of the Minnesota Workers' Compensation Act.

SECTION 2.

The Mayor and City Clerk of the City of Hendrum are authorized to execute and deliver any documents necessary to effectuate the purposes of this Ordinance.

**JUNE
13
1994**

MAYOR

John Kolness

COUNCIL

MEMBERS

David Tommerdahl

Michael Smart

Gloria Nepstad

Arlan Lang

CITY CLERK

Anton Whitehead

ORDINANCE NO.

52

ORDINANCE NO. 52

CURFEW ORDINANCE

ORDINANCE REGULATING THE PRESENCE OF PERSONS UNDER THE AGE OF 16 YEARS ON THE STREETS OR IN PUBLIC PLACES BETWEEN CERTAIN HOURS, DEFINING THE DUTIES OF PARENTS AND OTHERS IN THE CARE OF SUCH PERSON, AND PROVIDING PROCEDURE FOR ENFORCEMENT AND PENALTIES FOR VIOLATION

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF HENDRUM, MINNESOTA, AS FOLLOWS:

SECTION 1. CURFEW IMPOSED.

Subdivision 1. No person under the age of 16 years except as provided in Subdivision 2, shall be on any public street or alley or in any park or other public grounds or building, place of amusement, entertainment, or refreshment, vacant lot, or any other unsupervised place between the hours of 10:00 p.m. and 5:00 a.m. of the following day.

Subdivision 2. The restriction of Subdivision 1 do not apply when the minor:

- a) Is accompanied by the minor's parent, guardian, or other person having the minor's lawful care, custody or control;
- b) Is returning home by a direct route from and within 30 minutes after, a school activity or an activity of a religious or other voluntary association when prior notice of the activity and its place and probable time of termination has been given to the police department by an adult person authorized by the school or the religious or voluntary association to do so;
- c) Is carrying a certified card of employment and is on his way to or from his place of employment; or
- d) Is upon an emergency errand or other legitimate business directed by the minor's parent, guardian, or other adult having the lawful custody of the minor.

SECTION 2. RESPONSIBILITY OF PARENT, GUARDIAN OR CUSTODIAN.

No parent, guardian, or other adult having custody and control of a minor under 16 years of age shall knowingly permit the minor to violate the provisions of Section 1 of this Ordinance.

SECTION 3. RESPONSIBILITY OF OTHER PERSONS.

Whenever the owner of person in charge or control; of any place of amusement, entertainment, refreshment, or other place of business shall find any person under the age of 16 in such place in violation of Section 1, he shall immediately order such person to leave, and if such person refuses to leave, the owner or person in charge shall immediately inform the police department of the violation.

SECTION 4. PENALTIES.

Subdivision 1. After investigation, if responsible City authorities determine that Court action should be initiated, the minor shall be dealt with in accordance with juvenile Court law and procedures.

Subdivision 2. Any person who is convicted of a violation of the Ordinance including a minor who may have had his case referred to for prosecution as an adult under Minnesota Statutes Section 260.15, shall be guilty of a petty misdemeanor and fined a sum not to exceed \$700.00.

Subdivision 3. Any parent, guardian, or other adult having custody and control of a minor under 16 years of age, who knowingly permit the minor to violate the ordinance, shall be guilty of a petty misdemeanor and fine a sum not to exceed \$700.00

SECTION 5.

Ordinance 9 of the City of Hendrum is hereby repealed.

SECTION 6. EFFECTIVE DATE.

This Ordinance shall be in full force and effect from and after its acceptance and passage by the City Council and publication as required by law.

OCT
11
1994

MAYOR

John Kolness

COUNCIL

MEMBERS

David Tommerdahl

Michael Smart

Gloria Nepstad

Arlan Lang

CITY CLERK

Anton Whitehead

ORDINANCE NO.

52

AMENDMENT TO CURFEW ORDINANCE NO. 52

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF HENDRUM THAT ORDINANCE NO. 52 OF THE CITY OF HENDRUM, KNOWN AS THE CURFEW ORDINANCE, BE AMENDED AS FOLLOWS:

SECTION 4. PENALTIES

Subdivision 2. Any person who is convicted of a violation of the Ordinance, including a minor who may have had his case referred to for prosecution as an adult under Minnesota Statutes Section 260.15, shall be guilty of a petty misdemeanor and fined a sum not to exceed \$700.00.

Be amended to read:

Subdivision 2. Any person who is convicted of a violation of the Ordinance, including a minor who may have had his case referred to for prosecution as an adult under Minnesota Statutes Section 260.15, shall be guilty of a petty misdemeanor and upon conviction thereof shall be punished by a fine plus cost of prosecution.

And

Subdivision 3. Any parent, guardian, or other adult having custody and control of a minor under 16 years of age, who knowingly permit the minor to violate the ordinance, shall be guilty of a petty misdemeanor and fined a sum not to exceed \$700.00.

BE DELETED IN TOTAL, as it is covered by Subdivision 2.

OCT
9
1995

ORDINANCE NO.

58

ORDINANCE NO. 58

TELECOMMUNICATIONS PERMIT ORDINANCE

AN ORDINANCE GOVERNING THE CONSTRUCTION, INSTALLATION, OPERATION, REPAIR, MAINTENANCE, REMOVAL AND RELOCATION OF FACILITIES AND EQUIPMENT USED FOR THE TRANSMISSION OF TELECOMMUNICATIONS OR RELATED SERVICES IN THE PUBLIC GROUNDS OF THE CITY OF HENDRUM

THE CITY COUNCIL OF THE CITY OF HENDRUM DOES HEREBY ORDAIN AS FOLLOWS:

SECTION 1. DEFINITIONS. The terms defined in this Section have the following meanings:

Company: A natural or corporate person, business association, political subdivision, public or private agency of any kind, its successors and assigns, who or which seeks or is required to construct, install, operate, repair, maintain, remove or relocate facilities in the City of Hendrum.

Facilities: Telecommunications equipment of any kind, including by not limited to audio, video, paging, facsimile or similar service, not governed by Minnesota Statutes, Chapter 238, including all trunks, lines, circuits, physical connections, switching equipment, wireless communication equipment of all kinds, and any necessary appurtenances owned, lease or operated by a company on, over, in under, across or along public ground.

Public Ground: Highways, roads, streets, alleys, public ways, utility easements and public grounds in the City of Hendrum.

SECTION 2. PERMIT PROCEDURE.

Subd. 1. Permit Required. A company may not construct, install, repair, remove or relocate facilities, or any part thereof, in, on, over, under or along public ground without first obtaining a permit from the City of Hendrum.

Subd. 2. Application. Application for a permit is made to the Hendrum City Clerk.

Subd. 3. Issuance of Permit. If the city council determines that the applicant has satisfied the requirements of this ordinance the city clerk may issue a permit to the company. An applicant may contest a permit denial or the conditions of approval by written notice to

MAYOR

John Kolness

COUNCIL

MEMBERS

Randy Zimmerman

Michael Smart

Gloria Nepstad

Arlan Lang

CITY CLERK

Anton Whitehead

the city clerk requesting a city council review within fourteen (14) days of the action. The city council shall hear any contest of the actions under this ordinance within forty-five (45) days of the city clerk's receipt of the contest notice. Nothing in this ordinance precludes the city from requiring a franchise agreement with the applicant, as allowed by law, in addition to the issuance of a permit set forth herein.

Subd. 4. Permit Fee. The application must be accompanied by the permit fee set by the city council by resolution.

Subd. 5. Security for Completion of Work. Prior to commencement of work, the company must deposit with the city security in the form of certified check, letter of credit, or construction bond, in a sufficient amount as determined by the city council for the completion of the work. The securities will be held until the work is completed plus a period of three (3) months thereafter to guarantee that restoration work has been satisfactorily completed. Upon application of the company, providing such information as the city council may require, if two or more work projects are to be constructed during a calendar year, the city council may accept, in lieu of separate security for each project, a single security for multiple projects in such form and amount as determined, in the discretion of the city council, to be sufficient to assure completion of all projects which may be in progress at any time during that calendar year and to guarantee that restoration work will be satisfactorily completed. The security will then be returned to the company, with interest if required by law and then interest at the applicable statutory rate.

Subd. 6. Inspection of Work. When the work is completed the company must request an inspection by the city maintenance superintendent. The maintenance superintendent will determine if the work has been satisfactorily completed and provide the company and the city council with a written report of the inspection and final approval.

SECTION 3. RESTORATION AND RELOCATION.

Subd. 1. Restoration. Upon completion of the work, the company must restore the general area of the work, including paving and its foundation, to the same condition that existed prior to commencement of the work and must exercise reasonable care to maintain the same condition for two years thereafter. The work must be completed as promptly as weather permits. If the company does not promptly perform and complete the work, remove all dirt, rubbish, equipment and material, and restore the public ground to the same condition, the city may put it in the same condition at the expense of the company. The company must, upon demand, pay to the city the direct and indirect cost of the work done for or performed by the city, including but not limited to the city's administrative costs. To recover its costs, the city will first draw on the security posted by the company and then recover the balance of the costs incurred from the company

directly by written demand. This remedy is in addition to any other remedies available to the city.

Subd. 2. Company Initiated Relocation. The company must give the city written notice prior to a company initiated relocation of facilities. A company initiated relocation must be at the company's expense and be approved by the city, such approval not to be unreasonable withheld.

Subd. 3. City Required Relocation. The company must promptly and at its own expense, with due regard for seasonal working conditions, permanently relocated its facilities whenever the city requires such relocation.

Subd. 4. Relocation where public ground vacated. The vacation of public ground does not deprive the company of the right to operate and maintain its facilities in the city. If the vacation proceedings are initiated by the company, the company must pay the relocation costs. If the vacation proceedings are initiated by the city of other persons, the company must pay the relocation costs unless otherwise agreed to by the city, company and other persons.

SECTION 4. COMPANY DEFAULT.

Subd. 1. Notice. If the company is in default in the performance of the work authorized by the permit, including but not limited to restoration requirements, for more than thirty (30) days after receiving written notice from the city of the default, the city may terminate the rights of the company under the permit. The notice of default must be in writing and specify the provisions of the permit under which the default is claimed and state the grounds of the claim. The notice must be served on the company by personally delivering it to an officer thereof at its principal place of business in Minnesota or by certified mail to that address.

Subd. 2. City Action on Default. If the company is in default in the performance of the work authorized by the permit, the city may, after the above notice to the company and failure of the company to cure the default, take such action as may be reasonable necessary to abate the condition caused by the default. The company must reimburse the city for reasonable costs, including costs of collection and attorney fees incurred as a result of the company default. The security posted under Sec. 2, Subd. 5 will be applied by the city first toward payment for such reimbursement.

SECTION 5. INDEMNIFICATION.

Subd. 1. Scope. The company will indemnify, keep and hold the city, its elected officials, officers, employees, and agents free and harmless from any and all claims and actions on installation, maintenance, repair, removal, relocation or operation of the facilities

affecting public ground, unless such injury or damage is the result of the negligence of the city, its elected officials, employees, officers or agents. The city will notify the company of claims or action and provide a reasonable opportunity for the company to accept and undertake the defense.

Subd. 2. Claim Defense. If a claim or action is brought against the city under circumstances where indemnification applies, the company at its sole expense shall defend the city if written notice of the claim or action is given to the company within a period wherein the company is not prejudiced in the defense of such claim or action by lack of such notice. If the company undertakes the defense, the company shall have complete control of such claim or action, but it may not settle without the consent of the city, which shall not be unreasonable withheld. This section is not, as to third parties, a waiver of any defense or immunity otherwise available to the city. In defending any action on behalf of the city, the company is entitled to assert every defense or immunity that the city could assert in its own behalf.

SECTION 6. OTHER CONDITIONS OF USE.

Subd. 1. Use of Public Ground. Facilities must be located, constructed, installed, maintained or relocated so as not to endanger or unnecessarily interfere with the usual and customary traffic, travel, and use of public ground. The facilities are subject to additional conditions of the permit as established by the City Council including but not limited to:

- i. The right of inspection by the city at reasonable times and places;
- ii. The obligation to relocate the facilities pursuant to Sec. 3, Subd. 3 and 4;
- iii. And compliance with all applicable regulations imposed by the Minnesota Public Utilities Commission and other state and federal law, including prompt compliance with the requirements of the Gopher State One Call program, Minnesota Statutes Chapter 216D.

Subd. 2. Location. The facilities must be placed in a location agreed to by the city. The company shall give the city forty-five (45) days advanced written notice of the company's proposed location of facilities within the public ground. No later than forty-five (45) days after the city's receipt of the company's written notice the city will notify the company in writing of the city's acceptance or rejection of the proposed location. If the city rejects the company's proposed location, the city shall propose alternative locations. The city does not waive or forget its right to reject the location of facilities by failure to respond within the 45 days.

Subd. 3. Emergency Work. A company may open and disturb the surface of public ground without a permit where an emergency exists requiring the immediate repair of its facilities. In such event the company must request a permit not later than the second working day thereafter and comply with the applicable conditions of the permit. In no

event, may the company undertake such an activity which will result in the closing of a street or alley without prior notification of the city.

Subd. 4. Street Improvements, Paving or Resurfacing. The city will give the company written notice of plans for street improvements where permanent paving or resurfacing is involved. The notice must contain

- i. The nature and character of the improvements;
- ii. The streets upon which the improvements are to be made;
- iii. The extent of the improvements, the time when the work will start; and
- iv. If more than one street is involved, the sequence in which the work is to proceed.

Subd. 5. Company Protection of Facilities. The company must take reasonable measures to prevent the facilities from causing damage to persons or property. The company must take reasonable measures to protect its facilities from damage that could be inflicted on the facilities by persons, property, or the elements. The company must take specific protective measures when the city performs work near the facilities.

Subd. 6. Prior Service Connections. In cases where the city is undertaking the paving or resurfacing of streets and the facilities are located under such street, the company may be required to install service connections prior to the paving or resurfacing, if it is apparent that service will be required during the five (5) year period following the paving or resurfacing.

SECTION 7. EFFECTIVE DATE AND APPLICABILITY TO EXISTING FACILITIES.

Companies with facilities, in, on, over, under or along public ground on the effective date of this ordinance must take prompt action to comply with this ordinance and the permits authorized by this ordinance. A company, however, is not required to reapply for a permit obtained from the city prior to the effective date of this ordinance. A company is not required to pay the difference between the permit fee of a previously obtained permit and the equivalent newly obtained permit under this ordinance. All other provisions of this ordinance apply to existing facilities.

SECTION 8. ACCEPTANCE OF REQUIREMENTS.

By receiving a permit pursuant to this ordinance, the company accepts and agrees to comply with all of the requirements of this ordinance.

SECTION 9. PUBLIC GROUND OTHER THAN RIGHT-OF-WAY.

Nothing in this ordinance is intended to grant to the company authority beyond that given by MN Statutes Sec. 222.37 for the use of the public right-of-ways for construction and operation of facilities. If the city allows the company to use its non-right-of-way public ground, the terms of this ordinance apply to the extent they are consistent with the contract, statutory and common law rights the city owns in such property.

SECTION 10. REGULATIONS; PERMIT SCHEDULES.

The City Council is authorized to prepare suitable regulations and schedules for administration of permits issued under this ordinance.

SECTION 11. SEVERABILITY. If any provision of the ordinance is contrary to law and therefore unenforceable, such provision will be severed and will not affect the other provisions of the ordinance.

SECTION 12. EFFECTIVE DATE. This ordinance, being duly passed by the Hendrum City Council and posted in accordance with State law, shall be in full force and effect from and after October 27, 1995.

MAR
11
1996

MAYOR

John Kolness

COUNCIL

MEMBERS

Randy Zimmerman

Michael Smart

Gloria Nepstad

Arlan Lang

CITY CLERK

Anton Whitehead

ORDINANCE NO.

59

ORDINANCE NO. 59

ECONOMIC DEVELOPMENT AUTHORITY ORDINANCE

AN ORDINANCE ESTABLISHING AN ECONOMIC DEVELOPMENT AUTHORITY FOR THE CITY OF HENDRUM, MINNESOTA

THE CITY COUNCIL OF THE CITY OF HENDRUM DOES HEREBY ORDAIN AS FOLLOWS:

SECTION 1. DEFINITIONS

For the purpose of this Ordinance, the following words and phrases have the following definitions:

- a. **The Authority** means the Hendrum Economic Development Authority.
- b. **The City** means the City of Hendrum, Minnesota.
- c. **The Council** means the duly elected governing body of the City of Hendrum.
- d. **The Act** means MN Statutes 469.090 through 469.108.
- e. **Enabling Resolution** means the resolution of the Council establishing the Authority pursuant to the act, and all amendments thereto.

SECTION 2. ESTABLISHMENT

There is hereby created in the City an Authority, subject to the provisions of the Enabling Resolution, shall have all of the powers, duties, and responsibilities of an Economic Development Authority created pursuant to the Act. It shall be the role and responsibility of the Authority to carry out economic, housing, and industrial development and redevelopment within the City in accordance with such general policies as may from time to time be established by the Council and pursuant to such by-laws as may be adopted by the Authority with approval of the Council.

SECTION 3. NAME

The Economic Development Authority created by the Enabling Resolution shall be known as the Hendrum Economic Development Authority.

SECTION 4. MEMBERS

The Authority shall be comprised of seven (7) commissioners, which at least (2) shall be members of the Council. All commissioners will be appointed by the Mayor with approval of the Council.

SECTION 5. ADMINISTRATION

The administration of the Authority shall be determined in the by-laws of the Authority, which by-laws to be effective shall require approval of the Council.

SECTION 6. POWERS

The Authority shall have such powers as may be mandated by the Act and such other powers as may be permitted by the Act and conferred by the Council.

SECTION 7. EFFECTIVE DATE

This ordinance shall take effect and be in force from and after its passage and posting according to law.

JUL
8
1996

MAYOR

John Kolness

COUNCIL

MEMBERS

Randy Zimmerman

Michael Smart

Gloria Nepstad

Arlan Lang

CITY CLERK

Anton Whitehead

ORDINANCE NO.

60

ORDINANCE NO. 60

RENTAL PROPERTY REGULATIONS ORDINANCE

AN ORDINANCE REGULATING THE RENTAL OF RESIDENTIAL PROPERTY WITHIN THE CITY OF HENDRUM AND PROVIDING PROCEDURES FOR ENFORCEMENT AND PENALTIES FOR VIOLATION.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF HENDRUM, MINNESOTA AS FOLLOWS:

SECTION 1. DWELLING UNIT RENTAL

Subd. 1. Definitions. The following terms, as used in this Ordinance, shall have the following meanings:

- A. The term "owner" means the property title holder of record, as recorded with the Norman County Recorder.
- B. The term "dwelling unit" means any building, structure or enclosure, including any mobile home, rented or offered for rent by any person to any other person or persons for use for residential purposes by such other person or persons.
- C. The term "long-term hotel dwelling unit" means dwelling unit in any hotel, as defined in Minnesota Statutes, Section 157.01, which dwelling unit is held out or available to the public for use for sleeping or residential purposes for periods of one week or more.
- D. The term "rooming house dwelling unit: means any dwelling unit in any building or structure, which building or structure is used or held out to be a place where sleeping accommodations are furnished to the public as regular roomers for periods of one week or more.

Subd. 2. License Required. It is unlawful for any person, as the owner, agent or other person having control of any dwelling unit, to lease, rent or permit to be leased or rented, any dwelling unit within the City of Hendrum without having obtained a dwelling unit rental license for such dwelling unit from the City of Hendrum.

Subd. 3. License and Fees.

- A. The annual dwelling unit rental license fee for each dwelling unit other than a long-term hotel or rooming house dwelling unit is twelve dollars (\$12.00).

- B. The annual dwelling unit rental license fee for each long-term hotel or rooming house dwelling unit is twelve dollars (\$12.00).
- C. The annual dwelling unit rental license fee for each mobile home lot licensed shall be twelve dollars (\$12.00).

Subd. 4. Transfer of License. Each license issued pursuant to this ordinance may be transferred to another party, provided that any licensee shall deliver written notice of such transfer to the City Clerk at least forty-eight (48) hours prior to the transfer of the licensed premises, which notice shall include the name and address of the transferee.

Subd. 5. License Expiration. Each license issued pursuant to this ordinance shall expire on the 31st day of December of the year in which such license is issued regardless of the date upon which it was issued. Provided, however, that new initial licens may be prorated on a monthly basis.

Subd. 6. Inspection. Upon receipt of an application for any dwelling unit rental license, the City Clerk shall forward a copy of such application to the Housing Inspector, whereupon the Housing Inspector shall within ten (10) days after receiving such application, inspect the swelling unit to be licensed to determine whether such unit complies with the provisions of applicable codes. No dwelling unit rental license shall be issued by the City unless the dwelling unit complies with provisions of City, County and State laws, regulations and codes, which pertain to such dwelling unit.

SECTION 2. REGISTRATION AND AGENT

Subd. 1. Register of Occupancy. Each owner of a dwelling unit within the City rented or offered for rent for residential purposes shall maintain a register of occupancy for each such dwelling unit, which shall be filed with the City Clerk, and shall include the following information:

- A. The address of the dwelling unit;
- B. The number of bedrooms in the dwelling unit;
- C. The telephone number of the current occupant; and
- D. The mailing address of the current occupant of each dwelling unit.

Subd. 2. Changes in Occupancy. Each owner, or agent of a dwelling unit rented within the City of Hendrum, shall report in writing all changes in occupancy to the City Clerk within 10 days of any change in occupancy, including vacancy.

Subd. 3. Agent Required. Each owner, or agent of a dwelling unit rented or offered for rent for residential purposes, which owner does not reside within the Township of Hendrum shall, by a written document executed and acknowledged by such owner, appoint an agent residing within the Township of Hendrum, upon which agent the City may serve notices pertaining to the administration of this ordinance or any city

ordinances pertaining to dwelling units, which service shall be as effective as if made upon such owner.

SECTION 3. DEPOSITS

Subd. 1. Meter Deposit. Each owner or agent shall make a meter deposit equal to the cost of the utility meter, with a minimum of fifty dollars (\$50) for each meter, to be paid before water service is connected. The meter deposit shall be forfeited, in full or in part, for:

- A.** Unpaid utility charges for vacated dwelling units, if the owner, or agent failed to report the vacancy of the rental unit as required by this ordinance.
- B.** Damage to meter due to neglect or freezing.
- C.** Revocation of rental license or failure to renew rental license.

If all or part of meter deposit is forfeited for unpaid utility charges, meter deposit must be reestablished to the full amount required before the water service will be reconnected.

Subd. 2. Security Deposit. Dwelling unit renters must make a security deposit with the City Clerk equal to two (2) months minimum utility fees. This security deposit will be forfeited in full or in part to pay for unpaid utility charges and fees incurred by the renter.

Subd. 3. Connect Fee. Dwelling unit renters must pay a ten dollar (\$10.00) non-refundable connect fee to the City Clerk before water service will be connected.

Subd. 4. Disconnect Fee. Dwelling unit renters must pay a ten dollar (\$10.00) disconnect fee to the City Clerk when water service is terminated.

SECTION 4. REFUSE REMOVAL AND RECYCLING

Subd. 1. Garbage. The owner or agent of multiple dwelling units (apartments, duplex) within the City rented or offered for rent for residential purposes shall provide for such dwelling unit refuse and garbage removal which must be removed from the premises at least once every seven (7) days by the City's garbage service. Owners or agent of single family unit(s) shall inform their tenants of garbage pick-up schedule and requirements.

Subd. 2. Recycling. The owner or agent of dwelling units within the City rented or offered for rent for residential purposes shall inform their tenants of the curbside recycling program.

SECTION 5. TENANT CONDUCT

Subd. 1. Conduct on Licensed Premises.

- A.** Rental license holder or agent shall be responsible to cause persons occupying the dwelling unit to conduct themselves in such a manner as to not cause the premises to be disorderly, in violation of City Ordinances and/or

State statutes, and/or used in connection with the illegal sale and/or distribution of controlled substances and/or alcoholic beverages.

- B.** Law enforcement shall be charged with the responsibility of enforcing paragraph A.
- C.** Upon determination by law enforcement that the licensed premises were used in a disorderly and/or illegal manner, the City shall notify the license holder by regular mail of such violation and direct the license holder to take steps to prevent further violations.
- D.** If another instance of disorderly and/or illegal use of the premises occurs within twelve (12) months of an incident for which notice in paragraph C of this subdivision was given, the license holder shall be notified of the instance of disorderly use and shall also be required to develop a written plan of action to reasonable ensure that future incidents will not occur at the premises, which plan shall be submitted to the City Council within thirty (30) days from the date of the City notice.
- E.** If another instance of disorderly and/or illegal use of the premises occurs within twelve (12) months after receipt of notices as pursuant to paragraph C and D, the dwelling unit rental license may be revoked or suspended for such dwelling unit. Such suspension or revocation may be for all units in a given building or complex of buildings. If the notice of violation has been with respect to a common area of a building or complex of buildings, then the license as to all units in such building or complex of buildings may be suspended or revoked. Upon suspension or revocation, a license holder shall pay to the City a reinstatement fee equal to one hundred dollars (\$100.00) for the first unit re-licensed, and twenty dollars (\$20.00) for each additional unit. A suspension may be stayed subject to payment of the applicable reinstatement fees and no further violation of this section for a period of one (1) year.
- F.** No suspension or revocation shall be imposed where the instance of disorderly or illegal use of the premises occurred during the pendency of eviction proceedings (unlawful detainer) or within thirty (30) days of notice given by the license holder to a tenant to vacate the premises where the disorderly use was related to and occurring in the unit for which eviction proceedings were undertaken or notice to vacate was given. Eviction proceedings shall not be a bar to sanctions, however, unless they are diligently pursued by the license holder.
- G.** All written leases for licensed premises executed after August 1, 1996, shall contain a clause providing that conduct which would be violative of paragraph A shall constitute a material breach of the lease and grounds for termination of such lease.
- H.** It shall be irrelevant to proceedings hereunder that the license holder or others were not criminally prosecuted or were acquitted of criminal charges for the incidents serving as the basis of the suspension or revocation.

SECTION 6. INFORMATION NOTICE

Subd. 1. Information Packet. The City of Hendrum will provide to each license holder, or agent, an information packet containing these requirements. The license holder, or their resident agent, shall provide a copy of the information packet to each tenant at the beginning of the rental period.

Subd. 2. Disturbance Notice. The license holder, or their agent, is required to inform all prospective tenants of the number of disturbance notices pending against the rental unit and the potential effect of additional disturbance notices at the beginning of the rental period.

SECTION 7. PENALTIES

Any person(s) convicted of a violation of this ordinance shall be guilty of a petty misdemeanor on the first two (2) violations. A third violation shall be punishable as a misdemeanor, plus cost of prosecution, plus suspension or revocation of the Dwelling Unit Rental License.

SECTION 8. EFFECTIVE DATE

This ordinance shall be in full force and effect from and after its acceptance and passage by the Hendrum City Council and postings as required by State statute.

OCT
14
1996

MAYOR

Donovan Kolness

COUNCIL

MEMBERS

Randy Zimmerman

Michael Smart

Gloria Nepstad

Arlan Lang

CITY CLERK

Anton Whitehead

ORDINANCE NO.

60

AMENDMENT TO RENTAL PROPERTY REGULATION ORDINANCE NO. 60

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF HENDRUM THAT ORDINANCE NO. 60 OF THE CITY OF HENDRUM, KNOWN AS THE RENTAL PROPERTY REGULATION ORDINANCE, BE AMENDED AS FOLLOWS:

SECTION 1. DWELLING UNIT RENTAL

Subd. 2. License Required. It is unlawful for any person, as the owner, agent or other person having control of any dwelling unit, to lease, rent or permit to be leased or rented, any dwelling unit within the City of Hendrum without having obtained a dwelling unit rental license for such dwelling unit from the City of Hendrum.

Be amended to add the following:

The City shall withhold city services until such time as all license requirement are satisfactorily met.

NOV
12
1996

MAYOR

Donovan Kolness

COUNCIL

MEMBERS

Randy Zimmerman

Michael Smart

Gloria Nepstad

Arlan Lang

CITY CLERK

Anton Whitehead

ORDINANCE NO.

61

ORDINANCE NO. 61

WATER AND SEWER SERVICES

AN ORDINANCE PERTAINING TO WATER AND SEWER UTILITY SERVICES IN THE CITY OF HENDRUM

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF HENDRUM, MINNESOTA AS FOLLOWS:

PART 1. GENERAL PROVISIONS ON WATER AND SEWER SYSTEMS

SECTION 1. Use of water or sewer system restricted.

No person other than a city employee shall uncover or make or use any water or sewer service installation connected to the city water or sewer system except pursuant to application and permit as provided in this ordinance. No person shall make or use any such installation contrary to the regulatory provisions of the ordinance.

SECTION 2. Application for service.

No installation or connection of water and/or sewer service shall be undertaken until such time as the requirements of this ordinance are satisfied. MN Stat. 462.353 allows the city to require permit applicants to certify that there are no delinquent property taxes, special assessments, penalties, interest or municipal utility fees due on the parcel to which the application relates. If any of these are outstanding, the city may deny the permit until payment is made.

Subd. 1. Procedure. Application for a water or sewer service installation and for water connection shall be made to the City Clerk on forms approved by the City Council and furnished by the city. The applicant's signature shall be an agreement to conform to the provisions of this ordinance and to the rules and regulations that may be established by the city as conditions for the use of the water and sewer system.

Subd. 2. Fees or Deposits. Application for a service installation shall be made by the owner of the property to be served or by the owner's agent. The applicant shall at the time of making application pay the city the amount of the fees and/or deposits required for the installation of the service connection as provided in this ordinance. When a water/sewer service has been installed, application for water service may be made either by the owner, the owner's agent, or by the tenant or occupant of the premises

Subd. 3. Presence Required. The presence of the owner, his agent, or a responsible occupant is required when water service is connected to insure systems are functioning correctly.

SECTION 3. Charges for Water and Sewer Services.

Subd. 1. Installation Charges:

- a. Permit.** No installation shall be made to the city water or sanitary sewer system without a permit received from the city.
- b. Installation Fee.** For installation of a water service line and/or sanitary sewer line from the main to the property line, the applicant for a permit shall pay to the city an amount not less than the cost of making the necessary connections, taps, and installation of pipe and appurtenances to provide service to the property and the necessary street repairs.
- c. Meter Deposit.** A refundable meter deposit equal to the cost of the meter shall be included with the application for an installation permit to cover costs of repair or replacement due to damage outside of normal wear and tear. Said deposit shall be refunded in full, without interest, less any costs for repair or replacement of meter due to neglect by the consumer, upon the transfer of ownership and payment of meter deposit by new owner. The meter deposit shall be forfeited for unpaid service charges of owner, owner's agent, or occupant or tenant.
- d. Certification.** No permit shall be issued to connect with any water or sanitary sewer main unless the City Clerk certifies to the truth of one of the following or the payment required under subd. 1. e. is made:
 - (1) That the lot or tract to be served has been assessed for the cost of construction of the main with which the connection is made or that proceedings for levying such assessment have been or will be commended in due course; or
 - (2) That the cost of construction of the main has been paid by the developer or builder platting the lot or tract; or
 - (3) That, if neither of the foregoing is true, a sum equal to the portion of the cost of constructing the main which would be assessable against the lot or parcel has been paid to the city.
- e. Additional Installation Fee.** If no such certificate can be issued, the applicant shall pay an additional installation fee equal to the portion of the cost of construction of the main upon the same basis as any assessment previously levied against other property for the main. The determination shall be made by the City Council. If no such assessment has been levied, the assessable cost shall be determined upon the basis of the uniform charge which may have been or will be charged for similar connections with the main. The amount shall be determined on the basis of the total assessable cost of the main allocated on the basis of frontage or other equitable means.

f. Incremental Treatment Capacity Connection Charge.

(1) Charge Established. In addition to any other charges or fees for sewer installation and use, an incremental treatment capacity installation charge shall be required of each individual or entity requesting or receiving a connection to the sanitary sewer system of the city, as a prerequisite to connection. A single family unit equivalent incremental treatment capacity connection charge shall be established by annual resolution of the City Council. Equivalent charges for all uses shall be as follows:

Single family	1.0
Multiple family	.8 per unit
Mobile Home	.8
Industrial or Commercial	A function of the volume, strength and value as it relates to normal residential effluent.

(2) Special Fund Created. The Treasurer shall maintain a separate fund within the sewer account of the city and shall deposit all proceeds collected pursuant to this part in said fund. Proceeds in such incremental treatment capacity connection charge fund shall be used only to finance construction and incidental costs of additional capacity, purchase of machinery or equipment increasing present capacity, purchase of additional lands in connection with the sewage disposal facilities, for lands, construction or equipment and incidents in connection with the development of a new sewage disposal facilities, or for interceptors necessitated by additions of effluent to be treated in the city sewage system.

Subd. 2. Connection of Service.

- a. **Application for Water Connection.** Application for water service connection shall be made with the City Clerk. No water connection order will be issued until such time as the requirements of this ordinance are satisfied.
- b. **Security Deposit.** Person(s) making application for water service connection, who are not owners of the property (tenants, renters, other occupants) shall make a refundable security deposit in a sum not less than two (2) months minimum utility service charge. The security deposit will be refunded, without interest, upon disconnection of service, less any outstanding charges. The security deposit shall be forfeited if the city disconnects water service for non-payment of utility service charges.
- c. **Connect Fee.** A connect fee of ten (\$10.00) dollars shall be paid before a water connection order will be issued.
- d. **Disconnect Fee.** A disconnect fee of ten (\$10.00) dollars shall be charged when water service is disconnected.

SECTION 4. Accounting, Billing and Collecting

Subd. 1. Owner Responsibility. The owner shall be liable for water supplied or sewer service provided to the owner's property, whether the owner is occupying the property or not, and any charges unpaid shall be a lien upon the property as authorized by MN Stat. 444.075.

Subd. 2. Service Charges. Water and sewer service charges shall be established by the City Council by annual resolution. Charges shall be based on the monthly meter reading. The owner, owner's agent, or occupant shall read the meter on the 20th of each month, with payment of charges on or before the first of the following month.

- a. A fee of 50 cents shall be levied on payments which do not have the correct meter reading.
- b. A penalty of 10% shall be levied on payments made after the first of the following month.

Subd. 3. Delinquent Accounts. All charges for water and sewer service shall be due by the first of the following month, and shall be delinquent 30 days thereafter. The city shall endeavor to collect delinquent accounts promptly. In any case, where satisfactory arrangements for payment have not been made, the City Clerk may, after the procedural requirements of Subd. 4 have been complied with, cause a discontinuance of service to the delinquent customer by shutting off the water at the curb stop. When service to any premises has been discontinued, service shall not be restored except upon the payment of all delinquent bills, charges and fees. The City Clerk shall prepare an assessment roll each year providing for assessment of the delinquent amounts against the respective properties served, to be certified to the county auditor for collection along with taxes, as authorized by MN Stat. 444.075. Such action is optional and may be subsequent to taking legal action to collect delinquent accounts.

Subd. 4. Procedure for Shutoff of Service. Water service shall not be shut off under Subd. 3, or for a violation of rules and regulations affecting utility service until notice has been given the occupant of the premises involved. The notice shall be mailed, and shall state that if payment is not made before a date stated in the notice, but not less than 5 days after the date on which the notice is given, the water supply to the premises will be shut off. The notice shall also state that the occupant may, before such date, demand a hearing on the matter, with a deposit of a hearing fee of \$10.00, in which case the water supply will not be cut off until after the hearing. If the customer requests a hearing, with fee, before the date specified, a hearing shall be held on the matter by at least two members of the City Council within one week of the date of the hearing request. If as a result of the hearing, it is found that the amount claimed to be owing is actually due and unpaid and that there is no legal reason why the water supply of the delinquent customer may not be shut off in accordance with this ordinance, the city may shut off the water supply and apply a

hearing fee of \$10.00. If the hearing results in a finding that disconnecting water supply is not justified, the hearing deposit shall be returned, and records corrected. In any event, the disconnect procedure shall not be used if there is a good faith dispute about the billing.

SECTION 5. Protection of Public and City

Subd. 1. Permit and Bond. A permit for construction and connection of the extension between a building drain and the sewer main or curb stop, herein called the building sewer, or for construction of a water main or stub, shall be issued only upon application by a person who has furnished a bond either to the City Clerk or to the Secretary of State under MN Stat. 326.40. The bond shall be in the amount of \$2,000 conditioned so as to secure compliance by the principal with the provisions of this code and to further secure the person's performance of all work undertaken within the city.

Subd. 2. Liability Insurance. Before undertaking the construction work authorized by the permit, the person shall secure and maintain a policy of insurance against damages to property or injury or death to individuals. The policy shall indemnify and save harmless the city and its personnel against any claim, damages, or cause of action arising out of the work and from any expenses of defending the same. The property damage insurance coverage shall be in the amount of at least \$200,000 per claimant and \$600,000 for any number of claims per occurrence. Proof of such insurance shall be filed with the city prior to construction work and such policy shall provide that the city shall be notified immediately of any termination or modification of such insurance. If the insurance coverage be inadequate in amount, the person shall indemnify and save harmless the city and its personnel in like manner.

Subd. 3. Indemnification by Owner. The owner shall bear the costs and expenses incident to the installation and connection of the building sewer or extension of water service to private property. The owner shall indemnify the city for any loss or damage directly or indirectly caused by its installation. Minnesota State Building Codes shall govern the installation of building sewers and connections.

PART 2. WATER SYSTEM

SECTION 1. General Water Regulations

Subd. 1. Discontinuance of Service. The city may discontinue service to any water consumer without notice for necessary and emergency repairs, but shall attempt to give notice when possible, or upon notice as provided in Part 1, Section 4. Subd. 4, for non-payment of charges, or for violation of this ordinance and rules and regulation affecting city services.

Subd. 2. Supply from One Service. No more than one house or building shall be supplied from one service connection except by special permission of the City

Council. Whenever two or more parties are supplied from one pipe connecting to the service main, each building or part of building separately supplied shall have a separate stop box and a separate meter.

Subd. 3. Turning on Water, Tapping Mains. No person except an authorized city employee shall turn on any water supply at the curb stop, or tap any hydrant or any distributing main or pipe of the water supply system or insert a stop cork or other appurtenance therein without a city permit.

Subd. 4. Repair of Leaks. The consumer or owner shall be responsible for maintaining the service pipe from the curb stop into the building served. If the consumer or owner fails to repair any leak in such service pipe within 24 hours after notice by the city, the city may turn the water off. The water shall not then be turned on again until required repairs are made and the connect and disconnect fees have been paid to the city. When the waste of water is great or damage is likely to result from the leak, the city shall turn the water off immediately upon giving of notice if repair is not commenced immediately.

Subd. 5. Use of Fire Hydrants. No person other than an authorized city employee or emergency fire fighter shall operate a fire hydrant or interfere in any way with the city water system without obtaining authority to do so from the City Council.

Subd. 6. Private Water Supply. No water pipe of the city water supply system shall be connected with any pump, well, cistern or tank that is connected with any other source of water supply. When any such connection is found, the City Clerk shall notify the owner to sever the connection, and if not done immediately, the city shall turn off the water supply forthwith. Before any new connection to the city system is permitted, city employees shall ascertain that no cross connection will exist when the new connection is made.

Subd. 7. Restricted Hours. Whenever the City Council determines that a shortage of water supply threatens the city, it may, by resolution, limit the times and hours during which city water may be used for lawn/ garden sprinkling, irrigation, car washing, air conditioning, or other specified uses. After public posting of the resolution, no person shall use or permit water to be used in violation of the resolution and any customer who does so shall be charged a sum to be set by the resolution for each day of violation and the charge shall be added to the water bill. If the emergency requires immediate compliance with terms of the resolution, the city may provide for delivery of notice and thereafter uses or continued violation during such emergency shall be cause for the city to shut off water service without notice.

SECTION 2. Meters

Subd. 1. Meters Required. Except for extinguishing of fires, no person other than an authorized city employee shall use water from the city water supply system or permit

water to be drawn therefrom unless the water passes through a meter supplied or approved by the city. No person not authorized by the city shall connect, disconnect, take apart, or in any manner change or interfere with any such meter or its use.

Subd. 2. Maintenance. The city shall maintain and repair at its expense any meter that has become unserviceable through ordinary wear and tear and shall replace it if necessary. Where repair or replacement is made necessary by act or neglect of the owner or occupant of the premises it serves, any city expense caused thereby shall be a charge against and collected from the water consumer, and water service may be discontinued until the cause is corrected and the amount charged is paid.

Subd. 3. Complaints; Meter Testing. When a consumer complains that the meter reading for a service period is excessive, the city shall check the meter. If still dissatisfied, the consumer may appeal to the City Council, with a deposit of \$10.00, to have the meter tested. If testing shows an error, an accurate meter shall be installed, the deposit refunded, and the account adjusted. Such adjustment shall not extend back more than 3 service periods from the date of the appeal. If the testing shows accurate readings, the testing deposit shall be forfeited.

Subd. 4. Meters Property of City. Water meters shall be the property of the city and may be removed or replaced as to size and type when deemed necessary by the city.

Subd. 5. Meter Reading and Inspection. City authorized meter readers shall have free access at reasonable hours of the day to all parts of every building and premises connected with the city water supply system in order to read meters and make inspections.

SECTION 4. Water Service Rates

Subd. 1. Rates Established. The service rates for water used, computed on a monthly basis, shall be established by annual City Council resolution.

Subd. 2. Minimum Rates. The minimum monthly rate for water service shall be \$10.00. Where there is more than one business or industry served through one water meter, the minimum charge shall apply to each such business or industry unit served through that meter. Where there is more than one dwelling unit served through one water meter, the minimum charge shall apply to each such dwelling unit served through one meter, except where the owner includes water service in the rental agreement, in which case the City Council shall establish rates for each such multiple dwelling unit by annual resolution.

Subd. 3. Seasonal Dwellings. Seasonal dwellings shall pay a seasonal charge, at a rate to be determined by the City Council, plus an additional charge of \$10.00 for each service call needed, whether to turn the water on or off.

Subd. 4. Non-City Water Service. City water service users located outside of the city limits shall be charged a rate double the rate established for city residents.

SECTION 5. Private Wells – Water Sources

Subd. 1. Private Wells Forbidden. In consideration of the health, safety and welfare of the public, and the impact upon present and planned public water supply, private wells and/or water sources are forbidden within the city.

PART 3. SANITARY SEWER SYSTEM

SECTION 1. Requirements for Building Sewer and Inspection

Building sewer construction shall meet the requirements of the Minnesota building and plumbing codes. The connection shall be made under the supervision of a licensed inspector. No backfill shall be placed until the work has been inspected and approved.

SECTION 2. Sewer System General Regulations

Subd. 1. Discharge of Surface Water. No person shall discharge or cause to be discharged any storm water, surface water, groundwater, cooling water, or unpolluted industrial process waters into any sanitary sewer. No rain spout or other form of surface drainage and no foundation drainage shall be connected with any sanitary sewer. Preexisting systems with such discharge into the sanitary sewer system shall pay a fee in accordance with Hendrum City Ordinance #57 known as the Sump Pump Ordinance.

Subd. 2. Non-Acceptable Wastes. No person shall discharge or permit to be discharged in any public sewer:

- a. Any unacceptable wastes in accordance with MN Environmental Protection Agency or MN Pollution Control Agency regulations.
- b. Any water or waste containing a toxic or poisonous substance, whether or not listed as a hazardous waste by Section 7045.0135, MN Rule 1985, in sufficient quantities to constitute a hazard to humans or animals, injure or interfere with sewage treatment, or create any hazard.
- c. Any noxious or malodorous gas or substance capable of creating a public nuisance.

Subd. 3. Interceptors. Grease, oil, and sand interceptors shall be provided when they are necessary for the proper handling of any liquid waste containing grease in excessive amounts or any flammable waste, sand, or other harmful ingredients. Interceptors shall be located so as to be easily accessible for cleaning and inspection.

Subd. 4. Control Manhole Required. The owner of any property served by a building sewer carrying industrial waste shall install a suitable control manhole in the building sewer to facilitate observation and sampling of the waste. The manhole shall be

constructed by the owner in accordance with MN Building and Plumbing Codes. The owner shall maintain the manhole so as to be safe and accessible at all time.

Subd. 5. Separate Sewers. A separate and independent sewer shall be provided for every building connected to the sewer system except that the City Council may waive this requirement where it finds that a separate sewer for a building is impractical.

Subd. 6. Inspection. Authorized employees of the city, bearing proper identification, shall at reasonable times be permitted to enter upon all properties connected to the city sanitary sewer system for the purpose of inspection, observation, measurement, sampling, and testing. The premises of any property owner or occupant, who refuses entry to a city employee, after a proper request as provided for in this section, shall be terminated from the connection with the city sanitary sewer system. Such termination of connection shall be effected by the city only after a hearing before the City Council upon a minimum of five days mailed notice to the owner or occupant concerned.

SECTION 3. Sewer Connection Required

No individual or private sewage disposal system shall be allowed within the city. The MN Building and Plumbing Code provides that where a public sewer system is available, liquid wastes from a building must be discharged into the public sewer, except where special handling requirements for business or industrial waste are provided in this ordinance.

SECTION 4. Sewer Rates

Subd. 1. Rates Established. The owner, lessee, or occupant of each premises connected with the city sewer system shall pay monthly charges as established by annual City Council resolution.

Subd. 2. Exceptions. Special exceptions, rates, and regulations as apply to the water rates, Part 5, Section 4 of this ordinance, apply to city sewer rates.

Subd. 3. Required Information. The owner, occupant, or person in charge of any premises shall supply the city with such information as it may reasonable require relating to use of water, use of sewer, or sewer rates. Willful failure to provide such information, willful falsification of such information, or willful failure to comply with any requirement or order issued pursuant to this section constitutes a violation of this section.

Subd. 4. Disposition of Revenues. All revenues derived from charges imposed under this section shall be credited to the proper funds.

PART 4. SEVERABILITY

If any provision of this ordinance is contrary to law and therefore unenforceable, such provision will be severed and will not affect the other provisions of the ordinance.

PART 5. REPEAL

Upon becoming effective, this ordinance shall supersede and repeal all previous ordinances and resolutions establishing and regulating water and sewer services in the City of Hendrum.

PART 6. EFFECTIVE DATE

This ordinance, being duly passed by the Hendrum City Council and posted in accordance with State statute, shall be in full force and effect from and after January 1, 1997.

NOV
9
1998

ORDINANCE NO.

61

AMENDMENT TO ORDINANCE NO. 61

WATER AND SEWER SERVICES

AN ORDINANCE PERTAINING TO WATER AND SEWER UTILITY SERVICES IN THE CITY OF HENDRUM

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF HENDRUM, MINNESOTA AS FOLLOWS:

PART 1. GENERAL PROVISIONS ON WATER AND SEWER SYSTEMS

SECTION 1. Use of water or sewer system restricted.

No person other than a city employee shall uncover or make or use any water or sewer service installation connected to the city water or sewer system except pursuant to application and permit as provided in this ordinance. No person shall make or use any such installation contrary to the regulatory provisions of the ordinance.

SECTION 2. Application for service.

No installation or connection of water and/or sewer service shall be undertaken until such time as the requirements of this ordinance are satisfied. MN Stat. 462.353 allows the city to require permit applicants to certify that there are no delinquent property taxes, special assessments, penalties, interest or municipal utility fees due on the parcel to which the application relates. If any of these are outstanding, the city may deny the permit until payment is made.

Subd. 1. Procedure. Application for a water or sewer service installation and for water connection shall be made to the City Clerk on forms approved by the City Council and furnished by the city. The applicant's signature shall be an agreement to conform to the provisions of this ordinance and to the rules and regulations that may be established by the city as conditions for the use of the water and sewer system.

Subd. 2. Fees or Deposits. Application for a service installation shall be made by the owner of the property to be served or by the owner's agent. The applicant shall at the time of making application pay the city the amount of the fees and/or deposits required for the installation of the service connection as provided in this ordinance. When a water/sewer service has been installed, application for water service may be made either by the owner, the owner's agent, or by the tenant or occupant of the premises

Subd. 3. Presence Required. The presence of the owner, his agent, or a responsible occupant is required when water service is connected to insure systems are functioning correctly.

SECTION 3. Charges for Water and Sewer Services.

Subd. 1. Installation Charges:

- g. Permit.** No installation shall be made to the city water or sanitary sewer system without a permit received from the city.
- h. Installation Fee.** For installation of a water service line and/or sanitary sewer line from the main to the property line, the applicant for a permit shall pay to the city an amount not less than the cost of making the necessary connections, taps, and installation of pipe and appurtenances to provide service to the property and the necessary street repairs.
- i. Meter Deposit.** A refundable meter deposit equal to the cost of the meter shall be included with the application for an installation permit to cover costs of repair or replacement due to damage outside of normal wear and tear. Said deposit shall be refunded in full, without interest, less any costs for repair or replacement of meter due to neglect by the consumer, upon the transfer of ownership and payment of meter deposit by new owner. The meter deposit shall be forfeited for unpaid service charges of owner, owner's agent, or occupant or tenant.
- j. Certification.** No permit shall be issued to connect with any water or sanitary sewer main unless the City Clerk certifies to the truth of one of the following or the payment required under subd. 1. e. is made:
 - (4) That the lot or tract to be served has been assessed for the cost of construction of the main with which the connection is made or that proceedings for levying such assessment have been or will be commended in due course; or
 - (5) That the cost of construction of the main has been paid by the developer or builder platting the lot or tract; or
 - (6) That, if neither of the foregoing is true, a sum equal to the portion of the cost of constructing the main which would be assessable against the lot or parcel has been paid to the city.
- k. Additional Installation Fee.** If no such certificate can be issued, the applicant shall pay an additional installation fee equal to the portion of the cost of construction of the main upon the same basis as any assessment previously levied against other property for the main. The determination shall be made by the City Council. If no such assessment has been levied, the assessable cost shall be determined upon the basis of the uniform charge which may have been or will be charged for similar connections with the main. The amount shall be determined on the basis of the total assessable cost of the main allocated on the basis of frontage or other equitable means.

I. **Incremental Treatment Capacity Connection Charge.**

(3) Charge Established. In addition to any other charges or fees for sewer installation and use, an incremental treatment capacity installation charge shall be required of each individual or entity requesting or receiving a connection to the sanitary sewer system of the city, as a prerequisite to connection. A single family unit equivalent incremental treatment capacity connection charge shall be established by annual resolution of the City Council. Equivalent charges for all uses shall be as follows:

Single family	1.0
Multiple family	.8 per unit
Mobile Home	.8
Industrial or Commercial	A function of the volume, strength and value as it relates to normal residential effluent.

(4) Special Fund Created. The Treasurer shall maintain a separate fund within the sewer account of the city and shall deposit all proceeds collected pursuant to this part in said fund. Proceeds in such incremental treatment capacity connection charge fund shall be used only to finance construction and incidental costs of additional capacity, purchase of machinery or equipment increasing present capacity, purchase of additional lands in connection with the sewage disposal facilities, for lands, construction or equipment and incidents in connection with the development of a new sewage disposal facilities, or for interceptors necessitated by additions of effluent to be treated in the city sewage system.

Subd. 2. Connection of Service.

- e. **Application for Water Connection.** Application for water service connection shall be made with the City Clerk. No water connection order will be issued until such time as the requirements of this ordinance are satisfied.
- f. **Security Deposit.** Person(s) making application for water service connection, who are not owners of the property (tenants, renters, other occupants) shall make a refundable security deposit in a sum not less than two (2) months minimum utility service charge. The security deposit will be refunded, without interest, upon disconnection of service, less any outstanding charges. The security deposit shall be forfeited if the city disconnects water service for non-payment of utility service charges.
- g. **Connect Fee.** A connect fee of ten (\$10.00) dollars shall be paid before a water connection order will be issued.
- h. **Disconnect Fee.** A disconnect fee of ten (\$10.00) dollars shall be charged when water service is disconnected.

SECTION 4. Accounting, Billing and Collecting

Subd. 1. Owner Responsibility. The owner shall be liable for water supplied or sewer service provided to the owner's property, whether the owner is occupying the property or not, and any charges unpaid shall be a lien upon the property as authorized by MN Stat. 444.075.

Subd. 2. Service Charges. Water and sewer service charges shall be established by the City Council by annual resolution. Charges shall be based on the monthly meter reading. The owner, owner's agent, or occupant shall read the meter on the 20th of each month, with payment of charges on or before the first of the following month.

- c. A fee of 50 cents shall be levied on payments which do not have the correct meter reading.
- d. A penalty of 10% shall be levied on payments made after the first of the following month.

Subd. 3. Delinquent Accounts. All charges for water and sewer service shall be due by the first of the following month, and shall be delinquent 30 days thereafter. The city shall endeavor to collect delinquent accounts promptly. In any case, where satisfactory arrangements for payment have not been made, the City Clerk may, after the procedural requirements of Subd. 4 have been complied with, cause a discontinuance of service to the delinquent customer by shutting off the water at the curb stop. When service to any premises has been discontinued, service shall not be restored except upon the payment of all delinquent bills, charges and fees. The City Clerk shall prepare an assessment roll each year providing for assessment of the delinquent amounts against the respective properties served, to be certified to the county auditor for collection along with taxes, as authorized by MN Stat. 444.075. Such action is optional and may be subsequent to taking legal action to collect delinquent accounts.

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Subd. 2. Non-Acceptable Wastes. No person shall discharge or permit to be discharged in any public sewer:

- d.** Any unacceptable wastes in accordance with MN Environmental Protection Agency or MN Pollution Control Agency regulations.
- e.** Any water or waste containing a toxic or poisonous substance, whether or not listed as a hazardous waste by Section 7045.0135, MN Rule 1985, in sufficient quantities to constitute a hazard to humans or animals, injure or interfere with sewage treatment, or create any hazard.
- f.** Any noxious or malodorous gas or substance capable of creating a public nuisance.

Subd. 3. Interceptors. Grease, oil, and sand interceptors shall be provided when they are necessary for the proper handling of any liquid waste containing grease in excessive amounts or any flammable waste, sand, or other harmful ingredients. Interceptors shall be located so as to be easily accessible for cleaning and inspection.

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Subd. 6. Inspection. Authorized employees of the city, bearing proper identification, shall at reasonable times be permitted to enter upon all properties connected to the city sanitary sewer system for the purpose of inspection, observation, measurement, sampling, and testing. The premises of any property owner or occupant, who refuses entry to a city employee, after a proper request as provided for in this section, shall be terminated from the connection with the city sanitary sewer system. Such termination of connection shall be effected by the city only after a hearing before the City Council upon a minimum of five days mailed notice to the owner or occupant concerned.

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No individual or private sewage disposal system shall be allowed within the city. The MN Building and Plumbing Code provides that where a public sewer system is available, liquid wastes from a building must be discharged into the public sewer, except where special handling requirements for business or industrial waste are provided in this ordinance.

SECTION 4. Sewer Rates

Subd. 1. Rates Established. The owner, lessee, or occupant of each premises connected with the city sewer system shall pay monthly charges as established by annual City Council resolution.

Subd. 2. Exceptions. Special exceptions, rates, and regulations as apply to the water rates, Part 5, Section 4 of this ordinance, apply to city sewer rates.

Subd. 3. Required Information. The owner, occupant, or person in charge of any premises shall supply the city with such information as it may reasonable require relating to use of water, use of sewer, or sewer rates. Willful failure to provide such information, willful falsification of such information, or willful failure to comply with any requirement or order issued pursuant to this section constitutes a violation of this section.

Subd. 4. Disposition of Revenues. All revenues derived from charges imposed under this section shall be credited to the proper funds.

PART 4. SEVERABILITY

If any provision of this ordinance is contrary to law and therefore unenforceable, such provision will be severed and will not affect the other provisions of the ordinance.

PART 5. REPEAL

Upon becoming effective, this ordinance shall supersede and repeal all previous ordinances and resolutions establishing and regulating water and sewer services in the City of Hendrum.

PART 6. EFFECTIVE DATE

This ordinance, being duly passed by the Hendrum City Council and posted in accordance with State statute, shall be in full force and effect from and after January 1, 1997. Upon passage of this proposed amendment, Sump Pump Ordinance #57 will be null and void, effective November 9, 1998

**MAY
12
1997**

MAYOR

Donovan Kolness

COUNCIL

MEMBERS

Randy Zimmerman

Michael Smart

Gloria Nepstad

Arlan Lang

CITY CLERK

Anton Whitehead

ORDINANCE NO.

62

ORDINANCE NO. 62

AN ORDINANCE ANNEXING LAND TO THE CITY OF HENDRUM, MINNESOTA

THE CITY COUNCIL OF THE CITY OF HENDRUM DOES HEREBY ORDAIN THAT CERTAIN LAND AS HEREAFTER DESCRIBED BE ANNEXED INTO THE CORPORATE LIMITS OF THE CITY OF HENDRUM:

1. The following real property is owned by the City of Hendrum, to-wit:
Commencing at the Northwest corner of the Northeast Quarter (NE1/4) of Section Thirty (30), Township One Hundred Forty-four (144), Range Forty-eight (48); Thence South along the West line of said NE1/4 a distance of 165 feet; Thence East and parallel with the West line of said NE1/4 a distance of 165 feet; thence West and along the North line of said NE1/4 a distance of 231 feet to the point of beginning.
2. The real property is urban in character.
3. The real property borders the City of Hendrum, although less than 60% of its perimeter borders the City of Hendrum; and area is 40 acres or less.

DEC
8
1997

MAYOR

Donovan Kolness

COUNCIL

MEMBERS

Randy Zimmerman

Michael Smart

Gloria Nepstad

Arlan Lang

CITY CLERK

Anton Whitehead

ORDINANCE NO.

63

ORDINANCE NO. 63

RETAIL TOBACCO ORDINANCE

AN ORDINANCE REGULATING THE SALE OF TOBACCO PRODUCTS IN THE CITY OF HENDRUM, MINNESOTA

THE CITY COUNCIL OF THE CITY OF HENDRUM, MINNESOTA, DOES HEREBY ORDAIN:

SECTION 1. LICENSE

- E.** No person shall keep for retail sale, sell at retail or otherwise dispose of any tobacco product at any place in the City of Hendrum without first obtaining a license from the City of Hendrum. "Tobacco" is defined as and includes: cigarettes; cigars; cheroots, stogies; perique; ganulated, plug cut, crimp cut, ready rubbed, and other smoking tobacco; snuff; snuff flour, cavendish; plug and twist tobacco; fine cut and other chewing tobaccos; shorts, refuse scraps, clippings, cuttings and sweepings of tobacco; and other kinds and forms of tobacco, prepared in such manner as to be suitable for chewing or smoking in a pipe or other tobacco-related devices.
- F.** The annual license fee for a retail tobacco license shall be \$12.00 per year. All retail tobacco licenses shall be valid for the calendar year beginning January 1. The annual fee shall not be prorated.
- G.** Every license shall be conspicuously posted at the place for which the license is issued and shall be exhibited to any person upon request.

SECTION 2. SALES PROHIBITED TO MINORS

No person shall sell or offer to sell any tobacco or tobacco product to any person under eighteen (18) years of age.

SECTION 3. ADMINISTRATIVE PENALTIES

- A.** If a licensee or employee of a licensee sells tobacco to a person under the age of 18 years, or violates any other provision of this ordinance, the licensee shall be charged an administrative penalty of \$75.00. An administrative penalty of \$200.00 must be imposed for a second violation at the same location within 24 months after the initial violation. For a third violation at the same location within 24 months after the initial violation, and administrative penalty of \$250.00 must be imposed, and the licensee's authority to sell tobacco at that location must be suspended for not less than seven (7) days. No suspension or penalty may take effect until the licensee has received

notice, served personally or by mail, of the alleged violation and an opportunity for a hearing before the Hendrum City Council.

- B.** An individual who sells tobacco to a person under the age of 18 years must be charged an administrative penalty of \$50.00. No penalty may be imposed until the individual has received notice, served personally or by mail, of the alleged violation and an opportunity for a hearing before the Hendrum City Council.
- C.** It is an affirmative defense to the charge of selling tobacco to a person under the age of 18 years in violation of this ordinance that the licensee or individual making the sale relied in good faith upon proof of age as follows:
 - 1.** A valid driver's license or identification card issued by the State of Minnesota, another state, or a province of Canada, and including the photograph and date of birth of the licensed person, or
 - 2.** A valid military identification card issued by the U.S. Department of Defense; or
 - 3.** In the case of a foreign national, from a nation other than Canada, by a valid passport.

SECTION 4. SELF-SERVICE SALES

- A.** No licensee shall offer for sale single packages of cigarettes or smokeless tobacco in open displays which are accessible to the public without the intervention of a store employee.
- B.** Cartons and other multipack units may be offered and sold through open displays accessible to the public.
- C.** Section 4(B) of the ordinance will expire upon the effective date and implementation of Code of Federal Regulation, Title, Part 897.16(c).
- D.** The self-service restriction described in this Section 4 shall not apply to retail stores which derive at least 90% of their revenue from tobacco and tobacco-related products and which cannot be entered at any time by persons younger than 18 years of age.

SECTION 5. VENDING MACHINE SALES

No person shall sell tobacco products from vending machines. This section does not apply to vending machines in facilities that cannot be entered at any time by persons younger than 18 years of age.

SECTION 6. COMPLIANCE CHECKS

The City of Hendrum shall conduct unannounced compliance checks at least once each calendar year at each location where tobacco is sold to test compliance with MN Statutes Sec. 609.685. Compliance checks shall utilize minors over the age of 15, but under the age of 18, who, with the prior written consent of a parent or guardian, attempt to purchase tobacco under the direct supervision of a law enforcement officer or an employee of the licensing authority.

SECTION 7. EFFECTIVE

This ordinance shall become effective after its passage and public posting.

**MAY
13
2002**

ORDINANCE NO. 65

ORDINANCE NO.

65

AN ORDINANCE REPEALING PREVIOUSLY ENACTED ORDINANCES

THE CITY COUNCIL OF THE CITY OF HENDRUM, MINNESOTA, DOES HEREBY ORDAIN AS FOLLOWS:

SECTION 1. Scope

The complete repeal of all ordinances listed in Section 2.

Section 2. List of Ordinances

A) Licensing of Auctioneer	Ordinance # 3	Enacted 10-18-1901
B) Licensing of Exhibitions, etc.	Ordinance # 4	Enacted 10-18-1901
C) Taking of Teams on Public Streets	Ordinance # 6	Enacted 10-18-1901
D) Bicycle Riding on Public Sidewalks	Ordinance # 7	Enacted 10-18-1901
E) Prohibiting Intoxication, etc.	Ordinance # 8	Enacted 10-18-1901
F) Feeding Transient and Loafers	Ordinance #10	Enacted 10-18-1901
G) Playing Ball on City Streets	Ordinance #11	Enacted 11-11-1901
H) Prohibitions on Obstructing Streets and Alleys	Ordinance #12	Enacted 11-11-1901
I) Telephone Company Authorization	Ordinance #19	Enacted 08-03-1903
J) Gambling	Ordinance #20	Enacted 01-02-1906
K) Blank Ordinance	Ordinance #22	
L) Boulevard Trees	Ordinance #24	Enacted 03-01-1915
M) Blank Ordinance	Ordinance #27	
N) Regulating Non-Intoxicating Malt Beverages	Ordinance #31	Enacted 05-05-1933
O) Fire Limits	Ordinance #32	Enacted 11-20-1937
P) Regulating the Use of Streets and Highways	Ordinance #35	Enacted 10-11-1954
Q) Blank Ordinance	Ordinance #37	

Section 3. Effective Date

This Ordinance shall take effect and force from and after its passage by the City Council; and its official posting and publication in accordance with state laws.

MAY
13
2002

MAYOR

Randy Zimmerman

COUNCIL

MEMBERS

Jim Berg

Debbie Campbell

Stashenko Hempeck

Michael Smart

CITY CLERK

Karen Sip

ORDINANCE NO.

66

ORDINANCE NO. 66

OUTDOOR SOLID FUEL-FIRED HEATING DEVICES

THE CITY COUNCIL OF THE CITY OF HENDRUM DOES HEREBY ORDAIN:

SECTION 1: PURPOSE AND INTENT. This Ordinance is adopted for the following purpose: (1) to control and regulate the installation, location and use of outdoor solid-fuel-fired heating devices.

SECTION 2: DEFINITIONS. The following terms, as used in this Ordinance, shall have the meanings stated:

1. **Solid Fuel-Fired Heating Device:** For the purpose of this ordinance, shall mean a device designed for outdoor solid fuel combustions so that usable heat is derived for the interior of the building, and includes solid fuel-fired stoves, fireplaces, solid fuel-fire cooking stoves, and combination fuel furnaces or boilers which burn solid fuel. Solid fuel-fired heating devices do not include gas-fired fireplace logs.
2. **Stacks or Chimney:** Any vertical structure incorporated into a building and enclosing a flue or flues that carry off smoke or exhaust from a solid fuel-fired heating device; especially the part of such a structure extending above a roof.
3. **Spark Arrester:** A device which is installed on the smoke stack to prevent sparks and ash from exiting the smoke stack.
4. **Licensing Authority:** The City Council of the City of Hendrum or any designated representative thereof charged with administering the issuance and/or revocation of permits under the provisions of this ordinance.
5. **Owner:** A person having the right of fee simple estate, life estate, or leasehold estate in the property.
6. **Person:** Any individual, corporation, partnership, organization, or institution commonly recognized by law as a unit.
7. **Combustible Materials:** Is defined as firewood or wood pellets manufactured for the purpose of burning in the wood stove.
8. **Public Nuisance:** This shall be defined as any of the following: (a) maintaining or permitting a condition which unreasonably annoys, injures or endangers the safety, health, morals, comfort or repose of members of the public; or, (b) interfering with, obstructing or rendering dangerous for passage, any street, public right-of-way, or waters used by the public; or, (c) any other act or omission declared by law to be a

public nuisance. Any person, who by his act or failure to perform a legal duty intentionally does any of the following is guilty of maintaining a public nuisance

SECTION 2: PERMITS

- A.** No person shall operate an outdoor solid fuel-fired heating device without first obtaining a permit in compliance with this section.
- B.** Any person must first submit an application for the installation of an outdoor solid fuel-fired heating device. The application must be submitted to the City Clerk accompanied with the manufacturer's guidelines for installation and operation of the same, a map showing the proposed location thereof setting forth distance to existing buildings and lot lines, and a non-refundable check for \$10.00.
- C.** The permit period shall be effective from the time it is issued and shall remain in effect until such time as the owner is found to be in non-conformance or in non-compliance with this ordinance.
- D.** In the event there is an existing outdoor solid fuel-fired heating device within 350 feet of the owner's lot lines, a hearing on the application must be held before the City Council to give persons living within said distance to present evidence before the Council in favor of the application.
- E.** Any change to the outdoor solid fuel-fired heating device under which a permit is issued shall be reported to the City of Hendrum within ten days.
 - F.** Failure to comply with the provisions of this section is subject to a petty misdemeanor for a first offense and revocation of the permit.
 - G.** The City may establish a permit fee schedule and require any person to obtain a permit for any outdoor solid fuel-fired heating device that is sold or purchased after the effective date of this Section.

SECTION 3: ISSUANCE AND REVOCATION OF PERMITS.

- A.** The City of Hendrum may revoke any permit if the person holding the permit refuses or fails to comply with this ordinance, the regulations promulgated by the City of Hendrum, or any other law governing the use and operation of outdoor solid fuel-fired heating devices.
- B.** If an applicant is shown to have withheld or falsified any material information on the permit application, the City of Hendrum may refuse to issue or may revoke a permit.
- C.** It shall be a condition of issuance of any permit to an applicant that the City of Hendrum shall be permitted to inspect the premises where such outdoor solid fuel-fired heating devices are located.
- D.** It is a condition of issuance of any permit that the owner agrees to increase the height of the smokestack if after a hearing it is determined that the operation of the outdoor solid fuel-fired heating device is causing a nuisance as defined in City Ordinances No. 50 and No. 64 to owners of property within 350 feet of the location of the outdoor solid fuel-fired heating device.

SECTION 4: REQUIREMENTS UPON THE EFFECTIVE DATE OF THIS ORDINANCE.

- A.** All outdoor solid fuel-fired heating devices installed or purchased within the City limits are required to meet emission standards currently required by the Environmental Protection Agency (EPA) and Underwriters Laboratories (UL) listing.
- B.** All outdoor solid fuel-fired heating devices are subject to public nuisance as described in this Section.
- C.** Any dense smoke, noxious fumes, gas and soot, or cinders, in unreasonable quantities, may be declared a public nuisance by a properly designated authority.
- D.** Minimum stack height of any indoor or outdoor solid fuel-fired heating device shall have a minimum height conforming to Uniform Building Code regulations and meet Uniform Building Codes. Construction of all stacks must meet with the manufacturer's specifications and comply with all local and state fire codes.
- E.** Any existing stack height or irregularly installed stack shall be removed or replaced within a period of six months (6) from date of notice.
- F.** All stacks or chimneys must be so constructed to withstand high winds or related other related elements.
- G.** Dwellings with less than 25 feet of open space between units shall have a minimum stack height of three (3) feet above the roof of the adjoining properties' highest roof elevations.

SECTION 5. OWNER RESPONSIBILITY.

- A.** All outdoor solid fuel-fired heating devices shall be operated and maintained by the owner in accordance with manufacture guidelines and regulations imposed by the City of Hendrum.
- B.** The assumption of risk in the operation of the outdoor solid fuel-fired heating device shall be upon the owner. The City of Hendrum assumes no liability for property damage or personal injury suffered by the owner or third persons caused from the operation and maintenance of the outdoor solid fuel-fire heating devices.
- C.** All combustible material to be burned must be clean and all wood burned in outdoor solid fuel-fired heating devices must be unpainted and untreated. No treated or painted wood, garbage, or cardboard may be burned in solid fuel-fire heating devices.
- D.** Any wood from elm trees must have the bark removed before storage.
- E.** Failure to comply with the provisions of this section shall be a petty misdemeanor for each day the violation is not corrected.

SECTION 6. DUTIES OF CITY OFFICERS. City of Hendrum City Clerk/Zoning Administrator, the City of Hendrum Police Department, or other such official as the Council may designate from time to time, shall enforce the provisions of this ordinance. Suspected violations of emissions standards shall be reported to the EPA.

SECTION 7. VIOLATIONS.

- A.** Any violation of this ordinance shall be considered a petty misdemeanor.
- B.** Any violation of this ordinance may be subjected as a public nuisance.

SECTION 8. EFFECTIVE DATE. This ordinance is effective upon its passage and publication.

MAR
10
2003

MAYOR

Randy Zimmerman

COUNCIL

MEMBERS

Jim Berg

Debbie Campbell

Stashenko Hempeck

Michael Smart

CITY CLERK

Karen Sip

ORDINANCE NO.

67

ORDINANCE NO. 67

ANIMAL CONTROL

WHEREAS, THE CITY COUNCIL RECOGNIZES A NEED TO AMEND AND ADD TO THE EXISTING ORDINANCE REGARDING ANIMAL CONTROL;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF HENDRUM AS FOLLOWS:

TABLE OF CONTENTS:

1. Definitions
2. License and Registration Requirements
3. Collar and Tags
4. Running at Large
5. Impounding Dogs, Cats, and Other Animals at Large
6. Rabies
7. Prohibited Acts and Conditions
8. Animals Prohibited in City Of Hendrum
9. White Cane Law
10. Kennels
11. Repeal
12. Criminal Penalties
13. Effective Date

SECTION 1. DEFINITIONS

Terms used in this Chapter have the following meanings:

AT LARGE: Off the premises of the owner, and not under the control of the owner, or a member of his immediate family, either by lease, cord, chain, or otherwise.

OWNER: Any person or persons, firm, association or corporation owning, keeping or harboring an animal.

SECTION 2. LICENSE AND REGISTRATION REQUIREMENTS

- A. License and Registration:** All dogs and cats over six (6) months of age harbored, owned, or in any way possessed by any person within the City shall be annually

licensed and registered during the month of May each year, and no later than May 31 of each year, or within thirty (30) days after acquiring possession or ownership of the animal.

- B. Fees:** Dog and cat licenses shall be issued by the City Clerk upon application and payment of a license fee as established in the annual resolution of the City Council. In the event payment of the license fee should be made after the 31st of May, a penalty of 50% of the annual fee shall be imposed and collected. The same penalty shall apply if the animal is not licensed within thirty (30) days after acquiring possession or ownership of the animal.
- C. Application:** The owner shall state at the time application is made for such license, upon printed forms provided for such purposes, their name and address, breed, color and sex of animal, and whether or not the animal is neutered, spayed or de-sexed. Further, the owner must provide written proof of rabies inoculation. A veterinarian's certificate may be provided in lieu of an application provided the required information is stated.
- D. Rabies Inoculation Required:**
1. No license shall be issued for any dog or cat unless a written confirmation is received by the City showing that the animal described in the application has been inoculated against rabies sometime within the eighteen (18) month period immediately preceding the date of the license application. A rabies inoculation shall be required at least every two (2) years for any dog or cat.
 2. Each dog and cat license shall be cancelled at the appropriate time during the license year unless the records of the City Clerk contain written evidence that the animal concerned has been inoculated against rabies at least one in the last two (2) years for any dog or cat.
- E.** No license for a neutered, spayed or de-sexed dog or cat shall be issued unless satisfactory evidence of neutering, spaying, or de-sexing is confirmed by a qualified veterinarian in writing.
- F. Exemptions:** The licensing provisions of this Section shall not apply where the owners are nonresidents temporarily within the City, nor where dogs or cats are brought in the City for the purpose of participation in any dog or cat show, nor to dogs properly trained to assist blind or deaf persons when such dogs are actually being used by blind or deaf persons for the purpose of aiding them in going from place to place, nor to dogs being used in law enforcement except any of the above animals shall be required to have their rabies inoculation.
- G. Term of License:** Licenses are to be purchased between May 1st and May 31st each year, and expire one year from date of purchase.

- H. Presumption of Ownership of Dogs or Cats:** Licensing and registration of a dog or cat with the City shall establish a presumption that, at the time the dog or cat is licensed and registered, the owner of the dog or cat is the person receiving the license and listed on the registration.

SECTION 3. COLLAR AND TAGS

Upon payment of the license fee, the City Clerk or designee shall issue a metallic tag for each dog and cat so licensed. Each owner shall provide each dog and cat with a collar to which the license tag must be affixed and shall see that the collar and tag are constantly worn. IN case a tag is lost or destroyed, a duplicate will be issued by the City Clerk upon presentation of a receipt showing the payment of the license fee for the current year and the payment of one dollar (\$1.00) fee for such duplicate. Tags shall not be transferable from one animal to another and no refunds shall be made on any license fee because of the death of the animal or the owner leaving the City before expiration of the license period. The metal rabies inoculation tag shall also be kept affixed to the animal's collar at all times.

SECTION 4. RUNNING AT LARGE

- A.** No person having the custody or control of a dog shall permit the same to be on any unfenced area or lot abutting upon a street, public park, public place or upon any other private land in the City of Hendrum without being effectively restrained from, or entering beyond such unfenced area or lot; nor shall any person having the custody or control of any dog permit the same at any time to be on any street, public park, school grounds or public place in the City of Hendrum without being effectively restrained by chain or leash; or unless accompanied by and under the control and direction of the owner so as to be as effectively restrained by command as by a leash.
- B.** Every female dog or cat in heat shall be kept confined in a building or secure enclosure or in a veterinary hospital or boarding kennel, in such manner that such animal cannot come in contact with another animal, except for breeding purposes.
- C.** Any dog or cat found running at large, whose ownership is known to the City need not be impounded but the City at its discretion may order the owner to keep the animal in strict restraint as herein defined or the City may cite the owner of such animal to appear in court to answer charges of violation of this Ordinance.
- D.** If such dog or cat is found running at large or otherwise in violation of this Section, it may be taken up and impounded and shall not be released except after payment of the fees or due hearing before a court of law as to why the owner should not be required to pay the fees; provided, however, that if any dangerous, fierce or vicious dog so found at large cannot be safely taken up and impounded, such dog may be slain by any police officer or other authorized person.

SECTION 5. IMPOUNDING DOGS, CATS, AND OTHER ANIMALS AT LARGE

- A. Authority to impound; Records:** The City Council may designate such persons as the City deems necessary to apprehend any dog, cat, or other animal found running at large contrary to the provisions of this Ordinance and to impound such dog, cat, or other animal in the City pound, if one is maintained, or any other suitable place for the impounding of animals as may be directed by the City.

Licensed animals shall be separated from unlicensed animals. A complete registry shall be made upon impounding any dog, cat, or other animal, including, with relation to the dog, cat, or other animal entering:

1. Its description by species, breed, sex, approximate age, and other distinguishing traits.
 2. The location at which it was seized.
 3. The date of its seizure.
 4. The name and address of the person from whom any dog, cat, or other animal three (3) months of age or over was received.
 5. The name and address of the person to whom any dog, cat, or other animal three months of age or older was transferred.
 6. Whether the dog, cat, or other animal is licensed for the current year.
 7. If the dog, cat, or other animal is licensed, the name and address of its owner and the number of its tag.
- B. Notice to Owner and Redemption:** Not later than two (2) days after the impounding of any dog, cat, or other animal, the City shall attempt to notify the owner, if the owner is known to the City.
- C. Impound and Redemption Fees:**
1. The owner of any animal so impounded may reclaim such animal upon of an impound fee. The first impound fee will be set in the Annual Resolution with an additional impound fee of fifteen dollars (\$15.00) for each additional impoundment and five dollars (\$5.00) per day.
 2. Additional charges for maintenance and keeping of said dog or cat and the cost of any needed rabies inoculation, if any, shall be assessed in addition to the license fee and impound fee. Further, the owner shall pay the city the actual costs for the officer's fee and actual expense.

3. The owner of any dog or cat six (6) months of age or older impounded by the City which is not licensed for the current year shall be assessed a twenty-five (\$25.00) impound fee in addition to the fees hereinbefore described.

D. Disposition of Unclaimed or Infected Dogs, Cats, and Other Animals: All animals shall be impounded for a period of at least ten (10) regular business days. In the event the impound animal should be unclaimed, after notice to the owner, if known, the animal may be put to sleep in accordance with applicable state statutes and regulations or otherwise disposed of in accordance with the same.

The Police Department must consider alternatives to having the animal put to sleep before destroying the animal. Notwithstanding any provisions within this Section, any animals which appears to be suffering from rabies or affected with hydrophobia, mange or other infectious or dangerous disease, as shall be determined by a qualified veterinarian, shall not be released but may be forthwith destroyed.

SECTION 6. RABIES

Whenever it becomes necessary to safeguard the public from the dangers of rabies, the Mayor may order all dogs to be muzzled. If a dog has been exposed to rabies and, at its discretion, the Police Department is empowered to have such animal removed from the owner's premises to a veterinary hospital and placed under observation for a period of ten (10) days at the expense of the owner.

It shall be unlawful for any persons knowing or suspecting that a dog or cat has rabies to allow such dog or cat to be taken off their premises or beyond the limits of the City without the written permission of the Police Department. Every owner or other person, who suspects a dog or cat is rabid, shall immediately notify the Police Department who shall either remove the animal to the pound or destroy it.

Upon request of any person who has been bitten by a dog or cat within the City limits, or upon request of the guardian of said person, the Police Department or other designated officer, shall impound said animal and shall deliver said animal to a veterinarian to be placed under observation of a veterinarian, at the expense of the owner of said animal, for a period of ten (10) days thereafter. Owners wishing to appeal the impounding of their animal may request the Chief of Police to review the impound or may seek redress in the courts.

SECTION 7. PROHIBITED ACTS AND CONDITIONS

- A. Premises Kept Clean:** Any person operating or maintaining a kennel for any number of dogs or cats, either commercially or privately, or maintaining a dog or cat on a leash, or chained in a back yard or elsewhere, or allowed to roam in a fenced-in yard of any size, shall clean wasted material daily. All waste material shall be stored in steel containers covered, fly and water-tight and to prevent any noxious odor therefrom.

- B. Animal Wastes on Public and Private Property:** No person shall allow a dog or cat owned by them or in their possession to deposit animal waste in City parks, on public property or on the property of other citizens or residents of the City. Any person charged and convicted of a violation of this subsection shall be subject to a fine not to exceed ten dollars (\$10.00) for the first offense and thereafter not to exceed fifty dollars (\$50.00) for further offenses.
- C. Animals Disturbing the Peace:** No person shall keep or harbor any dog or cat, which habitually barks, cries or howls. Any such animals which habitually bark, cry, or howl are hereby declared to be a public nuisance and, upon complaint made to the Police Department, the Police Department is hereby authorized and empowered to impound any such animals from any place within the City, to cite the person keeping or harboring the dog or cat with violating this Ordinance subjecting the person to a penalty in accordance with the provisions of this Ordinance to order the person keeping or harboring the dog or cat to keep the dog or cat quiet or remove the dog or cat from the City limits.
- D. Animal Neglect or Abuse:** No person shall torture, beat, neglect or injure an animal or pet.
- E. Animals Destroying Property:** No owner shall allow his or her animal to damage any lawn, garden or property of another.

SECTION 8. ANIMALS PROHIBITED IN CITY

Licensed veterinarians may keep animals for the purpose of care and treatment necessary in the practice of their profession and except for temporary presence in connection with livestock or wildlife shows, exhibitions, zoos, circuses, or auctions within the City. Any animals present in such temporary livestock or wildlife event shall be caged, tethered, or otherwise safely restrained to protect the public.

Reasonable quantities of small, caged animals, e.g., rabbits, guinea pigs, hamsters, gerbils and domestic birds are exempt, but must be caged and properly cared for. Prior approval must be obtained from the City Council for anything other than the above listed.

SECTION 9. WHITE CANE LAW

Nothing set forth in this Ordinance shall be construed or enforced so as to violate the provisions of any "white cane law" of the State of Minnesota or regulations enacted thereunder.

SECTION 10. KENNELS

No person, firm, or corporation shall keep a kennel where animals are raised or kept for sale within the City, without securing a license from the City Clerk. The license fee shall be twenty dollars (\$20.00) per year. This fee shall be in addition to the license fees imposed in the preceding sections for each dog or cat kept in the kennel.

SECTION 11. REPEAL

Ordinance No. 16 and No. 42 regulating the keeping of animals are hereby replaced.

SECTION 12. CRIMINAL PENALTIES

- A. Separate Offenses:** Each day a violation of this Ordinance is committed or permitted to continue shall constitute a separate offence and shall be punishable as such under this Ordinance.
- B.** Any person who is convicted of a violation of this ordinance or any part thereof, shall be guilty of a petty misdemeanor on the first conviction, a second conviction shall be a misdemeanor and upon conviction thereof shall be punished by a fine, plus cost of prosecution.

SECTION 13. EFFECTIVE DATE

This ordinance shall be in full force and effect from and after its acceptance and passage by the City Council of Hendrum, and public posting as required by Minnesota State law.

**AUG
13
2003**

ORDINANCE NO.

68

ORDINANCE NO. 68

MUNICIPAL GENERAL ELECTIONS

**PURSUANT TO MINNESOTA STATUTE 205.07, THE CITY COUNCIL OF HENDRUM,
MINNESOTA DOES HEREBY ORDAIN THE FOLLOWING:**

Subdivision 1. Purpose

The purpose of Ordinance No. 68 is to:

- 1)** Change the Municipal General Elections from odd-numbered years to even-numbered years.
- 2)** Change the term of office for the Mayor from two to four years.
- 3)** Initially extend the length of terms for two City Council positions and the Mayor to five years to correspond with the change to even-numbered years.

Subdivision 2. Municipal Elections Shall Commence on Even-numbered Years.

Commencing with the 2004 municipal general election, the City of Hendrum shall hold general elections on the first Tuesday after the first Monday in November in every even-numbered year.

Subdivision 3. Terms of Office

The length of terms for the City Council members and the Mayor shall be four years.

Subdivision 4. Vacancies

Vacancies for any elected position shall be filled in accordance with state law.

Subdivision 5. Effect of Ordinance

Ordinance No. 68 shall become effective 240 days after passage and publication. After 240 days have passed, the Hendrum City Clerk shall notify in writing the County Auditor and Secretary of State of the change.

Subdivision 6. Transition Terms

To provide an orderly transition to the even-year election plan, the two members elected to the Hendrum City Council in the 2001 election shall serve five-year terms to correspond with the 2006 general election.

MAYOR

Randy Zimmerman

COUNCIL

MEMBERS

Milton Alm

Debbie Campbell

Stashenko Hempeck

Michael Smart

CITY CLERK

Karen Sip

The person elected Mayor in the 2003 election shall serve a five-year term to correspond with the 2008 general election.

**FEB
10
2004**

ORDINANCE NO.

69

ORDINANCE NO. 69

ORDINANCE TO ESTABLISH SALARIES OF THE MAYOR AND COUNCIL MEMBERS OF THE CITY OF HENDRUM

PURSUANT TO MINNESOTA STATUTE 415.11, THE CITY COUNCIL OF HENDRUM, MINNESOTA DOES HEREBY ORDAIN THE FOLLOWING:

Section 1. PURPOSE

- 1)** To establish the salary of the Mayor of the City of Hendrum.
- 2)** To establish the salary of the Council Members of the City of Hendrum.

Section 2.

The salary of the Mayor and Council Members shall be as follows:

- 1)** The salary of the Mayor of the City of Hendrum is hereby established to be One Hundred Dollars (\$100.00) per calendar month plus Twenty-five Dollars (\$25.00) for each special or emergency Council meeting attended in a calendar month.
- 2)** The salary of each Council Member of the City of Hendrum is hereby established to be Seventy-five Dollars (\$75.00) per calendar month plus Twenty-five Dollars (\$25.00) for each special or emergency Council meeting attended in a calendar month.

Section 3.

No change in salary shall take effect until after the next succeeding municipal election.

Section 4.

This ordinance shall become effective on the first business day of the month of January 1, 2004.

MAYOR

Randy Zimmerman

COUNCIL

MEMBERS

Milton Alm

Debbie Campbell

Stashenko Hempeck

Michael Smart

CITY CLERK

Karen Sip

**JUN
15
2004**

ORDINANCE NO.

70

ORDINANCE NO. 70

NUDITY IN PUBLIC PROHIBITED

THE CITY COUNCIL OF THE CITY OF HENDRUM DOES HEREBY ORDAIN:

SECTION I. NUDITY IN PUBLIC PROHIBITED.

- A.** The City Council of the City of Hendrum finds that it is in the best interests of the public health and safety, and general welfare of the people of the City of Hendrum that nudity is prohibited as provided in this section in public premises and in licensed establishments, as well as patrons and the public in general, from harm stemming from the physical immediacy and combination of alcohol, nudity, and sex. The City Council of the City of Hendrum especially intends to prevent any subliminal endorsement of sexual harassment or activities likely to lead to the possibility of various criminal conduct, including prostitution, sexual assault, and disorderly conduct. The City Council of the City of Hendrum also finds that the prohibition of nudity in public premises or any licensed establishments reflects the prevailing community standards of the City of Hendrum.
- B.** It is unlawful to permit or allow any person or persons in public premises when the person does not have his or her buttocks, anus, breasts, and genitals covered with a non-transparent material.
- C.** A violation of this section is a misdemeanor punishable as provided by law or the imposition of a civil penalty, is also permitted.

MAYOR

Randy Zimmerman

COUNCIL

MEMBERS

Milton Alm

Debbie Campbell

Stashenko Hempeck

Michael Smart

CITY CLERK

Karen Sip

OCT
10
2005

ORDINANCE NO.

74

ORDINANCE NO. 74

PLANNING & ZONING ORDINANCE FOR THE CITY OF HENDRUM

THE CITY COUNCIL OF THE CITY OF HENDRUM DOES HEREBY ORDAIN:

MAYOR

Randy Berggren

COUNCIL

MEMBERS

Milton Alm

Matthew Nelson

Stashenko Hempeck

Michael Smart

CITY CLERK

Karen Sip

SECTION 1. PURPOSE AND INTENT. This Ordinance is adopted for the following purposes: (1) to promote the health, safety, comfort, convenience and general welfare of the inhabitants of the city; (2) to minimize congestion in the public rights-of-way, securing safety from fire, panic and other dangers, provide for adequate light and air, and preventing the overcrowding of land; (3) avoiding undue concentration of population, facilitating the adequate provisions of transportation, water, sewage, parks, and other public requirements; (4) to promote a more efficient and desirable utilization of land by recognizing special land features, such as topography, soils, vegetation, wetland areas, and wildlife; (5) conserving and developing natural resources and maintaining a high standard of environmental quality; (6) to divide the City into zones or districts as to the compatible use of land and structures for residential and business purposes; (7) to prohibit the use of buildings, structures, and lands that are incompatible with the intended use of land throughout the City; (8) promoting orderly development of residential, commercial, recreational, and public areas; (9) minimizing pollution of all types; (10) providing for the administration of this Ordinance and amendments thereto; (11) defining the powers and duties of the administrative officers and bodies; and (12) describing penalties for the violation of provisions of this Ordinance or any amendment thereto.

SECTION 2. MINNESOTA BUILDING CODE. The Minnesota Building Code is hereby adopted and incorporated herein by reference.

SECTION 3. DEFINITIONS. The following terms, as used in this Ordinance, shall have the meanings stated:

1. "Abutting"- Having a common border or property line or separated only by streets, railroad tracks or a public utility right-of-way.
2. "Access"- A means of vehicular approach or entry to or exit from property.
3. "Accessory Use, Structure or Building"- A use, structure, or building or portion of a structure subordinate to and serving the principal use or structure on the same lot and

clearly and customarily incidental thereto, including but not limited to decks, fences, and storage buildings.

4. "Agriculture"- The use of land for growing and producing field crops. Keeping or producing of livestock and poultry and all activities incident thereto. Said term shall not include feedlots, the raising of fur-bearing animals, nor the operations of riding academies, commercial stables and kennels.
5. "Alley"- A minor public right-of-way that is used primarily for secondary vehicular service access to the back or the side of properties abutting on a street.
6. "Alteration"- Any change or rearrangement, other than incidental repairs, in the supporting members of an existing building, such as bearing walls, columns, beams, girders or interior partitions, as well as any change in doors or windows, or any enlargement to or diminution of a building or structure, whether horizontally or vertically, or the moving of a building or structure from one location to another, which would prolong the building's life.
7. "Animal Hospital" - A place where animals or pets are given medical or surgical treatment and the boarding of animals is limited to short-term care incidental to the hospital use.
8. "Antenna" - An arrangement of wires, metal rods, panels, dishes, etc. used to send or receive electromagnetic or microwave signals.
9. "Apartment" - A room or suite of rooms in a multiple family dwelling structure that is arranged, designed, used, or intended to be used as a dwelling unit for a single family.
10. "Applicant" - The owner of land proposed to be subdivided or rezoned, or his legal representative.
11. "Automobile Repair, Major" - General repair, rebuilding, or reconditioning of engines, motor vehicles or trailers, including body work, frame work, welding and major painting surface.
12. "Automobile Repair, Minor" - The replacement of any part or repair of any part which does not require the removal of the engine head or pan, engine transmission or differential; incidental body and fender work, minor painting and upholstering service when said service above stated is applied to passenger automobiles and trucks, not in excess of 7,000 pounds gross vehicle weight.
13. "Automotive Service Station" -A retail place of business engaged primarily in the sale of motor vehicle fuels, but also may be engaged in supplying goods and services generally

- required in the operation and maintenance of motor vehicles. These may include sale of petroleum products, sale and servicing of tires, batteries, automotive accessories, and replacement items, washing and lubrication services and the performance of automotive maintenance and repair.
14. "Banners and Pennants" - Attention-getting devices that resemble flags and are of a paper, cloth or plastic-like material.
 15. "Barbed Wire" - See Fence, Hazardous.
 16. "Basement" - A portion of a building located entirely or partially underground, but having half or less than its floor to ceiling height below the average grade of the adjoining ground. A basement shall be counted as a story, except that a basement, the ceiling of which does not extend more than five feet above the curb level or above the highest level of the adjoining ground shall not be counted as a story.
 17. "Berm" - A mound of earth, or the act of pushing earth into a mound.
 18. "Block" - An area of land within a subdivision that is entirely bounded by streets, or by streets and the exterior boundary or boundaries of the subdivision, or a combination of the above with a river or lake, or outlot.
 19. "Boarding House" - Any dwelling other than a hotel, motel or apartment where meals and lodging are provided for compensation to persons unrelated to the owner or possessor, pursuant to previous arrangement.
 20. "Bond" - Any form of security including cash deposit, surety bond or letter of credit in an amount and form satisfactory to the Council and filed with the office of City Treasurer.
 21. "Boulevard" - The portion of the street right-of-way between the curb line or surfaced roadway and the property line.
 22. "Buffer" - The use of land, topography, difference in elevation, space, fences, or landscape planting to screen or partially screen a use or property from division of another use or property, and thus reduce undesirable influences, such as site, glare, noise, dust and other external effects.
 23. "Building" - Any structure having a roof supported by columns or walls and intended for the shelter, housing or enclosure of any individual, animal, process, equipment, goods or materials of any kind. In addition, when said structure is divided by party walls without opening, each portion of such building so separated shall be deemed a separate building.

24. "Building, Completely Enclosed" - A building separated on all sides from the adjacent open space from other buildings or structure, by a permanent roof and by exterior walls or party walls, pierced only by windows and normal entrance and exit doors.
25. "Building Coverage" - The horizontal area measured within the outside of the exterior walls of the ground floor of all principal and accessory buildings on a lot.
26. "Building, Detached" - A building surrounded by an open space on the same lot.
27. "Building, Height" - The vertical distance measured from the average ground elevation adjoining the front walls of the building to the highest point of the roof surface of a flat roof, to the deck line of a mansard roof, or to the average height between the eaves and ridge of a gable, hip or gambrel roof.
28. "Building Permit" – An official document or certificate issued by the designated Building Official of the jurisdiction authorizing performance of a specific activity such as, but not limited to: constructing, enlarging, altering, moving, demolishing, or change the occupancy of a building or structure. Repairing, erecting, installing, enlarging, altering, repairing, removing, converting or replacing any gas, mechanical, electrical, plumbing system, or other equipment.
29. "Building Setback Line" - A line on a lot, generally parallel to a lot line, high water mark, shoreline or road right-of-way line, located a sufficient distance therefrom to provide the minimum yards required by this Ordinance. The building setback lines delimit the area in which buildings are permitted subject to all applicable provisions of this Ordinance.
30. "Building, Residential" - A building which is arranged, designed, used or intended to be used for residential occupancy by one or more families and which includes, but is not limited to, the following types: (1) single family dwellings; (2) two family dwellings; (3) multiple family dwellings; (4) townhouses.
31. "Building, Principal" - A building in which is conducted, or in which is intended to be conducted, the main or principal use of the lot on which it is located.
32. "Bulk Storage" - The storage of chemicals, petroleum products and other materials in above ground containers for subsequent resale.
33. "Business" - Any establishment, occupation, employment or enterprises wherein merchandise is manufactured, exhibited or sold, or where services are offered for compensation.

34. "Caliper" - A measurement of the size of the tree equal to the diameter of its trunk measured four and one-half (4.5) feet above natural grade.
35. "Capital Improvements Program" - A proposed City schedule of future projects or capital purchases listed in order of priority together with cost estimates and the anticipated means of financing each project.
36. "Carport" - A roofed automobile shelter opened on at least two sides, usually formed by extension of the roof from the side of a building.
37. "Central Water and Sewer System" - A system serving a group of buildings, lots, or a defined area of the City.
38. "Church" - A building or edifice consecrated to religious worship, where people join together in some form of public worship under the aegis and direction of a person who is authorized under the laws of the State of Minnesota to solemnize marriages. Camp meeting grounds, mikvahs, coffee houses, recreational complexes, retreat houses, sleeping quarters for retreatants during spiritual retreats extending for periods of more than one day, Bible camps with live-in quarters, ritual slaughter houses, radio or television towers and transmission facilities, theological seminaries day care centers, hospitals, and drug treatment centers are not churches. A church as defined above may include living quarters for persons employed on the premises of said church.
39. "Clinic" - A building in which a group of physicians, dentists, and/or allied professional assistants are associated for carrying on their profession. The clinic may include a dental or medical laboratory, but shall not include in-patient care or operating rooms for major surgery.
40. "Club or Lodge, Private" - An association of persons who are bona fide members paying annual dues, which owns, hires, or leases the building, property or a portion thereof; the use of such premises being restricted to members and their guests. It shall be permissible to serve food and meals on such premises, provided adequate facilities are available.
41. "Comprehensive Plan or Policies" - A compilation of goals, policy statements, standards,, programs and maps for guiding the physical, social, and economic development, both public and private, as defined in the Minnesota Municipal Planning Act, and includes any part of such plan separately adopted and any amendment to such plan or parts thereof.
42. "Conditional Use" - A use permitted in a particular zoning district only upon showing that such use in a specified location will comply with all the restrictions and standards

for that location or operation of such use as specified by this Ordinance and authorized by the City.

43. "Condominium" - A form of individual ownership within a building that entails joint ownership and responsibility for maintenance and repairs of the land and other common property of the building.
44. "Conforming Building or Structure" - Any building or structure which complies with all the regulations of this Ordinance or any amendment thereto governing the zoning district in which such building or structure is located.
45. "Construction Plan" - The map or drawing accompanying a subdivision plat and illustrating the specific location and design of improvements to be installed in the subdivision in accordance with engineering and City Ordinance requirements of the City and as conditioned in the approval of the plat.
46. "Contour Map" - A map on which irregularities of land surface are shown by lines connecting points of equal elevation. Contour interval is the vertical height between contour lines.
47. "Contractor's Yard" - An area where vehicles, equipment, and/or construction materials and supplies commonly used by building, excavation, roadway construction and similar contractors are stored or serviced. The contractor's yard includes both areas of outdoor storage and areas confined within a completely enclosed building used in conjunction with a contractor's business.
48. "Convalescent, Nursing and Rest Home" - A home for aged, chronically ill, or convalescent persons in which two or more persons not of the immediate family are received, kept or provided with food, shelter and care of compensation, but not including hospitals, clinics or similar institutions. devoted primarily to the diagnosis and treatment of disease or injury, maternity cases, or mental illness.
49. "Cooperative" - A multi-unit development operated for and owned by its occupants. Individual occupants do not own their specific housing unit outright as in a condominium, but they own shares in the enterprise.
50. "Corner Lot" - See Lot, Corner.
51. "Council" – Means the City of Hendrum City Council.
52. "County Recorder" - The County Recorder when referring to abstract or registered property under the torrens system in Norman County.

- 53. "Covenant" - A contract between two individuals that constitutes a restriction of a particular parcel of land.
- 54. "Coverage" - See Lot Coverage.
- 55. "Cul-De-Sac" - A local street with only one vehicular outlet and having an appropriate terminal for the safe and convenient reversal of traffic.
- 56. "Curb Level" - The curb level for any building is the level of the established curb in front of such building measured at the center of such front. Where no curb elevation has been established, the City Engineer shall establish such curb elevation. When a building has frontage on more than one street, the lowest curb level as determined above shall apply.
- 57. "Deck" - An above grade platform adjacent to or extending from a principal structure and not covered by a permanent roof.
- 58. "Deflection" - The angle between a line and the prolongation of the preceding line.
- 59. "Density" - A number expressing the relationship of the number of dwellings to an acre of land.
- 60. "Developer" - The owner of land proposed to be subdivided or his legal representative.
- 61. "Development" - The division of a parcel of land into two or more parcels; the construction, reconstruction, conversion, structural alteration, relocation or enlargement of any structure; any mining, excavation, landfill or land disturbance, and any use or extension of the use of land.
- 62. "Development identification Sign" - A permanent ground low-profile sign which identifies a specific residential, industrial, commercial, or office development and which is located on the premises of the development which it identifies.
- 63. "District" - See Zoning District.
- 64. "Drive-in Use" - An establishment which by design, physical facilities, service, or by packaging procedures encourages or permits customers to receive services, obtain goods, or be entertained while remaining in their motor vehicle.
- 65. "Dwelling" - A building or portion thereof designed or used exclusively for human habitation, including single family, two family, multiple family and townhouse dwellings, but not including hotels or motels.

66. "Dwelling, Attached" - An attached dwelling is one that is joined to another dwelling or building at one or more sides by a party wall or walls.
67. "Dwelling, Detached" - A detached dwelling is one which is entirely surrounded by open space on the same lot.
68. "Dwelling Unit" - One room, or rooms located in a dwelling which are connected together constituting a complete, separate, and independent housekeeping unit for owner occupancy, rental or lease, physically separated from any other room or dwelling unit which may be in the same structure, and containing independent cooking, sleeping and sanitary facilities, but not including hotels, motels, boarding or rooming houses, tourist homes, mobile homes, travel trailers or tents.
69. "Dwelling, Single-Family" - A detached building containing one dwelling unit designed for occupancy for one family.
70. "Dwelling, Two-Family" - A detached dwelling containing two dwelling units, designed for occupancy by not more than two families.
71. "Dwelling, Multiple-Family or Apartment Building" - A detached building containing three or more dwelling units, with the number of families in residence not exceeding the number of dwelling units provided. Condominiums and cooperatively owned multiple residential dwellings - are multiple-family dwellings for purposes of this Ordinance.
72. "Easement" - A limited ownership interest in land enabling the construction and maintenance of public services and utilities thereon including, but not limited to, sanitary sewers, water mains, electrical lines, telephone lines, storm sewer or storm drainage facilities, gas lines, and conservation and pedestrian trails.
73. "Efficiency Unit" - A dwelling unit consisting of one principal room, exclusive of bathroom, kitchen, hallway, closets or dining alcove directly off the principal room.
74. "Escrow" - A deposit of cash with the local government in lieu of an amount required and still in force on a performance or maintenance bond.
75. "Essential Services" - The erection, construction, alteration, or maintenance of underground, surface or overhead services such as but not limited to, electrical, communications, gas, steam, water and sewerage transmission and collection systems, and the equipment and appurtenances necessary for such systems to furnish an adequate level of public service.

76. "Exterior Storage" - The storage of goods, materials, equipment, manufactured products and similar items not fully enclosed by a building.
77. "Extraction" - The removal, filling with, or storage of rock, sand, gravel, clay, silt or other like material.
78. "Facade" - That portion of any exterior elevation of a building exposed to public view extending from grade to the top of the parapet wall or eaves and the entire width of the building elevation.
79. "Family" - Any number of individuals generally but not necessarily related by blood and marriage, living together at one location as a single nonprofit housekeeping unit, as distinguished from a group occupying a boarding or rooming house, tourist home, hotel or motel.
80. "Feedlot" - A confined area used for housing or feeding poultry or livestock where substantial amounts of animal waste will be generated, but not including barns or pens which are accessory uses incidental to a farming operation.
81. "Fence" - An artificially constructed barrier of any material or combination of materials erected to enclose or screen areas of land.
82. "Fence, Hazardous" - Any barrier which exposes the general public to danger, chance, or risk of injury by the nature of its components such as barbed wire, sharpened metal, or electrical charges.
83. "Fence, Solid" - A fence which provides a visual barrier between adjacent property and the area enclosed.
84. "Fill" - Sand, gravel, earth or other material of any composition whatsoever placed or deposited by humans.
85. "Financial Institution" - A commercial banking establishment or savings and loan association chartered by the State of Minnesota or the United States.
86. "Flood Fringe" - That portion of the flood plain outside the floodway.
87. "Flood Plain" - The land adjacent to a body of water that has been or may be hereafter covered by flood water, including that land covered by the regional flood.
88. "Flood, Regional" - A flood which is representative: of large floods known to have occurred generally in Minnesota and reasonably characteristic of what can be expected

- to occur on an average frequency in the magnitude of the one hundred (100) year recurrence interval.
- 89. "Floodway" - The minimum channel of a watercourse and those portions of the floodplain adjoining the channel that are reasonably required to discharge the regional flood.
 - 90. "Floor Area" - The sum of the gross horizontal areas of the several floors of the building measured from the exterior faces of the exterior walls or from the centerline of walls separating -two buildings. The floor area of a building shall include basement floor area, elevator shafts, and stairwells, at each floor, penthouses, attic space having headroom of seven feet or more, interior balconies and mezzanines, enclosed porches and floor area devoted to accessory uses. However, any space devoted to mechanical equipment, parking or loading shall not be included in the floor area. The floor area for enclosed space having a floor to ceiling height in excess of twenty (20) feet shall be computed on the basis that each fifteen (15) feet of height shall be equal to one floor for the purposes of computation.
 - 91. "Floor Area Ratio" (F.A.R.) - The numerical value obtained by dividing the floor area of a building by the total. size of the lot.
 - 92. "Front Lot Line" - See Lot Line, Front.
 - 93. "Front Yard" - See Yard, Front.
 - 94. "Frontage" - That boundary of a lot which abuts an existing or dedicated public street.
 - 95. "Garage, Private" - A detached accessory building or portion of the principal building, including a carport, which is used primarily for storing passenger vehicles.
 - 96. "Garage, Public" - A building used for the storage or care of power driven vehicles, or where such vehicles are equipped for operation, repair, or kept for storage, hire or sale.
 - 97. "Garden Center" - A place of business where retail and wholesale products and produce are sold to the retail consumer. These centers, which may include a nursery and/or greenhouses, import most of the items sold. These items may include plants, handicrafts, nursery products and stock, fertilizers, potting soil, hardware, lawn and garden power-equipment and machinery, hoes, rakes, shovels, and other garden and farm tools and utensils.
 - 98. "Gazebo" - An open pavilion, built as a freestanding structure and not intended for habitation.

99. "General Development Plan" - A report in text and in map form with the map drawn to scale depicting the general location and relationship of structures, streets, driveways, - recreation areas, parking areas, utilities, etc., as related to a proposed development.
100. "Grade" - Grade is an average level of the finished surface of the ground adjacent to the exterior walls of the building or structure, or the slope of a street, specified in percentage (%) terms.
101. "Greenhouse" - A structure used for the cultivation or protection of flowers, vegetables and nursery stock.
102. "Group Home, Residential" - A building or structure where persons reside for purposes of rehabilitation, treatment, or special care. Such persons may be orphaned, suffer chemical or emotional impairment, or suffer social maladjustment or dependency.
103. "Health Services". - Establishments primarily engaged in furnishing medical, surgical or other services to individuals, including the offices of physicians, dentists, and other health practitioners, medical and dental laboratories, out-patient care facilities, blood banks, and oxygen and miscellaneous types of medical supplies and services.
104. "Home Occupation" - See Section 10, Subd. 18.
105. "Horticulture Use" - The use of land for the growing or production for income of fruits, vegetables, flowers, nursery stock including plants and trees, and cultured sod.
106. "Hospital" - An institution providing persons with intensive medical or surgical care and devoted primarily to the diagnosis and treatment of disease or injury, maternity cases, or mental illness.
107. "Hotel" - A building containing guest rooms in which lodging is provided with or without meals for compensation and which is open to transient or permanent guests or both, and where no provision is made for cooking in any guest room, and which ingress and egress to and from all rooms is made through an inside lobby or office supervised by a person in charge.
108. "Impervious Surface" - Impervious surfaces are those which do not absorb water. They consist of all buildings, parking driveways, roads, sidewalks, and any areas of concrete or asphalt. In the case of lumberyards, areas of stored lumber constitute impervious surfaces.

109. "Individual Sewage Treatment System" - A sewage treatment system or part thereof, serving a dwelling, or other establishment, or group thereof, which utilizes subsurface soil treatment and dispersal.
110. "Industrial" - See Manufacturing.
111. "Junk Yard" - An area where used, waste, discarded or salvaged materials are bought, sold, exchanged, stored, baled, cleaned, packed, disassembled or handled, including but not limited to scrap iron and other metals, paper, rags, rubber products, bottles and lumber. A junk yard includes an automobile wrecking or dismantling yard, but does not include uses established in conjunction with a permitted manufacturing process when within an enclosed area or building. The storage of unlicensed and/or inoperable motor vehicles for a period in excess of thirty (30) days shall also be considered a junk yard.
112. "Kennel, Commercial" - Any place where a person, firm, or corporation accepts dogs, cats, or other common household pets from the general public and where such animals are kept for the purpose of selling, boarding, breeding, training, treating or grooming.
113. "Kennel, Private" - Any place where more than two (2) dogs or cats over six months of age are kept or harbored, such animals being owned by the owner or lessee of the premises wherein or whereupon the animals are kept or harbored.
114. "Key Map" - A map drawn to comparatively small scale which definitely shows the area proposed to be platted or developed and the areas surrounding it to a given distance.
115. "Landscaping" - The addition to a lot of lawns, trees, plants, and other natural and decorative features including walks, patios, gravel, and mulches.
116. "Loading Space" - That portion of a lot designed to serve the purpose of loading or unloading all types of vehicles.
117. "Lot" - A separate parcel, tract, or area of land undivided by any public street or private road, which has been established by plat, metes and bounds subdivision, or as otherwise permitted by law, and which is occupied by or intended to be developed for and occupied by a principal building or group of such buildings and accessory buildings, or utilized for a principal use and uses accessory thereto, including such open spaces and yards as are designed and arranged or required by this Ordinance for such building, use or development.
118. "Lot, Area" - The area of a horizontal plane bounded by the front, side or rear lot lines, but not including any area occupied by the waters of lakes or rivers or by public rights-of-way.

119. "Lot, Corner" - A lot abutting upon two (2) or more streets at their intersection, or upon two parts of the same street, such streets or parts of the same street forming an interior angle of less than one hundred thirty-five (135) degrees.
120. "Lot Coverage" - That portion or percentage of a lot which may be covered by impervious surfaces.
121. "Lot Depth" - The mean horizontal distance between the front - lot line and the rear lot line of a lot, measured within the lot lines. The greater frontage of a corner lot is its depth, and its lesser frontage is its width.
122. "Lot, Double Frontage" - An interior lot having frontage on two streets.
123. "Lot Frontage" - Lot width measured at the front lot line.
124. "Lot, Interior" - A lot other than a corner lot.
125. "Lot Line" - A line of record bounding a lot which divides one lot from another lot or from a right-of-way or any other public space.
126. "Lot Line, Front" - The lot line separating a lot from a street right-of -way. In the case of a corner lot it shall be the boundary with the shortest dimension on the street. In the case of lots with more than two street frontages, the front lot line shall be the lot line having the legal street address.
127. "Lot Line, Rear" - The lot line which is parallel to and most distant from the front lot line; or in the case of triangular or otherwise irregularly shaped lots, a line twenty (20) feet in length, entirely within lots, parallel to and at the maximum possible distance from the front lot line.
128. "Lot Line, Side" - Any lot line other than a front or rear lot line. A side lot line separating a lot from a street is called a side street lot line. A side lot line separating a lot from another lot or lots is called an interior side lot line.
129. "Lot of Record" - Any legally recorded lot that at the time of its recordation complied with all applicable laws, City Ordinance provisions, and regulations.
130. "Lot, Through" - A lot which fronts upon two parallel streets, or which fronts upon two streets which do not intersect at the boundaries of the lot. On a through lot, both street lot lines shall be deemed front lot lines. Same as double frontage lot.

131. "Lot Width" - The horizontal distance between the side lines of a lot measured at right angles to its depth along a straight line parallel to the front lot line at the minimum required building setback line.
132. "Lot, Zoning " - A zoning lot is a single tract of land which, at the time of filing for a building permit, is designated by its owner or developer as a tract to be used, developed or built upon as a unit under single ownership or control. A zoning lot or lots may or may not coincide with a lot of record.
133. "Manufactured Home" - A structure, transportable in one or more sections, which in the traveling mode, is eight body feet or more in width or 40 body feet or more in length, or, when erected on site, is 320 or more square feet, and which is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities, and includes the plumbing, heating, air conditioning, and electrical systems contained therein; except that the term includes any structure which meets all the requirements and with respect to which the manufacturer voluntarily files a certification required by the Secretary of the United States Department of Housing and Urban Development or the head of any successor agency with responsibility for enforcement of Federal laws relating to manufactured homes and complies with the standards established pursuant to M.S. 327.31 M.S. 327.35. A manufactured home is a dwelling.
134. "Manufacturing, Heavy" - All manufacturing, compounding, processing, packaging, treatment, or assembly of products and materials that may emit objectionable and offensive influences beyond the lot on which the use is located. Such uses include, but are not limited to the following: sawmill, refineries, commercial feedlots, acid, cement, explosives, flour, seed, and grain milling or storage, meat packing, slaughter houses, coal or tar asphalt distillation, rendering of fat, grease, lard or tallow, alcoholic beverages, poisons, exterminating agents, glue or size, lime, gypsum, plaster of paris, tanneries, automobile parts, paper and paper products, glass, chemicals, plastics, crude oil and petroleum products, including storage, electric power generation facilities, vinegar works, junk yard, auto reduction yard, foundry, forge, casting of metal products, rock, stone, cement products.
135. "Manufacturing, Light" - Fabrication, processing, or assembly employing only electric or other substantially noiseless and inoffensive motive power, utilizing hand labor or quiet machinery and processes, and free from neighborhood disturbing agents, such as odors, gas, fumes, smoke, cinders, flashing or excessively bright lights, refuse matter, electromagnetic radiation, heat or vibration.
136. "Medical Uses" - Those uses concerned with the diagnosis, treatment, and care of human beings. These include: hospitals, dental services, medical services, or clinic, nursing or convalescent home, orphan homes, rest home, sanitarium.

137. "Metes and Bounds Description" - A description of real property which is not described by reference to a lot or block shown on a map, but is described by starting at a known point and describing the bearings and distances of the lines forming the boundaries of the property, or delineates a fractional portion of a section, lot or area by described lines or portions thereof.
138. "Minerals" - The nonmetallic materials found in the earth including, but not limited to, rock, sand, gravel, clay, silt and soil that may be covered by overburden.
139. "Mini-Warehouse" - A building or group of buildings in a controlled-access and fenced compound that contains varying sizes of individual, compartmentalized, and controlled-access stalls or lockers for the dead storage of a customer's goods or wares. No sales, service, or repair activities other than the rental of dead storage units are permitted on the premises, and outdoor storage must be fully screened from public view at street level.
140. "Mobile Home" - A factory-built single-family detached dwelling that is equipped with necessary service connections, is designed for year-round occupancy with or without a permanent foundation and which is movable as a unit but is not a manufactured home. A travel trailer is not a mobile home.
141. "Mobile Home Park" - A parcel of land so designated and improved with utilities, parking paths, walks and access roads to accommodate mobile homes.
142. "Motel, Motor Court, Motor Hotel" An establishment consisting of a group of attached or detached living or sleeping accommodations with bathroom, located on a single zoning lot and designed for use by transient automobile tourists, and furnishing customary hotel services.
143. "Motor Freight Terminal" - A building or area in which trucks, including tractor or trailer units, are parked, stored, or serviced, including the transfer, loading or unloading of goods. A terminal may include facilities for the temporary storage of loads prior to trans-shipment.
144. "Motor Vehicle" - Any passenger vehicle, truck, truck-trailer, trailer or semi-trailer propelled or drawn by mechanical power.
145. "Non-Conforming Lot" - Any lot of record which does not comply with the minimum lot area, frontage, or depth requirements of the district in which it is located, as required by this Ordinance.

146. "Non-Conforming Structure" - Any building or structure which lawfully existed on the effective date of this Ordinance, or any amendments thereto, which does not comply with the bulk, placement, land use intensity, or height regulations of the district in which it is located, as required by this Ordinance.
147. "Non-Conforming Use" - Any use of land, buildings, or structures lawfully existing on the effective date of this Ordinance which use does not comply with all the regulations of this Ordinance or any amendment hereto governing the zoning district in which such use is located.
148. "Noxious Water or Material" - Material which is capable of causing injury to living organisms by chemical reaction, or is capable of causing detrimental effects on the physical or economic well-being of individuals.
149. "Nursery" - An enterprise that conducts the retail and wholesale of plants grown on the site, as well as accessory items directly related to their care and maintenance (but not including power equipment such as gas or electric lawnmowers and farm implements).
150. "Odorous Matter" - Any material or matter that yields an odor which is offensive in any way.
151. "Office Uses" -Those commercial activities that take place in office buildings, where goods are not produced, sold, or repaired. These include: banks, general offices, professional offices, governmental offices, insurance office, real estate office, travel agency or transportation ticket office, telephone exchange, utility office, radio broadcasting and similar uses.
152. "Official Zoning Map" - The map or maps that are a part of this Ordinance and delineate the boundaries of the zoning districts.
153. "On-Site" - Located on the lot in question, except in the context of on-site detention, when the term means within the boundaries of the development site as a whole.
154. "Open Space" - Any open area not covered by structure or paving.
155. "Ordinary High Water Mark" - A mark delineating the highest water level that has been maintained for a sufficient period of time to leave evidence upon the landscape. The ordinary high water mark is commonly the point where the natural vegetation changes from predominantly aquatic to predominantly terrestrial.

156. "Outdoor Storage" - The storage of any goods, junk, equipment, wood, trailers, material, merchandise, supplies or vehicles not fully enclosed in a building for more than twenty-four hours.
157. "Outlot" - A platted lot to be developed for a use that will not involve a building or be reserved for future replatting before development.
158. "Overburden" - Those materials that lie between the surface of the earth and the material to be excavated.
159. "Owner" - The person or persons having the right of legal title to, beneficial interest in, or a contractual right to purchase a lot or parcel of land.
160. "Parking Space" -A suitable surfaced and permanently maintained area on privately owned property either within or outside of a building of sufficient size to store one standard automobile.
161. "Patio" - A level, hard surfaced area adjacent to a principal building at or within three feet of the finished grade and not covered by a permanent roof.
162. "Pedestrian Way" - A public pedestrian walkway provided between lots where required by the City to allow for pedestrian accessibility to streets or public service areas. This may also be referred to as a trailway.
163. "Performance Bond" - A bond granted by the person(s) platting property to the City to guarantee the installation of improvements required in this Ordinance.
164. "Performance Guarantee" - A financial guarantee to insure that all improvements, facilities, or work required by this Ordinance will be completed in compliance with this Ordinance, regulations, and the approved plans and specifications of a development.
165. "Performance Standard" - A criterion established to control noise, odor, toxic or noxious matter, vibration, fire and explosive hazards, glare or hear, or other nuisance elements which a particular use, property, or process may not exceed.
166. "Permitted Use" - Any use allowed in a zoning district, subject to the minimum requirements and restrictions established in this Ordinance for that zoning- district.
167. "Plat" - A map or drawing which graphically delineates the boundary of and layout for streets, lots, and easements for a subdivision prepared for filing of record pursuant to Minnesota Statutes, Chapter 505.

168. "Plat, Preliminary" - The preliminary map, drawing or plan indicating the proposed layout of the subdivision to be submitted to the Planning Commission and the Council for their consideration.
169. "Plat, Final"-The final map, drawing or plan on which the subdivider's plan of subdivision is presented to -the Council for approval and which, if approved, will be submitted to the County Recorder.
170. "Platting Authority" - The City Council.
171. "Premises" - A lot, parcel, tract or plot of land together with the building and structures thereon.
172. "Principal Building" - See Building, Principal.
173. "Principal Use" - See Use, Principal.
174. "Prohibited Use" - A use that is not permitted in a zoning district under any circumstances.
175. "Property Line" - See Lot Line.
176. "Processing" - The crushing, washing, compounding or treating of rock, sand, gravel, clay, silt or other like material.
177. "Protective Covenants" - Contracts entered into between private 'parties that constitute a restriction on the use of all private property within the platted area, and provide mutual protection against undesirable aspects of development which would tend to impair stability of values.
178. "Public Land or Building" Land or building owned and/or operated by a governmental unit.
179. "Publication" - An official notice as prescribed by State Statutes in a newspaper so designated for this purpose -by the Council.
180. "Rear Lot Line" - See Lot Line, Rear.
181. "Rear Yard" - See Yard, Rear.
182. "Recreation, Commercial" - Includes all uses such as bowling alleys, driving ranges and movie theaters, that are privately owned and operated with the intention of earning a profit by providing. entertainment for the public.

183. "Recreation, Public" - Includes all uses such as tennis courts, ball field, picnic areas, and the like, that are commonly provided for the public at parks, playgrounds, community centers, and other sites, owned and operated by a unit of government for the purpose of providing recreation.
184. "Recreational Vehicle" - A vehicle or vehicular unit which can be driven or which can be towed or hauled, and which is primarily designed as a temporary living accommodations for recreational camping and travel use. Recreational vehicles include travel trailers, camping trailers, truck campers, and self-propelled motor homes.
185. "Registered Land Survey" - A survey map of registered land designed to simplify a complicated metes and bounds description, designating the same into tract or tracts of registered land survey number.
186. "Rehabilitation" - To renew the land to a self-sustaining, long-term use that is compatible with contiguous land uses in accordance with the standards set forth in this Ordinance.
187. "Replat" - The platting of an area that was previously platted.
188. "Restaurant, Fast Food" - An establishment whose principal business is the sale of food and/or beverages in a ready-to-consume state for consumption (1) within restaurant building, (2) within a motor vehicle parked on the premises, or (3) off the premises as carry-out orders; and whose principal method of operation includes the following characteristics (a) food and/or beverages are usually served in edible containers or in paper, plastic, or other disposable containers; (b) the customer is not served food at his table by an employee, but receives it at a counter, window, or similar facility and carries it to another location on or off the premises for consumption.
189. "Restaurant, Standard" - An establishment whose principal business is the sale of food and/or beverages to customers in a ready-to-consume state, and whose principal method of operation includes one or both of the following characteristics: (1) customers, normally provided with an individual menu, are served their foods and beverages by a restaurant employee at the same table or counter at which food and beverages are consumed; (2) a cafeteria-type operation where food and beverages generally are consumed within the restaurant building.
190. "Right-of-Way" - A strip of land acquired by reservation, dedication, forced dedication, prescription or condemnation and intended to be occupied or presently occupied by a road, pedestrian walkway, railroad, electric transmission lines, oil or gas pipeline, sewer and water lines, and other similar uses.

191. "Right-of Way Lines" - The lines that form the boundaries of a right-of-way.
192. "Salvage Yard" - See Junk Yard.
193. "Setback" - The minimum horizontal distance between a structure and the nearest property line or roadway easement line; and, within shore land areas, it shall also mean the minimum horizontal distance between a structure or sanitary facility and the ordinary high water mark.
194. "Sewage" - Any water-carried domestic wastes, exclusive of footing and roof drainage, from any industrial, agricultural or commercial establishment, or any dwelling or other structure.- Domestic waste includes, but is not limited to, liquid waste produced by bathing, laundry, culinary operations, and liquid wastes from toilets and floor drains. Domestic waste specifically excludes animal waste and commercial process wastes.
195. "Shopping Center" - An integrated group of commercial establishments planned, developed, and managed as a unit, with off-street parking facilities provided on-site.
196. "Shore land" - Land located within the following distances from public waters: 1,000 feet from the normal high water mark of a lake, pond or flowage; and 300 feet from a river or stream or the landward extent of a flood plain designated by ordinance on such a river or stream, whichever is greater. The practical limits of shore lands may be less than the statutory limits whenever the waters involved are bounded by natural topographic divides which extend landward from the waters for lesser distances and when approved by the Commissioner of the Department of Natural Resources.
197. "Side Lot Line" - See Lot Line, Side.
198. "Side Yard" - See Yard, Side.
199. "Sign" - Any object, device, display, or structure, or part thereof situated outdoors, or visible through a window or door, which is used to advertise, announce, identify, display, direct or attract attention to an object, person, institution, organization, business, commodity, product, service, event or location, by means, including words, letters, figures, design, symbols, fixtures, pictures, illumination or projected images.
200. "Sign, Advertising" - Any sign which directs attention to a business, commodity, service, activity or entertainment not necessarily conducted, sold or offered upon the premises where such a sign is located.
201. "Sign Alteration" - Any change, reconstruction, relocation, or enlargement of a sign, or of any of its component parts. Routine maintenance, the changing of movable parts of

signs which are designed for such changes, and the repainting of sign copy and display matter shall not be deemed to be an alteration within the context of this Ordinance.

- 202. "Sign, Area Identification" - A free standing sign which identifies a specific residential subdivision development, whether single-family or multi-family, or an office and industrial park. Area identification signs shall be located on the same premises as the development which it identifies.
- 203. "Sign, Billboard" - See Sign, Advertising.
- 204. "Sign, Bulletin Board" - A sign which identifies an institution or organization on the premises of which it is located and which contains the name of the institution or organization, the names of individuals connected with it, and general announcements of events or activities occurring at the institution or similar messages.
- 205. "Sign, Business" -A sign which directs attention to a business or profession conducted, or to a commodity or service sold, offered or manufactured, or to an entertainment
- 206. "Sign, Campaign" -A temporary sign announcing, promoting, or supporting political candidates or issues in connection with any national, state, or local election.
- 207. "Sign, Canopy or Marquee" - A sign which is mounted, painted on, or attached to any projection or extension of a building that is designed in such a manner as to provide shelter or cover over the approach to any entrance of the building.
- 208. "Sign, Construction" - A temporary sign erected on the premises on which construction is taking place, during the period of such construction, indicating the names of the architects, engineers, landscape architects, contractors or similar artisans, and the owners, financial supporters, sponsors, and similar individuals or firms having a role or interest with respect to the situation or project.
- 209. "Sign, Directional" - A sign erected on private property for the purpose of directing pedestrian or vehicular traffic onto or about the property upon which such sign is located, including signs marking entrances and exits, circulation direction, parking areas, and pick-up and delivery areas.
- 210. "Sign Display Area" - The area within a single continuous perimeter enclosing the extreme limits of the actual sign message surface, but excluding any structural elements outside the limits of each sign not forming an integral part of the sign. The stipulated maximum sign display area for a sign refers to a single facing.
- 211. "Sign, Flashing" - Any directly or indirectly illuminated sign which exhibits changing natural or artificial light or color effects by any means whatsoever.

- 212. "Sign, Free Standing" - Any non-movable sign not affixed to a building.
- 213. "Sign, Governmental" - A sign erected and maintained pursuant to and in discharge of any governmental functions, or required by law, City Ordinance provision or other governmental regulation.
- 214. "Sign, Ground" - Any sign, other than a pole sign, placed upon or supported by the ground independent of any other structure.
- 215. "Sign, Ground Low Profile Business" - A business sign affixed directly to the ground, with the sign display area not greater than two (2) feet above the ground.
- 216. "Sign Height" -,The vertical distance measured from the ground surface at the base of the sign to the top of the sign.
- 217. "Sign, Holiday Decoration" - Temporary signs, in the nature of decorations, clearly incidental to and customarily and commonly associated with any national, local or religious holiday.
- 218. "Sign, Home Occupation" - A sign containing only the name and occupation of a permitted home occupation.
- 219. "Sign, Illuminated"- A sign lighted by or exposed to artificial lighting either by lights on or in the sign or directed towards the sign.
- 220. "Sign, Institutional - A sign which identifies the name and other characteristics of a public or private institution of the site where the sign is located.
- 221. "Sign, Motion" - Any sign or part of a sign which changes physical position by any movement or rotation or which gives the visual impression of such movement or rotation.
- 222. "Sign, Nameplate" - A sign, located on the premises, which bears the name and/or address of the occupant of the building or premises.
- 223. "Sign, Pole or. Pylon" - A free-standing sign erected upon a pole, post or other similar support so that the bottom edge of the sign display area is eight (8) feet or more above the ground elevation at the base of the sign.
- 224. "Sign, Portable" - A sign designed so as to be movable from one location to another, and that is not permanently affixed to a building, structure, or the ground.

225. "Sign, Private Sale or Event" - A temporary sign advertising private sales or personal property such as "house sales", "garage sales", and the like or private not-for-profit events such as picnics, carnivals, bazaars, game nights, art fairs, craft shows and Christmas tree sales.
226. "Sign, Projecting" - A sign that is wholly or partly dependent upon a building for support and which projects more than 12 inches from such building.
227. "Sign, Real Estate" - A sign pertaining to the sale or lease of the premises, or a portion of the premises, on which the sign is located.
228. "Sign, Roof" - A sign that is mounted on the roof of a building or which is wholly dependent upon a building for support and which projects above the roof line of a building with a flat roof, the eave line of a building with a gambrel, gable or hip roof or the deck line of a building with a mansard roof.
229. "Sign, Rotating" - A sign which revolves or rotates on its axis by mechanical means.
230. "Sign, Surface Area of" - The entire area with a single continuous perimeter enclosing the extreme limits of the actual sign surface, not including any structural elements outside the limits of such sign and not forming an integral part of the display. Only one side of a double-faced or V-type sign structure shall be used in computing total surface area.
231. "Sign, Temporary" - A sign or advertising display constructed of cloth, canvas, fabric, plywood or other light material and designed or intended to be displayed for a short period of time.
232. "Sign, Wall" - A sign attached to or erected against the wall of a building or structure with the exposed face of the sign in a plane approximately parallel to the face of the wall, and which does not project more than 12 inches from such building or structure.
233. "Site" Any lot or parcel of land or combination of contiguous lots or parcels of land.
234. "Site Plan" - The development plan, drawn to scale, for one or more lots on which is shown the existing and proposed conditions of the lots.
235. "Sketch Plan" - An informal layout of the proposed subdivision including preliminary topographic data, location of existing structures, requested zoning changes, relationship to existing community facilities and relationship to existing surrounding land use.

236. "Solar Access Space" - That air space above all lots within the district necessary to prevent any improvement or tree located on said lots from casting a shadow upon any solar device located within said zone greater than the shadow cast by a hypothetical vertical wall ten feet high located along the property lines of said lots between the hours of 9:30 A.M.-2:30 P.M. central standard time on December 21, provided, however, this Ordinance shall not apply to any improvement or tree which casts a shadow upon a solar device at the time of installation of said device, or to vegetation existing at the time of installation of said solar device.
237. "Solar Collector" - a device, or combination of devices, structure, or part of a device or structure that transforms direct solar energy into thermal, chemical or electrical energy and that contributes significantly to a structure's energy supply.
238. "Solar Energy" - Radiant energy direct, diffused, and reflected which is received from the sun.
239. "Solar Energy System"- A complete design or assembly consisting of a solar energy collector, and energy storage facility and components to the distribution of transformed energy. To qualify as a solar energy system, the system must be permanently located for not less than 90 days in any calendar year beginning with the first calendar year after completion of construction. Paths of solar energy systems are included in this definition, but not to the extent that they fulfill other functions such as structural and recreational.
240. "Solar Sky Space" - The space between the solar energy collector and the sun which must be free of obstructions that shade the collector to an extent which precludes the cost effective operation.
241. "Solar Sky Space Easement"-A right, expressed as an easement, covenant, condition, or other property interest in any deed or other instruments executed by or on the behalf of any landowner, which protects the solar sky space of an actual, proposed, or designated solar energy collector at a described location by forbidding or limiting activities or land uses that interfere with access to solar energy. The solar sky space must be described as the three dimension space in which obstruction is prohibited or limited, or as the times of day during which direct sunlight to the solar collector may not be obstructed, or as a combination of the two methods.
242. "Solar Structure" - A structure designed to utilize solar energy as an alternative for, or supplemental to, a conventional energy system.
243. "Specialty Food Store" - A retail store specializing in a specific type of class of foods such as an appetizer store, bakery, butcher, delicatessen, fish, gourmet and similar foods.

244. "Storage Building" – Buildings constructed on a foundation or any shed greater than 120 square feet including carports and playhouses.
245. "Story" - That portion of a building included between the surface of any floor and the surface-of the floor next above it, or if there is no floor above it, then the-space between the floor and the ceiling next above it.
246. "Street" - A public right-of-way accepted or a private right-of-way approved pursuant to the requirements of the City, by public authority which provides a legal primary means of public access to abutting property. The term "street" shall include a highway, thoroughfare, parkway, avenue, drive, circle, road, boulevard or any other similar term describing an entity complying with the preceding requirements.
247. "Street Frontage" - That portion of a parcel of land abutting one or more public streets. An interior lot has one (1) street frontage and a corner lot has two (2) street frontages.
248. "Street Width" - The shortest distance between the lines delineating the right-of-way of a street.
249. "Structure" - Anything constructed or erected, the use of which requires more or less permanent location on the ground or attachment to something having a permanent location on the ground. When a structure is divided into separate parts by an unpierced wall, each part shall be deemed a separate structure.
250. "Subdivider" - Any person commencing proceedings under this Ordinance to effect a subdivision of land hereunder for himself or for another.
251. "Subdivision" - The separation of an area, parcel, or tract of land under single ownership into two or more parcels, tracts, lots, or long-term leasehold interests where the creation of the leasehold interest necessitates the creation of streets, roads, or alleys, for residential, commercial, industrial, or other use or any combination thereof, except those separations:
- A. Where all the resulting parcels, tracts, lots, or interests will be 20 acres or larger in size and 500 feet in width for residential uses and five acres or larger in 'size for commercial and industrial uses;
 - B. Creating cemetery lots;
 - C. Resulting from Court orders, or the adjustment of a lot line by the relocation of a common boundary

252. "Subdivision, Major" - A subdivision involving the creation of four (4) or more parcels, tracts, or lots.
253. "Subdivision, Minor" - A subdivision involving the creation of not more than three (3) parcels, tracts, or lots and the dedication of public utility and street easements is not involved.
254. "Tangent" - A straight line; also a straight line projected from the end of a curve, which is perpendicular to a line in the curve drawn from the radius point to the end of the curve.
255. "Temporary Structure" - A structure without any foundation or footings and which shall be removed when the designated time period, activity, or use for which temporary structure was erected has ceased.
256. "Temporary Use" - A use established for a fixed period of time with the intent to discontinue such use upon the expiration of the time period.
257. "Topsoil" - That portion of the overburden which lies closest to the surface of the earth and which supports the growth of vegetation.
258. "Townhouse" - A single family attached residence building consisting of three or more dwelling units having the first story at the ground level with no -separate dwelling units directly above or below and with each dwelling unit separated from the adjoining unit by a fire resistant wall or walls with no openings and extending from the basement to the roof.
259. "Toxic Matter or Material" - Those materials which are capable of causing injury to living organisms by chemical means when present in relatively small amounts.
260. "Trailer, Temporary" - A trailer or mobile home used for no more than six months as an office for the display or sale of real estate, or major durable goods or as a temporary form of residential dwelling on lot on which a house is being constructed. Temporary trailers may be used in any district only following the receipt of a conditional use permit.
261. "Trailer, Travel" - A vehicle or movable structure which is designed, intended or used for temporary human habitation during recreational or vacation activities. The term includes, without limitation, recreational vehicles, campers, camper trailers and tents, and house travel and tent trailers, but does not include mobile homes.
262. "Travel Trailer Court" - A park, court, campsite or lot, tract, or parcel of land maintained or intended for the purpose of providing temporary location or

accommodation for travel trailers, provided that parcels or lots used for the inspection and sale of such trailers are not trailer courts.

- 263. "Truck Terminal" - Any use, area, or building where cargo, trucks, truck parts, loading equipment, etc., is stored and/or where trucks load and unload on a regular basis.
- 264. "Two-Family Home" - A structure on a single lot containing two dwelling units, each of which is totally separate from the other except for a common stairwell exterior to both units.
- 265. "Use" - The purpose or activity for which land, buildings, or structures are designed, arranged, or intended, or for which land, buildings, or structures are occupied or maintained.
- 266. "Use, Permitted" - See Permitted Use.
- 267. "Use, Principal" - The primary or predominant use of any lot.
- 268. "Variance" - A modification or variation of the provisions of this Ordinance as applied to a specific piece of property, except that modification on the allowable uses within a district shall -not be considered a variance.
- 269. "Warehousing" - The commercial storage of merchandise and personal property.
- 270. "Wetland" - Land which is annually subject to periodic or continuing inundation by water and commonly referred to as a bog, swamp, or marsh.
- 271. "Wholesale Trade" - Establishments or places of business primarily engaged in selling merchandise to retailers; to industrial, commercial, institutional, or professional business users, or to other wholesalers; or acting as agents or brokers and buying merchandise for, or selling merchandise to, such individuals or companies.
- 272. "Windmill" - A mechanism operated by the wind's rotation of sails or vanes radiating from a shaft; used as a source of energy.
- 273. "Yard" - Any open space that lies between the principal or accessory building or buildings and the nearest lot line. Such yard is unoccupied and unobstructed from the ground upward except as may be specifically provided in this Ordinance.
- 274. "Yard, Front" - A yard extending across the full width of the lot between any building and the front lot line, and measured perpendicular to the building from the closest point of the building to the front lot line.

- 275. "Yard, Rear" - A yard extending across the full width of the lot between the principal building and the rear lot line, and measured perpendicular to the building from the closest point of the building to the rear lot line.
- 276. "Yard, Side" - A yard extending from the front yard to the rear yard between the principal building and the side lot line, measured perpendicular to the building from the closest point of the building to the side lot line.
- 277. "Zero Lot Line" - A property line forming a common boundary of two dwelling units not required to provide building setbacks along said boundary.
- 278. "Zoning Administrator" - The officer charged with the administration enforcement of this Ordinance.
- 279. "Zoning Amendment" - A change authorized by the City, either in the allowed use within a district, or in the boundaries of a district.
- 280. "Zoning District" - An area or areas within the limits of the City for which the regulations and requirements governing use are uniform.
- 281. "Zoning Map" - The map or maps incorporated into this Ordinance as a part thereof, designating the zoning districts.
- 282. "Zoning Permit" – Authorization issued by the city through its Zoning Administrator for constructing, raising, moving, improving, altering, or developing any building, accessory building or use.

SECTION 4. GENERAL PROVISIONS.

Subdivision 1. Application of this Ordinance

- A. In their interpretation and application, the provisions of this Ordinance shall be held to be the minimum requirements for the promotion of public health, safety, and general welfare.
- B. Where the conditions imposed by any provision of this Ordinance are either more restrictive or less restrictive than comparable conditions imposed by any other law, City ordinance provisions, statute, resolution, or regulation of any kind, the regulations which are more restrictive or which impose higher standards or requirements shall control.

- C. From and after the effective date of this Ordinance, the use of all land and every building or portion of a building erected, altered in respect to height and area, added to, or relocated, and every use within a building or use accessory thereto, in the City, shall be in conformity with the provisions of this Ordinance. Any existing building or structure and any existing use or properties not in conformity with the regulations herein prescribed, shall be regarded as non-conforming, but may be continued, extended or changed, subject to the special regulations herein provided with respect to non-conforming properties or uses.

Subdivision 2. Private Agreements. This Ordinance does not abrogate any easement, covenant, or any other private agreement which is not legally enforceable, provided that where the regulations of this Ordinance are more restrictive (or impose higher standards or requirements) than such easements, covenants, or other private agreements, the requirements of this Ordinance shall govern.

Subdivision 3. Separability. It is hereby declared to be the intention that the provisions of this Ordinance are separable in accordance with the following:

- A. If any Court of competent jurisdiction shall adjudge any provisions of this Ordinance to be invalid, such judgment shall not affect any other provisions of this Ordinance not specifically included in said statement.
- B. If any Court of competent jurisdiction shall adjudge invalid the application of any provision of this Ordinance to a particular property, building, or structure, such judgment shall not affect other property, buildings, or structures.

Subdivision 4. Accessory Buildings, Structures, Uses.

- A. No accessory building, structure, or use shall be constructed nor use developed on a lot prior to obtaining a building permit for the principal building or use to which it is accessory.
- B. Detached accessory storage buildings shall not be permitted in any front yard.
- C. All accessory buildings and uses shall comply with the regulations of the zoning district in which they are located.
- D. Accessory buildings shall be located behind the building setback line as herein regulated, subject to the Minnesota building code regulations and zoning ordinance.
- E. Unless otherwise herein specified, no accessory building shall exceed the height of the principal building.

- F. No private garage used or intended for the storage of passenger automobiles shall exceed the square footage of the main floor of the principal structure.
- G. A detached accessory building, except garages, shall occupy not more than thirty (30) percent of the area of the main floor of the principal structure.
- H. All accessory buildings in residential districts shall be constructed with materials and to a design which conforms to neighborhood architecture.

Subdivision 5. Non-Conforming Uses.

A. Non-Conforming Buildings and Uses. Except as hereinafter provided, the nonconforming use of any structure, building, and/or land, shall not be extended or enlarged. Buildings found to be non-conforming only by reason of height, yard, or area requirements do not have to be discontinued but any enlargements must meet the requirements of this Ordinance.

B. Non-Conforming Signs.

- 1. Signs which are non-conforming uses shall be discontinued following a reasonable period for amortization of the sign. The period of amortization for signs shall be not more than:
 - a. Advertising Signs- Three (3) years from the date the non-conformity began.
 - b. Business Signs- Three (3) years from the date the non-conformity began.
- 2. Business signs on the premises of a nonconforming building or use may be continued but such signs shall not be increased in number, area, height or illumination. New signs not to exceed fifty (50) square feet in aggregate sign area may be erected only upon the complete removal of all other signs existing at the effective date of this Ordinance. Such signs may be illuminated, but no flashing, rotating or moving signs shall be permitted.
- 3. No sign erected before the effective date of this Ordinance shall be rebuilt, altered, or removed to a new location without being brought into compliance with the requirements of this Ordinance.

C. Non-Conforming Lots of Record. In any district in which single-family dwellings are permitted, notwithstanding limitations imposed by other provisions of this Ordinance, a single family dwelling and customary accessory buildings may be erected on any single lot of record on the effective date of this Ordinance provided that it fronts on a public right-of-way and provided, further, that the width and area measurements are at least seventy-five percent (75%) of the minimum requirements of this Ordinance. Yard dimensions and other requirements for the lot shall conform to regulations for the

district unless a variance is granted. If two or more lots or combinations of lots and portions of lots with contiguous street frontage in single ownership are of record on the effective date of this Ordinance, and if all or part of the lots do not meet with width and area requirements of this Ordinance for lots in the district, the contiguous lots shall be considered to be an undivided parcel for the purpose of this Ordinance and no portion of such parcel shall be used or occupied which does not meet lot width and area requirements of this Ordinance, nor shall the parcel be so divided that any remaining lot does not comply with such requirements.

D. Phasing Out of Certain Non-Conforming Uses. The following non-conforming uses of buildings, structures or land may be continued for a period no longer than one (1) year from the effective date of this Ordinance, or any amendment hereto which causes the use to be nonconforming:

1. Any non-conforming use with a building or structure having an estimated market value of \$2,000.00 or less on the effective date of this Ordinance or amendment.
2. Any non-conforming use of land where no enclosed building is involved or where the only buildings involved having an estimated market value of \$2,000.00 or less are accessory or incidental to such use or where such use is maintained in connection with a non-conforming building.
3. Every such non-conforming use shall be completely removed from the premises at the expiration of the one (1) year period.

E. Non-Conforming Junk Yards. No junk yard may continue as a non-conforming use for more than one (1) year after the effective date of this Ordinance, except that a junk yard may continue as a non-conforming use in an Industrial District if, within that period, it is completely enclosed within a building, fence, screen planting or other device of such height as to screen completely the operations of the junk yard. The Economic Development Authority and the Council shall approve plans of such a building or device before it is erected or put into place.

F. Discontinuance.

1. In the event that a non-conforming use of any building or premises is discontinued or its normal operation stopped for a period of six (6) months, the use of the same shall therefore conform to the regulations of the district in which it is located.

2. In the event that the use of a nonconforming advertising sign structure is discontinued or its normal operation stopped for a period of six (6) months, said structure shall be removed by the owner or lessor at the request of the Council.
- G. Alterations.** The lawful use of a building existing on the effective date of this Ordinance may be continued, although such use does not conform with the provisions hereof. If no structural alterations are made, a non-conforming use of a building may be changed to another nonconforming use of the same or more restricted classification and/or use which would be defined as a use which is more in conformance with the intended land use of the area. The foregoing provisions shall also apply to nonconforming uses in districts hereafter changed. Whenever a nonconforming use of a building has been changed to a more restricted use or to a conforming use, such use shall not thereafter be changed into a less restricted use.
- H. Residential Alterations.** Alterations may be made to a residential building containing nonconforming residential units when they will improve the livability of such units; provided, however, that they do not increase the number of dwelling units in the building.
1. Restoration. No non-conforming building or structure, except single-family dwellings in any residential district, which has been damaged by fire, explosion, flood, act of God or other calamity to the extent of more than fifty (50%) of its assessed market value, as determined by the County Assessor, shall be restored to only match what was previously existing or in conformity with the regulations of this Ordinance. A non-conforming building or structure which is damaged to a lesser degree may be restored and its previous use continued or resumed provided that restoration is completed within one (1) year following its damage and no enlargement of the structure or increase in the intensity of use occurs.
- I. Normal Maintenance.** Maintenance of a building or other structure containing or used by a non-conforming use will be permitted when it includes necessary, non-structural repairs and incidental alterations which do not extend or intensify the nonconforming building or use. Nothing in this Ordinance shall prevent the placing of a structure in safe condition when the Building Official declares said structure unsafe.
- J. Issued Permits.** Nothing herein contained shall require any change in plans, construction or designated use of a building or structure for which a building permit has been issued prior to the effective date of this Ordinance; provided, however, that the entire building shall be completed according to such plans as filed within twelve (12) months from the date of issuance of said permit.

- K. Status of Variances or Conditional Use Permits.** If a conditional use permit or a variance has been granted as provided in this Ordinance, it shall not be deemed a non-conformity, but shall without further action be deemed permitted in such district.
- L. Non-Conformities Created by Amendment.** When a non-conformity in a structure or use of land or a structure is created by an amendment to this Ordinance, the rights granted by this Section to the continuance of non-conformities and to the termination and amortization apply to such non-conformities existing on the date of the amendment.
- M. Annual Inspection.** The Zoning Administrator shall submit an annual report to the Economic Development Authority on the status of all known non-conforming buildings, uses, and signs.

SECTION 5. ADMINISTRATION.

Subdivision 1. Enforcing Officer. The Building Official is designated as the Enforcing Officer of the Building Safety Department and shall serve as the Zoning Administrator. The Zoning Administrator shall enforce this Ordinance and shall perform the following duties:

- A. Review for approval/denial all permits to ensure compliance with this Ordinance and make and maintain records thereof.
- B. Maintain permanent and current records of this Ordinance, including, but not limited to: all maps, amendments, and conditional uses, variances, appeals and applications therefore.
- C. Receives, files, and forwards all applications for appeals, variances, conditional uses, or other matters to the designated official bodies.
- D. Serves as ex-officio member of the Hendrum Economic Development Authority.

Subdivision 2. Hendrum Economic Development Authority.

- A. Hendrum Economic Development Authority has been established for the City under separate ordinance which delineates its membership; terms of office, removal from office and vacancies; functions, powers, and duties.
- B. As an advisory board to the Council, the Hendrum Economic Development Authority shall review, hold public hearings, and make recommendations to the Council on all applications for zoning amendments and conditional use permits using the criteria in Subdivision 4A and 5A of this Section

Subdivision 3. Board of Adjustments and Appeals.

- A. The Council shall appoint a three (3) member Board of Adjustments and Appeals. Members shall serve a one (1) year term, that shall expire on December 31, of the year of the appointment, or until successors have been appointed and qualified. One member shall be from the Economic Development Authority, one from the Council and one from the City-at-large. The Council shall fill vacancies for the unexpired term of the vacating member.
- B. The Board of Adjustments and Appeals shall have the power and duty of hearing and deciding appeals or requests in the following cases:
 - 1. Appeals where it is alleged that there is an error in any order, requirement, decision, or determination made by an administrative officer in the enforcement of this Ordinance.
 - 2. Requests for variances using the criteria in Subdivision 6A of this Section.
- C. The decision of the Board of Adjustments and Appeals shall not be final and any person having an interest affected by such decision shall have the right to appeal to the Council.

Subdivision 4. Zoning Amendments.

- A. **Criteria for Granting Zoning Amendments.** The Council may adopt amendments to this Ordinance by a two-thirds vote of all its members relative to land uses within a particular district or to the location of the district line. Such amendments shall not be issued indiscriminately, but shall only be used as a means to reflect changes in the goals and policies of the City as reflected in the comprehensive plan or changes in conditions in the City.
- B. **Kinds of Amendments.**
 - 1. A change in the districts boundary
 - 2. A change in a district's regulations.
 - 3. A change in any other provisions of this Ordinance.
- C. **Initiation of Proceedings.** Proceedings for amending this Ordinance shall be initiated by at least one of the following three methods:
 - 1. By petition of an owner or owners of property which is proposed to be rezoned, or for which district regulation changes are proposed.

2. By recommendation of the Economic Development.
3. By action of the Council.

D. Procedure. The procedure for a property owner to initiate a rezoning or district regulation change is:

1. The property owner or property owner's agent shall meet with the Zoning Administrator to explain the proposal, obtain procedures, and an application form.
2. The applicant shall file the completed application form together with any exhibits and the required fee with the Zoning Administrator. All applications for rezoning shall be received in the office of the Clerk no later than thirty (30) days prior to an Economic Development Authority meeting.
3. The Zoning Administrator shall transmit the application and any exhibits to the Economic Development Authority and shall notify all property owners within 350 feet of the outer boundaries of the property in question.
4. The Zoning Administrator shall set the date for the public hearing and shall have notices of such hearing published in the legal newspaper at least once, not less than ten (10) days and not more than thirty (30) days prior to said hearing. The Council may waive the mailed notice requirements for a City wide amendment to this Ordinance initiated by the Economic Development Authority or the Council.
5. The Economic Development Authority shall hold the public hearing and then shall recommend, within sixty (60) days of the public hearing, one of the three actions: approval, denial, or additional approval.
6. The Economic Development Authority shall transmit its recommendation to the Council for the Council's official action upon the application within sixty (60) days after receiving the recommendation of the Economic Development Authority.
7. No re-application of a property owner for an amendment to the text of this Ordinance shall be considered by the Economic Development Authority within a one (1) year period following a denial of such request, except that the Economic Development Authority may permit a new application, if, in the opinion of the Economic Development Authority, new evidence or a change of circumstances warrant it.

Subdivision 5. Conditional Use Permits.

A. Criteria for Granting Conditional Use Permits. In granting a conditional use permit, the Council shall consider the advice and recommendations of the Economic Development Authority and the effect of the proposed use on the comprehensive plan and upon the health, safety, and general welfare of occupants of surrounding lands. Among other things, the Council shall consider the following findings where applicable:

1. The use will not be detrimental to or endanger the public health, safety, comfort, convenience or general welfare of the neighborhood or the City;
2. The use will be harmonious with the general and applicable specific objectives of the comprehensive plan of the City and this Ordinance;
3. The use will be designed, constructed, operated, and maintained so as to be harmonious and appropriate in appearance with the existing or intended character of the general vicinity and will not change the essential character of that area;
4. The use will not be hazardous or disturbing to existing or future neighboring uses;
5. The use will be served adequately by essential public facilities and services, including streets, police and fire protection, drainage structures, refuse disposal, water and sewer systems, and schools; or will be served adequately by such facilities and services provided by the persons or agencies responsible for the establishment of the proposed use;
6. The use will not create excessive additional requirements at public cost for public facilities and services and will not be detrimental to the economic welfare of the community;
7. The use will not involve uses, activities, processes, materials, equipment and conditions of operation that will be detrimental to any persons, property, or the general welfare because of excessive production of traffic, noise, smoke, fumes, glare, or odors;
8. The use will have vehicular approaches to the property which are so designed as not to create traffic congestion or an interference with traffic on surrounding public thoroughfares;
9. The use will not result in the destruction, loss, or damage of a natural, scenic, or historic feature of major importance;

10. The use will conform to specific standards of this Ordinance applicable to the particular use.

B. Additional Conditions. In permitting a new conditional use or the alteration of an existing or optional use, the Council may impose, in addition to these standards and requirements expressly specified by this Ordinance, additional conditions which the Council considers necessary to protect the best interest of the surrounding area or community as a whole. These conditions may include, but are not limited to, the following:

1. Increasing the required lot size or yard dimension.
2. Limiting the height, size or location of buildings.
3. Controlling the location and number of vehicle access points.
4. Increasing the street width.
5. Increasing the number of required off-street parking spaces.
6. Limiting the number, size, location and lighting of signs.
7. Requiring additional compatible fencing, screening landscaping or other facilities to protect and buffer adjacent or nearby property.
8. Designating sites for open space.

C. Record Keeping. The Zoning Administrator shall maintain a record of all conditional use permits issued, including information on the use, location, and condition made by the Council; time limits, review dates, and other information as may be appropriate.

D. Procedure. The procedure for applying for a conditional use permit is as follows:

1. The property owner or property owner's agent shall meet with the Zoning Administrator to explain the proposal, learn the procedures, and obtain an application form.
2. The applicant shall file the completed application form together with any exhibits and required fee with the Zoning Administrator. All applications for a conditional use permit must be received thirty (30) days prior to an Economic Development Authority meeting.

3. The Zoning Administrator shall transmit the application to the Economic Development Authority and shall notify all property owners within 350 feet of the outer boundaries of the property in question.
4. The Zoning Administrator shall set the date for a public hearing and shall have notice of such hearing published at least once in the legal newspaper, not less than ten (10) days and not more than thirty (30) days prior to said hearing.
5. The Economic Development Authority shall hold the public hearing and shall then study the application to determine possible adverse effects of the proposed conditional use and to determine what additional requirements may be necessary to reduce such adverse effects and recommend one of the three actions- approval, denial, or conditional approval.
6. The Economic Development Authority shall transmit, within sixty (60) days of the public hearing its recommendation to the Council for the Council's official action.
7. The Council shall take appropriate action on the request for conditional use permit within sixty (60) days of receiving the recommendations by the Economic Development Authority. If it grants a conditional use permit, the Council may impose conditions, including time limits it considers necessary to protect the public health, safety, and general welfare, and such conditions may include a time limit for the use to exist or operate.

F. Revocation of Conditional Use Permits.

1. Where a conditional use permit has been issued pursuant to provisions of this Ordinance, such permit shall become null and void without further action by the Economic Development Authority or Council unless work thereon commences within one (1) year of the date of granting such conditional use. A conditional use permit shall be deemed to authorize only one particular use and shall expire if that use shall cease for more than twelve (12) consecutive months.
2. In the event that the applicant violates any of the conditions set forth in this permit, the Council shall have the authority to revoke the conditional use permit.

Subdivision 6. Variances.

- A. Criteria for Granting Variances.** A variance to the provision of this Ordinance may be granted by the Board of Adjustments and Appeals to provide relief to the landowner in those cases where this Ordinance imposes undue hardship or practical difficulties to the property owner in the use of the property owner's land. No use variances may be

issued. A variance may be granted only in the event that the following circumstances exist:

1. Exceptional or extraordinary circumstances apply to the property which do not apply generally to other properties in the same zone or vicinity, and result from lot size or shape, topography, or other circumstances over which the owners of the property, since the effective date of this Ordinance, have had no control.
2. The literal interpretation of the provisions of this Ordinance would deprive the applicant of rights commonly enjoyed by other properties in the same district under the terms of this Ordinance.
3. That the special conditions or circumstances are not a consequence of the petitioner's own action or inaction.
4. That the granting of the variance requested will not confer on the applicant any special privilege that is denied by this Ordinance to other owners of land, structures or buildings within the same district.
5. That the variance requested is the minimum variance that would alleviate the hardship. Economic considerations alone shall not be considered a hardship.
6. A variance would not be materially detrimental to the purposes of this Ordinance, or to other property in the same zone.
7. The proposed variance will not impair an adequate supply of light and air to the adjacent property or substantially increase the congestion of public streets, or increase the danger of fire, or endanger the public safety, or substantially diminish or impair property values within the neighborhood.

B. Restrictions and Conditions. The Board of Adjustments and Appeals may impose such restrictions and conditions upon the premises benefited by the variance as may be necessary to comply with the standards established by this Ordinance, or to reduce or minimize the effect of such variance upon other properties in the neighborhood, and

1. Time limits may be established.
2. Variance will become null and void in two years after approval if no substantial action is taken on the property by the owner.

C. Procedures. The procedures for obtaining a variance from the regulations of this Ordinance are as follows:

1. The property owner or agent shall meet with the Zoning Administrator to explain the situation, learn the procedures and obtain an application form.
2. The applicant shall file the completed application form together with any exhibits and the required fee with the Zoning Administrator. Applications for variances must be submitted to the office of the Clerk no later than seventy-five (75) days prior to a Board of Adjustments and Appeals meeting.
3. The Zoning Administrator shall transmit the application to the Board of Adjustments and Appeals with a copy to the Planning Commission and shall notify all property owners within 350 feet of the outer boundaries of the property in question of the public hearing.
4. The Economic Development Authority shall study the application and shall make a recommended decision to the Board of Adjustments and Appeals within sixty (60) days of the application, one of three actions- approval, denial, or conditional approval.
5. The Board of Adjustments and Appeals upon conducting the public hearing shall not make any decision until the Economic Development Authority has remitted its recommendation within the required period. The Board of Adjustments and Appeals shall make a decision with one of three actions- approval, denial, or conditional approval.
6. No re-application by a property owner for a variance shall be submitted to the Board of Adjustments and Appeals within a twelve (12) month period following denial of such request, except that the Board of Adjustments and Appeals may permit a new application if, in the opinion of the Board, new evidence or a change of circumstances warrant it.
7. The Council may revoke a variance if any conditions established by the Board, as part of granting the variance request are violated.

Subdivision 7. Building Permit Application & Procedure.

A. Building Permit.

1. Hereafter, no person shall erect, construct, develop, alter, remodel, destroy, change occupancy or move any kind of use, structure, building, accessory building, or any parts thereof, repair, erect, install enlarge, alter, repair, remove, convert, or replace any gas, mechanical, electrical, plumbing system, or other equipment without first securing a building permit.

2. Applications for commercial, industrial, and multiple dwelling building permits shall be accompanied by a completed application form together with building and site development plans showing buildings, location, dimensional parking and loading arrangement, vehicular and pedestrian access and egress, surface drainage plan, landscaping, utility plan, screening, size and location of all signs, building and floor plans of all floors, elevations of all sides of all buildings, and sections and outline material specifications as appropriate.
3. Applications for single and two family building permits shall be accompanied by a completed application form together with building and site plans.
4. The enforcing officer may waive or require additional submission materials as may be necessary to issue a permit.
5. Applicants must be in compliance with all Hendrum City ordinances prior to the issuance of a building permit.

B. Procedure.

1. Persons requesting a building permit shall fill out a permit form and site plan application form available from the Zoning Administrator.
2. Completed building permit forms and required submittal documents shall be submitted to the City of Hendrum City Clerk. The City Clerk shall forward a copy of all submittal items to the Building Official for Building Code and Ordinance Review. Upon review and approval, if the proposed development conforms in all respects to this Ordinance and to all Building Code requirements, a building permit shall be issued by the Building Official. The approved permit shall be issued upon permit fee payment.
3. If the proposed development involves a zoning amendment, variance, or conditional use permit, the application, together with a building permit, shall be submitted to the Economic Development Authority or Board of Adjustments and Appeals, where applicable, and Council for review and appropriate action.

SECTION 6. ZONING DISTRICTS. The zoning districts are so designed to assist in carrying out the intents and purposes of the comprehensive plan and are based upon the comprehensive plan which has the purpose of protecting the public health, safety, convenience and general welfare. For the purpose of this Ordinance, the City is hereby divided into the following zoning districts.

SYMBOLS

R

NAMES

Single and Two Family Residential

	Multi Family Residential
M	Mobile Home Park
CI	Commercial Industrial

SECTION 7. ZONING MAP.

Subdivision 1. The location and boundaries of the districts established by this Ordinance are set forth on the official zoning map which is hereby incorporated as part of this Ordinance and which is on file with the Clerk.

Subdivision 2. District boundary lines recorded on the City zoning map are intended to follow lot lines, the center lines of streets or alleys, the center line of streets or alleys projected, the center of water courses or the corporate limit lines as they exist on the effective date of this Ordinance.

Subdivision 3. It shall be the responsibility of the Zoning Administrator to maintain and amend said zoning map. The Zoning Administrator shall make, or cause to have made, any corrections or amendments to said map after all of the procedures outlined in this Ordinance for the making of such revisions or amendments shall have been followed by the Economic Development Authority and the Council.

Subdivision 4. Amendments to the zoning map shall be recorded on said map within fifteen (15) days after adoption by the Council. The copy of the official zoning map shall be kept on file in the Clerk's office and shall be open to public inspection at all times during when the office is customarily open.

Subdivision 5. In the event that the official zoning map becomes damaged, destroyed, lost or difficult to interpret because of the nature or number of changes and additions, the Council may, by ordinance, adopt a new official zoning map. The new official zoning map may correct drafting or other errors or omissions in the principal zoning map, but no such corrections shall have the effect of amending this Ordinance or any subsequent amendment thereof. The new official zoning map shall be identified by the signature of the Mayor, attested by the Clerk and under the following words: "This is to certify that this official zoning map supersedes and replaces the official zoning map."

SECTION 8. EXEMPTIONS. The following essential services are permitted in any district: the erection, construction, alteration, or maintenance, by public utilities or municipal or other governmental agencies of systems, including gas, electrical, steam or water transmission or distribution systems; collection, communication, supply or disposal systems; elevated and underground water storage tanks; poles, wires, mains, drains, sewers, pipes, conductance,

cables, fire alarm boxes, police all boxes, traffic signals, hydrants, and other accessories in connection therewith; reasonably necessary for the furnishing of adequate service of such public utilities or municipal or other governmental agencies or for the public health or safety or general welfare, but not including buildings.

SECTION 9. SCHEDULE OF USES BY DISTRICT.

NOTE: Uses of land, buildings, and structures not permitted below as either principal, accessory, or conditional are prohibited.

Residential. Low and Medium Density Residential Development

Principal

- ♦ Single and Two Family Dwelling
- ♦ Duplex
- ♦ Townhouse and Apartments
- ♦ Churches
- ♦ Schools
- ♦ Day Care Center
- ♦ Supervised Living (group home)
- ♦ Parks and Playgrounds
- ♦ Public Utility Structures
- ♦ Home Occupation
- ♦ Efficiency Unit

Accessory

- ♦ Garage
- ♦ Storage Shed
- ♦ Tennis Court
- ♦ Swimming Pool
- ♦ Tennis Courts
- ♦ Gazebo
- ♦ Radio/TV dish/antenna

Conditional

- ♦ Real Estate Office
- ♦ Windmills
- ♦ Boarding House
- ♦ Hospital
- ♦ Clinic
- ♦ Nursing Home
- ♦ Funeral Home
- ♦ Cemetery
- ♦ Kennel

Mobile Home: Low and Medium Density Residential Development

Principal

- ♦ Mobile Home
- ♦ Public Utility Structure
- ♦ Playgrounds and Parks
- ♦ Home Occupations

Accessory

- ♦ Garage
- ♦ Storage Shed
- ♦ Swimming Pool
- ♦ Gazebo
- ♦ Radio/TV dish/antenna

Conditional

- ♦ Real Estate Office

Commercial/Industrial: General Business activities providing retail goods and services to meet the needs of the residents.

Principal

- ♦ Auto Repair
- ♦ Car Wash
- ♦ Convenience Store
- ♦ Day Care Center
- ♦ Entertainment
- ♦ Fast Food and Family Restaurant
- ♦ Financial Institutions
- ♦ Fire Station

- ♦ Governmental Buildings
- ♦ Greenhouse and Nursery
- ♦ Liquor Store
- ♦ Lodge
- ♦ Medical and Veterinary Services
- ♦ Motel
- ♦ Offices
- ♦ Pharmacy
- ♦ Retail Shops and Stores
- ♦ Service Stations
- ♦ Shopping Centers
- ♦ Small Appliance
- ♦ Repairs
- ♦ Public Utility Structures
- ♦ Fabrication/Packaging

Accessory

- ♦ Signs
- ♦ Surfaced Parking

Conditional

- ♦ Bulk Storage of Flammable or Toxic Chemicals
- ♦ Junk Yards
- ♦ Sale Lots
- ♦ Lumber Yards
- ♦ Grain Elevators
- ♦ Feed and Seed Storage
- ♦ Major Auto Repair

- ♦ Feed, Seed, Storage
- ♦ Grain Elevator
- ♦ Lumberyard
- ♦ Warehousing or Recycling Center
- ♦ Recycling

SECTION 10. DIMENSIONAL REQUIREMENTS.

SCHEDULE OF ZONING DISTRICT REGULATIONS FOR AREA, BULK, PLACEMENT, AND LAND USE INTENSITY

	<u>R</u>	<u>R</u>	<u>M</u>	<u>C-I</u>	<u>I-1</u>
Minimum Lot Area in Square Feet	7,000 sf 10,000 dup	6,500 sf 2,500 add'tl dup	3,500/dup	None	None
Minimum Lot Area Frontage in Feet	50	50	35	None	None
Minimum Lot Depth in Feet	140	130	100	None	None
Maximum Lot Coverage (all structures & paved structures)	30%	50%	45%	100%	80%
Minimum Front Yard in feet	25	25	25	None	10 (b)
Minimum Rear Yard in feet	25 (5 acc. per building)	25 (5 acc. per building)	10	None (a)	20 (b)
Minimum Side Yard in feet	---	10	---	None (a)	20 (b)
Corner Lot – Principal Use	25/curb line	25/curb line			
Accessory Building	15/curb line Each with min. 5 from lot line	15/curb line Each with min. 5 from lot line			
Maximum Height					
♦ Principal Structure	2 stor/30'	3 stor/40' 1	1 story	3 story/40'	3

♦ Accessory Structure	1 story	1 story	1 story	1 story	stor/40 1 story
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(a) Minimum rear and side yard setbacks shall be 20 feet when abutting any Residential District.

(b) Minimum front, rear, and side yard setbacks shall be 50 feet when abutting any Residential District.

SECTION 11. PERFORMANCE STANDARDS.

Subdivision. 1. Intent. These performance standards are designed such to encourage a high standard of development by providing assurance that neighboring land uses will be compatible. These standards are also designed to eliminate blight. All future development in all districts shall be required to meet these standards. These standards shall also apply to existing developments where stated.

Subdivision. 2. Glare. Any lighting used to illuminate an offstreet parking area, sign or other structure, shall be arranged so as to deflect light away from adjoining residential districts or from public streets.

Subdivision. 3.Storage and Disposal of Chemicals. All commercial and industrial uses associated with the bulk storage of oil, gasoline, liquid fertilizer or other hazardous materials shall require a conditional use permit and compliance with all State and local life safety agency regulations in order that the Council may have assurance that fire, explosion, or water or soil contamination hazards are not present that would be detrimental to the public health, safety and welfare. All disposal operations shall be in compliance with appropriate State, County, and Federal regulations.

Subdivision. 4. Nuisances. No noise, odors, vibration, smoke, air pollution, liquid or solid wastes, heat, glare, dust, or other adverse influences shall be permitted that will in any way have an objectionable effect upon adjacent or nearby property.

A. Noise. It is unlawful to make, continue or cause to be made or continued, any noise in excess of the noise levels set forth unless such noise be reasonably necessary to the preservation of life, health, safety, or property.

1. Measurement of Noise. Any activity which creates or produces sound regardless of frequency exceeding the ambient noise levels at the property line of any property by more than six decibels above the ambient noise levels as designated in the following table, shall be a violation.

2. Noise Level Table

Duration of Sound	7:00 a.m. – 6:00 p.m. All Districts	6:00 p.m. – 6:00 p.m. All Districts	7:00 a.m. – 7:00 a.m. Residential
Less than 10 minutes	75 db	70 db	60 db
10 minutes – 2 hrs	70 db	60 db	50 db
In excess of 3 hrs	60 db	50 db	40 db

3. Sounds emanating from the operation of motor vehicles on public highways, aircraft, outdoor implements, such as power lawnmowers, snow blowers, power hedge clippers, and power saws, pile drivers or jackhammers and other construction equipment are exempt from the sound level but not time restriction provisions of this Subparagraph. Sounds emanating from lawful and proper activities at school grounds, playgrounds, parks or places where athletic contests take place are exempt from the provisions of this Subparagraph.

- B. Emission of Smoke.** It is unlawful for any person owning, or in charge of, or operating any fuel burning, refuse burning, combustant, or process equipment, process device, portable boiler, stacks, vents on premises, to cause, suffer, or allow emission or discharge of smoke from any single such source into the atmosphere, the appearance, density, or shade of which is darker than number one and one-half on the Ringleman Chart.
- C. Emission of Particulate Matter.** It is unlawful for any person to cause or allow the emission of particulate matter from any process, including any material handling or storage activity that is visible beyond the property line of the emission source.
- D. Toxic and Noxious Matter.** No use shall discharge across the boundaries of the lot where it is located, toxic, odorous or noxious matter in such concentrations as to be detrimental to or endanger the public health, safety, comfort or welfare, or cause appreciable injury or damage to property or business.
- E. Storage of Vehicles.** It is unlawful for any person to store or keep any vehicle of any type requiring a license to operate on a public highway but without a current license attached, whether such be dismantled or not, outside of any enclosed building.

Subdivision. 5. Land Reclamation.

- A.** Land reclamation under this Subdivision is the reclaiming of land by depositing of clean fill materials so as to elevate the grade of said land.

- B. Clean fill material shall be defined as rock, gravel, sand, dirt, clay, or other like and similar non-decomposable material.
- C. Land reclamation shall be permitted in all zoning districts, on any lot or parcel except that when 100 or more cubic yards of fill is to be deposited on any lot or parcel, or if the storm water runoff pattern is altered, a conditional use permit shall be required.
- D. In addition to whatever conditions or restrictions that may be attached to any conditional use permit, the following data and standards shall be included in each application:
 - 1. Site plan showing existing and proposed grade elevations and effect of storm water drainage on adjacent areas.
 - 2. A time shall be specified by the applicant as to when, in the applicant's best judgment, the land reclamation project will be completed.
 - 3. The granting of the conditional use permit may be based on the consideration that peat be removed from the proposed land reclamation area prior to any fill being deposited.
 - 4. That within sixty (60) days after the deposit of said fill material, the area shall be covered with a minimum of twelve (12) inches of clean, native earth fill, and the depth of fill shall be controlled to blend with the surrounding ground conditions.
 - 5. That all entrances to any land reclamation project be properly safeguarded with a barricade to prevent the general public from depositing garbage or other refuse in the land reclamation project.
 - 6. Any and all land reclamation projects in existence on the effective date of this Ordinance shall comply within sixty (60) days after notice being served on the recorded fee owner of said property to be used in any land reclamation project.

Subdivision. 6. Drainage.

- A. No land shall be developed or altered and no use shall be permitted that results in surface water runoff causing unreasonable flooding, erosion or deposit of minerals on adjacent properties or water bodies. Such runoff shall be properly channeled into a storm drain, a natural water course or drainageway, a ponding area or other public facility.

- B. The Zoning Administrator, upon inspection of any site which has created drainage problems or could create drainage problems with proposed new development, may require the owner of said site or contractor to complete a grading plan.
- C. The owner or contractor of any natural drainage improvement or alteration may be required by the Building Inspector or Planning Commission to obtain recommendations from the Minnesota Department of Natural Resources, the Soil Conservation District, affected Watershed District, and/or City Engineer.
- D. On slopes in excess of twelve percent (12%) where the natural drainage pattern may be disturbed or altered, the Zoning Administrator may require the applicant to submit both a grading plan and a soil conservation plan prior to applying for a building permit.

Subdivision. 7. Landscaping.

- A. All developed, improved, or built upon lots or parcels shall be landscaped. Landscaping on a lot shall consist of a finish grade and a soil retention cover such as sod, seed and mulch, or plantings to protect the soil and aesthetic values on the lot and adjacent property.
- B. In all districts, all developed uses shall provide soil retention from street edge to the road right-of-way lines. This area shall be kept clear of all structures, exterior storage and off-street parking.
- C. Landscaping shall be provided and maintained on all required front and side yards in all developed districts except where pavement or crushed stone is used for walkways or driveways.

Subdivision. 8. Lot Provisions.

- A. Any lot of record existing upon the effective date of this Ordinance in a residential district, which does not meet the minimum requirements of this Ordinance as to area or dimensions, shall conform to the provisions of Section 3, Subd. 5, of this Ordinance.
- B. If in a group of contiguous created and/or platted lots under single ownership, any individual lot that does not meet the minimum requirements of this Ordinance, such individual lot cannot be considered as a separate parcel of land for purposes of sale or development, but must be combined with adjacent lots and/or parcels under the same ownership so that the accumulation of lots will equal one or more parcels of land, meeting the minimum requirements of this Ordinance.
- C. Any lot, group of lots, or created parcels created by any means after the effective date of this Ordinance, for the purpose of erecting a structure, must be approved by the

Council. The plan for such subdivision shall be submitted in accordance with the City's subdivision regulations.

- D. No more than one principal building shall be located on a lot.
- E. On a corner lot, both street lines shall be front lines for applying the yard and parking requirements of this Ordinance.
- F. The required front yard of a corner lot shall not contain any wall, fence, or other structure, tree, shrub, or other growth, which may cause danger to traffic on a street or public road by obscuring the view. On corner lots, in any district, no structure or planting in excess of thirty inches above the curb line shall be permitted within a triangle defined as follows: "Beginning at the intersection of the project curb line of the two intersecting streets, thence thirty (30) feet along one curb line, thence diagonally to a point thirty (30) feet from the point of beginning on the other curb line, thence to the point of beginning."

Subdivision. 9. Screening.

- A. Screening shall be required where:
 - 1. Any off-street parking area contains more than four parking spaces and is adjoining a residential district; and,
 - 2. Where the driveway to a parking area of more than six parking spaces is adjoining a residential district.
- B. Where any business or industrial use (structure, parking or storage) is adjacent to a property zoned residential, that business or industry shall provide screening along the boundary of the residential property. Screening shall also be provided where a business, parking lot or industry is across the street from a residential zone, but not on the side of a business or industry considered to be the front.
- C. The screening required in this Subdivision shall consist of earth mounds, berms or ground forms; fences and walls; landscaping (plant materials) or landscaped fixtures (such as timbers) used in combination or singularly so as to block direct visual access to an object.

Subdivision. 10. Tree and Woodland Preservation.

- A. Structures and other amenities shall be located in such a manner that the optimum number of trees shall be preserved.

- B. Forestation, reforestation, or landscaping shall utilize a variety of tree species and shall not utilize any species presently under disease epidemic. Species planted shall be hardy under local conditions and compatible with the local landscape.

Subdivision. 11. Site Plans.

- A. All building construction for commercial, industrial, or multiple-dwellings shall be accompanied by a complete site plan, showing the proposed use of the balance of the property. The plan shall show waste disposal, water supply, drainage, ingress and egress, landscaping, screening, and other supportive and pertinent data. Distances to surrounding buildings must also be shown on the site plan. All building permits shall be approved by the Zoning Administrator after review of the site plan for conformity with the City's present development codes. If the building permit application involves the approval of a zoning amendment, variance, or conditional use permit, no building permit shall be issued until the Council has taken appropriate approving action.
- B. Preliminary plans required:
 - 1. Certificate of Survey. The certificate of survey shall be drawn at a scale of one (1) inch equals fifty (50) feet. The certificate of survey shall indicate all existing structures and site improvements.
 - 2. Preliminary Site Plan. The preliminary site plan shall be drawn at a scale of one (1) inch equals fifty (50) feet. The submission may be composed of one or more sheets and drawings and shall include the location of all proposed buildings and their proposed uses; location of driveways and parking areas; indicate front, rear, and side yard setbacks proposed; location of all easements, width and purpose; location and size of existing public improvements adjacent to the lot site, including sanitary sewer, water main, and storm drainage location and size of existing buildings and structures on site and within the district of 100 feet of the site; existing zoning and land use; location of refuse areas; location of outdoor storage areas; locations and specifications of signs; location and type of lighting.
 - 3. Landscape Plan. The landscape plans shall be prepared at a scale of one (1) inch equals fifty (50) feet and shall include the following information:
 - (a) General. Name and address of the developer/owner, name and address of architect/designer, date of plan preparation, date and description of all revisions, name of project or development, scale of plan, north point indication.
 - (b) Site Analysis. Boundary lines of property line with dimensions based upon certified survey, name and alignment of proposed and existing adjacent

on-site streets, location of all proposed utility easements and right-of-way, location of existing and proposed buildings, topographic contours at two (2) foot contour intervals, location of parking areas, water bodies, proposed sidewalks, and percent of site not covered by structures.

- (c) Landscape Data. Identification of both sodded and seeded areas with respect to any areas indicated in square footage. Identification of types, size, and location of plant materials, fences, walls, berms, and other landscape improvements.
 - (d) Screening. Where landscape or manmade materials are used to provide required screening from adjacent and neighboring properties, a cross-section shall be provided at a legible scale illustrating the prospective of the site from the neighboring property and property line elevation.
4. Grading and Drainage Plan. The grading and drainage plan shall be drawn at a one (1) inch scale where one (1) inch equals fifty (50) feet and shall contain the following information:
- (a) Existing and proposed grades with a minimum of two (2) foot contour intervals to a known sea level datum;
 - (b) Sufficient spot elevations on all proposed hard surface areas;
 - (c) Estimated runoff of the area based upon 10 and 100 year storm events;
 - (d) Provisions to carry runoff to the nearest adequate outlet, such as a storm drain, natural drainage way, or street;
 - (e) Location of any proposed ponding areas, indicating the size and depth of the pond and amount of acre feet of water to be stored;
 - (f) Finished floor elevations of all buildings;
 - (g) Identification of soil conditions by type and location, including identification of the water table, and suitability of soil for proposed development;
 - (h) Identification of any areas located within a flood hazard zone as identified by the City's flood plain maps.
5. Floor Plans and Elevations. All floor plans and elevations shall be drawn to a legible scale and include the following information:

- (a) Floor plans indicating square footage and dimensions of all proposed rooms and areas identifying the proposed uses;
 - (b) Elevations of the proposed building
- C. Preparation of Plans. Site plans shall be prepared by a registered architect, civil engineer, landscape architect or land surveyor.

Subdivision. 12. Exterior Storage.

- A. In all residential districts, all personal property shall be stored within a building or be fully screened so as not to be visible from adjoining properties and public streets.
- B. In non-residential districts, all exterior storage shall be screened. The exceptions are: (1) merchandise being displayed for sale; (2) materials and equipment currently being used for construction on the premises; (3) merchandise located on service station pump islands.
- C. In non-residential districts, up to three commercial vehicles such as delivery and service trucks up to 11,075 pounds of gross weight may be parked without screening if such vehicles relate to the principal use. Construction equipment, trailers, and vehicles over 11,075 pounds shall require screening.
- D. In all districts, the Council may order the owner of any property to cease or modify open storage uses including existing uses, providing it is found that said use constitutes a threat to the public health, safety, convenience, or general welfare.

Subdivision. 13. Use and Parking of Mobile Homes, Travel Trailer and Similar Vehicles for Business or Industry. No mobile home, travel trailer, motor home, camper, or similar vehicle may be used for office, business, industrial manufacturing, testing, or storage of items used with or in a business, commercial or industrial enterprise.

Subdivision. 14. Parking or Storage of Motor Home or Travel Trailer. One travel trailer, motor home, camper, or similar vehicle may be parked or stored on a residential site when used by the family residing in the dwelling on such site. Such vehicles or items shall have affixed thereto current registration or license plates as required by law and shall be stored so that same shall meet all side, front and rear yard setback requirements of the residential district of this Ordinance and such parking or storage shall otherwise meet all other requirements of any other City ordinance provisions and State laws. None of such parked or stored vehicles or items shall be connected to any water or sewage disposal system on said residential property where same is so parked or stored.

Subdivision. 15. Temporary Parking of Recreational Vehicles. Temporary parking and occupancy of one recreational vehicle per residential parcel shall be allowed for non-residents of the City for a maximum of a fourteen (14) day period in any one year if such parking and occupancy otherwise complies herewith. Any such occupancy as stated in this Subdivision shall be only for noncommercial use with no fee paid to the landowner, occupant or renter.

Subdivision. 16. Fences.

A. Purpose. The purpose of this Subdivision is to promote a pleasant physical environment and to protect the public and private property within the City by regulating the location, height, type of construction, and maintenance of all fences.

B. Definitions.

1. "Fence"- A fence is defined as any structure, partition or enclosure of wood, iron, metal, or other material enclosing or dividing a piece of land. For the purpose of this Subdivision, a fence shall not include naturally growing shrubs, trees or other foliage.
2. "Boundary Fence"- A boundary fence is any fence on or near the property line.
3. "Privacy Fence"- A privacy fence is any fence used for screening outdoor living areas and for enclosures where restricted visibility or protection is desired.

C. Permit Required.

1. A zoning permit is required for all residential fencing. There shall be a fee of \$25.00. The fee shall be paid at the time of permit application for the residential zoning fence permit. The fee submitted shall cover administration of the permit and the inspection of fence placement and construction.
2. Fence to be erected on property line require the written permission of the abutting property owner to be filed with the Zoning Administrator.
3. No non-residential fence shall be erected or substantially altered in the City without securing a permit from the Zoning Administrator. All such permits shall be issued upon a written application which shall set forth the type of fence to be constructed, the material to be used, height, and exact location of the fence.
 - a. No non-residential fence over six (6) feet in height shall be erected or substantially altered in the City without first securing approval from the Zoning Administrator and an approved building permit from the Building

Official. All such permits shall be issued upon a written application, which shall state the type of fence to be constructed, the material to be used, height, and exact location of the fence.

4. Valuations. The applicant for the permit shall provide an estimated permit value at time of application. Permit valuations shall include total value of all construction work, including materials and labor, for which the permit is issued. The permit valuation shall be set by the Zoning Administrator.

D. Location of Fences.

1. Fences, when constructed to enclose any lot or tract of land, shall be located in such a way that the entire fence shall be on the property of the owner, posts and framework shall be placed within the property lines of the owner and the actual fencing material, such as wire, lumber, pickets, etc., shall be placed on the side of the fence which faces the street or the adjacent property.
2. No fences shall be allowed or constructed on street rights-of-way. Fences may be placed on public utility easements so long as the structures do not interfere in any way with existing underground or overground utilities. Further, the City or any utility company having authority to use such easements, shall not be liable for repair or replacement of such fences in the event they are moved, damaged or destroyed by virtue of the lawful use of said easement.

E. Construction and Maintenance.

1. A fence shall be constructed in a workmanlike manner and of substantial material reasonably suited to the purpose for which the fence is to be used. Every fence shall be maintained in a condition of reasonable repair and shall not be allowed to become and remain in a condition which would constitute a public nuisance or a dangerous condition. If such a fence is allowed to become and remain in such condition, the Zoning Administrator is authorized to notify the owner or owner(s) of such fences of the condition and allow ten (10) days in which to repair or demolish the fence.
2. Link fences, wherever permitted, shall be constructed in such a manner that the barbed end is at the bottom of the fence.
3. No barbed wire fences shall be allowed on private property in residential zones. No barbed wire fences shall be allowed on private property in business or industrial zones where the property lines of such property abut lots or parcels adjacent to residential districts.

4. All fences shall be constructed in conformity with the wind, stress, foundation, structural, and other requirements of the State Building Code.
5. Residential District Fences. In residential districts, no fences may exceed five (5) feet in height, above the ground level, in front of the front line of the residential structure, along any street or highway right-of-way, or in the front yard as defined by this Ordinance. In such districts, fences along the side lines to the rear of the front line of the residential structure and along the rear line, including rear lines abutting street or highway right-of-way zones, may not exceed six (6) feet in height above ground level. The required front yard of a corner lot shall not contain any fence which may cause danger to traffic on a street or public road, by obscuring the view. On corner lots, no fence shall be permitted within a triangular area defined as follows: "Beginning in the intersection of the projected curb line of two intersecting streets, thence thirty (30) feet along one curb line, thence diagonally to a point thirty (30) feet from the point of beginning on the other curb line, thence to the point of beginning."

G. Commercial and Industrial Fences. In business and industrial zones, fences may not exceed eight (8) feet in height above the ground level, and the use of barbed wire is prohibited, except that the top one (1) foot of any fence along side or rear lot lines in these zones may be constructed of barbed wire. Barbed wire shall not be used, installed or constructed, on fences fronting any street, or when adjacent to any residential district. The owners of fences must take reasonable precautions to protect the public from injuries incurred in accidental contact.

H. Swimming Pool Fences.

- A. A fence, hedge, barrier or retaining wall, constructed or placed for the purpose of limiting access to outdoor swimming pools, and which otherwise complies with City Ordinance provisions and regulations, may exceed the height limitations provided in Subparagraph F of this Subdivision.
- B. Fences shall be at least four (4) feet in height for all pools of less than four (4) feet in elevation above the ground. The bottom of the fence shall not be more than four (4) inches from the ground. Fences shall be of a non-corrosive material and shall be constructed so as to not be easily climbable. All fence openings or points of entry into the pool area enclosure shall be equipped with gates or doors that have self-closing and self-latching devices placed at a sufficient height so as to be inaccessible to small children.

I. Special Purpose Fences.

- A. Fences for special purposes and fences differing in construction, heights, or location, may be permitted in any commercial or industrial district in the City, only by issuance of a special fence permit approved by the Council after a recommendation by the Planning Commission, and upon evidence that such special purpose fence is necessary to protect, buffer, or improve the premises for which such fence is intended.
 - B. The approval of such buffer fences may include stipulations as to the material, height, or location of such special purpose fences.
- J. Non-Conforming Fences.** All existing fences, on the effective date of this Ordinance, which are not in violation of this Subdivision and are not located within a public right-of-way, but which violate other Sections of this Ordinance, may be continued to be maintained and to exist but may not be replaced, if destroyed or removed, to the extent that the violations be continued.

Subdivision. 17. Permitted Encroachments - Yards. For the purpose of this Ordinance, the following shall be considered as permitted encroachments within the yards indicated:

- A. In any yard: overhanging roof eaves, open terraces, marquees, flues, sills, lintels, pilasters, cornices, gutters, open canopies, and awnings attached to the principal building, not to exceed fifty percent (50%) of the depth of the front or rear yards or fifty percent (50%) of the width of the side yards. Chimneys, flagpoles, ornamental features, sidewalks, fences, landscaping, posts, or other similar amenities.
- B. Yard lights and name plate signs in residential districts, provided such lights and signs are three (3) feet or more from all lot lines. Lights for illuminated parking and loading areas or yards for safety and security purposes may be provided where necessary, provided that the glare is not visible from public right-of-ways or adjacent residential property.
- C. In front yards, balconies may extend a distance of four (4) feet or less, provided they are seven (7) feet or more above the grade at the building line. Patios or decks may extend a distance of eight (8) feet or less.
- D. In rear yards, balconies, breezeways, detached picnic shelters, swimming pools, recreational equipment, landscaping, driveways, steps, stoops, uncovered porches, patios, picnic tables, open arbors, trellises, laundry drying equipment, detached outdoor living room and outdoor eating facilities, provided they are not less than five (5) feet from any lot line.

- E. Encroachments in any yard that abut a public or private street, shall be considered as permitted encroachments, as outlined above, except that no encroachment shall be permitted within present or proposed street right-of-way lines.
- F. On corner lots, in any district, encroachments are not permitted in excess of thirty (30) inches above the curb line in a triangular area defined as follows: "Beginning at the intersection of the projected curb line of two intersecting streets, thence thirty (30) feet from the point of beginning on the curb line, thence to the point of beginning."

Subdivision. 18. Home Occupations.

- A. Intent. To provide peace, quiet, and domestic tranquility within all residential neighborhoods, within the City, and in order to guarantee to all residents freedom from excessive noise, excessive traffic, nuisance, fire hazard and other possible effects of commercial uses being conducted in residential areas, and to protect the public health, safety, and general welfare of the residents of the City.
- B. Definition. A home occupation is defined as any business or commercial activity that is conducted from property that is zoned for residential use.
- C. Home occupations shall conform to the following standards:
 - 1. No interior or exterior business sign shall be permitted unless authorized by the sign regulations for residential districts.
 - 2. There shall be no exterior storage of business equipment, materials, merchandise, inventory, or heavy equipment.
 - 3. Vehicular traffic flow and parking within the driveway shall not increase by more than four (4) additional vehicles at a time.
 - 4. All parking related to the home occupation shall be off-street and within the driveway.
 - 5. Any manufacturing business or activity which produces noxious matter or perceptible noise or is visible beyond the lot line is prohibited.
 - 6. Shall not constitute a fire hazard to neighboring residences, will not adversely affect neighboring property values, nor constitute a nuisance or otherwise be detrimental to the neighbors because of excessive traffic, excessive noise, odors or other circumstances.

7. The home occupation shall be carried out by a member of the family residing in the dwelling unit.

Subdivision. 19. Manufactured Homes

- A. The placement of manufactured homes within the City is authorized in all residential zones if such homes comply with the following conditions:
 1. Such homes shall comply with all zoning regulations for the residential zone in which they are located.
 2. A building permit and any other required permits shall be obtained for such manufactured homes.
 3. No such home shall have ground floor space of less than 960 square feet.
 4. No such home shall have a width of less than twenty-two (22) feet.
 5. A permanent foundation of concrete, concrete block or wood as approved by the International Building Code as adopted in the State of Minnesota is required with frost footings of at least sixty (60) inches.
 6. Any such manufactured homes shall have exterior siding extending from within six (6) inches of the dirt or two (2) inches of concrete, which siding shall be of a conventional exterior dwelling-type material. Any metal siding would have horizontal edges and overlap in sections no wider than twelve (12) inches. Sheet metal siding is prohibited.
 7. Such homes shall have a pitched roof covered with shingles or tile and have eaves of not less than six (6) inches.
 8. All such manufactured homes shall be built in compliance with Minnesota Statutes 327.31- 327.35.
 9. All manufactured homes shall have available for inspection, manufacturer's instructions specifying how said home is to be situated on a permanent foundation.
 10. All exterior and bearing stud walls are to be of at least 2 " x 4 " construction.
 11. All tongues and undercarriages must be removed.

- B. Exemptions. This Subdivision shall have no application to manufactured homes built in compliance with the International Building Code as adopted in the State of Minnesota or to manufactured housing placed in a mobile home park.

Subd. 20. Zero Lot Line Provisions. Two family residential lots may be platted or subdivided in such a manner that the common boundary line for the residential units will have a zero lot line setback, provided, however, that such lot meets with the following requirements:

- A. Each lot shall have a minimum square footage of 6,000 square feet
- B. Separate services shall be furnished to each residential unit for sanitary sewer and water.
- C. Fence or shrubbery dividers may be installed or maintained on the common boundary line in the rear of the structure.
- D. The two family unit shall be constructed in a side-by-side manner.
- E. A double firewall in conformance with the Building Code shall be constructed as a common wall extending from the foundation up to the rafters of the building.

Subd. 21. Traffic Control. The traffic generated by any use shall be channelized and controlled in a manner that will avoid: congestion on public streets, traffic hazards, and excessive traffic through residential areas, particularly truck traffic.

- A. Internal traffic shall be so regulated as to insure its safe and orderly flow. Traffic into and out of commercial and industrial areas shall, to the extent possible, be forward moving with no backing into streets. On corner lots, no structure or other materials shall be placed within the intersection sight distance triangle between the height of two and one half (2-1/2) and ten (10) -feet above the center line grade of the intersecting street. This intersection sight distance triangle is described as that area on the street side of a line drawn between two points located approximately thirty (30) feet from the point of the intersection of the curb lines of the intersecting streets.
- B. Access Drives and Access.
 - 1. A number and type of access drives onto streets may be controlled and limited in the interest of public safety and efficient traffic flow.
 - 2. Access drives onto County or State highways shall require a review by the County or State Engineer who shall determine the appropriate location, size, and design of such access drives and may limit the number of access drives in the interest of public safety and efficient traffic flow.

3. All lots or parcels shall have direct adequate physical access for emergency service vehicles along the frontage of the lot or parcel from either an existing dedicated public roadway or an existing private roadway approved by the Council.
4. Access Drives and Sidewalks require a building permit. The permit will be issued with no fee.
5. Vacated Streets. Whenever any street, alley, easement or public way is vacated by official action, the zoning district abutting the center line of said vacated area shall not be affected by such proceedings.

Subd. 22. Parking.

- A. Any off-street parking space in connection with existing buildings or structures, on the effective date of this Ordinance, shall not be removed, enlarged or altered, except in conformance with the requirements of this Ordinance. In connection with any building or structure which is to be erected or substantially altered and which requires off-street parking spaces, off-street parking space will be provided in accordance with the following regulations. The following requirements are designed to provide adequate off-street parking space for passenger automobiles of patrons, occupants or employees.
- B. Size. A required off-street parking space shall be at least nine (9) feet in width and twenty (20) feet in length, exclusive of access driveways, aisles, ramps, and columns.
- C. Access.
 1. Each required off-street parking space shall open directly upon an aisle or driveway of such width and design as to provide safe and efficient means of vehicular access to parking spaces.
 2. All off-street parking facilities shall be provided with appropriate means of vehicular access to a street, alley, or a driveway, in a manner which will least interfere with traffic movement.
 3. A parking area containing four (4) or more parking spaces, shall have vehicular access to it by a street, alley, or driveway, containing all-weather, hard surfaced pavement and the size, location, and the Council shall approve route of access to such parking areas.
- D. Yards.

1. Off-street parking shall not be permitted within any front yard or side yard setback, except in residential districts.
 2. Parking spaces required for single or two family dwelling units shall be located on the same lot as the dwelling served.
- E. Computation of Parking Spaces. When determination of the number of parking spaces required by this Ordinance results in a requirement of a fractional space, any fraction shall be counted as one parking space.
- F. Collective Parking Provisions for Non-Residential Uses. Off-street parking facilities for separate uses may be provided collectively if the total number of spaces so provided is not less than the sum of the separate requirements of each use and if all regulations governing the location of accessory parking spaces in relation to the use served are observed. But no parking space, or portion thereof, shall serve as a required space for more than one use unless otherwise authorized in this Ordinance.
- G. Repair. No major motor vehicle repair work shall be permitted in parking lots.
- H. Design, Maintenance, and Installation.
1. All open off-street parking areas shall be paved with a hard and dust-free surface.
 2. All parking areas shall provide for proper drainage of surface water to prevent the drainage of such water onto adjacent properties or walkways.
 3. All open automobile parking areas containing more than four parking spaces shall be effectively screened on each side adjoining or fronting on any residential property, by an approved, compatible wall or fence that conforms with this Ordinance or a densely planted compact hedge not less than five (5) feet in height and so as not to create a traffic hazard on adjacent streets.
 4. Illumination of an off-street parking area shall be arranged so as not to project or reflect rays of light into adjacent and residential districts, and so as not to create a traffic hazard on adjacent streets.
 5. The owner of any off-street parking area shall be arranged so as not to project or reflect rays of light into adjacent and residential districts, and so as not to create a traffic hazard on adjacent streets.
- J. Required Parking Spaces. The minimum number of off-street parking spaces for each type of use shall be determined in accordance with the following:

1. Residential Use. Two parking spaces for each dwelling unit for single family, two family, or multiple dwelling units.
2. Automobile Service Stations. At least one parking space for each employee, plus two for each service stall.
3. Banks. At least one parking space for each two hundred square feet of floor area.
4. Group Homes, Boarding and Rooming Houses. At least two parking spaces, plus one parking space for each three persons for which living accommodations are provided.
5. Bowling Alleys. At least seven parking spaces for each alley, plus such additional spaces as may be required for affiliated uses.
6. Business and Professional Offices or Public Administration Buildings. At least one parking space for each two hundred square feet of floor area.
7. Churches and Synagogues. At least one parking space for each four seats in accordance with design capacity of the main auditorium.
8. Establishments Handling the Sale and Consumption of Food and Refreshment on the Premises. At least one parking space for each seventy-five (75) square feet of floor area.
9. Furniture and Appliance Stores, Motor Vehicle Sales, Storage for Repair of Household Equipment, or Furniture. At least one parking space for each six hundred (600) square feet of floor area.
10. Hotels. At least one space for each three separate rooms and at least one space for each three suites of more than one room.
11. Libraries and Museums. At least one parking space for each five hundred (500) square feet of floor area.
12. Manufacturing, Fabricating, and Processing Plants Not Engaged in Retail Trade. At least one parking space for each employee or one parking space for every one thousand (1,000) square feet of floor area, whichever is greater.
13. Medical and Dental Clinics. At least two spaces for each examining or treatment room, plus one for each doctor and employee in the building.

14. Motels. At least one parking space for each dwelling unit, plus one space per employee.
15. Public Utility and Public Service Uses. At least one parking space for each three employees, plus spaces in adequate number as determined by the Council to serve the visiting public.
16. Recreational Buildings or Community Centers. Spaces in adequate number as determined by the Planning Commission.
17. Schools, Elementary, Junior High, Public or Private. At least one parking space for each faculty member and other full-time employees. Senior high schools shall also provide one space for each ten students.
18. Supermarkets, Discount Houses, Mail Order Outlets, Retail Stores and Other Stores with High Customer Volume. At least one parking space for each three hundred (300) square feet of floor area.
19. Theaters. At least one parking space for each four seats in the theater.
20. Warehouse and Storage Establishments and Freight Terminals. At least one off-street parking space for each two thousand (2,000) square feet of floor area or one parking space for every two employees, whichever is greater.
21. Other Uses. Parking spaces on the same basis as required for the most similar use.

SECTION 12. FEES. Charges shall be made for the identified permits and applications and shall be established by resolution at the annual meeting. The fees are payable at the time of filing an application and are not refundable. All funds so received shall be placed in the general fund of the City of Hendrum.

SECTION 13. PENALTIES:

1. Any person who violates a section, subdivision, paragraph, or provision of this Ordinance when they perform an act thereby prohibited or declared unlawful, or fails to act when such failure is thereby prohibited or declared unlawful, and upon conviction thereof shall be guilty of a misdemeanor.
2. Violations of any condition of a conditional use permit will result in immediate termination of such permit by the City Council following a public hearing. Written notice of such hearing shall be given by the City to the person by personal service at least ten

(10) days prior to the hearing, or by certified mail postmarked at least ten (10) days prior to the hearing, or in one legal published notice at least ten (10) days before the public hearing date.

SECTION 14. REPEAL PRIOR ORDINANCES. Ordinance No. 26, Ordinance No. 39, Ordinance No. 44, Ordinance No. 55, and Ordinance 64 are hereby repealed.

SECTION 15. EFFECTIVE DATE. This ordinance shall take effect immediately upon publication.

OCT
10
2005

ORDINANCE NO.

75

ORDINANCE NO. 75

AN ORDINANCE REGARDING CABLE COMMUNICATIONS FRANCHISE

THE CITY COUNCIL OF THE CITY OF HENDRUM ORDAINS:

Section 1: DEFINITIONS:

- A. **ADMINISTRATOR:** The City Clerk, or such other City official as may be officially designated by resolution of the City Council from time to time during the period of the franchise, shall be responsible for the continuing administration of this franchise.
- B. **CLASS IV CHANNEL:** A signaling path provided by a cable communications system to transmit signals of any type from a subscriber terminal to another point in the cable communications system.
- C. **FCC:** The Federal Communications Commission of the United States.
- D. **FRANCHISEE:** Loretel Systems, Inc. d/b/a Loretel Cablevision of Ada, Minnesota
- E. **FRANCHISOR:** The City of Hendrum.
- F. **MAY:** The word “may” allows discretion.
- G. **SHALL:** The word “shall” is always mandatory.

Section 2: GRANT OF AUTHORITY: The franchisor does hereby create, grant, and establish unto franchisee a full and complete nonexclusive franchise for a period of 15 years for the installation, operation, and maintenance of a Class A cable communications system within the City of Hendrum. Franchisor has considered and approved in a full public proceeding that afforded reasonable notice and reasonable opportunity to be heard the franchisee’s technical ability, financial condition, and legal qualifications.

Section 3: COMPLIANCE WITH STATE AND FEDERAL LAWS: The franchise complies with the Minnesota franchise standards as contained in MSA 238.084. The franchisee shall conform with all federal, state, and city laws, rules, regulations, codes, and other requirements in connection with the system.

Section 4: TERMS, FEES, AND ADMINISTRATION:

- A. **Franchise Fee:** Pursuant to this section, the City Council may impose a franchise fee not to exceed five percent (5%) of the gross revenues derived by the franchisee from the operation of its cable system within the City limits. The term “gross revenues” shall mean all revenues derived from subscriber payments for basic cable service. Any imposition or change to the franchise fee shall require a decision by the City Council at

MAYOR

Randy Berggren

COUNCIL

MEMBERS

Milton Alm

Matthew Nelson

Stashenko Hempeck

Michael Smart

CITY CLERK

Karen Sip

a public meeting. Franchisee shall receive 60 days prior notice of any public meeting related to the imposition or change to the franchise fee. Any imposition or change to the franchise fee shall not become effective until at least 120 days after such decision.

- B. Access To Financial Records:** For purposes of verifying franchise fee payments, the franchisor shall have the authority to audit the franchisee's accounting and financial records upon reasonable notice and require that the franchisee file with the franchisor annual reports of gross subscriber revenues.
- C. Municipal Right to Purchase:** Upon expiration of the franchise term, or upon revocation of the franchisor, or upon receipt of an application from the franchisee for approval of an assignment or transfer of the franchise, the franchisor shall have the first right to purchase the system upon the same terms and conditions as have been negotiated between the franchisee and a proposed purchaser.
- D. Transferability:** The franchise shall be deemed nontransferable; provided, that any assignment or transfer of the same may take place with the consent of the franchisor, which consent shall not be unreasonably withheld. No sale or transfer of the franchise or sale or transfer of stock so as to create a new controlling interest shall be made, except at the approval of the franchising authority, which approval shall not be unreasonably withheld, and that such sale or transfer is completed pursuant to the terms of M.S.A. 238.083.
- E. Termination; Hearing:**
 - a. Violation Of Provisions:** The franchisor may terminate and cancel the franchise and all rights and privileges of the franchise in the event that the franchisee substantially violates any provisions of the franchise ordinance or any rule, order or determination of the franchisor or attempts to evade any of the provisions of the franchise ordinance or practices any fraud or deceit upon the Municipality.
 - b. Notice Requirements:** The franchisor shall provide the franchisee with a written notice of the cause for termination and its intention to terminate the franchise and shall allow the franchisee a minimum of thirty (30) days subsequent to receipt of the notice in which to correct the violation.
 - c. Hearing:** The franchisee shall be provided with an opportunity to be heard at a public hearing before the governing body of the franchisor prior to the termination of the franchise.
 - d. Abandonment:** The franchisee may not abandon any portion of the cable communications service provided hereunder without having given three (3) months prior notice to the franchisor. Further, franchisee may not abandon any portion of the distribution system without compensating the franchisor for damages resulting from the abandonment.
 - e. Procedure Upon Termination:** Upon termination or forfeiture of the franchise, the franchisee shall, upon request of franchisor, remove its cables, wires, and all other appliances relating to the cable communications system from the streets, alleys and other public places within the franchise area, and in the event of failure to do so, the following procedure shall be followed: the

franchisor may remove or have removed the cable, wires and all other appliances relating to the cable communications system, the cost of such removal to be charged to the franchisee. Franchisee shall also pay to franchisor the cost of the attorney's fees incurred in the cost of the enforcement of this provision.

Section 5: SUBSCRIBER REGULATIONS; RATES:

- A. Subscriber Privacy:** No signals of a Class IV cable communications channel shall be transmitted from a subscriber terminal for purposes of monitoring individual viewing patterns or practices without the express written permission of the subscriber. The request for such permission shall be contained in a separate document with a prominent statement that the subscriber is authorizing the permission in full knowledge of its provision. Such written permission shall be for a limited period of time not to exceed one year and shall be renewed solely at the option of the subscriber. No penalty shall be invoked for a subscriber's failure to provide or renew such an authorization. The authorization shall be revocable at any time by the subscriber without penalty of any kind whatsoever. Such authorization is required for each type or classification of Class IV cable communications activity planned for the purpose.

No information or data obtained by monitoring transmission of a signal from a subscriber terminal, including but not limited to lists of the names and addresses of such subscribers or lists that identify the viewing habits of subscribers shall be sold or otherwise made available to any party other than to the company and its employees for internal business use, and also to the subscriber subject of that information, unless the company has received specific written authorization from the subscriber to make such data available.

Written permission from the subscriber shall not be required for the systems conducting system-wide or individually addressed electronic sweeps for the purpose of verifying system integrity or monitoring for the purpose of billing. Confidentiality of this information is subject to clause 2. above.

- B. Subscriber Rates:** A list of franchisee's current subscriber rates and charters shall be maintained on file with franchisor and shall be available for public inspection. Franchisee shall give franchisor and subscribers written notice of any change in a rate or charge no less than thirty (30) days prior to the effective date of the change.
- C. Repairs and Complaints:** The franchisee shall provide a toll-free telephone number for subscriber complaints and shall maintain a repair service capable of responding to subscriber complaints or requests for service within twenty-four (24) hours after receipt of the complaint or request.

Whenever it is necessary to shut off or interrupt services for the purpose of making repairs, adjustments or installation, the franchisee shall do so during periods of

minimum use by subscribers. Unless such interruption is unforeseen, the franchisee shall give reasonable notice thereof to the subscribers affected. All costs incurred in making such repairs, adjustments or installation shall be borne by the franchisee.

All complaints by the franchisor, subscribers, or other citizens regarding the quality of service, equipment, malfunction, billing disputes, and any other matters relative to the cable television system shall be investigated by the franchisee within twenty-four (24) hours. The franchisee shall rectify the cause of the complaint if reasonably possible. If a subscriber or citizen complaint cannot be resolved within ten (10) days, the complainant may then file the complaint with the Administrator.

Section 6: OPERATION & CHANNEL REQUIREMENTS; LIABILITY:

A. Operating Standards:

1. The system shall deliver to the subscriber's terminal a signal that is capable of producing a black and white or colored picture without visual material degradation in quality within the limitations imposed by the technical state of the art.
2. The system shall transmit or distribute signals without causing objectionable cross-modulation in the cables or interfering with other electrical or electronic networks or with the reception of other television or radio receivers in the area not connected to the network. The community cable television system and any facilities utilized in connection therewith, either on public or private property, shall be installed and operated in such a manner as to not cause interference with the operation of any public safety radio stations or systems or other radio stations or systems operated by franchisor. Should any such interference develop, the Administrator may require that any or all operations of franchisee under the franchise be immediately suspended and not be resumed until the cause of the interference has been corrected to the satisfaction of such official.
3. The community cable television system shall be operated and maintained so that all customers shall receive signals of good technical quality and the full range of available services.
4. Quality of installations and facilities. All installation shall be of a permanent and durable nature and installed in accordance with good engineering practices and comply with all existing and future ordinances, resolutions, regulations and order of franchisor so as not to interfere in any manner with the rights of the public or individual property owners. The system shall not interfere with the travel and use of public places or facilities by the public, and during the construction, repair or removal thereof, shall not obstruct or impede traffic. Any transmission facilities of a community cable television system or utilized in connection with a system anywhere within the corporate limits of franchisor, either on public or private property, shall consist of coaxial cables of low radiation characteristics satisfactory to and approved by the FCC.

- B. Technical Standards:** The franchise shall, at a minimum, adhere to the applicable technical standards promulgated by the FCC relating to cable communications systems contained in subpart K of part 76 of the FCC rules and regulations relating to cable communications systems as the same now provides and may from time to time be amended. The results of any tests required by the FCC shall be filed within ten (10) days of franchisor's written request.
- C. Special Testing:** Special testing will not be ordered by the franchisor until a petition has been presented to the Administrator requesting such testing, and after the franchisor has held a hearing on that request. In the event that special testing is determined to be required by the franchisee to determine the source of technical difficulties, the cost of said testing shall be borne by the franchisee if the testing reveals the cable company to be responsible. If the testing reveals the difficulties to be caused by factors that are beyond the cable company's control, the cost of testing shall be borne by the franchisor.
- D. Program Equipment:** The franchisee shall make readily available for public use upon need being shown at least minimal equipment necessary to perform good quality playback of prerecorded programming, and to make it possible to record programs at remote locations with battery operated portable equipment. Need shall be determined by subscriber petition. The petition must contain the signatures of at least ten percent (10%) of the subscribers in the system, but in no case more than three hundred fifty (350) nor fewer than one hundred (100) signatures.
- E. Two-Way Capability:** The franchisee shall provide a cable communications system having the technical capacity for the incorporation of non-voice return communications which, for the purpose of this section, shall mean the provision of appropriate system design techniques with the installation of cable and amplifiers suitable for the subsequent insertion of necessary non-voice communication modules:
1. In the case of the initial franchise, the franchisee shall provide cable communication systems having the technical capacity for non-voice communications.
 2. When the franchise is renewed, sold, or transferred and is served by a system that does not have the technical capacity for non-voice return communications, the franchising authority shall determine when and if the technical capacity for non-voice return communications is needed after consultation with the appropriate regional development commission and appropriate public proceedings at the Municipal level giving reasonable notice and a reasonable opportunity to be heard.
- F. Channel Capacity:** The franchisee shall provide a cable communications system having a minimum seventy-two (72) MHz of bandwidth (the equivalent of 12 television broadcast channels).
- G. Minimum Signals:** The cable television system must carry at least the following television signals:
1. Local off air signals.
 2. PBS.

3. Five additional program channels.
4. One premium service at extra charge (e.g. HBO or Showtime).

H. Community Channel:

1. The franchisee shall provide to each of its subscribers who receive all, or any part of, the total services ordered on the system, reception of one specially designated community channel for noncommercial use by the local educational authorities and local government. The channel shall be provided on the lowest level of service received by all subscribers. The franchisee shall also provide one character generator for use on the community channel.
2. Local educational authorities and local government on a first come, nondiscriminatory basis may use the specifically designated access channel. During those hours when the channel is not being used by local educational authorities, or local government, the franchisee may program the channel.
3. The franchisee and franchisor shall jointly establish rules pertaining to the administration of the community channel.

I. Public Building Service. The franchisee shall install and provide its most complete (highest) internet connection and its most complete (highest) cable service, excluding pay television, to the following public buildings within the City of Hendrum: city hall chambers and city civic center.

J. Liability.

1. **Insurance.** The franchisee shall indemnify and hold harmless the franchisor with regard to all legal damages and penalties which may result from the exercise of this franchise at all times during the term of the franchise and shall maintain throughout the term of the franchise liability insurance in an amount to be determined by City Council resolution from time to time during the time this franchise remains in full force and effect; however, to be in an amount of at One Million Dollars (\$1,000,000.00) single limit coverage for bodily injury and property damage upon the effective date of this Chapter. The franchisor shall be named as an additional insured on the franchise liability insurance policy and a certificate of insurance shall be filed with the franchise administrator as designated by the City Council.
 - A. Nothing contained in the franchise shall relieve any person from liability arising out of the failure to exercise reasonable care to avoid injury to the franchisee's facilities while performing any work connected with grading, re-grading, or changing the line of any street or public place or with the construction or reconstruction of any sewer or water system.

Section 7: CONSTRUCTION STANDARDS; PUBLIC IMPROVEMENTS:

A. Construction Standards:

- a. The franchisee shall not open or disturb the surface of any street, sidewalk, driveway, or public place without first obtaining a permit from the proper authority for which permit the franchisor may impose a reasonable fee to be paid by the franchisee. The lines, conduits, cables and other property placed

in the streets and public places pursuant to such permit shall be located in the streets or portions of the streets and public places as shall be determined by the proper authority. The franchisee shall, upon completion of any work requiring the opening of any street or public places restore the same, including the pavement and its foundations, to as good a condition as formerly, and in a manner and quality approved by the proper municipal authority, and shall exercise reasonable care to maintain the same thereafter in good condition. Such work shall be performed with due diligence and if the franchisee shall fail to perform work promptly, to remove all dirt and rubbish and to put the street or public place back into good condition, the franchisor shall have the right to put the street or public place back into good condition at the expense of the franchisee and the franchisee shall, upon demand, pay to the franchisor the cost of such work done or performed, together with an additional sum as liquidated damages to be determined by the franchisor.

- b. All wires, conduits, cable and other property and facilities of the franchisee shall be so located, constructed, installed and maintained in compliance with applicable codes and so as not to endanger or unnecessarily interfere with the usual and customary trade, traffic and travel upon the streets and public places of the franchise area. The franchisee shall keep and maintain all of its property in good condition, order and repair so that the same shall not menace or endanger the life or property or person. The franchisor shall have the right to inspect and examine at any reasonable time and upon reasonable notice the property owned or used, in part or in whole, by the franchisee. The franchisee shall keep accurate maps and records of all of its facilities and furnish copies of such maps and records as requested by the franchisor.
- c. All wires, cables, amplifiers and other property of the franchisee shall be constructed and installed in an orderly and workmanlike manner. All cables and wires shall be installed, where possible, parallel with electric and telephone lines. Multiple cable configurations shall be arranged in parallel and bundled with due respect for engineering consideration.
- d. Franchisee shall at all times comply with applicable FCC or other federal, state, and local regulations, laws, and codes. In any event, the system shall not endanger or interfere with the safety of persons or property in the franchise area or other areas where the franchisee may have equipment located.

B. Existing and Future System and Construction: Any facilities and appurtenances in streets, alleys, and public places, incidental to the franchise system, that have been or at any future time acquired, leased, or utilized in any manner by franchisee are thereupon to be deemed authorized by and shall be subject to all of the provisions of the franchise, including, but limited to the duty of payment of compensation as required hereunder.

C. Public Improvements: Whenever the franchisor shall undertake any public improvement which affects cable communications equipment, it shall, with due

regard to reasonable working conditions, direct the franchisee to remove or relocate its wires, conduits, cables and other property located in said street, right of way or public place. The franchisor shall give the franchisee reasonable notice of the undertaking of public improvements that affect the franchisee's cable communication equipment.

- D. Limitation of Franchise.** No privilege or exemption is granted or conferred by the franchise except those specifically prescribed herein. Any privilege claimed under the franchise by franchisee in any street, alley, or other public place shall be subordinate to any lawful occupancy of the same by franchisor or by any other public agency, and to prior lawful occupancy of same by any other entity or person.

Section 8: RENEGOTIATION OF FRANCHISE TERMS: Any renewal of this franchise shall be for a period of not more than two (2) five (5) year terms. Any extension of the original franchise shall be at either party's discretion. Renegotiation of any or all of the terms of the franchise may occur at such times as may be mutually agreed upon by the franchisor and franchisee. Such renegotiation periods are to occur not less than one year before the end of any franchise term, unless the franchisor determines not to reissue the franchise to the franchisee or desires to consider additional applicants for a franchise.

Section 9: EFFECTIVE DATE: This ordinance shall take effect immediately upon publication.

**JAN
8
2007**

MAYOR
Randy Berggren

COUNCIL
MEMBERS
Michael Smart
Milton Alm
Curt Johannsen
Michael Person

CITY CLERK
Karen Sip

ORDINANCE NO.

76

ORDINANCE NO. 76

**AN ORDINANCE REPEALING THE MINNESOTA STATE BUILDING CODE
and
THE 2000 INTERNATIONAL PROPERTY MAINTENANCE CODE**

THE CITY COUNCIL OF THE CITY OF HENDRUM, MINNESOTA, DOES HEREBY ORDAIN:

SECTION 1. PURPOSE AND INTENT. This Ordinance is adopted for the following purpose:

- A. To repeal Ordinance No. 72, The Minnesota State Building Code.
- B. To repeal Ordinance No. 73, The 2000 International Property Maintenance Code.

SECTION 2. EFFECTIVE DATE. This Ordinance shall take effect and force from and after its passage by the City of Hendrum and its official posting and publication in accordance with state laws.

NOV
17
2008

ORDINANCE NO.

77

ORDINANCE NO. 77

**AN ORDINANCE ESTABLISHING PARKING REGULATIONS WITHIN THE CITY LIMITS OF
HENDRUM.**

BE IT ORDAINED by the City Council of the City Of Hendrum, Minnesota as follows:

SECTION 1. PRESUMPTION.

As to any vehicle parking in violation when the driver is not present, it shall be presumed that the owner parked the same, or that the driver was acting as an agent of the owner.

SECTION 2. GENERAL PARKING PROHIBITIONS.

It is unlawful for any person to stop, stand or park a vehicle except when necessary to avoid conflict with other traffic in any of the following places:

1. On a sidewalk.
2. In front of a public or private driveway.
3. Within an intersection.
4. Within 20 feet of an intersection.
5. In a sign-posted fire lane.
6. Within 50 feet of the nearest rail of a railroad crossing.
7. Within 20 feet of the driveway entrance to any fire station and on the side of the street opposite the entrance to any fire station within 75 feet of said entrance when properly sign-posted.
8. Within 10 feet of a fire hydrant.
9. Alongside or opposite any street excavation or obstruction when such stopping, standing or parking would obstruct traffic.
10. On the roadway side of any vehicle stopped or parked at the edge or curb of a street, i.e. double parking.
11. Upon any bridge or other elevated structure upon a street.
12. At any place where official signs prohibit or restrict stopping, parking or both.
13. In any alley, except for loading and unloading to or from adjacent premises.
14. On any boulevard.
15. Facing traffic.

SECTION 3. WINTER PARKING REGULATIONS.

It is unlawful for any vehicle to be parked on public streets for a continuous period in excess of twenty-four (24) hours between November 1 through April 15 of the following year. The

City can at any time upon notice require vehicles to be moved in the event of snow removal. The City may also designate an area to be of no parking at any time for the purpose of snow removal. Written notice of such designation will be sent to all homeowners in that area. Any vehicle parked in violation will be authorized to be towed at the owners expense.

SECTION 4. UNAUTHORIZED REMOVAL.

It is unlawful for any person to move a vehicle not owned by such person into any prohibited area or away from a curb such distance as is unlawful.

SECTION 5. RECREATIONAL VEHICLE PARKING.

Subdivision 1. Definition. For the purpose of this ordinance a "recreational vehicle" is defined as follows: travel trailers, including those that telescope or fold down, chassis mounted campers, house cars, motor homes, tent trailers, slip in campers, non-motorized trailers intended and generally used for transporting boats, utility trailers, snowmobiles, all-terrain vehicles, boats or other watercraft.

Subdivision 2. Unlawful Act. It is unlawful for any person to leave or park a recreational vehicle" on or within the limits of any street or right of way for a continuous period in excess of forty-eight (48) hours.

SECTION 6. TRUCK PARKING.

Subdivision 1. Detached Trailer. It is unlawful for any person, as driver or operator of a semi-trailer, or as the registered owner of a semi-trailer, to park, stop or leave standing, or cause, allow or permit to be parked, stopped or left standing, whether knowingly or unknowingly, a semi-trailer, not attached to a truck or truck tractor upon any city street, municipally owned parking lot or parking facility, or other city property.

Subdivision 2. Residential District. It is unlawful for any person, as driver or operator of a semi-trailer or as the registered owner of a semi-trailer, to park, stop or leave standing, or cause, allow or permit to be parked, stopped or left standing, whether knowingly or unknowingly, any such semi-trailer, whether or not attached to a truck tractor, within any area zoned as a residential district, except for the purpose of and while engaged in the loading and unloading of such semi-trailer. The truck with attached semi-trailer may only be parked in a residential district during the time it is actually engaged in continuous actual acts of loading or unloading such a semi-trailer, otherwise parking shall not be allowed in a residential district.

Subdivision 3. It is unlawful to park a semi-trailer, whether or not attached to a truck-tractor except in the business district and for the period from midnight to 6:00 a.m. No parking of any semi-trailer, whether attached or not to a truck tractor, shall

be permitted within the City except in those areas or zones specifically marked or authorized by the City as areas where such parking is permitted and allowed.

SECTION 7. DISPLAY OF VEHICLE FOR SALE.

No person shall place a vehicle on a street or highway to display the same for sale or exchange. A vehicle shall be deemed to be displayed in violation of this section when found standing upon a street or highway bearing a sign indicating that it is for sale or exchange.

SECTION 8. OVERNIGHT PARKING.

No person may park or permit any vehicle to stand upon any highway, street, alley, City-owned parking lot or any other public property in the City for more than 24 consecutive hours except in areas designed for such parking by signs erected by authority of the City Council, and except in emergency situations where prior authorization for the parking has been obtained from a peace officer.

SECTION 9. COMMERCIAL MOTOR VEHICLES.

No motor vehicle over one-ton capacity bearing a commercial license and no commercially licensed trailer may be parked on any street or roadway in any area in the City which is zoned residential, except when such vehicle is engaged in loading and unloading or rendering a service in the area involved.

SECTION 10. PRIVATE PROPERTY; OWNER PERMISSION REQUIRED.

No person may park or permit any vehicle to stand upon any public or private property that is sodded or landscaped and is maintained as a boulevard or open yard space adjacent to a street, highway or parking lot, except with the permission of the owner of the property.

SECTION 11. ABANDONED MOTOR VEHICLES; PENALTY.

No abandoned motor vehicle shall remain upon any street or highway in the City. Any vehicle which is permitted to remain upon any street or highway in the City in excess of seventy-two (72) consecutive hours or any vehicle lacking vital component parts shall be presumed to be abandoned and may be immediately removed and impounded by any peace officer or duly authorized person in accordance with this code.

SECTION 12. ILLEGALLY PARKED VEHICLE REMOVAL.

Subdivision 1. Nuisance. Any vehicle parked in violation of any City ordinance is declared a nuisance and may be summarily abated by removing the vehicle by or under the direction or at the request of a peace officer to a place of storage by means of towing truck. The peace officer may require the driver or owner to remove the vehicle off the paved, improved or traveled portion of the street.

SECTION 13. RECOVERY OF STORED VEHICLES.

Before the owner or his agent is permitted to remove a vehicle from the place of storage, the owner must:

1. Furnish satisfactory evidence to the person in charge of the storage area of his identity and ownership of the vehicle; and
2. Pay any storage charge to the person in charge of the storage area for the towing and storage of the vehicle.

SECTION 14. PERMISSIBLE PARKING.

Parking along city streets is allowed within 8 feet of the driving lane of any street where a curb is not present.

SECTION 15. USING STREETS FOR STORAGE PROHIBITED.

No person shall park a vehicle, boat, trailer or other item upon any street for a period of time longer than forty-eight (48) hours.

SECTION 16. USING STREETS FOR STORAGE OF MOTOR HOMES, BOATS AND TRAILERS PROHIBITED.

No person shall park a motor home, boat, trailer or other item upon any street for a period of time longer than forty eight (48) hours. Motor homes, boats and trailers which are moved from a parking spot and then re-parked on the same street block face within twenty four (24) hours from the time of said removal shall be deemed to have been continuously parked for the purposes of this Section. "Block face" means the side of the street where the vehicle was parked between two (2) intersecting streets.

SECTION 17. PENALTY.

The registered owner of any vehicle or any other Person or entity violating this Ordinance shall be charged with the violation by means of a parking ticket. The fine for such violation shall be set from time to time by resolution of the City Council. Violators shall pay said fine within two weeks of issuance of the ticket, to be paid personally or by mail at the Office of the City Clerk of the City of Hendrum. Any violators failing to pay said fine within the two-week period shall be subject to an additional fine equal to the original parking violation fine, which shall be paid in addition to the original fine. Further non-payment of the fine within the two-week period shall cause any violator to be subject to a complaint or citation issued against them in County Traffic Court. Penalty for the violation shall be the same for the Traffic Court proceedings for the parking ticket, to include any late penalty imposed.

The presence of any motor vehicle on any street when standing or parked in violation of this ordinance is prima facie evidence that the registered owner of the vehicle committed or authorized the commission of the violation.

Any person violating this ordinance is guilty of a petty misdemeanor punishable by a maximum fine as set by Minnesota law presently in the maximum amount of \$300.00, not including surcharges.

Violations of this ordinance may be charged, at the option of City, as misdemeanor offenses if the following conditions or situations are proven to exist: (a) the person charged with a violation of this ordinance has been convicted of this ordinance at least twice within the preceding 12-month period of time; (b) the violation of this ordinance was committed in a manner or under circumstances so as to endanger or be likely to endanger any person or property.

Under the present provisions of Minnesota law convictions for a misdemeanor crime are punishable by \$1,000.00 fine or 90 days in jail, or both.

SECTION 18. REPEAL PRIOR ORDINANCES. Ordinance No. 56 is hereby repealed.

SECTION 19. EFFECTIVE DATE.

The ordinance shall take effect and be in force after its passage and publication according to state law.

SEP
14
2015

ORDINANCE NO.

78

ORDINANCE NO. 78

FLOODPLAIN ORDINANCE

SECTION 1.0 STATUTORY AUTHORIZATION, FINDINGS OF FACT AND PURPOSE

1.1 Statutory Authorization: The legislature of the State of Minnesota has, in Minnesota Statutes Chapter 103F and Chapter 462 delegated the responsibility to local government units to adopt regulations designed to minimize flood losses. Therefore, the City Council of Hendrum, Minnesota, does ordain as follows.

1.2 Purpose:

- 1.21 This ordinance regulates development in the flood hazard areas of Hendrum, Minnesota. These flood hazard areas are subject to periodic inundation, which may result in loss of life and property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base. It is the purpose of this ordinance to promote the public health, safety, and general welfare by minimizing these losses and disruptions.
- 1.22 National Flood Insurance Program Compliance. This ordinance is adopted to comply with the rules and regulations of the National Flood Insurance Program codified as 44 Code of Federal Regulations Parts 59 -78, as amended, so as to maintain the community's eligibility in the National Flood Insurance Program.
- 1.23 This ordinance is also intended to preserve the natural characteristics and functions of watercourses and floodplains in order to moderate flood and stormwater impacts, improve water quality, reduce soil erosion, protect aquatic and riparian habitat, provide recreational opportunities, provide aesthetic benefits and enhance community and economic development.

SECTION 2.0 GENERAL PROVISIONS

- 2.1 **How to Use This Ordinance:** This ordinance adopts the floodplain maps applicable to Hendrum and establishes the Floodplain District. As shown on these maps, this district comprises flood fringe areas, as defined in Section 2.921, within and adjacent to the City.
- 2.2 **Lands to Which Ordinance Applies:** This ordinance applies to all lands within the jurisdiction of Hendrum shown on the Official Zoning Map and/or the attachments to the map as being located within the boundaries of the Floodplain District. The Floodplain

MAYOR

Curt Johannsen

COUNCIL

MEMBERS

Michael Smart

Milton Alm

Sarah Tommerdahl

Paul Baukol

CITY CLERK

Keri Plemmons

District is an overlay districts that is superimposed on all existing zoning districts. The standards imposed in the overlay district are in addition to any other requirements in this ordinance. In case of a conflict, the more restrictive standards will apply.

- 2.3 Incorporation of Maps by Reference:** The following maps together with all attached material are hereby adopted by reference and declared to be a part of the Official Zoning Map and this ordinance. The attached material includes the Flood Insurance Study for Norman County, Minnesota, and Incorporated Areas, dated September 30, 2015 and the Flood Insurance Rate Maps for Norman County and Incorporated Areas with map numbers 27107C0190E and 27107C0195E, all of these documents dated September 30, 2015 and prepared by the Federal Emergency Management Agency. These materials are on file in the City Clerk's office.
- 2.4 Regulatory Flood Protection Elevation:** The regulatory flood protection elevation (RFPE) is an elevation no lower than one foot above the elevation of the regional flood plus any increases in flood elevation caused by encroachments on the floodplain that result from designation of a floodway. Within the AO Zone, the RFPE is an elevation no lower than 3 feet above the highest adjacent grade of an existing structure or proposed structure or a proposed structural addition.
- 2.5 Interpretation:** The boundaries of the Floodplain District are determined by scaling distances on the Flood Insurance Rate Map.
- 2.51 Where a conflict exists between the floodplain limits illustrated on the official zoning map and actual field conditions, the flood elevations shall be the governing factor. The Zoning Administrator must interpret the boundary location based on the ground elevations that existed on the site on the date of the first National Flood Insurance Program map showing the area within the regulatory floodplain, and other available technical data.
- 2.52 Persons contesting the location of the district boundaries will be given a reasonable opportunity to present their case to the City Council and to submit technical evidence.
- 2.6 Abrogation and Greater Restrictions:** It is not intended by this ordinance to repeal, abrogate, or impair any existing easements, covenants, or other private agreements. However, where this ordinance imposes greater restrictions, the provisions of this ordinance prevail. All other ordinances inconsistent with this ordinance are hereby repealed to the extent of the inconsistency only.
- 2.7 Warning and Disclaimer of Liability:** This ordinance does not imply that areas outside the floodplain districts or land uses permitted within such districts will be free from flooding or flood damages. This ordinance does not create liability on the part of the City of Hendrum or its officers or employees for any flood damages that result from reliance on this ordinance or any administrative decision lawfully made hereunder.

- 2.8 Severability:** If any section, clause, provision, or portion of this ordinance is adjudged unconstitutional or invalid by a court of law, the remainder of this ordinance shall not be affected and shall remain in full force.
- 2.9 Definitions:** Unless specifically defined below, words or phrases used in this ordinance must be interpreted according to common usage and so as to give this ordinance its most reasonable application.
- 2.911 Accessory Use or Structure – a use or structure on the same lot with, and of a nature customarily incidental and subordinate to, the principal use or structure.
- 2.912 Base Flood Elevation – The elevation of the “regional flood.” The term “base flood elevation” is used in the flood insurance survey.
- 2.913 Basement – any area of a structure, including crawl spaces, having its floor or base subgrade (below ground level) on all four sides, regardless of the depth of excavation below ground level.
- 2.914 Conditional Use – a specific type of structure or land use listed in the official control that may be allowed but only after an in-depth review procedure and with appropriate conditions or restrictions as provided in the official zoning controls or building codes and upon a finding that:
- (a) Certain conditions as detailed in the zoning ordinance exist.
 - (b) The structure and/or land use conform to the comprehensive land use plan if one exists and are compatible with the existing neighborhood.
- 2.915 Critical Facilities – facilities necessary to a community’s public health and safety, those that store or produce highly volatile, toxic or water-reactive materials, and those that house occupants that may be insufficiently mobile to avoid loss of life or injury. Examples of critical facilities include hospitals, correctional facilities, schools, daycare facilities, nursing homes, fire and police stations, wastewater treatment facilities, public electric utilities, water plants, fuel storage facilities, and waste handling and storage facilities.
- 2.916 Development – any manmade change to improved or unimproved real estate, including buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations, or storage of equipment or materials.
- 2.917 Equal Degree of Encroachment – a method of determining the location of floodway boundaries so that floodplain lands on both sides of a stream are capable of conveying a proportionate share of flood flows.
- 2.918 Farm Fence – A fence as defined by Minn. Statutes Section 344.02, Subd. 1(a)-(d). An open type fence of posts and wire is not considered to be a structure under this ordinance. Fences that have the potential to obstruct flood flows, such as chain link fences and rigid walls, are regulated as structures under this ordinance.

- 2.919 Flood – a temporary increase in the flow or stage of a stream or in the stage of a wetland or lake that results in the inundation of normally dry areas.
- 2.920 Flood Frequency – the frequency for which it is expected that a specific flood stage or discharge may be equaled or exceeded.
- 2.921 Flood Fringe – that portion of the floodplain outside of the floodway. Flood fringe is synonymous with the term “floodway fringe” used in the Flood Insurance Study for Norman County, Minnesota.
- 2.922 Flood Prone Area – any land susceptible to being inundated by water from any source (see “Flood”).
- 2.923 Floodplain – the beds proper and the areas adjoining a wetland, lake or watercourse which have been or hereafter may be covered by the regional flood.
- 2.924 Floodproofing – a combination of structural provisions, changes, or adjustments to properties and structures subject to flooding, primarily for the reduction or elimination of flood damages.
- 2.925 Floodway – the bed of a wetland or lake and the channel of a watercourse and those portions of the adjoining floodplain which are reasonably required to carry or store the regional flood discharge.
- 2.926 Lowest Floor – the lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, used solely for parking of vehicles, building access, or storage in an area other than a basement area, is not considered a building’s lowest floor.
- 2.927 Manufactured Home – a structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when attached to the required utilities. The term “manufactured home” does not include the term “recreational vehicle.”
- 2.928 Obstruction – any dam, wall, wharf, embankment, levee, dike, pile, abutment, projection, excavation, channel modification, culvert, building, wire, fence, stockpile, refuse, fill, structure, or matter in, along, across, or projecting into any channel, watercourse, or regulatory floodplain which may impede, retard, or change the direction of the flow of water, either in itself or by catching or collecting debris carried by such water.
- 2.929 Principal Use or Structure – all uses or structures that are not accessory uses or structures.
- 2.930 One Hundred Year Floodplain – lands inundated by the “Regional Flood” (see definition).
- 2.931 Reach – a hydraulic engineering term to describe a longitudinal segment of a stream or river influenced by a natural or man-made obstruction. In an urban

area, the segment of a stream or river between two consecutive bridge crossings would most typically constitute a reach.

- 2.932 Recreational Vehicle – a vehicle that is built on a single chassis, is 400 square feet or less when measured at the largest horizontal projection, is designed to be self-propelled or permanently towable by a light duty truck, and is designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use. For the purposes of this ordinance, the term recreational vehicle is synonymous with the term “travel trailer/travel vehicle.”
- 2.933 Regional Flood – a flood which is representative of large floods known to have occurred generally in Minnesota and reasonably characteristic of what can be expected to occur on an average frequency in the magnitude of the 1% chance or 100-year recurrence interval. Regional flood is synonymous with the term "base flood" used in a flood insurance study.
- 2.934 Regulatory Flood Protection Elevation (RFPE) - an elevation not less than one foot above the elevation of the regional flood plus any increases in flood elevation caused by encroachments on the floodplain that result from designation of a floodway. Within the AO Zone, the RFPE is an elevation no lower than 3 feet above the highest adjacent grade of an existing structure or proposed structure or a proposed structural addition.
- 2.935 Repetitive Loss: Flood related damages sustained by a structure on two separate occasions during a ten year period for which the cost of repairs at the time of each such flood event on the average equals or exceeds 25% of the market value of the structure before the damage occurred.
- 2.936 Special Flood Hazard Area – a term used for flood insurance purposes synonymous with “One Hundred Year Floodplain.”
- 2.937 Structure - anything constructed or erected on the ground or attached to the ground or on-site utilities, including, but not limited to, buildings, factories, sheds, detached garages, cabins, manufactured homes, recreational vehicles not meeting the exemption criteria specified in Section 9.31 of this ordinance and other similar items.
- 2.938 Substantial Damage - means damage of any origin sustained by a structure where the cost of restoring the structure to its before damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred.
- 2.939 Substantial Improvement - within any consecutive 365-day period, any reconstruction, rehabilitation (including normal maintenance and repair), repair after damage, addition, or other improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure before the

“start of construction” of the improvement. This term includes structures that have incurred “substantial damage,” regardless of the actual repair work performed. The term does not, however, include either:

- (a) Any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions.
- (b) Any alteration of a “historic structure,” provided that the alteration will not preclude the structure’s continued designation as a “historic structure.” For the purpose of this ordinance, “historic structure” is as defined in 44 Code of Federal Regulations, Part 59.1.

2.10. Annexations: The Flood Insurance Rate Map panels adopted by reference into Section 2.3 above may include floodplain areas that lie outside of the corporate boundaries of Hendrum at the time of adoption of this ordinance. If any of these floodplain land areas are annexed into the City of Hendrum after the date of adoption of this ordinance, the newly annexed floodplain lands will be subject to the provisions of this ordinance immediately upon the date of annexation.

SECTION 3.0 ESTABLISHMENT OF FLOODPLAIN ZONING DISTRICT

3.1 Floodplain District: The Floodplain District includes those areas designated as Zone AE on the Flood Insurance Rate Map adopted in Section 2.3. The Floodplain District is an overlay district that is superimposed on all existing zoning districts. The standards imposed in the overlay districts are in addition to any other requirements set forth in this ordinance. In case of a conflict, the more restrictive standards apply.

3.2 Compliance: Within the floodplain district established in this ordinance, the use of any land, the use, size, type and location of structures on lots, the installation and maintenance of transportation, utility, water supply and waste treatment facilities, and the subdivision of land must comply with the terms of this ordinance and other applicable regulations. All uses not listed as permitted uses or conditional uses in Section 5.0 are prohibited.

In addition, a caution is provided here that:

- 3.21** New and replacement manufactured homes and certain recreational vehicles are subject to the general provisions of this ordinance and specifically Section 9.0.
- 3.22** Modifications, additions, structural alterations, normal maintenance and repair, or repair after damage to existing nonconforming structures and nonconforming uses of structures or land are regulated by the general provisions of this ordinance and specifically Section 11.0.
- 3.23** As-built elevations for elevated or flood-proofed structures must be certified by ground surveys and flood-proofing techniques must be designed and certified by a

registered professional engineer or architect as specified in the general provisions of this ordinance and specifically as stated in Section 10.0 of this ordinance.

- 3.24 Critical facilities, as defined in Section 2.915, must be elevated or flood-proofed, in accordance with the standards Section 5, but to the Regulatory Flood Protection Elevation plus 1 foot.

SECTION 4.0 RESERVED *(typically used for Floodway District, where present)*

SECTION 5.0 FLOODPLAIN DISTRICT

5.1 Permitted Uses: Permitted uses are those uses of land or structures allowed in the underlying zoning district(s) that comply with the standards in Sections 5.2. If no pre-existing, underlying zoning districts exist, then any residential or nonresidential structure or use of a structure or land is a permitted use provided it does not constitute a public nuisance.

5.2 Standards for Permitted Uses:

- 5.21 All structures, including accessory structures, must be elevated on fill so that the lowest floor, as defined, is at or above the regulatory flood protection elevation. The finished fill elevation for structures must be no lower than one foot below the regulatory flood protection elevation and the fill must extend at the same elevation at least 15 feet beyond the outside limits of the structure.
- (a) As an alternative to elevation on fill, an accessory structure that constitutes a minimal investment and that does not exceed 576 square feet in size may be internally flood-proofed in accordance with (b) or (c) below. All flood-proofed accessory structures must meet the following additional standards:
- (1) The structure must be adequately anchored to prevent flotation, collapse or lateral movement and designed to equalize hydrostatic flood forces on exterior walls; and
 - (2) Any mechanical and utility equipment in the structure must be elevated to or above the regulatory flood protection elevation or properly flood-proofed.
- (b) Accessory structures may be structurally dry flood-proofed in accordance with the FP-1 or FP-2 floodproofing classifications in the State Building Code.
- (c) An accessory structure may be internally/wet flood-proofed to the FP-3 or FP-4 floodproofing classifications in the State Building Code. A detached garage may only be used for parking of vehicles and limited storage. All wet flood-proofed structures must meet the following standards:
- (1) To allow for the equalization of hydrostatic pressure, there must be a minimum of two “automatic” openings in the outside walls of the

structure, with a total net area of not less than one square inch for every square foot of enclosed area subject to flooding; and

- (2) There must be openings on at least two sides of the structure and the bottom of all openings must be no higher than one foot above the lowest adjacent grade to the structure. Using human intervention to open a garage door prior to flooding will not satisfy this requirement for automatic openings.

5.22 The cumulative placement of fill or similar material on a parcel must not exceed 1,000 cubic yards, unless the fill is specifically intended to elevate a structure in accordance with Section 5.21 of this ordinance, or if allowed as a conditional use under Section 5.33 below.

5.23 The storage of any materials or equipment must be elevated on fill to the regulatory flood protection elevation.

5.24 The storage or processing of materials that are, in time of flooding, flammable, explosive, or potentially injurious to human, animal, or plant life is prohibited.

5.25 Fill must be properly compacted and the slopes must be properly protected by the use of riprap, vegetative cover or other acceptable method.

5.26 All new principal structures must have vehicular access at or above an elevation not more than two feet below the regulatory flood protection elevation, or must have a flood warning /emergency evacuation plan acceptable to the City Council.

5.27 Accessory uses such as yards, railroad tracks, and parking lots may be at an elevation lower than the regulatory flood protection elevation. However, any facilities used by employees or the general public must be designed with a flood warning system that provides adequate time for evacuation if the area is inundated to a depth and velocity such that the depth (in feet) multiplied by the velocity (in feet per second) would exceed a product of four upon occurrence of the regional (1% chance) flood.

5.28 Interference with normal manufacturing/industrial plant operations must be minimized, especially along streams having protracted flood durations. In considering permit applications, due consideration must be given to the needs of industries with operations that require a floodplain location.

5.29 Flood fringe developments must not adversely affect the hydraulic capacity of the channel and adjoining floodplain of any tributary watercourse or drainage system.

5.30 Manufactured homes and recreational vehicles must meet the standards of Section 9 of this ordinance.

5.3 **Conditional Uses:** The following uses and activities may be allowed as conditional uses, if allowed in the underlying zoning district(s) or any applicable overlay district, following the procedures in Section 10.4 of this ordinance. Conditional uses must meet the standards in Sections 5.24 through 5.30 and Section 5.4.

- 5.31 Any structure that is not elevated on fill or flood-proofed in accordance with Section 5.21 of this ordinance.
- 5.32 Storage of any material or equipment below the regulatory flood protection elevation.
- 5.33 The cumulative placement of more than 1,000 cubic yards of fill when the fill is not being used to elevate a structure in accordance with Section 5.21 of this ordinance.

5.4 Standards for Conditional Uses:

- 5.41 The standards listed in Sections 5.24 through 5.30 apply to all conditional uses.
- 5.42 Basements, as defined by Section 2.913 of this ordinance, are subject to the following:
 - (a) Residential basement construction is not allowed below the regulatory flood protection elevation except as authorized in Section 5.46.
 - (b) Non-residential basements may be allowed below the regulatory flood protection elevation provided the basement is structurally dry flood-proofed in accordance with Section 5.44 of this ordinance or as authorized in Section 5.46.
- 5.43 All areas of nonresidential structures, including basements, to be placed below the regulatory flood protection elevation must be flood-proofed in accordance with the structurally dry floodproofing classifications in the State Building Code. Structurally dry floodproofing must meet the FP-1 or FP-2 floodproofing classification in the State Building Code, which requires making the structure watertight with the walls substantially impermeable to the passage of water and with structural components capable of resisting hydrostatic and hydrodynamic loads and the effects of buoyancy. Structures wet flood-proofed to the FP-3 or FP-4 classification are not permitted.
- 5.44 The placement of more than 1,000 cubic yards of fill or other similar material on a parcel (other than for the purpose of elevating a structure to the regulatory flood protection elevation) must comply with an approved erosion/sedimentation control plan.
 - (a) The plan must clearly specify methods to be used to stabilize the fill on site for a flood event at a minimum of the regional (1% chance) flood event.
 - (b) The plan must be prepared and certified by a registered professional engineer or other qualified individual acceptable to the City Council.
 - (c) The plan may incorporate alternative procedures for removal of the material from the floodplain if adequate flood warning time exists.
- 5.45 Storage of materials and equipment below the regulatory flood protection elevation must comply with an approved emergency plan providing for removal of such materials within the time available after a flood warning.

5.46 When the Federal Emergency Agency (FEMA) has issued a letter of map revision based on fill (LOMR-F) for land elevated by fill to the one (1) percent chance flood elevation, the area elevated by fill remains in the regulatory floodplain and subject to the provisions of this chapter. A structure may be placed on the area elevated by fill with the lowest floor below the regulatory flood protection elevation, provided the structure meets the following provisions:

- (a) The top of the immediate floor above any basement area shall be placed at or above the regulatory flood protection elevation.
- (b) Any area of the structure placed below the regulatory flood protection elevation shall meet the “reasonable safe from flooding” standards in the FEMA publication entitled “Ensuring That Structures built on Fill In or Near Special Flood Hazard areas Are Reasonably Safe From Flooding,” Technical Bulletin 10-01, a copy of which is hereby adopted by reference and made part of this chapter. In accordance with the provisions of this chapter, and specifically Section 10.44(e) the applicant shall submit documentation that the structure is designed and built in accordance with either the “Simplified Approach” or “Engineered Basement Option” found in FEMA Technical Bulletin 10-01.

5.47 RESERVED FOR OPTIONAL ALTERNATIVE ELEVATION METHODS (*available upon request if necessary*)

SECTION 6.0 RESERVED (*typically used for General Floodplain, not present in this area*)

SECTION 7.0 LAND DEVELOPMENT STANDARDS

7.1 In General: Recognizing that flood prone areas may exist outside of the designated floodplain districts, the requirements of this section apply to all land within the City of Hendrum.

7.2 Subdivisions: No land may be subdivided which is unsuitable for reasons of flooding or inadequate drainage, water supply or sewage treatment facilities. Manufactured home parks and recreational vehicle parks or campgrounds are considered subdivisions under this ordinance.

7.21 All lots within the floodplain district must be able to contain a building site at or above the regulatory flood protection elevation.

7.22 All subdivisions must have road access both to the subdivision and to the individual building sites no lower than two feet below the regulatory flood protection elevation, unless a flood warning emergency plan for the safe evacuation of all vehicles and people during the regional (1% chance) flood has been approved by the City Council. The plan must be prepared by a registered engineer or other qualified individual, and must demonstrate that adequate time and personnel exist to carry out the evacuation.

- 7.23 For all subdivisions in the floodplain, the Floodplain District boundaries, the regulatory flood protection elevation and the required elevation of all access roads must be clearly labeled on all required subdivision drawings and platting documents.
- 7.24 If a subdivision proposal or other proposed new development is in a flood prone area, any such proposal must be reviewed to assure that:
- (a) All such proposals are consistent with the need to minimize flood damage within the flood prone area,
 - (b) All public utilities and facilities, such as sewer, gas, electrical, and water systems are located and constructed to minimize or eliminate flood damage, and
 - (c) Adequate drainage is provided to reduce exposure of flood hazard.
- 7.3 **Building Sites:** If a proposed building site is in a flood prone area, all new construction and substantial improvements (including the placement of manufactured homes) must be:
- (a) Designed (or modified) and adequately anchored to prevent floatation, collapse, or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy;
 - (b) Constructed with materials and utility equipment resistant to flood damage;
 - (c) Constructed by methods and practices that minimize flood damage; and
 - (d) Constructed with electrical, heating, ventilation, plumbing, and air conditioning equipment and other service facilities that are designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding.

SECTION 8.0 PUBLIC UTILITIES, RAILROADS, ROADS, AND BRIDGES

- 8.1 **Public Utilities:** All public utilities and facilities such as gas, electrical, sewer, and water supply systems to be located in the floodplain must be flood-proofed in accordance with the State Building Code or elevated to the regulatory flood protection elevation.
- 8.2 **Public Transportation Facilities:** Railroad tracks, roads, and bridges to be located within the floodplain must comply with Section 5.0 of this ordinance. These transportation facilities must be elevated to the regulatory flood protection elevation where failure or interruption of these facilities would result in danger to the public health or safety or where such facilities are essential to the orderly functioning of the area. Minor or auxiliary roads or railroads may be constructed at a lower elevation where failure or interruption of transportation services would not endanger the public health or safety.
- 8.3 **On-site Water Supply and Sewage Treatment Systems:** Where public utilities are not provided: 1) On-site water supply systems must be designed to minimize or eliminate

infiltration of flood waters into the systems; and 2) New or replacement on-site sewage treatment systems must be designed to minimize or eliminate infiltration of flood waters into the systems and discharges from the systems into flood waters and they must not be subject to impairment or contamination during times of flooding. Any sewage treatment system designed in accordance with the State's current statewide standards for on-site sewage treatment systems is considered to be in compliance with this Section.

SECTION 9.0 MANUFACTURED HOMES, MANUFACTURED HOME PARKS, AND RECREATIONAL VEHICLES.

9.1 Manufactured Homes: New manufactured home parks and expansions to existing manufactured home parks are prohibited in the Floodplain district. For existing manufactured home parks or lots of record, the following requirements apply:

9.11 If allowed in the Floodplain District, placement or replacement of manufactured home units is subject to the requirements of Section 5 of this ordinance and the following standards.

- (a) New and replacement manufactured homes must be elevated in compliance with Section 5 of this ordinance and must be securely anchored to an adequately anchored foundation system that resists flotation, collapse and lateral movement. Methods of anchoring may include, but are not limited to, use of over-the-top or frame ties to ground anchors. This requirement is in addition to applicable state or local anchoring requirements for resisting wind forces.
- (b) New or replacement manufactured homes in existing manufactured home parks must meet the vehicular access requirements for subdivisions in Section 7.22.

9.2 Recreational Vehicles: New recreational vehicle parks or campgrounds and expansions to existing recreational vehicle parks or campgrounds are prohibited in the Floodplain District. Placement of recreational vehicles in existing recreational vehicle parks or campgrounds in the floodplain must meet the exemption criteria below or be treated as new structures meeting the requirements of this ordinance.

9.21 Recreational vehicles are exempt from the provisions of this ordinance if they are placed in any of the following areas and meet the criteria listed in Section 9.22:

- (a) Individual lots or parcels of record.
- (b) Existing commercial recreational vehicle parks or campgrounds.
- (c) Existing condominium-type associations.

9.22 Criteria for Exempt Recreational Vehicles:

- (a) The vehicle must have a current license required for highway use.

- (b) The vehicle must be highway ready, meaning on wheels or the internal jacking system, attached to the site only by quick disconnect type utilities commonly used in campgrounds and recreational vehicle parks.
- (c) No permanent structural type additions may be attached to the vehicle.
- (d) The vehicle and associated use must be permissible in any pre-existing, underlying zoning district.
- (e) Any accessory structure in the Floodplain District must be constructed of flood-resistant materials and be securely anchored, meeting the requirements applicable to manufactured homes in Section 9.22.
- (f) An accessory structure must constitute a minimal investment

9.23 Recreational vehicles that are exempt in Section 9.22 lose this exemption when development occurs on the site that exceeds a minimal investment for an accessory structure such as a garage or storage building. The recreational vehicle and all accessory structures will then be treated as new structures subject to the elevation and floodproofing requirements of Section 5.0 of this ordinance. No development or improvement on the parcel or attachment to the recreational vehicle is allowed that would hinder the removal of the vehicle should flooding occur.

SECTION 10.0 ADMINISTRATION

10.1 Zoning Administrator: A Zoning Administrator or other official designated by the City Council must administer and enforce this ordinance.

10.2 Permit Requirements:

10.21 Permit Required. A permit must be obtained from the Zoning Administrator prior to conducting the following activities:

- (a) The erection, addition, modification, rehabilitation, or alteration of any building, structure, or portion thereof. Normal maintenance and repair also requires a permit if such work, separately or in conjunction with other planned work, constitutes a substantial improvement as defined in this ordinance.
- (b) The use or change of use of a building, structure, or land.
- (c) The construction of a dam, fence, or on-site septic system, although a permit is not required for a farm fence as defined in this ordinance.
- (d) The change or extension of a nonconforming use.
- (e) The repair of a structure that has been damaged by flood, fire, tornado, or any other source.
- (f) The placement of fill, excavation of materials, or the storage of materials or equipment within the floodplain.

- (g) Relocation or alteration of a watercourse, unless a public waters work permit has been applied for.
 - (h) Any other type of “development” as defined in this ordinance.
- 10.22 Application for Permit. Permit applications must be submitted to the Zoning Administrator on forms provided by the Zoning Administrator. The permit application must include the following as applicable:
- (a) A site plan showing all pertinent dimensions, existing or proposed buildings, structures, and significant natural features having an influence on the permit.
 - (b) Location of fill or storage of materials in relation to the stream channel.
 - (c) Copies of any required municipal, county, state or federal permits or approvals.
 - (d) Other relevant information requested by the Zoning Administrator as necessary to properly evaluate the permit application.
- 10.23 Certificate of Zoning Compliance for a New, Altered, or Nonconforming Use. No building, land or structure may be occupied or used in any manner until a certificate of zoning compliance has been issued by the Zoning Administrator stating that the use of the building or land conforms to the requirements of this ordinance.
- 10.24 Certification. The applicant is required to submit certification by a registered professional engineer, registered architect, or registered land surveyor that the finished fill and building elevations were accomplished in compliance with the provisions of this ordinance. Floodproofing measures must be certified by a registered professional engineer or registered architect.
- 10.25 Record of First Floor Elevation. The Zoning Administrator must maintain a record of the elevation of the lowest floor (including basement) of all new structures and alterations or additions to existing structures in the floodplain. The Zoning Administrator must also maintain a record of the elevation to which structures and alterations or additions to structures are flood-proofed.
- 10.26 Notifications for Watercourse Alterations. Before authorizing any alteration or relocation of a river or stream, the Zoning Administrator must notify adjacent communities. If the applicant has applied for a permit to work in public waters pursuant to Minnesota Statutes, Section 103G.245, this will suffice as adequate notice. A copy of the notification must also be submitted to the Chicago Regional Office of the Federal Emergency Management Agency (FEMA).
- 10.27 Notification to FEMA When Physical Changes Increase or Decrease Base Flood Elevations. As soon as is practicable, but not later than six months after the date such supporting information becomes available, the Zoning Administrator must notify the Chicago Regional Office of FEMA of the changes by submitting a copy of the relevant technical or scientific data.

10.3 Variances:

- 10.31 Variances. The City Council may authorize upon appeal in specific cases such relief or variance from the terms of this ordinance as will not be contrary to the public interest. An application for a variance to the provisions of this ordinance will be processed and reviewed in accordance with Minnesota Statutes, Chapter 462 and Section 5, Subdivision 6 of the Zoning Ordinance.
- 10.32 Adherence to State Floodplain Management Standards. A variance must not allow a use that is not allowed in that district, permit a lower degree of flood protection than the regulatory flood protection elevation for the particular area, or permit standards lower than those required by state law.
- 10.33 Additional Variance Criteria. The following additional variance criteria of the Federal Emergency Management Agency must be satisfied:
- (a) Variances must not be issued by a community within any designated regulatory floodway if any increase in flood levels during the base flood discharge would result.
 - (b) Variances may only be issued by a community upon (i) a showing of good and sufficient cause, (ii) a determination that failure to grant the variance would result in exceptional hardship to the applicant, and (iii) a determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public, or conflict with existing local laws or ordinances.
 - (c) Variances may only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.
- 10.34 Flood Insurance Notice. The Zoning Administrator must notify the applicant for a variance that: 1) The issuance of a variance to construct a structure below the base flood level will result in increased premium rates for flood insurance up to amounts as high as \$25 for \$100 of insurance coverage; and 2) Such construction below the base or regional flood level increases risks to life and property. Such notification must be maintained with a record of all variance actions.
- 10.35 General Considerations. The community may consider the following factors in granting variances and imposing conditions on variances and conditional uses in floodplains:
- (a) The potential danger to life and property due to increased flood heights or velocities caused by encroachments;
 - (b) The danger that materials may be swept onto other lands or downstream to the injury of others;

- (c) The proposed water supply and sanitation systems, if any, and the ability of these systems to minimize the potential for disease, contamination and unsanitary conditions;
- (d) The susceptibility of any proposed use and its contents to flood damage and the effect of such damage on the individual owner;
- (e) The importance of the services to be provided by the proposed use to the community;
- (f) The availability of viable alternative locations for the proposed use that are not subject to flooding;
- (g) The compatibility of the proposed use with existing development and development anticipated in the foreseeable future;
- (h) The safety of access to the property in times of flood for ordinary and emergency vehicles;
- (i) The expected heights, velocity, duration, rate of rise and sediment transport of the flood waters expected at the site.

10.36 Submittal of Hearing Notices to the Department of Natural Resources (DNR). The Zoning Administrator must submit hearing notices for proposed variances to the DNR sufficiently in advance to provide at least ten days' notice of the hearing. The notice may be sent by electronic mail or U.S. Mail to the respective DNR area hydrologist.

10.37 Submittal of Final Decisions to the DNR. A copy of all decisions granting variances must be forwarded to the DNR within ten days of such action. The notice may be sent by electronic mail or U.S. Mail to the respective DNR area hydrologist.

10.38 Record-Keeping. The Zoning Administrator must maintain a record of all variance actions, including justification for their issuance, and must report such variances in an annual or biennial report to the Administrator of the National Flood Insurance Program, when requested by the Federal Emergency Management Agency.

10.4 Conditional Uses:

10.41 Administrative Review. An application for a conditional use permit under the provisions of this ordinance will be processed and reviewed in accordance with Section 5, Subdivision 5 of the zoning ordinance.

10.42 Factors Used in Decision-Making. In passing upon conditional use applications, the City Council must consider all relevant factors specified in other sections of this ordinance, and those factors identified in Section 10.35 of this ordinance.

10.43 Time for Acting on Application. The City Council must act on an application in the manner described above within 60 days from receiving the complete application, in accordance with Minnesota Statutes Section 15.99.

10.44 Conditions Attached to Conditional Use Permits. The City Council may attach such conditions to the granting of conditional use permits as it deems necessary to

fulfill the purposes of this ordinance. Such conditions may include, but are not limited to, the following:

- (a) Modification of waste treatment and water supply facilities.
- (b) Limitations on period of use, occupancy, and operation.
- (c) Imposition of operational controls, sureties, and deed restrictions.
- (d) Requirements for construction of channel modifications, compensatory storage, dikes, levees, and other protective measures.
- (e) Floodproofing measures, in accordance with the State Building Code and this ordinance. The applicant must submit a plan or document certified by a registered professional engineer or architect that the floodproofing measures are consistent with the regulatory flood protection elevation and associated flood factors for the particular area.

10.44 Submittal of Hearing Notices to the Department of Natural Resources (DNR). The Zoning Administrator must submit hearing notices for proposed conditional uses to the DNR sufficiently in advance to provide at least ten days' notice of the hearing. The notice may be sent by electronic mail or U.S. Mail to the respective DNR area hydrologist.

10.45 Submittal of Final Decisions to the DNR. A copy of all decisions granting conditional uses must be forwarded to the DNR within ten days of such action. The notice may be sent by electronic mail or U.S. Mail to the respective DNR area hydrologist.

SECTION 11.0 NONCONFORMITIES

11.1 **Continuance of Nonconformities:** A use, structure, or occupancy of land which was lawful before the passage or amendment of this ordinance but which is not in conformity with the provisions of this ordinance may be continued subject to the following conditions. Historic structures, as defined in Section 2.939(b) of this ordinance, are subject to the provisions of Sections 11.11 – 11.16 of this ordinance.

11.11 A nonconforming use, structure, or occupancy must not be expanded, changed, enlarged, or altered in a way that increases its nonconformity.

11.12 Any structural alteration or addition to a nonconforming structure or nonconforming use which would result in increasing the flood damage potential of that structure or use must be protected to the regulatory flood protection elevation in accordance with any of the elevation on fill or floodproofing techniques (i.e., FP-1 thru FP-4 floodproofing classifications) allowable in the State Building Code, except as further restricted in 11.13 and 11.17 below.

- 11.13 The cost of all structural alterations or additions to any nonconforming structure over the life of the structure may not exceed 50 percent of the market value of the structure unless the conditions of this Section are satisfied. The cost of all structural alterations and additions must include all costs such as construction materials and a reasonable cost placed on all manpower or labor. If the cost of all previous and proposed alterations and additions exceeds 50 percent of the market value of the structure, then the structure must meet the standards of Section 5.0 of this ordinance for new structures.
- 11.14 If any nonconforming use, or any use of a nonconforming structure, is discontinued for more than one year, any future use of the premises must conform to this ordinance. The Assessor must notify the Zoning Administrator in writing of instances of nonconformities that have been discontinued for a period of more than one year.
- 11.15 If any nonconformity is substantially damaged, as defined in Section 2.938 of this ordinance, it may not be reconstructed except in conformity with the provisions of this ordinance. The applicable provisions for establishing new uses or new structures in Section 5.0 will apply.
- 11.16 If any nonconforming use or structure experiences a repetitive loss, as defined in Section 2.935 of this ordinance, it must not be reconstructed except in conformity with the provisions of this ordinance.
- 11.17 Any substantial improvement, as defined in Section 2.939 of this ordinance, to a nonconforming structure requires that the existing structure and any additions must meet the requirements of Section 5.0 of this ordinance for new structures.

SECTION 12.0 PENALTIES AND ENFORCEMENT

- 12.1 **Violation Constitutes a Misdemeanor:** Violation of the provisions of this ordinance or failure to comply with any of its requirements (including violations of conditions and safeguards established in connection with grants of variances or conditional uses) constitute a misdemeanor and will be punishable as defined by law.
- 12.2 **Enforcement:** Nothing in this ordinance restricts the City of Hendrum from taking such other lawful action as is necessary to prevent or remedy any violation. Such actions may include but are not limited to the following:
- 12.21 When an Ordinance violation is either discovered by or brought to the attention of the Zoning Administrator, the Zoning Administrator shall immediately investigate the situation and document the nature and extent of the violation of the official control. As soon as is reasonably possible, this information will be submitted to the appropriate Department of Natural Resources and Federal Emergency Management Agency offices along with the City's plan of action to correct the violation to the degree possible.

12.22 The Zoning Administrator shall notify the suspected party of the requirements of this ordinance and all other official controls and the nature and extent of the suspected violation of these controls. If the structure and/or use is under construction or development, the Zoning Administrator may order the construction or development immediately halted until a proper permit or approval is granted by the Community. If the construction or development is already completed, then the Zoning Administrator may either: (1) issue an order identifying the corrective actions that must be made within a specified time period to bring the use or structure into compliance with the official controls; or (2) notify the responsible party to apply for an after-the-fact permit/development approval within a specified period of time not to exceed 30 days.

12.23 If the responsible party does not appropriately respond to the Zoning Administrator within the specified period of time, each additional day that lapses will constitute an additional violation of this ordinance and shall be prosecuted accordingly. The Zoning Administrator may also upon the lapse of the specified response period notify the landowner to restore the land to the condition which existed prior to the violation of this ordinance.

12.24 The Zoning Administrator and City Council may utilize the full array of enforcement actions available to them, including but not limited to prosecution and fines, injunctions, after-the-fact permits, orders for corrective measures or a request to the National Flood Insurance Program for denial of flood insurance availability to the guilty party. The City must act in good faith to enforce these official controls and to correct ordinance violations to the extent possible so as not to jeopardize its eligibility in the National Flood Insurance Program.

SECTION 13.0 AMENDMENTS

13.1 **Floodplain Designation – Restrictions on Removal:** The floodplain designation on the Official Zoning Map must not be removed from floodplain areas unless it can be shown that the designation is in error or that the area has been filled to or above the elevation of the regulatory flood protection elevation and is contiguous to lands outside the floodplain. Special exceptions to this rule may be permitted by the Commissioner of the Department of Natural Resources (DNR) if the Commissioner determines that, through other measures, lands are adequately protected for the intended use.

13.2 **Amendments Require DNR Approval:** All amendments to this ordinance must be submitted to and approved by the Commissioner of the Department of Natural Resources (DNR) prior to adoption. The Commissioner must approve the amendment prior to community approval.

13.3 **Map Revisions Require Ordinance Amendments.** The floodplain district regulations must be amended to incorporate any revisions by the Federal Emergency Management Agency to the floodplain maps adopted in Section 2.3 of this ordinance.

EFFECTIVE DATE: This ordinance shall be in full force and effect from and after its passage and approval and publication, as required by law and/or charter.

**AUG
8
2016**

MAYOR

Curt Johannsen

COUNCIL

MEMBERS

Michael Smart

Milton Alm

Sarah Tommerdahl

Paul Baukol

CITY CLERK

Keri Plemmons

ORDINANCE NO.

79

ORDINANCE NO. 79

CITY OF HENDRUM

**AN ORDINANCE OPTING-OUT OF
THE REQUIREMENTS OF
MINNESOTA STATUTES, SECTION 462.3593**

WHEREAS, on May 12, 2016, Governor Dayton signed into law the creation and regulation of temporary family health care dwellings, codified at Minn. Stat. § 462.3593, which permit and regulate temporary family health care dwellings;

WHEREAS, subdivision 9 of Minn. Stat. §462.3593 allows cities to “opt out” of those regulations;

THE CITY COUNCIL OF THE CITY OF HENDRUM, ORDAINS as follows:

OPT-OUT OF MINNESOTA STATUTES, SECTION 462.3593:

Pursuant to authority granted by Minnesota Statutes, Section 462.3593, subdivision 9, the City of Hendrum opts-out of the requirements of Minn. Stat. §462.3593, which defines and regulates Temporary Family Health Care Dwellings.

This Ordinance shall be effective immediately upon its passage and publication.

**JUN
12
2017**

MAYOR
Curt Johannsen

COUNCIL
MEMBERS
Michael Smart
Milton Alm
Paul Baukol
Wesley Magnell

CITY CLERK
Keri Plemmons

ORDINANCE NO.

80

ORDINANCE NO. 80

**AN ORDINANCE REGULATING PUBLIC NUISANCES WITHIN THE CITY OF HENDRUM,
MINNESOTA**

THE CITY COUNCIL OF THE CITY OF HENDRUM, MINNESOTA DOES ORDAIN:

SECTION ONE. PUBLIC NUISANCE PROHIBITION.

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

- 1.01** Maintains or permits a condition which unreasonably annoys, injures, or endangers the safety, health, morals, comfort or repose of any considerable number of members of the public; or
- 1.02** Interferes with, obstructs, or renders dangerous for passage, any public highway or right-of-way, or waters used by the public; or
- 1.03** Does any other act or omission declared by law or this ordinance to be a public nuisance.

SECTION TWO. PUBLIC NUISANCES AFFECTING HEALTH.

The following are hereby declared to be nuisances affecting health:

- 2.01** The exposed accumulation of decayed or unwholesome food or vegetable matter;
- 2.02** All diseased animals running at large;
- 2.03** All ponds or pools of stagnant water;
- 2.04** Carcasses of animals not buried or destroyed within twenty-four (24) hours after death;
- 2.05** Accumulation of manure, refuse, or other debris;
- 2.06** Privy vaults and garbage cans which are not rodent-free or fly-tight, or which are so maintained as to constitute a health hazard or to emit foul and disagreeable odors;
- 2.07** The pollution of any public well or cistern, stream or lake, canal or body of water by sewage, industrial waste, or other substances;

- 2.08** All noxious weeds and other rank growths of vegetation not to exceed seven inches (7") in height upon public or private property;
- 2.09** Emission of particulate matter, including but not limited to grain dust and chaff, from any process, including any material handling and storage activity that is visible beyond the property line of the emission source;
- 2.10** Dense smoke, noxious fumes, gas, soot, or cinders in unreasonable quantities;
- 2.11** The discharge of toxic, odorous, or noxious matter in such concentrations as to be detrimental to or endanger the public health, safety, comfort or welfare, or cause appreciable injury or damage to property or business;
- 2.12** All public exposure of people having a contagious disease; and
- 2.13** Any offensive trade or business as defined by statute not operating under local license.

SECTION THREE. PUBLIC NUISANCES AFFECTING MORALS AND DECENCY.

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

- 3.01** All gambling devices, slot machines, and punch boards, except otherwise authorized and permitted by federal, state, or local law;
- 3.02** Betting, bookmaking, and all apparatus used in those occupations;
- 3.03** All houses kept for the purpose of prostitution or promiscuous sexual intercourse, gambling houses, houses of ill fame, and bawdy houses;
- 3.04** All places where intoxicating or 3.2 malt liquor is manufactured or disposed of in violation of law or where, in violation of law, people are permitted to resort, for the purpose of drinking intoxicating or 3.2 malt liquor, or where intoxicating or 3.2 malt liquor is kept for sale or other disposition in violation of law, and all liquor and other property used for maintaining that place; and
- 3.05** Any vehicle used for the unlawful transportation of intoxicating or 3.2 malt liquor, or for promiscuous sexual intercourse, or any other immoral or illegal purpose.

SECTION FOUR. PUBLIC NUISANCES AFFECTING PEACE AND SAFETY.

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

- 4.01** All snow and ice that is not removed from public sidewalks within twenty-four (24) hours after the snow or other precipitation causing the condition has ceased to fall;
- 4.02** All trees, hedges, billboards, or other obstructions which prevent people from having a clear view of all traffic approaching an intersection;
- 4.03** All wires and limbs of trees that are so close to the surface of a sidewalk or street as to constitute a danger to pedestrians or vehicles;

- 4.04** Any person participating in any party or other gathering that causes the unreasonable disturbing of the peace, quiet, or repose of another person;
- 4.05** All unnecessary and annoying vibrations;
- 4.06** Obstructions and excavations affecting the ordinary public use of streets, alleys, sidewalks, or public grounds, except under conditions as are permitted by this ordinance or other applicable law;
- 4.07** Radio aerials or television antennae erected or maintained in a dangerous manner;
- 4.08** Any use of property abutting on a public street or sidewalk or any use of a public street or sidewalk that causes large crowds or people to gather, obstructing traffic and the free use of the street or sidewalk;
- 4.09** All hanging signs, awnings, and other similar structures over streets and sidewalks, so situated as to endanger public safety, or not constructed and maintained as provided by ordinance;
- 4.10** The allowing of rainwater, ice, or snow to fall from any building or structure upon any street or sidewalk or to follow across any sidewalk;
- 4.11** All dangerous, unguarded machinery in any public place, or so situated or operated on private property as to attract the public;
- 4.12** Wastewater cast upon or permitted to flow upon streets or other public properties;
- 4.13** Accumulations in the open of discarded or disused machinery, household appliances, automobile bodies, hay or straw bales or stacks thereof, or other materials in a manner conducive to the harboring of rats, mice, snakes, or vermin, or the rank growth of vegetation among the items so accumulated, or in a manner creating fire, health, or other safety hazards from such accumulation;
- 4.14** Any well, hole, or similar excavation that is left uncovered or in such other condition as to constitute a hazard to any child or other person coming on the premises where it is located;
- 4.15** Obstruction to the free flow of water in a natural waterway or a public street drain, gutter, or ditch with trash or other materials;
- 4.16** The placing or throwing on any street, sidewalk, or other public property of any glass, tacks, nails, bottles, or other substances that may injure any person or animal or damage any pneumatic tire when passing over such substance;
- 4.17** The depositing of garbage or refuse on a public right-of-way or on adjacent private property; and
- 4.18** All other conditions or things which are likely to cause injury to the person or property of another.

SECTION FIVE. NOISE VIOLATIONS.

Prohibited noises.

It is unlawful to make, continue or cause to be made or continued, any noise in excess of the noise levels set forth unless such noise is reasonably necessary to the preservation of life, health, safety, or property.

Noise level table.

Duration of Sound	7:00 a.m. – 6:00 p.m. All Districts	6:00 p.m. – 7:00 a.m. All Districts	7:00 a.m. – 7:00 a.m. Residential
Less than 10 minutes	75 db	70 db	60 db
10 minutes – 2 hours	70 db	60 db	50 db
In excess of 3 hours	60 db	50 db	40 db

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

- 5.01** Any distinctly and loudly audible noise that unreasonably annoys, disturbs, injures, or endangers the comfort, repose, health, peace, safety, or welfare of any person, or precludes their enjoyment of property, or affects their property's value (this general prohibition is not limited by any specific restrictions provided in this ordinance);
- 5.02** All obnoxious noises, motor vehicle or otherwise, in violation of Minn. R. ch. 7030, as they may be amended from time to time, are hereby incorporated into this ordinance by reference;
- 5.03** The use of any vehicle so out of repair or so loaded as to create loud and unnecessary grating, grinding, rattling, or other noise;
- 5.04** The discharging of the exhaust or permitting the discharge of the exhaust of any statutory internal combustion engine, motor boat, motor vehicle, motorcycle, all terrain vehicle (ATV), snowmobile, or any recreational device, except through a muffler or other device that effectively prevents loud or explosive noises therefrom and complies with all applicable state laws and regulations;
- 5.05** Any loud or excessive noise in the loading, unloading, or unpacking of any vehicle; and
- 5.06** The use or operation, or permitting the use or operation, of any radio receiving set, television set, musical instrument, music device, paging system, machine, or other device for producing or reproduction of sound in a distinctly and loudly

audible manner so as to disturb the peace, quiet, and comfort of any person nearby.

Hourly restriction of certain operations.

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

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

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

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

Noise impact statements.

The Council may require any person applying for a change in zoning classification or a permit or license for any structure, operation, process, installation, alteration, or project that may be considered a potential noise source to submit a noise impact statement on a form prescribed by the Council. The Council shall evaluate each such statement and take its evaluation into account in approving or disapproving the license or permit applied for or the zoning changes requested

SECTION SIX. NUISANCE PARKING AND STORAGE.

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

and neighborhood, and (6) otherwise adversely affects property values and neighborhood patterns.

Unlawful parking and storage.

- 6.00** A person must not place, store, or allow the placement or storage of recreational vehicles and/or seasonal vehicles including but not limited to boats and ice fishing houses outside continuously for longer than twenty-four (24) hours in the front yard area of residential property.
- 6.01** A person must not place, store or allow the placement or storage of swimming pools, fire pits, skateboard ramps, playhouses, or other similar non-permanent structures outside continuously for longer than twenty-four (24) hours in the front yard area of residential property.
- 6.02** A person must not place, store, or allow the placement or storage of pipe, lumber, forms, steel, machinery, or similar materials, including all materials used in conjunction with a business, outside on residential property.
- 6.03** A person must not cause, undertake, permit, or allow the outside parking and storage of vehicles on residential property unless it complies with the following requirements:
- a.** No more than four (4) vehicles per lawful dwelling unit may be parked or stored anywhere outside on residential property, except as otherwise permitted or required by the city because of nonresidential characteristics of the property. The maximum number does not include vehicles of occasional guests who do not reside on the property.
 - b.** Vehicles that are parked or stored outside in the front yard areas must be on a paved or graveled parking surface or driveway area.
 - c.** Vehicles, watercraft, and other articles stored outside on residential property must be owned by a person who resides on that property. Students who are away from school for periods of time but still claim the property as their legal residence will be considered residents on the property.

SECTION SEVEN. INOPERABLE MOTOR VEHICLES.

This section does not apply to a motor vehicle enclosed in a building.

- 7.01 Declaration of nuisance.** Any motor vehicle described in this section shall constitute a hazard to the health and welfare of the residents of the community as such vehicles can harbor noxious diseases, furnish a shelter and breeding ground for vermin, and present physical danger to the safety and well-being of children and citizens. Motor vehicles also contain various fluids which, if

released into the environment, can and do cause significant health risks to the community.

7.02 Inoperable motor vehicles. It shall be unlawful to keep, park, store, or abandon any motor vehicle that is not in operating condition, partially dismantled, used for repair of parts or as a source of repair or replacement parts for other vehicles, kept for scrapping, dismantling, or salvage of any kind, or which is not properly licensed for operation within the state, pursuant to Minn. Stat. § 168B.011, subd. 3, as it may be amended from time to time.

SECTION EIGHT. BUILDING MAINTENANCE AND APPEARANCE.

8.01 Declaration of nuisance. Buildings, fences and other structures that have been so poorly maintained that their physical appearance detract from the surrounding neighborhood are declared to be public nuisances because they (1) are unsightly, (2) decrease adjoining landowners and occupants' enjoyment of their property and neighborhood, and (3) adversely affect property values and neighborhood patterns.

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

- a. No part of any exterior surface may have deterioration, holes, breaks, gaps, loose or rotting boards or timbers.
- b. Every exterior surface that has had a surface finish such as paint applied must be maintained to avoid noticeable deterioration of the finish. No wall or other exterior surface may have peeling, cracked, chipped or otherwise deteriorated surface finish on more than 20% of:
 - i. Any on wall or flat surface; or
 - ii. All door and window moldings, eaves, gutters, and similar projections on any one side or surface.
- c. No glass, including windows and exterior light fixtures, may be broken or cracked, and no screens may be torn or separated from moldings.
- d. Exterior doors and shutters must be hung properly and have an operable mechanism to keep them securely shut or in place.
- e. Cornices, moldings, lintels, sills, bay or dormer windows and similar projections must be kept in good repair and free from cracks and defects that make them hazardous or unsightly.
- f. Roof surfaces must be tight and have no defects that admit water. All roof drainage systems must be secured and hung properly.

- g. Chimneys, antennae, air vents, and other similar projections must be structurally sound and in good repair. These projections must be secured properly, where applicable, to an exterior wall or exterior roof.
- h. Foundations must be structurally sound and in good repair.

SECTION NINE. ENFORCEMENT.

- 9.01** Any Licensed Peace Officer of the city's Police Department, or the County Sheriff, or any Deputy Sheriff shall have the authority to enforce any provision of this ordinance relating to public nuisances within this jurisdiction.
- 9.02** As permitted by M.S. 626.862, as it may be amended from time to time, the City Clerk or other designated city official shall have the authority to administer and enforce this ordinance. In addition, under that statutory authority, certain individuals designated by the City Council shall have the authority to administer and enforce the provisions specified.
- 9.03** Any peace officer or other designated city official shall have the power to inspect private premises and take all reasonable precautions to prevent the commission and maintenance of public nuisances. Except in emergency situations of imminent danger to human life and safety, no peace officer or designated city official will enter private property for the purpose of inspecting or preventing public nuisances without the permission of the owner, resident, or other person in control of the property, unless the officer or person designated has obtained a warrant or order from a court of competent jurisdiction authorizing entry.
- 9.04** Nothing in this section shall be construed to limit the authority of the City to enter private property in urgent emergency situations where there is an imminent danger in order to protect the public health, safety and welfare.

SECTION TEN. ABATEMENT PROCEDURE.

- 10.01 Procedure.** Whenever the City Council or other designated official determines that a public nuisance is being maintained or exists on the premises in the city, the City Clerk shall notify in writing the owner of record and occupant of the premises of such fact and order that the nuisance be terminated or abated. The notice of violation shall specify the steps to be taken to abate the nuisance and the time within which the nuisance is to be abated. If the notice of violation is not complied with within the time specified, the official shall report that fact forthwith to the City Council. Thereafter, the City Council may, after notice to the owner or occupant and an opportunity to be heard, determine that the condition identified in the notice of violation is a nuisance and further order that if the nuisance is not abated within the time prescribed by the City Council, the city may seek injunctive relief by serving a copy of the City Council

order and notice of motion for summary enforcement or obtain an administrative search and seizure warrant and abate the nuisance.

- 10.02 Notice.** Written notice of the violation; notice of the time, date, place, and subject of any hearing before the City Council; notice of the City Council order; and notice of motion for summary enforcement hearing shall be served by a peace officer or designated official on the owner of record or occupant of the premises either in person or deposited in first class mail documenting with an affidavit of mailing. If the premise is not occupied, the owner of record is unknown, or if the owner of record or occupant refuses to accept notice, notice of the violation shall be served by positing it on the premises.
- 10.03 Emergency procedure; summary enforcement.** In cases of emergency, where delay in abatement required to complete the procedure and notice requirements as set forth in subdivisions (A) and (B) of this section will permit a continuing nuisance to unreasonably endanger public health, safety, or welfare, the City Council may order summary enforcement and abate the nuisance. To proceed with summary enforcement, the peace officer or other designated official shall determine that a public nuisance exists or is being maintained on premises in the city and that delay in abatement will unreasonably endanger public health, safety, or welfare. The officer or designated official shall notify in writing the occupant or owner of the premises of the nature of the nuisance, whether public health, safety, or welfare will be unreasonably endangered by delay in abatement required to complete the procedure set forth in subdivision (A) of this section and may order that the nuisance be immediately terminated or abated. If the nuisance is not immediately terminated or abated, the City Council may order summary enforcement and abate the nuisance.
- 10.04 Immediate abatement.** Nothing in this section shall prevent the city, without notice or other process, from immediately abating any condition that poses an imminent and serious hazard to human life or safety.
- 10.05 Unlawful parties or gatherings.** When law enforcement determines that a gathering is creating such a noise disturbance as prohibited under Section Four, Subdivision D, the officer may order all persons present, other than the owner or tenant of the premises where the disturbance is occurring, to disburse immediately. No person shall refuse to leave after being ordered to do so by law enforcement. 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.
- 10.06 Judicial remedy.** Nothing in this section shall prevent the city from seeking a judicial remedy when no other adequate administrative remedy exists.

SECTION ELEVEN. RECOVERY OF COST.

- 11.01 Personal liability.** The owner of the premises on which a nuisance has been abated by the city, or a person who has caused a public nuisance on property not owned by that person, shall be personally liable for the cost to the city of the abatement, including administrative costs. As soon as the work has been completed and the cost determined, the city clerk or other city official shall prepare a bill for the cost and mail it to the owner. Thereupon the amount shall be immediately due and payable at the office of the city clerk.
- 11.02 Assessment.** After notice and hearing as provided in Minn. Stat. § 429.061, as it may be amended from time to time, if the nuisance is a public health or safety hazard on private property, the accumulation of snow and ice on public sidewalks, the growth of weeds on private property or outside the traveled portion of streets, or unsound or insect-infected trees, the city clerk shall, on or before September 1 next following abatement of the nuisance, list the total unpaid charges along with all other such charges as well as other charges for current services to be assessed under Minn. Stat. § 429.101 against each separate lot or parcel to which the charges are attributable. The City Council may then spread the charges against the property under that statute and any other pertinent statutes for certification to the county auditor and collection along with current taxes the following year or in annual installments, not exceeding ten (10), as the City Council may determine in each case.

SECTION TWELVE. PENALTY.

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

SECTION THIRTEEN. SUPPLEMENTAL ADMINISTRATIVE PENALTIES.

- 13.01** In addition to the penalties established in this ordinance and the enforcement powers granted in Section 9.02, supplemental administrative penalties are hereby established.
- 13.02** These administrative penalty procedures in this section are intended to provide the public and the city with an informal, cost effective and expeditious alternative to traditional criminal charges for violations of this ordinance. The procedures are intended to be voluntary on the part of those who have been charged with those offenses.

- 13.03** Administrative penalties for violations of various provisions of this ordinance are hereby established. In order to be effective, an administrative penalty for a particular violation must be established by resolution before the violation occurred.
- 13.04** In the discretion of, and upon the finding of probable cause to believe that a violation has occurred, the peace officer, City Clerk, or other authorized person giving notice of an alleged violation of a provision of this ordinance, in a written notice of an alleged violation, sent by first class mail to the person who is alleged to have violated the ordinance, the person giving notice may request the payment of a voluntary administrative penalty for the violation directly to the City Treasurer within 14 days of the notice of the violation. In the sole discretion of the person giving the notice of the alleged violation, the time for payment may be extended an additional 14 days, whether or not requested by the person to whom the notice has been given. In addition to the administrative penalty, the person giving notice may request in the notice to the alleged violator to adopt a compliance plan to correct the situation resulting in the alleged violation and may provide that if the alleged violator corrects the situation resulting in the alleged violation within the time specified in the notice, that the payment of the administrative penalty will be waived.
- 13.05** At any time before the payment of the administrative penalty is due, the person who has been given notice of an alleged violation may request to appear before the City Council to contest the request for payment of the penalty. After a hearing before the Council, the Council may determine to reduce, withdraw or renew the request for payment. Because the payment of the administrative penalty is voluntary, there shall be no appeal from the decision of the Council.
- 13.06** At any time after the date the payment of the administrative penalty is due, if the administrative penalty remains unpaid or the situation creating the alleged violation remains uncorrected, the City, through its Attorney, may bring an action to enforce in accordance with state law and this ordinance. Likewise, the City, in its discretion, may bring charges for a violation in the first instance, rather than requesting the payment of an administrative penalty, even if a penalty for the particular violation has been established. If the administrative penalty is paid, or if any requested correction of the situation resulting in the violation is completed, no charges shall be initiated by the City for the alleged violation.

SECTION FOURTEEN. SEVERABILITY.

If any provision of this ordinance is found to be invalid for any reason by a court of competent jurisdiction, the validity of the remaining provisions shall not be affected.

SECTION FIFTEEN. REPEAL.

City of Hendrum Nuisance Ordinance No. 50 is hereby repealed.

SECTION SIXTEEN. EFFECTIVE DATE.

This ordinance becomes effective on the date of its publication, or upon the publication of a summary of the ordinance as provided by Minn. Stat., § 412.191, subd. 4, as it may be amended from time to time, which meets the requirements of Minn. Stat. § 331A.01, subd. 10, as it may be amended from time to time.

**JUN
12
2017**

MAYOR
Curt Johannsen

COUNCIL
MEMBERS
Michael Smart
Milton Alm
Paul Baukol
Wesley Magnell

CITY CLERK
Keri Plemmons

ORDINANCE NO.

81

ORDINANCE NO. 81

AN ORDINANCE REGULATING THE POSSESSION, SALE AND CONSUMPTION OF INTOXICATING AND 3.2 PERCENT MALT LIQUOR WITHIN THE CITY OF HENDRUM, MINNESOTA

THE CITY COUNCIL OF THE CITY OF HENDRUM, MINNESOTA DOES ORDAIN:

SECTION ONE: ADOPTION OF STATE LAW BY REFERENCE.

The provision of M.S. Ch. 340A, as they may be amended from time to time, with reference to the definitions of terms, conditions of operation, restrictions on consumption, provisions relating to sales, hours of sale, and all other matters pertaining to the retail sale, distribution, and consumption of intoxicating liquor and 3.2 percent malt liquor are hereby adopted by reference and are made a part of this Chapter as if set out in full. It is the intention of the City Council that all future amendments to M.S. Ch. 340A are hereby adopted by reference or referenced as if they had been in existence at the time this Chapter is adopted.

SECTION TWO: CITY MAY BE MORE RESTRICTIVE THAN STATE LAW.

The Council is authorized by the provisions of M.S. § 340A.509, as it may be amended from time to time, to impose, and has imposed in this chapter, additional restrictions on the sale and possession of alcoholic beverages within its limits beyond those contained in M.S. Ch. 340A, as it may be amended from time to time.

SECTION THREE: DEFINITIONS.

In addition to the definitions contained in M.S. § 340A.101 as it may be amended from time to time, the following terms are defined for purposes of this ordinance:

- 3.01 LIQUOR.** As used in this ordinance, without modification by the words “intoxicating” or a “3.2 percent malt” includes both intoxicating liquor and 3.2 percent malt liquor.
- 3.02 RESTAURANT.** An eating facility, other than a hotel, under the control of a single proprietor or manager, where meals are regularly prepared on the premises, where full waitress/waiter table service is provided, where a customer orders food from printed menus and where the main food course is served and consumed while seated at a single location. To be a restaurant as defined by this section, an establishment shall have a license from the state as required by M.S. §

157.16, as it may be amended from time to time, and meet the definition of either a “small establishment,” “medium establishment” or “large establishment” as defined in M.S. § 157.16, subd. 3(d), as it may be amended from time to time. An establishment which serves prepackaged food that receives heat treatment and is served in the package or frozen pizza that is heated and served, shall not be considered to be a restaurant for purposes of this ordinance unless it meets the definitions of a “small establishment”, “medium establishment” or “large establishment”.

SECTION FOUR: KINDS OF LIQUOR LICENSES.

No person, except a wholesaler or manufacturer to the extent authorized under State license, shall directly or indirectly deal in, sell, distribute, or keep on sale in the City, any alcoholic beverage without a license to do so as provided in this ordinance. Alcoholic beverage licenses shall be of five (5) kinds: intoxicating on-sale; intoxicating off-sale; combination on-sale/off-sale; intoxicating temporary on-sale; and 3.2 percent malt liquor.

- 4.01 Intoxicating On-Sale.** On-sale intoxicating liquor licenses, which may be issued to the following establishments as defined by M.S. § 340A1.01, as it may be amended from time to time, and this ordinance: hotels, clubs, restaurants, and exclusive liquor stores and shall permit “on-sale” of alcoholic beverages, with a minimum seating capacity of one hundred (100) persons.
- 4.02 Intoxicating Off-Sale.** Off-sale intoxicating liquor licenses, which may be issued only to drug stores and exclusive liquor stores that have an off-sale license which was first issued on or before May 1, 1994, shall permit the sale of alcoholic beverages for consumption off the licensed premises.
- 4.03 Combination On-Sale/Off-Sale.** A combination “on-sale” and “off-sale” license shall be issued only to an exclusive liquor store.
- 4.04 Temporary Intoxicating On-Sale.** Temporary on-sale intoxicating liquor licenses, with the approval of the Commissioner of Public Safety, which may be issued only in connection with a social event sponsored by a club, charitable, religious or other non-profit organizations that has existed for at least three (3) years. The license may authorize sale of intoxicating liquor for not more than three (3) consecutive days, and may authorize sales on premises other than premises the licensee owns or permanently occupies. The city shall issue no more than 12 days’ worth of temporary licenses to any one organization in one calendar year.
- 4.05 2 a.m. Closing.** A license must be obtained and issued by the municipality for the 2:00 a.m. closing time to be allowed.

SECTION FIVE: APPLICATION FOR LICENSE.

- 5.01 Form.** Every application for a license to sell alcoholic beverages shall state the name of the applicant, the applicant’s age, representation as to applicant’s character with such references as the Council may require, applicant’s citizenship,

the type of license applied for, the business in connection with which proposed license will operate and its location, how long the applicant has been in business at that place, and any other information. the application shall be in the form prescribed by the Commissioner of Public Safety or the City Council and shall be verified and filed with the City Clerk. No person shall make a false statement in an application. The provisions of M.S.A. 340A.402 shall be met by each applicant.

- 5.02 Liability Insurance.** Prior to the issuance of an alcoholic beverage license, the applicant shall file with the City Clerk a certificate that there is in effect for the license period an insurance policy or pool providing at least \$50,000.00 of coverage because of bodily injury to any one person in any one occurrence, \$100,000.00 because of bodily injury to two or more persons in any one occurrence, \$10,000.00 because of injury to or destruction of property of others in any one occurrence, \$50,000.00 for loss of means of support of any one person in any one occurrence and \$100,000.00 for loss of means of support of two or more persons in any one occurrence, and shall comply with the provisions of M.S.A. 340A.409, Subd. 1, relating to the liability insurance policies. In lieu of insurance the applicant may provide a bond of a surety company with the minimum coverages as provided for in this subdivision.

SECTION SIX: LICENSE FEES.

- 6.01 Fees.** The licensing fee shall be set by resolution of the City Council.
- 6.02 Payment.** Each application for a license shall be accompanied by a receipt from the City Clerk for payment in full of the license fee. All fees shall be paid into the General Fund. If an application for license is rejected, the Clerk shall refund the amount paid as the license fee.
- 6.03 Term; Pro-Rata Fee.** Each license shall be issued for a period of one year except that if the application is made during the license year, a license may be issued for the remainder of the year for a pro-rata fee, with any unexpired fraction of a month being counted as one month. Every license shall expire on the last day of December.
- 6.04 Refunds.** No refund of any fee shall be made except as authorized under Minnesota Statute 340A.408, Subd. 5.

SECTION SEVEN: GRANTING OF LICENSES.

- 7.01 Investigation and Issuance.** The City Council shall investigate all facts set out in the application. Opportunity shall be given to any person to be heard for or against the granting of the license. After the investigation and hearing, the council shall, in its discretion, grant or refuse the application. No “on-sale” or “off-sale” license shall become effective until it, together with the security furnished by the applicant, has been approved by the Commissioner of Public Safety.

- 7.02 Persons and Premises Licensed; Transfer.** Each license shall be issued only to the applicant and for the premises described in the application. No license may be transferred to another person or place without city council approval. Any transfer of stock of a corporate licensee is deemed a transfer of the license and a transfer of stock without prior approval is a grounds for revocation of the license.

SECTION EIGHT: PERSONS INELIGIBLE FOR LICENSE.

No license shall be granted to any person made ineligible for such a license by state law. No license shall be issued to an individual who is not a resident of the city.

SECTION NINE: PLACES INELIGIBLE FOR LICENSE.

- 9.01 General Prohibition.** No license shall be issued for any place or any business ineligible for such a license under state law.
- 9.02 Delinquent Taxes and Charges.** No license shall be granted for operation on any premises on which taxes, assessments, or other financial claims of the city are delinquent and unpaid.
- 9.03 Distance from School or Church.** No license shall be granted within 100 feet of any school or within 100 feet of any church. In applying this restriction the distance shall be measured between the main front entrance following the route of ordinary pedestrian travel.

SECTION TEN: CONDITIONS OF LICENSE.

- 10.01 In General.** Every license is subject to the conditions in the following subdivisions and all other provisions of this ordinance and of any other applicable ordinance, state law, or regulation.
- 10.02 Licensee's Responsibility.** Every licensee is responsible for the conduct of his place of business and the conditions of sobriety and order in it. The act of any employee on the licensed premises authorized to sell intoxicating liquor there is deemed the act of the licensee as well, and the licensee shall be liable to all penalties provided by this ordinance and the law equally with the employee.
- 10.03 Inspections.** Every licensee shall allow any peace officer, health officer, or properly designated officer or employee of the city to enter, inspect, and search the premises of the licensee during hours when the sale of liquor is prohibited.
- 10.04 Display During Prohibited Hours.** No "on-sale" establishment shall display liquor to the public during hours when the sale of liquor is prohibited.
- 10.05 Federal Stamps.** No licensee shall possess a federal wholesale liquor dealer's special tax stamp or a federal gambling stamp.

SECTION ELEVEN: HOURS AND DAYS OF SALE.

11.01 Non-intoxicating malt liquor. No sale on non-intoxicating malt liquor may be made between 2:00 a.m. and 8:00 a.m. on the days of Monday through Saturday, nor between 1:00 A.M. and 12:00 noon on Sunday.

11.02 Intoxicating liquor; on-sale. No sale of intoxicating liquor for consumption on the licensed premises may be made.

- a. Between 1:00 A.M. and 8:00 A.M., on the days of Monday through Saturday as licensed;
- b. After 2:00 a.m. on Sundays, except as provided by Subdivision 3;
- c. Between 8:00 p.m. on December 24 and 8:00 a.m. on December 25.

11.03 Intoxicating liquor; Sunday sales; on-sale.

- a. A restaurant, club, bowling center, or hotel with a seating capacity for at least 30 persons and which holds an on-sale intoxicating liquor license may sell intoxicating liquor for consumption on the premises in conjunction with the sale of food between the hours of 12:00 noon on Sundays and 2:00 a.m. on Mondays.
- b. The governing body of a municipality may after one public hearing by ordinance permit a restaurant, hotel, bowling center, or club to sell intoxicating liquor for consumption on the premises in conjunction with the sale of food between the hours of 10:00 a.m. on Sundays and 2:00 a.m. on Mondays, provided that the licensee is in conformance with the Minnesota Clean Air Act.
- c. An establishment serving intoxicating liquor on Sundays must obtain a Sunday license. The license must be issued by the governing body of the municipality for a period of one year, and the fee for the license may not exceed \$200.00.
- d. A municipality may issue a Sunday intoxicating liquor license only if authorized to do so by the voters of the municipality voting on the question at a general or special election.
 - i. An election conducted in a town on the question of the issuance by the county of Sunday sales licenses to establishments located in the town must be held on the day of the annual election of town officers.

11.04 Intoxicating Liquor; Off-Sale.

- a. No sale of intoxicating liquor may be made by an off-sale licensee:
 - i. On Sundays; except between the hours of 11:00 a.m. and 6:00 p.m.
 - ii. Before 8:00 a.m. or after 10:00 p.m. on Monday through Saturday;
 - iii. On Thanksgiving Day;
 - iv. On Christmas Day, December 25; or
 - v. After 8:00 p.m. on Christmas Eve, December 24.
- b. No delivery of alcohol to an off-sale licensee may be made by a wholesaler or accepted by an off-sale licensee on a Sunday
- c. No order solicitation or merchandising may be made by a wholesaler on a Sunday

SECTION TWELVE: PERSONS UNDER 21; ILLEGAL ACTS.

12.01 Consumption. It is unlawful for any:

- a. Retail intoxicating liquor or intoxicating liquor licensee or non-intoxicating liquor licensee or bottle club permit holder under Section 240A.414, to permit any person under the age of 21 years to consume alcoholic beverages on the licensed premises; or
- b. Person under the age of 21 years to consume any alcoholic beverages. If proven by a preponderance of the evidence, it is an affirmative defense to a violation of this clause that the defendant consumed the alcoholic beverage in the household of the defendant's parent or guardian and with the consent of the parent or guardian.

12.02 Purchasing. It is unlawful for any person:

- a. To sell, barter, furnish, or give alcoholic beverages to a person under 21 years of age.
- b. Under the age of 21 years to purchase or attempt to purchase any alcoholic beverage; or
- c. To induce a person under the age of 21 years to purchase or procure any alcoholic beverage, or to lend or knowingly permit the use of the person's driver's license, permit, Minnesota identification card, other form of identification by a person under the age of 21 years for the purpose of purchasing or attempting to purchase an alcoholic beverage. If proven by a preponderance of the evidence, it shall be an affirmative defense to a violation of clause (1) that the defendant is the parent or guardian of the person under 21 years of age and that the defendant gave or furnished the alcoholic beverage to that person solely for consumption in the defendant's household.

12.03 Possession. It is unlawful for a person under the age of 21 years to Possess any alcoholic beverage with the intent to consume it at a place other than the household of the person's parent or guardian. Possession at a place other than the household of the parent or guardian creates a rebuttable presumption of intent to consume if at a place other than the household of the parent or guardian. This presumption may be rebutted by a preponderance of the evidence.

a. Entering Licensed Premises.

- 1) It is unlawful for a person under the age of 21 years to enter an establishment licensed for the sale of alcoholic beverages or any municipal liquor store for the purpose of purchasing or having serving or delivered any alcoholic beverage.
- 2) Notwithstanding Section 341A.509, or ordinance enacted by a statutory or home rule charter city may prohibit a person 18, 19, or 20

years old from entering an establishment licensed under this charter to:

- a) perform work for the establishment, including the serving of alcoholic beverages, unless otherwise prohibited by Section 340.412, Subdivision 10;
 - b) consume meals; and
 - c) attend social functions that are held in a portion of the establishment where liquor is not sold.
- b. **Misrepresentation of Age.** It is unlawful for a person under the age of 21 to claim to be 21 years old or older for the purpose of purchasing alcoholic beverages.
- c. **Proof of Age; Defense.**
 - 1) Proof of age for purchasing of consuming alcoholic Beverages may be established only by a valid driver's license or Minnesota identification card or in the case of a foreign national by a valid passport.
 - 2) In a prosecution under c.(1), it is a defense for the defendant to prove by a preponderance of the evidence that the defendant reasonably and in good faith relied upon representations of proof of age authorized in paragraph (1) in selling, bartering, furnishing, or giving the alcoholic beverage.

SECTION THIRTEEN. RESTRICTIONS ON PURCHASE AND CONSUMPTION.

- 13.01 Liquor in Unlicensed Places.** No persons shall mix or prepare liquor for consumption in any public place or place of business unless it has a license to sell liquor "on-sale" or a permit from the Commissioner of Public Safety under Minnesota Statutes, and no person shall consume liquor in any such place, except in connection with an intoxicating temporary, on-sale license.
- 13.02 Consumption in Public Places.** No person shall consume liquor on any public street, sidewalk, parking lot, alley, public park, or in any public place other than on the premises of an establishment licensed under this ordinance, or where the consumption and display of liquor is lawfully permitted. Liquor may be consumed in an area designated under an intoxicating temporary on-sale license. Liquor served under the authority of an intoxicating temporary on-sale license shall be served and consumed only in the area authorized and designated in said license.

SECTION FOURTEEN. SUSPENSION AND REVOCATION. The Council may either suspend for a time not to exceed sixty (60) days or revoke any liquor license upon finding that the licensee has failed to comply with this ordinance or any application Statute or regulation

relating to alcoholic beverages. No suspension or revocation shall take effect until the licensee has been afforded an opportunity for a hearing pursuant to Statute 14.57-14.69 of the Administrative Procedures Act, except the license of any person who holds a Federal retail liquor dealers' special tax stamp without a license to sell intoxicating liquors at such place shall be revoked without notice and without hearing.

SECTION FIFTEEN. PENALTY. Any person violating any provision of this ordinance where no other penalty is specified by State Statute is guilty of a misdemeanor and upon conviction shall be responsible for the cost of prosecution.

SECTION SIXTEEN. REPEAL.

City of Hendrum Liquor Ordinance No. 52, Amendment to Ordinance No. 52 for the City of Hendrum (no ordinance number established), and City of Hendrum Ordinance No. 71 Amendment to Ordinance No. 52 for the City of Hendrum are hereby repealed.

SECTION SEVENTEEN. EFFECTIVE DATE.

This ordinance becomes effective on the date of its publication, or upon the publication of a summary of the ordinance as provided by Minn. Stat., § 412.191, subd. 4, as it may be amended from time to time, which meets the requirements of Minn. Stat. § 331A.01, subd. 10, as it may be amended from time to time.