This book contains the first codification of Sections in history of the City of Medford, Minnesota, and is adopted pursuant to authority granted the City Council by Minnesota Statutes, Section 415.021. It is known and may be cited as the "CITY CODE".

The first Sections of the City were adopted in 1896, and in order to maintain knowledge as to the current law, the City Council determined that a complete and detailed codification was essential. In this codification most of the original Sections have lost their identity and have been supplemented by other essential legislative items. Certain Sections retain their number and effective dates because of the nature of the subject matter contained therein. Sections adopted subsequent to codification will not be numbered in sequence with those adopted previously, but will be designated "Second Series".

This codification, arrangement and format seek to facilitate keeping the City Code up-to-date and the amending procedure less cumbersome and expensive. A complete codification of the proportions desired is a difficult and lengthy task, but the effort will be well-rewarded if it is found that the City Code accomplishes (1) the elimination of repetition and non-essentials; (2) easy revision incorporating each new Section or amendment; (3) comprehensiveness; and, (4) the ease of locating a particular subject or provision.

The reader will find in this book an Analysis followed by a full text of the City Code with a Sub-Analysis at the beginning of each Chapter. This physical layout is designed to make local law more accessible to lay persons for it is closest to them and touches their lives every day. The City Code is dedicated to this purpose.

MAYOR: 

COUNCIL:

CITY CLERK: 

CITY ATTORNEY:

ORDINANCE NO.1, 2ND SERIES

AN ORDINANCE ADOPTING A REVISION AND CODIFICATION WITH CERTAIN ADDITIONS AND DELETIONS, OF ALL SECTIONS OF THE CITY OF MEDFORD, MINNESOTA, PURSUANT TO AUTHORITY GRANTED IN MINNESOTA STATUTES, SECTION 415.021, AMENDED; ESTABLISHING A NAME FOR SAID CODIFICATION, MEANS OF CITATION, EFFECTIVE DATE, PRINTING PROCEDURE, SPECIFICATIONS AND INSTRUCTIONS; AND, PROVIDING PENALTIES FOR THE VIOLATION THERE OF.

THE CITY COUNCIL OF MEDFORD ORDAINS:

Section 1. Adoption. All Ordinances of the City of Medford, Minnesota, heretofore adopted, should be and are hereby revised, codified and adopted as set forth in that certain document known as the CITY CODE OF THE CITY OF MEDFORD, MINNESOTA, pursuant to authority granted by Minnesota Statutes, Section 415.021.

Section 2. Citation. The CITY CODE may be cited as "City Code, Sec. ____".

Section 3. Effective Date and Printing. The CITY CODE shall be effective on April 30, 2008. The City Clerk shall cause said CITY CODE to be printed in loose-leaf form and copies thereof in a substantial quantity made available for distribution to the public at a reasonable charge, the exact quantity, charge and printing specifications to be more specifically determined by the City Council.

Section 4. Prima Facie Evidence. Such codification, known as the CITY CODE, is hereby declared to be prima facie evidence of the law of the City of Medford, Minnesota.

Section 5. Effective date and Preservation of Rights and Obligations. This Section shall take effect upon adoption, provided, however, that the adoption of such CITY CODE shall not affect or impair any act done, right vested or accrued, proceeding, suit or prosecution commenced, prior to such effective date and under Section provisions then in effect, but the same shall survive to a conclusion thereof. It being the express intent of this Section that no offense committed, liability, penalty, or forfeiture, civil of criminal, under Section provisions in effect prior to the effective date of the CITY CODE be in any way affected by the adoption thereof.

Section 6. Penalty. Every person violates the CITY CODE when he intentionally performs an act therein prohibited or declared unlawful, and upon conviction thereof, shall be sentenced as for a misdemeanor to not more than (90) days or a fine of not more than $700.00, or both, or as for a petty misdemeanor, sentence of a fine of not more than $200.00.

Adopted by the City Council of the City of Medford, Minnesota this 28th day of April, 2008.

Mayor

ATTEST:

City Clerk

Chapter 1

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

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

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

1. "City" means the City of Medford, Minnesota, acting by or through its duly authorized representative.

2. "Council" and "City Council" mean the City Council of the City of Medford, Minnesota.

3. "City Clerk" mean the person duly appointed by the City Council and acting in such capacity.

4. "Person" includes all firms, partnerships, associations, corporations and natural persons.

5. “Written" and "In Writing" mean any mode of representing words and letters in the English language.

6. "Street" means the entire area dedicated to public use, or contained in an easement or other conveyance or grant to the City, and shall include, but not be limited to, roadways, boulevards, sidewalks, alleys, and other public property between lateral property lines in which a roadway lies.

7. "Public Property" and "Public Place" mean any place, property or premises dedicated to public use, owned by the City, occupied by the City as a lessee, or occupied by the City as a street by reason of an easement, including, but not limited to, streets, parks or parking lots so owned or occupied.

8. "Private Property" means all property not included within the definition of public property or public place.

9. "Intersection" means the area embraced within the prolongation or connection of the lateral curb line or, if no curb, then the lateral boundary lines of the roadways or streets which join one another at, or approximately at, right angles or the area within which vehicles traveling upon different streets joining at any other angle may come in conflict.

10. "Roadway" means that portion of a street improved, designed, or ordinarily used for vehicular travel. In the event a street includes two or more separate roadways, the term "roadway" as used herein shall refer to any such roadway separately but not to all such roadways collectively.

11. "Police Officer" and "Peace Officer" mean every officer, including special police, authorized to direct or regulate traffic, keep the peace, and appointed, employed, or contracted for, for the purpose of law enforcement.

12. "Misdemeanor" means the crime for which a sentence of not more than ninety (90) days or a fine of not more than $700.00, or both, may be imposed.

13. "Petty Misdemeanor" means an offense, which does not constitute a crime, and for which a sentence of a fine of not more than $200.00 may be imposed.

14. "Conviction" means either of the following accepted and recorded by the Court:

a. A plea of guilty; or,

b. A verdict of guilty by a jury or a finding of guilty by the Court.

15. "Crime" means conduct which is prohibited by ordinance and for which the actor may be sentenced to imprisonment or fine.

16. "Ordinance" means an ordinance duly adopted by the City Council of Medford, Minnesota.

17. "Ex Officio Member" means a person who is not counted for the purpose of determining a quorum, and has no right to vote, but shall have the right and obligation (within his discretion) to speak to any question coming before the board, commission or other deliberative body of which he is such member.

18. "May" is permissive.

19. "Shall" is mandatory.

20. "Violate" includes failure to comply with.

21. "Premises" means any lot, piece or parcel of land within a continuous boundary whether publicly or privately owned, occupied or possessed.

SECTION 1.03. VIOLATION A MISDEMEANOR OR A PETTY MISDEMEANOR. Every person violates a chapter, section, subdivision, paragraph or provision of this City Code when he performs an act thereby prohibited or declared unlawful, or fails to act when such failure is thereby prohibited or declared unlawful, and upon conviction thereof shall be punished as for a misdemeanor, or as for a petty misdemeanor, except as otherwise stated in specific provisions herein, as set forth in the specific chapter in which the section, subdivision, paragraph or provision violated appears. Upon conviction for a crime, the actor may be convicted of either the crime charged if it is a misdemeanor, or a petty misdemeanor as an included offense necessarily proved if the misdemeanor charge were proved.

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

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

SECTION 1.06. PAYMENT INTO CITY TREASURY OF FINES AND PENALTIES. All fines, forfeitures and penalties recovered for the violation of any ordinance, charter, rule or regulation of the City shall be paid into the City Treasury by the court or officer thereof receiving such monies. Payment shall be made in the manner, at the time, and in the proportion provided by law.

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

SECTION 1.08. CITATION. This codification of the ordinances of the City of Medford shall henceforth be known as the City Code and cited thus: "CITY CODE, SEC. ".

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

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

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

(Sections 1.12 through 1.19, inclusive, reserved for future expansion.)

SECTION 1.20. ESTABLISHMENT OF ADMINISTRATIVE PROCEDURE AND ADMINISTRATIVE FINES.

Subdivision 1. Purpose. The purpose of this ordinance is to provide the public and the City of Medford with an informal, cost effective, and expeditious alternative to traditional criminal charges for violations of certain city ordinances. The city finds that such an alternative will have the effect of reducing nuisance violations within the city, will facilitate compliance with certain code provisions, will avoid unnecessary delay in the enforcement of the Code, and will provide the City's law enforcement officials with an additional, effective enforcement tool.

Subdivision 2. Administrative Offense Defined. An administrative offense is a violation of any section of the Medford City Code and is subject to the civil fines identified in the City's Fine Schedule, updated from time to time by the fine ordinance of the City Council. An administrative offense is not a crime. Imposition of an administrative fine by the City shall be in addition to any other legal or equitable remedies available to the City for city code violations.

Subdivision 3. Enforcement. Upon the reasonable belief that an administrative offense has occurred, any police officer, the city administrator, the city clerk, the zoning inspector or the building inspector may implement the administrative penalty procedure contained herein.

A. Demand for Corrective Action. Depending upon the severity of the violation and necessity for immediate action, city officials may serve on the violator a demand to correct the violation. The demand shall be presented in person or by U.S. mail to the person's last known address. The demand shall state the date, time, and nature of the violation, the name of the official issuing the demand, the corrective action required, and the amount of the administrative fine if the violation is not corrected within the time specified in the demand. Nothing herein shall be interpreted to require that a demand be sent prior to issuing a citation for an administrative fine.

B. Issuance of Administrative Citation. At any time city officials may serve on the violator an administrative citation. The administrative citation shall state the date, time, and nature of the violation, the name of the official issuing the citation, the amount of the administrative fine, the manner and requirements for paying the fine or appealing the fine through the criminal justice process, and required compliance actions if applicable. The administrative citation shall be provided to the violator in person, by U.S. mail at the person's last know address, or in the case of a vehicular violation, by attaching the administrative citation to the vehicle.

Subdivision 4. Payment of Administrative Fine; Request for Criminal Charge. A person upon whom an administrative citation has been issued shall either pay the administrative fine or request a criminal charge within seven (7) days after issuance of the administrative citation. During that period, only the City Attorney has authority to dismiss the citation and/or waive the administrative fine.

A. Request for Criminal Charge. If the person upon whom an administrative citation has been issued requests that a criminal charge be issued within the time specified in this subdivision, the administrative offense procedure set forth in this ordinance shall terminate and the City Attorney may issue a misdemeanor or petty misdemeanor charge against the violator in accordance with applicable city code or state law.

B. Failure to Request Criminal Charge. If the person upon whom an administrative citation has been issued fails to pay the fine and fails to request a criminal charge within the time specified in this subdivision, the administrative fine shall constitute a personal obligation of the violator. The personal obligation may be collected by the City by any appropriate legal means. If the fine was imposed for a property-related violation, the City may assess the applicable property pursuant to Subdivision 5 of this Section.

C. **Late Payment Fee.** A late payment fee of ten (10) percent of the administrative fine amount shall be imposed if the person upon whom an administrative citation has been issued fails to pay the fine and fails to request a criminal charge within the time specified in this subdivision.

Subdivision 5. **Repeat Violations.** Repeated violations of two or more similar offenses within a twelve-month period shall result in a doubling of the administrative fine established for the violation. Additional offenses within another twelve-month period shall result in additional fines not to exceed five times the amount of the original penalty.

Subdivision 6. **Collection of Administrative Fines.** The City Administrator and City Clerk are hereby authorized to utilize all methods available under Minnesota law to collect the administrative fines. The violator shall be responsible for all costs of collection, including but not limited to the costs of utilizing a collection agency and reasonable attorney's fees, incurred in the collection of the administrative fines.

Subdivision 7. **Disposition of Fines.** All fines collected pursuant to this Section shall be paid to the City of Medford and deposited into the general fund.

(Sections 1.21 through 1.99, inclusive, reserved for future expansion.)

Chapter 2

ADMINISTRATION AND GENERAL GOVERNMENT

SECTION 2.01. AUTHORITY AND PURPOSE. Pursuant to authority granted by Statute, this Chapter of the City Code is enacted so as to set down for enforcement the government and good order of the City by and through the Council.

SECTION 2.02. COUNCIL MEETINGS – TIME AND PLACE. Regular meetings of the City Council shall be held on the fourth Monday of each calendar month at 7:00 p.m. Any regular meeting falling upon a holiday shall be held on the next following business day at the same time and place. The City Clerk shall maintain a schedule of regular meetings. This schedule shall be available for public inspection during regular business hours at the City Clerk's office. All meetings, including special, emergency, and adjourned meetings shall be held in the City Hall.

SECTION 2.03. SPECIAL MEETINGS. The mayor or any two members of the Council may call a special meeting of the Council upon at least 24 hours written notice to each member of the Council. This notice shall be delivered personally to each member, or left at the member's usual place of residence with some responsible person. Similar written notice shall be posed upon the bulletin board at the City Hall or on the door of the usual meeting room. Written notice shall be mailed at least three days before the meeting date to those who have requested notice of such special meetings. This request must be by written request filed with the City Clerk, designating an official address where notice may be mailed to. Such requests will be valid for one year.

SECTION 2.04. EMERGENCY MEETINGS. The mayor or any two council members may call an emergency meeting when circumstances require the immediate consideration of the Council. Notice may be in writing personally delivered to Council members or may be in the form of personal telephone communication. Notice must include the date, time, place and subject of such meeting. Where practicable, the Clerk shall make an effort to contact news-gathering organizations that have filed a request to receive notice of special meetings.

SECTION 2.05. ORGANIZATIONAL MEETING. At the organizational council meeting held on the first possible business day in January the Council shall:

1. Designate the depositories of city funds;

2. Designate the official newspaper;

3. Choose an acting mayor from the Council members who shall perform the duties of the mayor during the disability or absence of the mayor from the City or, in case of a vacancy in the office of mayor, until a successor has been appointed and qualifies;

4. Appoint such officers and employees and such member of boards, commissions, and committees as may be necessary; Zoning & Planning, Park, Well Head Protection, Economic Development Authority.

SECTION 2.06. PUBLIC MEETINGS. Except as otherwise provided in the Minnesota Open Meeting law, Minn. Stat. 471.705, all council meetings including special, emergency, and adjourned meetings and meetings of all council committees, shall be open to the public.

SECTION 2.07. PRESIDING OFFICER.

Subdivision 1. Who Presides. The mayor shall preside at all meetings of the Council. In the absence of the mayor, the acting mayor shall preside. In the absence of both, the Clerk shall call the meeting to order and shall preside until the council members present at the meeting choose one of their members to act temporarily as presiding officer.

Subdivision 2. Procedure. The presiding officer shall preserve order, enforce the rules of procedure herein prescribed and determine without debate, subject to final decision of the Council on appeal, all questions of procedure and order. Except as otherwise provided by statute or by these rules, the proceedings of the Council shall be conducted in accordance with *Robert's Rules of Order, Revised.*

Subdivision 3. Appeal. Any member may appeal to the Council from a ruling of the presiding officer. If the appeal is seconded, the member may speak once solely on the question involved and the presiding officer may explain his or her ruling, but no other Council member shall participate in the discussion. The appeal shall be sustained if it is approved by a majority of the members present.

Subdivision 4. Rights of Presiding Officer. The presiding officer may make motions, second motions, or speak on any question, except that on demand of any council member the presiding officer shall vacate the chair and designate a council member to preside temporarily.

SECTION 2.08. CITY CLERK.

Subdivision 1. General. The duties of the City Clerk shall include the duties of the Clerk-Treasurer. The City Clerk shall give the required notice of each regular and special election, record the proceedings thereof, notify officials of their elections or appointments to office, certify to the County Auditor all appointments and the results of all elections or appointments to office, certify to the County Auditor all appointments and the results of all municipal elections.

Subdivision 2. Record Keeping. The City Clerk shall keep:

1. A Minute Book noting therein all proceedings of the Council.

2. An ordinance book to be kept in the Clerk's office.

3. An account book, in which shall be entered all money transactions of the City, including the dates and amounts of all receipts and the person from whom the money was received and all orders drawn upon the City Clerk with their payee and object.

4. Ordinances, resolutions and claims considered by the Council need not be given in full in the Minute Book if they appear in other permanent records of the City Clerk and can be accurately identified from the description given in the minutes. The City Clerk shall be the custodian of the City's seal and records, shall sign its official papers, shall post and publish notices, ordinances and resolutions as may be required and shall perform such other appropriate duties as may be imposed upon the City Clerk by the Council. With the consent of the Council, a Deputy City Clerk may be appointed, for whose acts the City Clerk may discharge any of the duties of the City Clerk. In case of the City Clerk's absence from the City or disability, the Council may appoint a deputy City Clerk if there is none, to serve during such absence or disability. The deputy may discharge any of the duties of the City Clerk all according to Minnesota Statutes Section 412.15.

Subdivision 3. Other Duties. The City Clerk shall perform the following additional duties:

1. Prepare an annual financial statement and audit, and perform other duties as required in Minnesota Statutes, 412.141.

2. Attend and participate in all council meetings. Attend at City Clerk's discretion or by invitation other committee and commission meetings.

3. Supervise the conduct of local elections in accordance with the prescribed laws and regulations.

4. Work in cooperation with the City Administrator, City Attorney, City Engineer, Finance and Investment Advisors.

5. Converse with appointed officials and with other public or private agencies as may be required.

6. Be fully informed regarding Federal, State and County programs which affect the City.

7. Be responsible to the Council and be a liaison with other commissions and boards of the Council doing any research as needed.

8. Submit quarterly reports to the Council of the financial condition of the City accounts.

9. Oversee the City's annual audit.

10. Present a report monthly of all bills, including enterprise funds, to City Council and pay those approved.

11. Maintain all assessment records, payments received, and certify to County Auditor.

12. Prepare semi-monthly payroll, maintain records for year-end filing, and reports for payroll: PERA, FWH, SWH Social Security and Medicare.

13. Maintain City savings accounts.

14. Complete bank reconciliations monthly.

15. Organize and prioritize work and work independently.

16. Prepare permits for approval by City Administrator.

17. Accommodate needs/requests of public in professional, personable manner.

18. File all pertinent government reports.

19. Book reservations for Straight River Park, maintain keys, and keep deposits on file.

20. Perform all statutory duties required regarding ordinances or resolutions adopted by the Council.

21. Perform duties of the Administrator in his/her temporary absence.

23. Perform duties as assigned or apparent.

Subdivision 4. Liquor Store Bookkeeper.

1. Maintain daily accounting records.

2. Prepare bi-weekly payroll, maintain records for year-end filing, and all reports for payroll: PERA, FWH, SWH, Social Security, and Medicare.

3. Complete sales tax report and pay sales tax monthly.

4. Maintain inventory book to verify year-end physical inventory.

Subdivision 5. Appointment. The City Clerk is hired by a majority of the Council for an indefinite term, and may be removed only by a majority of the Council.

Passed and adopted this 26th day of January, 2015. This ordinance shall become effective from and after its passage and publication.

SECTION 2.09. MINUTES.

Subdivision 1. Responsibility. Minutes of each council meeting shall be kept by the Clerk or, in the Clerk's absence; the presiding officer shall appoint a secretary pro tem. (Sections, resolutions, and claims need not be recorded in full in the minutes if they appear in other permanent records of the Clerk and can be accurately identified from the description given in the minutes.)

Subdivision 2. Approvals. The minutes of each meeting shall be reduced to typewritten form, shall be signed by the clerk, and copies thereof shall be delivered to each council member as soon as practicable after the meeting. At the next regular meeting following such delivery, approval of the minutes need not be read aloud, but the presiding officer shall call for any additions or corrections. If there is no objection to a proposed addition or correction, it may be made without a vote of the Council. If there is an objection, the Council shall vote upon the addition or correction. If there are no additions or corrections, the minutes shall stand approved.

SECTION 2.10. ORDER OF BUSINESS.

Subdivision 1. Order established. Each meeting of the Council shall convene at the time and place appointed therefore. Council business shall be conducted in the following order:

1. Call to order
2. Consent calendar
3. Approval of minutes
4. Committee reports
5. Services
6. Unfinished business
7. New business
8. Other concerns by Council
9. Adjournment

Subdivision 2. Varying order. The order of business may be varied by the presiding officer, but all public hearings shall be held at the time specified in the notice of the hearing.

Subdivision 3. Agenda. The Clerk shall prepare an agenda of business for each regular council meeting and file a copy in the office of the Clerk not later than 4 days before the meeting. The agenda shall be prepared in accordance with the order of business and copies thereof shall be made available to each council member as far in advance of the meeting as time for preparation will permit. No item of business shall be considered unless it appears on the agenda for the meeting, or is approved for addition to the agenda by a majority vote of the Council members present.

Subdivision 4. Agenda materials. When a copy of printed materials relating to agenda items is required by Minn. Stat. 471-705, Subdivision 1b to be available to the public in the council meeting room for inspection by the public, the Clerk shall see that at least one copy of such material is so available while the Council considers their subject matter. The agenda item shall not be considered unless this provision is complied with.

SECTION 2.11. QUORUM AND VOTING.

Subdivision 1. Quorum. At all council meetings a majority of all the council members elected shall constitute a quorum for the transaction of business, but a smaller number may adjourn from time to time.

Subdivision 2. Voting. The votes of the members on any question may be taken in any manner which signifies the intention of the individual members, and the votes of the members on any action taken shall be recorded in the minutes. The vote of each member shall be recorded on each appropriation of money, except for payments of judgments, claims, and amounts fixed by statute. If any member is present but does not vote, the minutes, as to that member's name, shall be marked "present-not voting."

Subdivision 3. Votes Required. A majority vote of all members of the Council shall be necessary for approval of any Section unless a larger number is required by statute. Except as otherwise provided by statute, a majority vote of a quorum shall prevail in all other cases.

SECTION 2.12. RIGHT TO ADMINISTRATIVE APPEAL. If any person shall be aggrieved by any administrative decision of the City Clerk or any other City official, or any Board or Commission not having within its structure an appellate procedure, such aggrieved person is entitled to a full hearing before the Council upon serving a written request therefore upon the Mayor and City Clerk at least five (5) days prior to any regular Council meeting. Such request shall contain a general statement setting forth the administrative decision to be challenged by the appellant. At such hearing the appellant may present any evidence he deems pertinent to the appeal, but the City shall not be required to keep a verbatim record of the proceedings. The Mayor, or other officer presiding at the hearing, may, in the interest of justice or to comply with time requirements and on his own motion or the motion of the appellant, or a member of the Council, adjourn the hearing to a more convenient time or place, but such time or place shall be fixed and determined before adjournment so as to avoid the necessity for formal notice of reconvening.

SECTION 2.13. SECTIONS, RESOLUTIONS, MOTIONS, PETITIONS, AND COMMUNICATIONS.

Subdivision 1. Readings. Every ordinance and resolution shall be presented in writing. Every ordinance shall receive one reading before the council prior to final adoption. An ordinance or resolution need not be read in full unless a member of the council requests such a reading.

Subdivision 2. Signing and Publication Proof. Every ordinance and resolution passed by the council shall be signed by the mayor, attested the clerk, and filed by the clerk in the ordinance or resolution book. Proof of publication of every ordinance shall be attached and filed with the ordinance.

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

Subdivision 4. Motions, Petitions, Communications. Every motion shall be stated in full before the presiding officer submits it to a vote and shall be recorded in the minutes. Every petition or other communication addressed to the council shall be in writing and shall be read in full upon presentation to the council unless the council dispenses with the reading. Each petition or other communication shall be recorded in the minutes by title and filed with the minutes in the office of the clerk.

SECTION 2.14. ADMINISTRATIVE DIRECTOR OF OPERATION.

Subdivision 1. General. The position of Administrative Director of Operations in the City of Medford is hereby established. To the extent that reference is made in the Medford City Code or in policies of the City to "City Administrator", the Administrative Director of Operations shall have all authority granted to and responsibilities assigned to the City Administrator.

Subdivision 2. Responsibilities. The Administrative Director of Operations shall have the following responsibilities:

Financial Responsibilities:

1. Evaluate potential projects, programs, and services to determine feasibility and community impact and make recommendations to the Council for study and subsequent action.

2. Prepare an annual fiscal budget for submission to the Council. Maintain financial guidelines for the City within the scope of the approved budget program. Provide Council with updates throughout year on budget standing.

3. Keep the Council informed of the financial condition of the City and recommend action as necessary.

4. Manage and invest City funds in accordance with Council direction and sound financial practices.

5. Manage and report to the Council regarding the City's bonds.

6. Perform annual utility rate studies and fee designations with recommendations to the Council.

7. Engage each department in budget planning.

8. Coordinate with Capital Advisory Board regarding budgeting and capital expenditures.

Managerial Responsibilities:

1. Develop and implement administrative rules, policies, and procedures necessary to ensure proper functioning of all departments including: Administrative, Municipal Liquor Store, and Public Works.

2. Oversee City project planning and implementation to ensure efficient and effective utilization of resources and timely completion of projects and provide reports or summaries to Council as required.

3. Plan, organize, and administer City programs, activities and services as directed by the Council.

4. Supervise City employees (full-time, part-time and seasonal), conduct job reviews, supervise training of employees, plan, assign and direct work, address complaints and resolve problems, and recommend hiring, promotion, suspension, demotion and discharge of employees, as well as maintaining and updating the Personnel Handbook annually.

5. Coordinate the activities of all department heads and the administrative staff in the administration of City policy.

6. Develop long and short term goals that compliments the current version of the City's comprehensive plan, capital improvement and financial plans, and oversee there implementation.

7. Oversee the City's annual audit.

8. Direct, prepare and analyze quotes and bids for products and services and recommend selection of firms or individuals to the Council.

9. Direct, prepare and oversee preparation of grant and loan applications.

10. Assist the Clerk in maintaining municipal records and documents.

11. Direct the administration of municipal affairs as provided by Council action, state and federal statutes. Coordinate with the Council in administering municipal affairs.

12. Apprise the Council of county, state, and federal programs that affect the City.

Public Relations Responsibilities:

1. Prepare news releases, develop and discuss public relations with all concerned as required.

2. Communicate with the public, other governmental agencies, officials, and school districts on behalf of the City.

3. Working with the City's EDA, area organizations and advisors to recruit and retain businesses into the City.

4. Address community complaints and concerns. Appraise Council of any trends in complaints and concerns received.

5. Converse with appointed officials and with other public or private agencies as may be required.

Coordination of Boards and Consultants Responsibilities:

1. Coordinate and oversee the work of consultants hired by the City.

2. Coordinate activities of City commissions, committees and boards, and provide administrative support and guidance as needed.

3. Attend and participate in all City Council meetings, relevant board meetings and other official meetings as needed.

4. Oversee preparation of the City Council agenda and the implementation of Council decisions.

City Code Enforcement Responsibilities:

1. Oversee the implementation of code enforcement and zoning administration.

Public Works Responsibilities:

1. Oversee operations of water, storm water, and wastewater treatment systems.

2. Oversee maintenance of streets.

3. Plan, direct and coordinate all functions within the Public Works Department, including management of quality control, safety, personnel, and procurement of equipment and supplies.

4. Complete required federal and state reports and forms.

5. Prepare all required water and wastewater reports, which include but are not limited to, monthly MN Department of Health, monthly and quarterly MPCA reports, DNR annual water usage reports and monthly MPCA DMR reports.

6. Review federal and state laws, regulations and codes on water and wastewater distribution and ensure the City maintains compliance; maintain all required records and prepare for related inspections.

7. Oversee and assist in removing snow from City streets, City property, alleys, and parking lots.

8. Maintain and oversee maintenance of parks and recreational facilities and City maintained properties.

Subdivision 3. Appointment. The Administrative Director of Operations is hired by a majority of the Council for an indefinite time, and may be removed only by a majority of the Council.

Effective Date. This Ordinance shall be effective upon passage and publication of this Ordinance.

Passed and adopted this 22nd day of February, 2021. This ordinance shall become effective from and after its passage and publication.

(Sections 2.15 through 2.19, inclusive, reserved for future expansion.)

SECTION 2.20. DEPARTMENTS GENERALLY.

Subdivision 1. Control. All Departments of the City are under the overall control of the Council. Heads of all Departments are responsible to the Council and subject to its supervision and direction, except as otherwise provided herein.

Subdivision 2. Appointment. All Department Heads and employees shall be appointed by the Council. All appointments shall be for an indeterminate term and subject to any applicable Civil Service Regulations in effect in the City.

Subdivision 3. Compensation. All wages and salaries shall be fixed and determined by the Council.

SECTION 2.21. BOARDS AND COMMISSIONS GENERALLY. All Board and Commission appointments authorized by ordinance or resolution shall be made by the Mayor, and such appointment confirmed prior to expiration of the existing term. The term of each appointee shall be established and stated at the time of his appointment, and terms of present Board and Commission members may be reestablished and changed so as to give effect to this Section. New appointees shall assume office on the first day of the first month following their appointment and qualification, or on the first day of the first month following the expiration of the prior term and qualification, whichever shall occur last. Provided, however, that all appointees to Board and Commissions shall hold office until their successor is appointed and qualified. All vacancies shall be filled in the same manner as for an expired term, but the appointment shall be only for the unexpired term. The Chairman and the Secretary shall be chosen from and by the Board or Commission membership annually to serve for one year. Provided, however, that no Chairman shall be elected who has not completed at least one year as a member of the Board or Commission. Any Board or Commission member may be removed by the Council for misfeasance, malfeasance or non-feasance in office and his position filled as any other vacancy. Each Board and Commission shall hold its regular meeting at a time established and approved by the Council. The City Clerk shall be an ex officio member of all Boards and Commissions; provided, that if he is unable to attend a meeting or act in the capacity of such membership, he may be represented by his assistant or some person duly authorized by him. Except as otherwise provided, this Section shall apply to all Boards and Commissions.

SECTION 2.22. PLANNING AND ZONING COMMISSION.

Subdivision 1. Establishment and Composition. A Planning and Zoning Commission is hereby established which shall consist of five (5) members. The members of the Commission shall be appointed by the Council and shall serve staggered three (3) year terms.

Subdivision 2. Officers. The Commission shall elect a chairperson from among its members and may create and fill such other offices as it may determine is necessary to conduct business.

Subdivision 3. Meetings. The Commission shall hold a regular meeting each month and adopt rules for the transaction of business along with keeping public records of any resolutions, transactions, findings and recommendations of the Commission.

Subdivision 4. Duties. The Planning and Zoning Commission shall provide assistance to the Council and the Zoning Administrator in the administration of the Zoning Chapter and the recommendation of the Planning Commission shall be advisory in nature. Specifically, the Planning Commission shall review, hold public hearings, and make recommendations to the Council on all applications for zoning amendments, variances and conditional use permits using the criteria set forth in the Zoning Chapter.

Subdivision 5. Public Hearings. All public hearings held by the Planning and Zoning Commission shall be scheduled during regularly scheduled Planning and Zoning meetings unless a request is made by the applicant to hold the public hearing at a special meeting. The City Council shall establish the fees for public hearings by resolution, and may establish a greater fee for public hearings scheduled during special meetings.

Medford City Code Section 2.22, is hereby amended by inserting Subdivision 5, passed and adopted this 27th day of August, 2012, with the following vote: Aye 5; No 0; Absent 0.

SECTION 2.23. FIRE DEPARTMENT

Subdivision 1. Establishment. To better protect the lives and property of its citizens, a department to be hereafter known as the Medford Fire Department is hereby created. Its object shall be the prevention of fire and preservation and protection of life and property from and during such fires as may occur.

Subdivision 2. Equipment. The Department shall be equipped with such apparatus and accessories as may be required from time to time to maintain its efficiency. All of the equipment of the Department shall be safely and conveniently housed in such station or stations as may be designated by the City Council. No person or persons shall use any fire apparatus or equipment for any private purpose, nor shall any person willfully and without proper authority remove, take away, keep or conceal any tool, appliance or other article used in any way by the fire department.

Subdivision 3. Membership. The Department shall be composed of not less than 15 active members and as many in excess of 15 as may be deemed necessary for the effective and adequate protection of the community.

Subdivision 4. Officers. The operation officers of the Department shall be a chief, an assistant chief, and such other company officers as the chief may deem necessary for the adequate protection of the community, and the effective operation of the department.

Subdivision 5. Appointment of Chief. The chief shall be appointed by the City Council for an indefinite period of time, and his tenure of office shall depend upon his good conduct and efficiency, and removal only for just cause and after a fair and impartial hearing before the City Council.

Subdivision 6. Accountability of Chief. The Chief of Department shall be held solely accountable to the City Council only. All other department and company officers shall be held accountable to the Chief of the Department only.

Subdivision 7. Appointment of Other Officers. The Assistant Chief and all other operation officers shall be elected by the members of the Department or appointed by the Chief according to the By-Laws by his discretion.

Subdivision 8. Qualifications of Members. The active membership of the Department shall consist of such persons as may be appointed by the chief, or by the Council with the approval of the chief, and shall be able bodied male citizens residing within the City, who can read and write and who are of good moral character.

Subdivision 9. Disqualification of Members. Any member of the Department may be suspended or discharged from the Department by the Chief at any time he may deem such action necessary for the good of the department.

Subdivision 10. Responsibility of Chief. The Chief shall formulate or appoint a committee to formulate a set of rules and regulations to govern the department, and shall be responsible to the City Council for the personnel, morale, and general efficiency of the department.

Subdivision 11. Meetings. The Department shall hold a meeting at least once each month for the purpose of conducting suitable drills in the operation and handling of equipment, first aid and rescue work, salvage, a study of buildings in the City, and all other matters generally accepted as having a bearing upon good foremanship.

Subdivision 12. Social Officers. The Department, if it so desire, may elect any social officers which it deems necessary. Such officers may be elected in any manner and for any term the membership may decide upon, and their duties shall be to arrange for and manage any or all social functions or affairs of the department not directly related to the immediate objective of the Department as set forth in the first paragraph of this Section. However, the function and duties of said Social Officers shall in no way overlap or interfere with those of the Operation Officers, who are charged with responsibility for all fire service activities of the department.

Subdivision 13. Inspections. The Chief of the Fire Department is hereby required to cause inspections to be made of all buildings within the City of Medford with the exception of those used exclusively for residential purposes, not less than once each year, and to serve written notice upon the owner to abate, within a specified time, any and all fire hazards that may be found therein.

Subdivision 14. Compliance with Order to Abate. Any citizen so served with an order to abate any fire hazard or hazards, shall comply with said order and promptly notify the Chief.

Subdivision 15. Interference with Fire Alarm. No unauthorized person shall ride upon, race with, trail or follow within 600 feet, any apparatus belonging to the fire department when actively responding to a fire alarm. No person shall drive any vehicle over a fire hose except upon specific orders from the Chief of Department, and then only with due caution.

Subdivision 16. Right-of-Way of Members. All personal cars of fire department members shall have right-of-way over all other traffic when responding to a fire alarm. Firemen's cars to be designated as such, if necessary.

Subdivision 17. Parking Prohibitions. No person shall park any vehicle of any description or place any material or obstruction within twenty feet of the entrance to any fire station, or within fifteen feet of any fire hydrant or fire cistern, nor park any vehicle within three hundred feet of a fire.

Subdivision 18. Prohibition Against False Alarm. No person shall maliciously sound a false fire alarm.

Subdivision 19. Police Powers. All regularly appointed members of the Fire Department are hereby given the necessary special police powers for the purpose of enforcing the provisions of this Section.

Subdivision 20. Duties of Law Enforcement. It is hereby made the special duty of the peace officers as are on duty at the time, to respond to all fire alarms and assist the fire department in the protection of life and property of the citizens and property of the fire department, and in controlling and regulating traffic and maintaining order.

SECTION 2.24. BOARD OF ADJUSTMENT. The Council is hereby designated as the Board of Adjustment. The members of such Board of Adjustment may be paid their necessary expenses, as determined by the Council, in the conduct of the business of the Board.

Subdivision 1. Powers and Duties.

A. The Board of Adjustment shall act upon all questions as they may arise in the administration of the Zoning Chapter, including the interpretation of zoning maps, and it shall hear and decide appeals from and review any order, requirement, decision, or determination made by such an administrative official charged with enforcing the Zoning Chapter. Such appeal may be taken by any person aggrieved or by any officer, department, and board of bureau of the City. No use variances (uses different than those allowed in the district) shall be issued by the Board of Zoning Adjustment.

B. Hearings by the Board of Adjustment shall be held within such time and upon such notice to interested parties as is provided in the Zoning Chapter and its adopted rules for the transaction of its business. The Board shall, within a reasonable time, make its order deciding the matter and shall serve a copy of such order upon the appellant or petitioner by mail. Any party may appear at the hearing in person or by agent or attorney.

C. The Board of Adjustment may reverse or affirm wholly or partly, or may modify the order, requirement, decision, or determination as in its opinion ought to be made in the premises. The reasons for the Board's decision shall be stated.

D. The decision of the Board of Adjustment shall be final, subject only to judicial review.

(Sections 2.25 through 2.56, inclusive, reserved for future expansion.)

SECTION 2.57. CITY ELECTION.

Subdivision 1. Date of Election. The regular City Election shall be held biennially on the first Tuesday after the first Monday in November in every even-numbered year beginning with the 2008 election

SECTION 2.58. MAYOR AND COUNCIL MEMBER SALARIES. The salaries of the Mayor and other Council Members of the City of Medford are hereby set as follows:

a.	Mayor	$300.00 per month
b.	Other Council Members	$225.00 per month

Effective Date. This Ordinance shall be in full force and effect from January 1, 2019 and after its passage and publication.

Passed and adopted this 27th day of August 2018, with the following vote: Aye 5; No 0; Absent 0.

SECTION 2.60. ESTABLISHMENT AND ENFORCEMENT OF FIRE SERVICES FEES.

Subdivision 1. Purposes and Intent.

This ordinance is adopted for the purpose of authorizing the City of Medford (the "City") to charge for fire services as authorized by Minnesota Statutes Sections 415.01, 366.011, and 366.012.

Subdivision 2. Definitions.

The following definitions shall apply to this Section:

(A) "Fire and Emergency Services" means any deployment of fire fighting personnel and/or equipment to extinguish a fire or perform any preventative measure in an effort to protect equipment, life, or property in an area threatened by fire, or to provide fire suppression, rescue, extrication and any other services related to fire and rescue as may occasionally occur.

(B) "Service Charge" means the charge imposed by the City for providing fire and emergency services.

(C) "Motor Vehicle" means any self-propelled vehicle designed and originally manufactured to operate primarily upon public roads and highways, and not operated exclusively upon railroad tracks, including semi-trailers but not including snowmobiles, manufactured homes, all terrain vehicles, or park trailers.

(D) "Fire Protection Contract" means a contract between the City and a Township, which provides for the provision of Fire and Emergency Services, including payment by the Township.

(E) "Mutual Aid Agreement" means an agreement between the City and a town or other city for the City's fire department to provide assistance to the fire department of a town or other city.

(F) "Department" means the City of Medford Fire Department.

Subdivision 3. Parties Affected.

The fees established by this Section shall be imposed on the following parties:

(A) Anyone to whom the City provides fire services as a result of a motor vehicle accident or motor vehicle fire within or outside of the City.

(B) Owners of real property outside of the City to whom the City provides fire services to the real property.

Subdivision 4. Rates.

Fire service charges shall be set by the Master Fee Schedule set forth in Chapter 2, Section 2.65.

Subdivision 5. Billing and Collection.

(A) Parties requesting and receiving fire services may be billed directly by the City. Additionally, if the party receiving fire services did not request services but a fire or other situation exists which, at the discretion of the fire department personnel in charge requires fire service, the party will be charged and billed. Any billable amount of the service charge not covered by a party's insurance remains a debt of the party receiving the fire service.

(B) Parties billed for fire and emergency services have 60 days to pay. If the service charge is not paid by that time, it is considered delinquent and the City shall send a notice of delinquency.

(C) If the service charge remains unpaid for 30 days after the notice of delinquency is sent, the City may use all practical and reasonable legal means to collect the service charge. The party receiving fire and emergency services shall be liable for all collection costs incurred by the City including, but not limited to, reasonable attorney fees and court costs.

(D) If the service charge remains unpaid for 30 days after the notice of delinquency is sent, the City may certify the unpaid service charge to the county auditor of the county in which the recipient of the services owns real property for collection with property taxes levied against the property on or before October 15 of each year. The county auditor shall be responsible for remitting to the City all service charges collected on behalf of the City. The City must give the property owner written notice of its intent to certify the unpaid service charge to the auditor on or before September 15.

(E) False Alarms will not be billed a service charge.

Subdivision 6. Application of Collected Charges.

All collected fire charges will be city funds and used to offset the expenses of the City fire department in providing fire services.

Passed and adopted this 25th day of February, 2013, with the following vote: Aye 5; No 0; Absent 0.

This ordinance shall become effective from and after its passage and publication.

SECTION 2.65. MASTER FEE SCHEDULE.

Subdivision 1. Pursuant to Minnesota law and the ordinances of the City of Medford, and upon a review of a study conducted by the City Council, a fee schedule for the city services and licensing is hereby adopted, by an affirmative vote of a majority of the City Councilmembers present.

A. The Medford City Code establishes that certain fees be set from time to time by the City Council.

B. The City Council is hereby recommending that the fees be set in accordance with the Master Fee Schedule, hereto attached as Appendix A.

C. Upon consideration and review of the City Council, the Master Fee Schedule, hereto attached as Appendix A, is hereby adopted and shall become effective January 1, 2017.

Subdivision 2. The Master Fee Schedule may be amended from time to time by the City Council upon adoption of an ordinance revising the Master Fee Schedule.

Effective Date. This Ordinance shall be in full force and effect from and after its passage and publication.

Passed and adopted this 27th day of July, 2020, with the following vote: Aye 5; No 0; Absent 0.

APPENDIX A: MASTER FEE SCHEDULE

WATER AND SEWER RATES

WATER RATES AND AVAILABILITY CHARGES

Water Meter Size	Rate
¾ inch meter:	$7.00
1 inch meter:	$8.75
1 ½ inch meter:	$10.94
2 inch meter:	$13.67
2 ½ inch meter:	$17.09
3 inch meter:	$21.36
4 inch meter:	$26.70
6 inch meter:	$33.38

Every meter will be charged a monthly fixed amount based on water meter size in addition to a per thousand gallon water usage charge of $4.40.

WATER FLAT RATE ***$13.00***

SEWER RATES AND AVAILABILITY CHARGES

Water Meter Size	Rate
¾ inch meter:	$6.00
1 inch meter:	$7.50
1 ½ inch meter:	$9.37
2 inch meter:	$11.72
2 ½ inch meter:	$14.65
3 inch meter:	$18.31
4 inch meter:	$22.88
6 inch meter:	$28.61

Every meter will be charged a monthly fixed amount based on water meter size in addition to a per thousand gallon sewer usage charge of $6.40.
SEWER FLAT RATE $12.00

LATE FEE – A 5% monthly late fee will be added to all delinquent balances.

***WATER CONNECTION PERMIT FEES*:**
(Collect at the time of issuance of the building permit)

Size of Water Service Pipe	
Up to and including 1"	$1,670.00
1-1/4”	$2,090.00
1-1/2”	$2,510.00
2”	$3,340.00
4”	$6,690.00
6”	$10,030.00
8”	$13,370.00

***SEWER CONNECTION PERMIT FEES*:**
(Collect at the time of issuance of the building permit)

Size of Sewer Service Pipe	
4”	$1,670.00
6”	$2,510.00
8”	$3,340.00

***TRUNK SEWER AND WATER FEES*:**
(Collect at the time of the development agreement)

Land Use:	2015 Rate
Commercial	$8,490.00 per adjusted gross acre*
Industrial	$8,490.00 per adjusted gross acre*
Residential:	

Single Family:	$1,270.00 per lot
Twinhome/Duplex/Townhome:	$ 950.00 per unit
Multiple Family (Apartment):	$ 640.00 per unit

FIRE CALL RATES CHARGED PER HOUR

Time	Grass Fire	Structure Fire
1 Hour	$150.00	$200.00
1 ¼	175.00	225.00
1 ½	200.00	250.00
1 ¾	225.00	275.00
2 Hours	$250.00	$300.00
2 ¼	265.00	315.00
2 ½	280.00	330.00
2 ¾	295.00	345.00
3 Hours	$310.00	$360.00
3 ¼	320.00	370.00
3 ½	330.00	380.00
3 ¾	340.00	390.00
4 Hours	$350.00	$400.00

Additional time @ $40.00/hour

FIRE CALL RATES CHARGED A FLAT FEE

Motor Vehicle Accidents/Fires	$500.00

UTILITY/CONSTRUCTION FEES

Disconnect of Utility Service	$50.00
Reconnect of Utility Service	$50.00
Meter Testing Deposit	$150.00
Right of Way Degradation Fee	Equal to degradation cost- Establish at time of permitting
Bulk Water	$13.00 per 1,000 gallons
Sewage	$16.50 + $14.00 per 1,000 gallons
Water Service Prior to Meter Installation	$75.00
Erosion Control Deposit	$500.00
Annexation Deposit	Based upon acres annexed
Annexation Reimbursement	15 times tax revenue
Land Donation	Minimum of 10% of land annexed or 10% of market value of land
Engineering Fee	Percentage of cost of public improvements
Administrative Fee	Percentage of cost of public improvements

LIQUOR LICENSE FEES

On-Sale Liquor License	$2,500.00 per year
Temporary Liquor License	$50.00 per year
Sunday Liquor License	$200.00 per year
Wine License	$175.00 per year
3.2 Malt Liquor License	$175.00 per year
Pre/Investigation Fees	$250.00 per year

PERMITS

Building Moving Permit	$30.00
Building Removal Permit	$30.00
Dance Permit	$100.00
Food Permit	$25.00
Parade Permit	$50.00
Rental Housing (per unit)	

1 unit	$75.00
2 to 4 units	$65.00
5 + units	$35.00
Sign Permit	$30.00
Solicitor, Peddler, Transient Merchant Permit	$30.00
Special Vehicle Permit (3-year permit)	$20.00
Replacement Special Vehicle Sticker	$5.00
Transient Merchant Permit Nonprofit/Service Organizations	$0.00
Zoning/Fence Permit	$30.00
Wind Energy Conversion System Permit	$30.00
Right of Way Excavation Permit	$50.00 plus management and engineering costs
Right of Way Obstruction Permit	$50.00 plus management and engineering costs
Small Wireless Facility Permit	$50.00 plus management and engineering costs

PARK FEES

Large Pavilion Rental	$85.00 ($60.00 deposit)
Small Pavilion Rental	$60.00 ($45.00 deposit)

OTHER FEES

Public Hearing Held on Regularly Scheduled Zoning Date (Conditional Use, Variance, Vacate, Rezone, Administrative Land Survey, etc.)	$150.00
Public Hearing Held on a Special Zoning Date (Conditional Use, Variance, Vacate, Rezone etc.)	$300.00
Mowing by Public Works Staff	$60.00 per hour
Snow Removal by Public Works Staff	
Residential/Commercial Property	$125.00 per hour
Collections and/or Legal Fees	Total of fees incurred by the City
Non-Sufficient Funds Checks	$30.00 + all bank charges
Faxes	$1.50 per page
Black and White Copies	$0.25 per page
Color Copies	$0.50 per page
Web Fusion Maps	$2.00 per map
Dog License Registration Fee	$5.00 per year
Dangerous Dog Registration Fee	$500.00 per year

SECTION 2.70. MASTER FINE SCHEDULE.

Subdivision 1. Pursuant to Minnesota law and the ordinances of the City of Medford, and upon a review of a study conducted by the City Council, a fine schedule for offences defined in the Medford City Code is hereby adopted, by an affirmative vote of a majority of the City Council.

D. The Medford City Code establishes that certain fines be set from time to time by the City Council.

E. The City Council is hereby recommending that the fines be set in accordance with the Master Fine Schedule, hereto attached as Appendix A.

F. Upon consideration and review of the City Council, the Master Fine Schedule, hereto attached as Appendix A, is hereby adopted and shall become effective January 1, 2016.

Subdivision 2. The Master Fine Schedule may be amended from time to time by the City Council upon adoption of an ordinance revising the Master Fine Schedule.

Effective Date. This Ordinance shall be in full force and effect from and after its passage and publication.

Passed and adopted this 8th day of January, 2020, with the following vote: Aye 5; No 0; Absent 0.

APPENDIX A: MASTER FINE SCHEDULE

Ordinance Number	Description	Recommended Fine	Degree of Offense
Section 2.60	Delinquent Payment of Fire Service Fees	$25	Misdemeanor
Section 3.03	Interference with City utilities and metering systems	$200	Misdemeanor
Section 3.04	Water Emergency Restriction Violation	$25	Misdemeanor
Section 3.10	Fats, Oils, Grease Violations	$200	Misdemeanor
Section 4.11	Zoning Permit Violations	$50	Misdemeanor
Section 4.25 – 4.33	Zoning Violations	$50	Misdemeanor
Section 4.45	Right of Way Delay Penalty	$50 + $25 Per day of delay	Misdemeanor
Section 4.61	City Park Violations	$50	Misdemeanor
Section 4.63	Swimming Pool Violations	$50	Misdemeanor
Section 4.64	Manufactured Homes Violations	$100	Misdemeanor
Section 4.65	Mobile Home Park Violations	$100	Misdemeanor
Section 4.83	Adult Establishment Violations	$100	Misdemeanor
Section 4.84	Sign Regulation Violations	$25	Misdemeanor
Section 4.85	Wind Energy Conversion System Violation	$50	Misdemeanor
Section 5.03	Building Permit Violations	$50	Misdemeanor
Section 5.10	Moving Building Violations	$50	Misdemeanor
Section 5.20	Storm Water Drainage Violations	$200	Misdemeanor
Section 7.01	Solicitor Violations	$25	Misdemeanor
Section 7.02	Pubic Dance Permit Violations	$25	Misdemeanor
Section 7.03	Rental Unit Violations	$100	Misdemeanor
Section 8.01	Snow Removal Violation – Sidewalks and Depositing on City Streets	$50	Misdemeanor
Section 9.02	Vicinity of Fire Violations	$200	Misdemeanor
Section 9.03	Weight Limitations on Roadway Violations	$100	Misdemeanor

Section 9.04	Snowmobile Violations	$50	Petty Misdemeanor
Section 9.06	Special Vehicle Violations	$250	Misdemeanor
Section 10.01	Parking Violations	$50	Petty Misdemeanor
Section 11.01	Disorderly Conduct	$50	Misdemeanor
Section 11.02	Curfew Violation	$50	Misdemeanor
Section 11.11	Conduct Near Public Schools Violation	$50	Misdemeanor
Section 11.20	Public Nuisance Violations	$50	Misdemeanor
Section 11.21	Discharge of Firearms Violations	$200	Misdemeanor
Section 11.22	Burning Violations	$50	Misdemeanor
Section 11.23	Dog Violations	$50	Misdemeanor
Section 11.25	Cat Violations	$50	Misdemeanor

(Sections 2.71 through 2.98, inclusive, reserved for future expansion.)

SECTION 2.99. VIOLATION A MISDEMEANOR. Every person who violates a section, subdivision, paragraph or provision of this Chapter when he performs an act thereby prohibited or declared unlawful, or fails to act when such failure is thereby prohibited or declared unlawful, and upon conviction thereof, shall be punished as for a misdemeanor except as otherwise stated in specific provisions hereof.

Chapter 3

MUNICIPAL UTILITIES – RULES AND REGULATIONS, RATES, CHARGES AND COLLECTIONS

SECTION 3.01. FIXING RATES AND CHARGES FOR MUNICIPAL UTILITIES. All rates and charges for municipal utilities, including, but not by way of limitation, rates for service, permit fees, deposit, connection and meter testing, fees, disconnection fees, reconnection fees including penalties for non-payment if any, shall be fixed, determined and amended by the Council and adopted by the Master Fee Schedule set forth in Chapter 2, Section 2.65. The Master Fee Schedule, containing the effective date thereof, shall be kept on file and open to inspection in the office of the City Clerk and shall be uniformly enforced.

SECTION 3.02. ESTABLISHING AUTHORIZATION AND FEES FOR EMERGENCY PROTECTION FIRE SERVICES.

Subdivision 1. Purpose and Intent. This Section is adopted for the purpose of authorizing the City of Medford to attend and serve at fires outside the limits of the municipality and to charge for fire services as authorized by Minn. Stat. §§438.08 and 366.011.

Subdivision 2. Definitions.

A. "Fire service" means any deployment of fire fighting personnel, first responder personnel, and/or equipment to respond to an emergency extinguish a fire or perform any preventative measure in an effort to protect equipment, life, or property in an area threatened by fire. It also includes the deployment of fire fighting personnel and/or equipment to provide fire suppression, rescue, extrication, and any other services related to fire and rescue as may occasionally occur.

B. "Fire service charge" means the charge imposed by the City for providing fire service.

C. "Motor vehicle" means any self-propelled vehicle designed and originally manufactured to operate primarily upon public roads and highways, and not operated exclusively upon railroad tracks. It includes semi trailers. It does not include snowmobiles, manufactured homes, all terrain vehicles, or park trailers.

D. "Fire protection contract" means a contract between the City and a town or other city for the City's fire department to provide assistance to the fire department of a town or other city.

Subdivision 3. Parties Affected.

A. Owners of property within the City who receive fire services.

B. Anyone who receives fire services as a result of a motor vehicle accident or fire within the City.

C. Owners of property in towns or cities to which the City provides fire service.

Subdivision 4. Authorization. The City Council hereby authorizes the Medford Fire Department to attend and serve at fires outside of the limits of the City of Medford.

Subdivsion 5. Charges Set by Fee Resolution. Fire services and first responder charges shall be set by Chapter 2, Section 2.65.

Subdivision 6. Billing and Collection.

A. Parties requesting and receiving fire services may be billed directly by the City. Additionally, if the party receiving fire services did not request services but a fire or other situation exists which, at the discretion of the fire department personnel or first responder personnel in charge requires fire service, the party will be charged and billed. All parties will be billed whether or not the fire service is covered by insurance. Any billable amount of the fire charge not covered by a party's insurance remains a debt of the party receiving the fire service.

B. Parties billed for fire service will have 30 days to pay. If the fire service charge is not paid by that time, it will be considered delinquent and the City will send a notice of delinquency.

C. If the fire service charge remains unpaid for 30 days after this notice of delinquency is sent, the City may use all practical and reasonable legal means to collect the fire service charge. The party receiving fire service shall be liable for all collection costs incurred by the City including, but not limited to, reasonable attorney fees and court costs.

D. If the fire service charge remains unpaid for 30 days after this notice of delinquency is sent, the City may also, on or before October 15 of each year, certify the unpaid fire service charge to the county auditor for the collection with property taxes. The City must give the property owner notice of its intent to certify the unpaid fire service charge by September 15.

E. A first false alarm will not be billed as a fire call. Each false alarm occurring within 30 days of a previous false alarm at the same property location will be billed at the normal rate for providing fire services.

Subdivision 7. Mutual Aid Agreement. When the City fire department provides fire service to

another fire department pursuant to a Mutual Aid Agreement, the billing will be determined by the Mutual Aid Agreement.

Subdivision 8. Application of Collection to Budget. All collected fire charges will be City funds and used to offset the expenses of the City fire department in providing fire services.

SECTION 3.03. METERING AND PAYMENT OF WATER AND SEWER SERVICES.

Subdivision 1. Definitions. For the purpose of this Section, the following capitalized terms listed in alphabetical order shall have the following meanings:

Account. A record of utility services used by each Property and the periodic costs for those utility services.

City. The City of Medford, County of Steele, State of Minnesota.

City Utility System. Facilities used for providing public utility service owned or operated by City or agency thereof, including sewer, storm sewer and water service.

Metering System. The water meter, the radio, transmitter, and wiring installed for the purpose of measuring and charging for service.

Owner. A person who is the record Owner of a Property.

Property. A parcel of real estate within the City that receives City water or sewer utility services.

Utility Rate Schedule. A schedule of all utility rates and charges set by the Master Fee Schedule set forth in Chapter 2, Section 2.65.

Subdivision 2. Meters.

A. Use of Meters. No water service shall be allowed to any Property except through a meter provided by the City. Meters shall be located in the interior of the building whenever possible, and all locations of meters shall be subject to the approval of the City. Owners shall be required to install a water meter within fourteen (14) days of receipt of the water meter from the City.

B. Maintenance. The maintenance cost of the metering system resulting from normal usage will be borne by the City, except in cases that a meter is frozen, or damage that results from anything other than normal usage; in such cases, the consumer must pay for its repair.

Subdivision 3. Application for Services. It shall be unlawful to make a tap or connection with or to any of the watermains of the City without first completing a written application for City utility services and paying all required fees. All applications shall be completed and signed by all Owners of the Property, and shall contain the following:

1. The address of the Property.

2. A billing address and an address to which any notices shall be sent.

3. Consent of the Owner to the introduction of water upon the premises.

4. Authorization for City personnel to enter on to the Property at reasonable times for the purpose of reading and servicing the water metering system.

5. An affirmative statement of the Owner that the Owner and the Property shall conform to all of the Sections of the City relating to operation and use of the City Utility System, and all rules and regulations of the City relating to the operation and use of the City Utility System.

Subdivision 4. Costs for Connection. The Owner shall be responsible for all costs and expenses incurred in making the tap at the main, and for all the supplies and fittings and pipe necessary to carry the water from the main to the curb. Upon completion, inspection and approval of a new connection, the City shall own the main, the corporation/saddle connection to it and, the water line up to and including the curb stop. The Owner must at the time of making application for such connection pay to the clerk a fee as determined by the Master Fee Schedule set forth in Chapter 2, Section 2.65.

Subdivision 5. Financial Responsibility for Charges. Payment for all municipal utility services are the responsibility of the Owner served, whether or not the Owner is occupying the Property, and shall be billed to the Owner unless otherwise contracted for and authorized in writing by the Owner and a tenant as agent for the Owner, and consented to by the City.

Subdivision 6. Utility Rate Schedule. The Utility Rate Schedule shall be set by the Master Fee Schedule set forth in Chapter 2, Section 2.65. The Utility Rate Schedule may include but shall not be limited to the following charges:

1. Connection Charge. This charge is intended to cover the City's costs of connecting the City Utility System to a Property.

2. Construction Fee. This fee shall be a set fee for use of water by a Property during a period of construction prior to installation of a water meter.

3. Charges for Water and Sewer Usage. Regular monthly water and sewer charges shall apply upon delivery of a water meter. Water and sewer charges shall be based upon actual monthly water usage. A property owner shall have the option of installing a separate water meter for delivery of water that does not enter the property's sewer and in that event shall be charged only for water use for water passing through the additional water meter, provided, however, that the property owner shall be responsible for all fees set forth in this Subdivision for installation of the additional water meter, and in addition shall be responsible for the material cost of the water meter.

4. Water Availability Charge (WAC) and Sewer Availability Charge (SAC). Rates are set by the Master Fee Schedule set forth in Chapter 2, Section 2.65.

5. Water and Sewer Flat Rates. Rates are set by the Master Fee Schedule set forth in Chapter 2, Section 2.65 to include the debt payments due to the State of Minnesota for infrastructure improvements to both systems.

6. Cash Deposit for Verification of Meters. Whenever a consumer shall request the City to test any utility meter in use by him, such request shall be accompanied by a cash deposit as set by the City Council for each meter to be tested. If any such meter is found to be unreasonably inaccurate, the same shall be replaced with an accurate meter and the deposit thereon refunded. If the meter shall be found to be reasonably accurate in its recordings or calculations, it shall be reinstalled and the cash deposit shall be retained by the City to defray the cost of such test, and the consumer shall pay any additional cost of removal and testing by the City. The Owner or consumer shall be

held responsible for the care of the meter and will pay for all damage caused to meters by himself, his agent, or the occupants of the premises.

7. Wholesale Service. Owners purchasing large quantities of water, usually from a hydrant or bulk filling station, shall pay a fee set by the Master Fee Schedule set forth in Chapter 2, Section 2.65.

8 Reconnection Fee. This charge is intended to cover the City's costs, including administrative costs, in reconnecting the City Utility System to a Property after utility services have been terminated, discontinued or suspended.

9. Disconnection Fee. This charge is intended to cover the City's costs, including administrative costs, in disconnecting the City Utility System from a Property.

Subdivision 7. Right of Entry. The City has the right to enter in and upon private Property, including buildings and dwelling houses and easements, in or upon which is installed a municipal utility, or connection therewith, at all times reasonable under the circumstances for the purpose of inspection and/or repair of the water metering system or any part thereof.

Subdivision 8. Billing. Water and sewer charges shall be billed on one bill as applicable to each account. All charges for water and sewer shall be due upon receipt and considered delinquent after the twentieth day of the following month. Bills shall be mailed to the billing address set forth on the Owner's application for City utility services, or at such other address as the Owner provides in writing to the City.

Subdivision 9. Delinquent Accounts.

A. Late Fee. A late fee will be set by the Master Fee Schedule set forth in Chapter 2, Section 2.65 approved by the City Council of the outstanding balance owed shall be charged on all accounts with a past due balance.

B. Disconnection. Accounts in arrears for two months or more may be subject to water disconnection. Disconnection and reconnection fees may be charged as set by the Master Fee Schedule set forth in Chapter 2, Section 2.65 of the Medford City Council.

C. Lien. Each account is hereby made a lien upon the premises served. All such accounts which are more than 60 days past due may be certified by the City Clerk to the County Auditor, and the City Clerk in so certifying may specify the amount thereof, the description of the premises served, and the name of the Owner. The amount so certified will be extended by the Auditor on the tax rolls against such premises in the same manner as other taxes, collected by the County Treasurer, and paid to the City along with other taxes.

D Notice and Request for Review. Unpaid charges on sewer and water accounts shall not be certified to the County Auditor until notice and an opportunity for a hearing have been provided to the Owner of the premises upon which a delinquent account exists. Prior to certification of the outstanding balance, the City shall forward to the Owner a notice of certification. The notice shall be sent by first class mail and shall state that if payment is not made before the date for certification, the entire amount unpaid plus penalties will be certified to the County Auditor. The notice shall state the Owner may, within ten (10) days after service of the notice, demand, in writing, a hearing for the purpose of determining whether the certification is proper. In the event that the Owner makes such a demand in writing the City shall not certify the unpaid amounts until such time as a hearing has determined the matter; provided that such hearing shall be held within thirty (30) days after demand therefore by the Owner.

E. Other Remedies. Nothing herein shall be interpreted to limit the remedies available to the City. The City may initiate collection of delinquent accounts in a civil action or, in the alternative and at the option of the City, as otherwise provided for in this Section.

Subdivision 10. Grounds for Termination or Suspension of Service.

A. Any municipal utility may be terminated, discontinued, or suspended whenever:

1. The Owner or occupant of the premises served, or any person working on any connection with a municipal utility has violated any requirement of this Section; or

2. Any charge for a municipal utility service, or any other financial obligation imposed on the present or any former Owner or occupant of the premises served, is delinquent or unpaid; or

3. There is fraud or misrepresentation by the Owner or occupant in connection with any application for service or delivery charges therefore; or

4. A consumer has permitted a person to subconnect another building or property to the consumer's utility service without prior written approval from the City; or

5. An Owner or consumer interfered with any measurement or water metering system intended to measure water usage or fails to report water usage as set forth in this Section.

B. Notice and Request for Review. Prior to the termination or suspension of any utility, the City shall forward to the Owner a notice of termination, which notice shall state the name and address of the Owner, the address of the Property, the cause for the termination or suspension, and that utility service to the Owner will be terminated or suspended in ten (10) days unless the Owner shall remedy the cause for the termination or suspension. The notice shall state the Owner may, within ten (10) days after service of termination notice, demand, in writing, a hearing for the purpose of determining whether the termination or suspension is proper. In the event that the Owner makes such a demand in writing the City shall not terminate or suspend utility service until such time as a hearing has determined the matter; provided that such hearing shall be held within thirty (30) days after demand therefore by the Owner.

Subdivision 11. Compliance with State Requirements. All work must conform to the Minnesota State Plumbing Code and Minnesota Department of Health requirements.

Subdivision 12. Liability. The City is not liable for deficiency or failure of water supply to consumers from any cause whatsoever.

Subdivision 13. Interference with System.

A. It is unlawful to deface, injure or in any manner interfere with the tank, stand pipe or tower, the pumping plant, engines, motors or any part thereof, belonging to the City or to open City fire hydrants or in any manner interfere with them.

B. Where any maintenance work is to be done on private property regarding the water/sewer services which could affect the City services, the Property Owner shall contact the City for approval prior to commencing work.

Subdivision 14. Unlawful Acts.

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

B. It is unlawful for any person to make any connection with any municipal utility without first having applied for and received permission from the City to make the same.

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

D. It is unlawful for any person to "jumper" or by the means or device fully or partially circumvent a municipal meter, or to knowingly use or consume unmetered utilities or use the services of any utility system, the use of which the proper billing authorities have no knowledge, without prior written approval by the City.

E. A violation of this section shall constitute a misdemeanor. Nothing in this Section shall prohibit the City from pursuing other legal remedies, including injunctive relief, for any violation of this Section.

Subdivision 15. Services to Multiple Users on a Property. Except for mobile home courts and group housing projects owned and operated by an individual, corporation, or cooperative, no more than one house or building shall be supplied from one utility service connection or lead from any municipal utility. In the case of multiple dwellings or commercial units where the Owner desires more than one meter installed on a service, written request shall be made to the City for an inspection and approval of such multiple metering. All mobile home courts shall utilize one service line for each utility and be provided with approved metering, which shall be located at the point of connection with the City main. Group housing projects may be allowed to utilize one service line for each utility, provided that said group housing project shall be owned by a single individual, corporation and/or cooperative, and that said individual corporation and/or cooperative shall be required to sign an agreement specifying that independent utility service connections will be installed for any building or group of buildings which shall subsequently be sold or Ownership separated from the aforementioned project, which agreement shall be a recorded title restriction. The Owner of any Property shall be liable for all utility charges regardless of the number or kinds of users.

Subdivision 16. Abandoned Service. In case a utility service is abandoned, service will be cut off at the curb shutoff box and sewer services capped. The charges for utilities shall cease provided all utility rents, penalties and other charges under this chapter are paid. Water service shall not be restored until a reconnection fee is paid.

Passed and adopted this 4th day of March, 2021, with the following vote: Aye 5 ; Naye 0 ; Absent 0.

Section 3.03 shall become effective from and after its passage and publication.

SECTION 3.04 WATER EMERGENCY

Subdivision 1. Water Emergency: To protect the health and safety of the consumers, as well as the general welfare, the City may impose emergency regulations pertaining to water use.

A. During an emergency, restrictions for the use of city water may include, but are not limited to, the total prohibition of watering, sprinkling, or irrigation of lawn, grass, turf or plantings.
B. Restrictions imposed during an emergency shall continue in effect until the end of the emergency and/or removed by the City.
C. Notification of restrictions to city water use may be given by publication or by posting in the city hall and at such public places as the council may direct.

Subdivision 2. Annual Water Use Restrictions: To conserve water resources and allow the City's water system flexibility in meeting peak demands, certain limitations must be placed on the City's water supply.

A. An odd-even sprinkling restriction based on street addresses is in effect from May 1 to September 30 each year for all non-government facilities. Residents with odd numbered addresses may water on odd numbered calendar days; residents with even numbered addresses may water on even numbered calendar days.
B. Homeowners' associations and apartment complexes that provide a common irrigation system may water only every other day.
C. City water cannot be used for the purposes of irrigating or watering lawn, sod or seeded areas between eleven o'clock (11:00) A.M. and five o'clock (5:00) P.M. daily.

Subdivision 3. Exceptions: The water use restrictions in Subdivision 2 of this chapter do not apply in the following situations:

A. Limited hand watering of gardens and plants using a hose.
B. Watering of areas with new sod or seed within thirty (30) days of installation.
C. Watering from a source other than the City's water supply if the alternative water source is properly permitted by the State of Minnesota.

Subdivision 4. Penalties:

A. Failure to comply with restrictions or prohibitions imposed under this section 3.04 shall result in a surcharge for water service for each violation in an amount determined by the Master Fee Schedule set forth in Chapter 2, Section 2.65 of the City Council, which will be added to the water bill for the property on which such violation occurs.

B. Violators will be notified prior to the imposition of a surcharge. An initial notice of violation will be given to the violator. Subsequent violations in the same calendar year will result in the imposition of a surcharge. Notices of surcharge for violations occurring after receipt of the initial notice shall be mailed to the property owner. The City shall presume receipt of the notice of surcharge three (3) days after mailing.

Passed and adopted this 22nd day of December, 2014.

Section 3.04 shall become effective from and after its passage and publication.

(Sections 3.05 through 3.09, inclusive, reserved for future expansion).

Section 3.10. Regulation of Discharges of Animal and Vegetable Fats, Oils, and Grease, Food Waste, Soil, Sand, and Lint.

Subdivision 1. Purpose. The purpose of this ordinance is to control discharges into the public sewerage collection system and wastewater treatment system that interfere with the operations of those systems, cause blockage and plugging of pipelines, interfere with normal operation of pumps and their controls, and contribute waste of a strength or form that either causes treatment difficulties or is beyond the treatment capability of the wastewater treatment plant.

Subdivision 2. Definitions. The following terms as used in this section shall have the meanings as set forth herein.

A. "Food Service Facilities" means those establishments primarily engaged in activities of preparing, serving, or otherwise making available for consumption foodstuffs and that use one or more of the following preparation activities: cooking by frying (all methods), baking (all methods), grilling, sautéing, rotisserie cooking, broiling (all methods), boiling, blanching, roasting, toasting, or poaching. Also included are infared heating, searing, barbecuing, and any other food preparation activity that produces a hot, non-drinkable food product in or on a receptacle that requires washing. These facilities include restaurants, cafeterias, hotels, motels, hospitals, nursing homes, schools, grocery stores, prisons, jails, churches, camps, caterers, manufacturing plants, or any other sewer users as determined by the City's Wastewater Collection System Superintendent (PUBLIC WORKS DIRECTOR) who discharge applicable waste.

B. "Grease" means material composed primarily of fats, oil, and grease (FOG) from animal or vegetable sources. The terms fats, oil, and, grease shall be deemed as Grease by definition. Grease does not include petroleum based products.

C. "Grease Trap" means a device for separating and retaining waterborne greases and grease complexes prior to the wastewater exiting the trap and entering the sanitary sewer collection and treatment system. These devices also serve to collect settlable solids, generated by and from food preparation activities, prior to the water exiting the trap and entering the sanitary sewer collection and treatment system.

D. "Oil/Water Separator" means an approved and industry standard system that is specifically designed and manufactured to separate oil from water. The system shall allow the oil to be collected and removed on a regular basis as to prevent it from being discharged into the wastewater collection system. Only oil/water separators manufactured for that specific operation will be approved. Adequate support literature from the manufacturer will be required so as to allow a proper review by the City Engineer.

E. "User" means any person or establishment, including those located outside the jurisdictional limits of the City, who contributes, causes, or permits the contribution or discharge of wastewater into the City's wastewater collection or treatment system, including persons who contribute such wastewater from mobile sources, such as those who discharge hauled wastewater.

Subdivision 3. Control Plan for FOG and Food Waste.

A. New Construction. The owner of any new construction, renovation, or expansion of Food Service Facilities shall be required to submit to the City a FOG and food waste control plan that will effectively control the discharge of undesirable materials into the wastewater collection system. No building permit shall be issued without submittal and approval of the control plan.

B. Existing Construction. The owner of any existing Food Service Facilities shall also be required to submit a FOG and food waste control plan that will effectively control the discharge of undesirable materials into the wastewater collection system. Existing facilities shall not be exempt from the requirements of this ordinance. There will be no "Grandfathering". The control plan shall be submitted within six (6) months of enactment of this Section.

Subdivision 4. General Criteria.

A. Installation Requirements. All existing, proposed, or newly remodeled Food service facilities inside the City Of Medford wastewater service area shall be required to install, at the user's expense an approved, properly operated and maintained grease trap.

B. Sanitary Sewer Flows. Sanitary sewer flows from toilets, urinals, lavatories, etc. shall not be discharged into the grease trap. These flows shall be conveyed separately to the sanitary sewer service lateral.

C. Floor Drains. Only floor drains which discharge or have the potential to discharge grease shall be connected to a grease trap.

D. Garbage Grinders/Disposers. It is recommended that solid food waste products be disposed of through normal solid waste/garbage disposal means. If a grinder/disposal is used it must be connected to the grease trap. The use of grinders is discouraged since it decreases the operational capacity of the grease trap and will require an increased pumping frequency to ensure continuous and effective operation.

E. Dishwashers. Commercial dishwashers must be connected to the grease trap. Dishwashers discharge soap and hot water which can melt grease and allow it to pass through an undersized grease trap. Traps must be sized accordingly to allow enough detention time to allow water to cool and grease to solidify and float to the top of the trap.

F. Location. Grease traps shall be installed outside the building upstream from the sanitary sewer service lateral connection with a minimum of 100 feet from the closest drain. This will allow easy access for inspection, cleaning, and removal of the intercepted grease at any time. A grease trap may not be installed inside any part of a building without written approval by the City.

G. Pass Through Limits. No User shall allow wastewater discharge concentration from grease trap to exceed 100 Mg/L (milligrams per liter) as identified by EPA method 413.

Subdivision 5: Design Criteria.

A. Construction. Grease traps shall be constructed in accordance with manufacturer's recommendations and shall have a minimum of two compartments with fittings designed for grease retention. All grease removal devices or technologies shall be subject to the written approval of the City Engineer. Such approval shall be based on demonstrated removal efficiencies of the proposed technology.

B. Access. Access to grease traps shall be available for inspection by the City at all times, to allow for their maintenance and inspection. Access to trap shall be provided by two manholes (one on each compartment) terminating at finished grade with cast iron frame and cover.

C. Load-Bearing Capacity. In areas where additional weight loads may exist, the grease trap shall be designed to have adequate load- bearing capacity. (Example: vehicular traffic in driving or parking areas)

D. Inlet and Outlet Piping. Wastewater discharging to a grease trap shall enter only through the inlet pipe of the trap. Each grease trap shall have only one inlet and one outlet pipe.

E. Grease Trap Sizing. The required size of the grease trap shall be calculated using EPA-2 model. All grease traps shall have a capacity of not less than 1,000 gal. nor exceed a capacity of 3,000 gal. If the calculated capacity exceeds 3,000 gal., multiple units plumbed in series shall be installed.

Subdivision 6: Grease Trap Maintenance.

A. Cleaning/Pumping. The user at the user's expense shall maintain all grease traps to assure proper operation and efficiency and maintain compliance with the City's Pass Through Limits. Maintenance of grease trap shall include the complete removal of all contents, including floating materials, wastewater, and bottom sludge and solids. This work shall be performed by a qualified and licensed hauler. Decanting or discharging of removed waste back into the trap from which it was removed or any other grease trap, for the purpose of reducing the volume to be disposed, is prohibited. This service shall also include a thorough inspection of the trap and its components. Any needed repairs shall be noted. Repairs shall be made at user's expense.

B. Cleaning/Pumping Frequency. The grease trap must be pumped out completely a minimum of once every four months, or more frequently, as determined by the PUBLIC WORKS DIRECTOR, as needed to prevent carry over of grease into the sanitary sewer system.

C. Disposal. All waste removed from each grease trap must be disposed of at a facility approved to receive such waste in accordance with the provisions of this program. At no time shall the pumpage be returned to any private or public portion of the City's sanitary sewer collection system.

All pumpage from grease traps must be tracked by a manifest, which confirms pumping, hauling, and disposal of waste. The User shall obtain and retain a copy of the original manifest from the hauler.

D. Maintenance Log. A grease trap cleaning/maintenance log indicating each pumping for the previous 24 months shall be maintained by each Food Service Facility. This log shall include the date, time, amount pumped, hauler, and disposal site and shall be kept in a conspicuous location for inspection. Said log shall be made available to the PUBLIC WORKS DIRECTOR or their representative upon request.

F. Submittal of Records. Each user shall submit all cleaning and maintenance records to the PUBLIC WORKS DIRECTOR upon request. The maintenance records shall include the following information:

1. Facility name, address, contact person, and phone number.
2. Company name, address, phone number, and contact name of person responsible for performing the maintenance, cleaning, pumping, or repair of grease trap.
3. Types of maintenance performed.
4. Dates maintenance was performed.
5. Date of next scheduled maintenance.
6. Copies of manifests.

The user shall be required to submit maintenance records to the PUBLIC WORKS DIRECTOR on a biannual basis (twice per year). Records shall be submitted by March 1st and September 1st of each year. The records shall be submitted to:

City of Medford
408 2nd Ave SE
Medford, MN 55049

The CITY OF MEDFORD may perform periodic inspections of these facilities and shall notify the user of any additional required maintenance or repairs. Upon written notification by the CITY OF MEDFORD, the user shall be required to perform the maintenance and present records of said maintenance within 14 calendar days. Upon inspection by the CITY OF MEDFORD the user may be required to install, at his expense, additional controls to provide a complete system which prevents discharges of undesirable materials into the wastewater collection system.

Subdivision 7. Additives. Any biological additive(s) placed into the grease trap or building discharge line including but not limited to, enzymes, commercially available bacteria, or other additives designed to absorb, purge, consume, treat, or otherwise eliminate fats, oils, and grease shall require written approval by the PUBLIC WORKS DIRECTOR prior to use. The use of such additives shall in no way be considered as a substitution to the maintenance procedures required herein.

Subdivision 8: Chemical Treatment. Chemical treatments such as drain cleaners, acid, or other chemical solvents designed to dissolve or remove grease shall not be allowed to enter the grease trap.

Subdivision 9. Sand, Soil, and Oil Interceptors. All car washes, truck washes, garages, service stations, car and truck maintenance facilities, fabricators, utility equipment shops, and other facilities (as determined by the PUBLIC WORKS DIRECTOR) that have sources of sand, soil, and oil shall install effective sand, soil and oil traps, interceptors, and/or oil/water separators. These systems shall be sized to effectively remove sand, soil, and oil at the expected flow rates. These systems shall be, at the user's expense, cleaned or pumped on a regular basis to prevent impact upon the wastewater collection and

treatment systems. Users whose systems are deemed to be ineffective by the PUBLIC WORKS DIRECTOR shall be asked to change the cleaning frequency or to increase the size of the system. Owners or operators of washing facilities will be required to prevent the inflow of detergents and rainwater into the wastewater collection system. Oil/water separator installations shall be required at facilities that accumulate petroleum oils and greases and at facilities deemed necessary by the PUBLIC WORKS DIRECTOR.

Subdivision 10: Laundries. Commercial laundries shall be equipped with an interceptor with a wire basket or similar device, removable for cleaning, that prevents passage (into the wastewater collection system) of solids ½" or larger in size such as rags, strings, buttons, or other solids detrimental to the system.

Subdivision 11. Control Equipment. The equipment or facilities installed to control FOG, food waste, sand, soil, oil, and lint must be designed in accordance with Minnesota Department of Health, most current engineering standards, or other applicable guidelines approved by the PUBLIC WORKS DIRECTOR and/or CITY ENGINEER. Underground equipment shall be tightly sealed to prevent inflow of rainwater and shall be easily accessible to allow regular maintenance and inspection. Control equipment shall be maintained by the owner and/or operator of the facility so as to prevent a stoppage of the wastewater collection system, and the accumulation of FOG, food waste, sand, soil, and lint in the collection lines pump stations, and wastewater treatment plant. If the City of Medford is required to clean out the wastewater collection lines, as a result of a stoppage resulting from poorly maintained control equipment (or lack thereof) the owner or operator shall be required to refund the labor, equipment, materials, and any overhead costs to the City including any fines incurred due to any sanitary sewer overflow due directly to the stoppage. The City retains the right to inspect and approve any and all installations of control equipment.

Subdivision 12. Alteration of Control Methods. The City of Medford, through the PUBLIC WORKS DIRECTOR, reserves the right to request additional control measures if existing control equipment is insufficient to protect the wastewater collection system and wastewater treatment plant from interference due to the discharge of FOG, sand, soil, lint, or any other undesirable materials.

Subdivision 13. Enforcement and Penalties. Any person who violates this ordinance, in part or whole, shall be guilty of a civil violation punishable under and according to the general penalty provision of the Medford City Code. Each day's violation of this ordinance shall be considered a separate offense.

Subdivision 14. Severability. Each subdivision, subsection, paragraph, sentence, and clause of this ordinance is declared to be separable and severable."

Effective Date. This Ordinance shall be in full force and effect from and after its passage and publication.

Passed and adopted this 27th day of June, 2011, with the following vote: Aye 4 ; No 0; Absent 0.

SECTION 3.15. PRIVATE WATER AND SEWER SYSTEMS

Subdivision 1. Private Water Systems.

A. Current Private Well Systems. Where a parcel presently located within the city limits is serviced by a private water system, said parcel may continue to utilize the private well system until City water services are available and the well pump requires repair or replacement. No property owner shall repair or replace an existing well pump if City water services are available.

B. Annexed Properties with Private Well Systems. Where a parcel is annexed into the City and is serviced by a private well system but no development of the parcel is planned, said parcel may continue to utilize the private well system until City water services are available and the well pump requires repair or replacement. No property owner shall repair or replace an existing well pump if City water services are available.

C. Development Property. Where a parcel, either presently located within the City or to be annexed into the City, is to be developed, no private well system shall be allowed on said parcel. As part of said development, water mains shall be extended to the parcel and the property owner shall be responsible for all costs attributed to extending the water mains to the parcel. Hook-up fees must be paid by the benefitting property owner at the time of connection.

D. Decommissioning of Private Water System. Upon connection of the parcel to the City water system, the property owner shall be responsible for decommissioning the private water system, including capping all wells on the parcel. Said decommissioning shall be completed within ninety (90) days of written notice that the City water system is available to the parcel.

E. "Available" Defined. For purposes of this subdivision, City water services are available if a water stop (curb box, gate valve, etc.) is located within 200 feet of the structure requiring the water service.

F. "Private Water System" Defined. For purposes of this subdivision, "Private Water System" means any system providing water that is not owned and maintained by the City.

Subdivision 2. Private Sewer Systems.

A. Current Private Sewer Systems. Where a parcel presently located within the city limits is serviced by a private sewer system, said parcel may continue to utilize the private sewer system until City sewer services are available and the private sewer system no longer complies with city, state or federal environmental regulations or building codes. No property owner shall repair or replace an existing private sewer system if City sewer services are available.

B. Annexed Properties with Private Sewer Systems. Where a parcel is annexed into the City and is serviced by a private sewer system but no development of the parcel is planned, said parcel may continue to utilize the private sewer system until City sewer services are available and the private sewer system no longer complies with city, state or federal environmental regulations or building codes. No property owner shall repair or replace an existing private sewer system if City sewer services are available.

C. Development Property. Where a parcel, either presently located within the City or to be annexed into the City, is to be developed, no private sewer system shall be allowed on said parcel. As part of said development, sewer mains shall be extended to the parcel and the property owner shall be responsible for all costs attributed to extending the sewer mains to the parcel. Hook-up fees must be paid by the benefitting property owner at the time of connection.

D. Decommissioning of Private Sewer System. Upon connection of the parcel to the City sewer system, the property owner shall be responsible for decommissioning the private sewer system as required by Steele County. Said decommissioning shall be completed within ninety (90) days of written notice that the City sewer system is available to the parcel.

E. "Available" Defined. For purposes of this subdivision, City sewer services are available if a City sewer main is located within 250 feet of the structure requiring the service service.

F. "Private Sewer System" Defined. For purposes of this subdivision, "Private Sewer System" means any system intended to carry wastes from a residential, commercial, or industrial building that is not owned and maintained by the City."

Effective Date
This ordinance shall take effect upon its passage and publication.

Adopted the City Council of the City of Medford, Minnesota this 23rd day of November, 2015.

(Sections 3.16 through 3.98, inclusive, reserved for future expansion).

SECTION 3.99. VIOLATION A MISDEMEANOR. Every person who violates a section, subdivision, paragraph or provision of this Chapter when he performs an act thereby prohibited or declared unlawful, or fails to act when such failure is thereby prohibited or declared unlawful, and upon conviction thereof, shall be punished as for a misdemeanor except as otherwise stated in specific provisions hereof.

Chapter 4

LAND USE REGULATION (ZONING)

AN AMENDMENT TO THE LAND USE SECTIONS OF THE MEDFORD CITY CODE

The Medford City Council hereby ordains that Sections 4.01 through 4.14 of the Medford City Code, inclusive, and Sections 4.81 and 4.82, shall be and hereby are deleted in their entirety and the following is substituted in its stead:

SECTION 4.01. INTENT AND PURPOSE. Sections 4.01 through 4.33 of the Medford City Code shall be referred to as the ALand Use Ordinance. This Land Use Ordinance is adopted for the purpose of: (1) implementing the goals and policies of the Medford Comprehensive Plan by regulating land uses; (2) protecting the public health, safety, comfort, convenience and general welfare; (3) promoting orderly development of the residential, commercial, industrial, recreational and public areas; (4) conserving the natural resources of the City; (5) providing for the compatibility of different land uses and the most appropriate use of land throughout the City; (6) minimizing environmental pollution; (7) conserving energy such as through the encouragement of solar and earth-sheltered structures for commercial, industrial, and residential areas; and, (8) protecting the natural resources in the City.

SECTION 4.02. JURISDICTION. This Land Use Ordinance shall be applicable to all lands, structures and waters within the corporate limits of Medford, Minnesota.

SECTION 4.03. SCOPE. Any structure lawfully existing on the effective date of this Land Use Ordinance which does not conform to the provisions of this Land Use Ordinance, and any use of real property existing on the effective date of this Land Use Ordinance that does not conform to the zoning designations for permitted and conditional uses as set forth in Section 4.32, may be continued subject to the following conditions:

Subd. 1. No non-conforming portion of a structure or use shall be expanded, changed or enlarged except in conformity with the provisions of this Land Use Ordinance. A non-conforming portion of a structure or use may be continued at the size and in the manner of operation existing upon such date. A conforming portion of a structure may be expanded provided that the expansion is in conformity with the provisions of this Land Use Ordinance.

Subd. 2. If a non-conforming use is discontinued for a period of twelve months, further use of the structures or property shall conform to this Land Use Ordinance. The County Assessor and/or Zoning inspector shall notify the City Clerk or Planning and Zoning Committee in writing of all instances of non-conforming uses that have been discontinued for a period of twelve consecutive months.

Subd. 3. If a non-conforming structure is destroyed by any cause, to an extent exceeding fifty percent (50%) of its fair market value as indicated by the records of the County Assessor, a future structure on the site shall conform to this Land Use Ordinance.

Subd. 4. All non-conforming junk yards, open storage areas, and similar non-conforming uses of open land not involving a substantial investment in permanent buildings shall be removed, altered or otherwise made to conform within six (6) months of the effective date of this Land Use Ordinance.

Subd. 5. Normal maintenance of a building or other structure containing or related to a non-conforming use is permitted, including necessary non-structural repairs and incidental alterations that do not extend the present or another non-conforming use.

Subd. 6. Nothing within this Land Use Ordinance shall prevent the placing of a structure in safe condition when said structure is declared unsafe by the Building Inspector providing the necessary repairs shall not constitute more than fifty (50%) percent of fair market value of such structure. Said value shall be determined by the County Assessor.

Subd. 7. When a non-conforming use of any structure or land in any district has been changed to a conforming use, it shall not thereafter be changed to any non-conforming use.

Subd. 8. A non-conforming use of a structure or parcel of land may be changed to lessen the non-conformity of use. Once a non-conforming structure or parcel of land has been so changed, it shall not thereafter be so altered to increase the non-conformity.

Subd. 9. A property owner asserting the application of this Section with respect to the property owner's property shall bear the burden of establishing that the non-conformity at issue was in existence prior to the effective date of this Land Use Ordinance.

SECTION 4.04. INTERPRETATION AND APPLICATION.

Subd. 1. In their interpretation and application, the provisions of this Land Use Ordinance shall be held to the minimum requirements for the promotion of the public health, safety, and welfare.

Subd. 2. No part of the yard or open space required for a given building shall be included as a part of the yard or other space required for another building, and no lot shall be used for more than one principal structure.

Subd. 3. Each new occupied building shall be required to connect to the City sewage disposal system. For existing lots of record where City sewage service is not available the private sewage disposal system shall meet the standards as required by Steele County and the State of Minnesota.

Subd. 4. Chimneys, cooling towers, elevator bulkheads, fire towers, monuments, stacks, scenery lofts, tanks, water towers, ornamental towers, spires, wireless or broadcasting towers, masts or aerials, and necessary mechanical appurtenances are hereby exempted from the height regulations of this Land Use Ordinance and may be erected in accordance with other regulations or City Code provisions.

Subd. 5. Except as in this Land Use Ordinance specifically provided, no structure shall be erected, converted, enlarged, reconstructed, or altered; and no structure or land shall be used for any purpose or in any manner which is not in conformity with this Land Use Ordinance. This Land Use Ordinance applies in its entirety to accessory structures in addition to any other structures within the City.

Subd. 6. When a zoning permit is sought that implicates a set back requirement for a property, the property owner shall be responsible for locating the property marker pins or providing a survey that establishes the boundaries of the property to the City's satisfaction, unless the property owner can show to a substantial certainty that the property will meets setback requirements.

SECTION 4.05. ZONING DISTRICTS AND DISTRICT PROVISIONS.

Subd. 1. Zoning Districts. The zoning districts are so designed as to assist in carrying out the intents and purposes of the Comprehensive Plan which has the purpose of protecting the public health, safety, convenience and general welfare. For the purposes of this Land Use Ordinance, the City is hereby divided into the following Zoning Districts which are hereby established:

Symbol	*Name*
R-1	Residential District
R-2	Multi-Family Residential District
C-1	Neighborhood Commercial District
C-2	Community Commercial District
C-3	Regional Commercial District

I-1	Light Industrial District
I-2	Heavy Industrial District

Subd. 2. Zoning Map.

A. The location and boundaries of the districts established by this Land Use Ordinance are set forth on the official Zoning Map which is hereby incorporated as part of this Land Use Ordinance and which is on file at Medford City Hall.

B. District boundary lines recorded on the Zoning Map are intended to follow lot lines, the centerline of streets or alleys, the centerline of streets or alleys projected, railroad rights-of-way lines, the center of watercourses or the corporate limit lines as they exist on the effective date of this Land Use Ordinance.

C. No annexation petition shall be considered unless and until a hearing has also been petitioned for placing the annexed territory in a zoning district or districts. No building permits shall be issued in annexed territory until such hearing has been held and the territory assigned a zoning district or districts.

D. Amendments to the Zoning Map shall be recorded on the official Zoning Map by the City Clerk within fifteen (15) days after the adoption of the amendment by the Council. The Official Zoning Map shall be maintained by the City Clerk and shall be kept on file at Medford City Hall for view by the public during normal office hours.

E. In those cases where there is a question of the exact location of a zoning district, the City Council shall make the necessary interpretation.

SECTION 4.06. EXISTING LOTS. A lot or parcel of land in a residential district which was of record as a separate lot or parcel in the office of the County Recorder or Registrar of Titles, on or before the effective date of this Land Use Ordinance may be used for single family detached dwelling purposes provided the area and width thereof are within sixty percent (60%) of the minimum requirements of this Land Use Ordinance and provided that the lot or parcel, and any structures built thereon, meets the requirements of all other Land Use Ordinances and rules of the City.

SECTION 4.07. ZONING AND COMPREHENSIVE PLAN. Any change in zoning granted by the Council shall automatically amend the Comprehensive Plan in accordance with said zoning change, provided that a hearing was held by the Planning and Zoning Committee within ten (10) days of the publication of the notice, prior to the amendment. Only amendments which are contrary to the present Comprehensive Plan would be considered an amendment.

(Sections 4.08 and 4.09 reserved for future expansion.)

SECTION 4.10. RULES AND DEFINITIONS.

Subd. 1. Rules. The language set forth in the text of this Land Use Ordinance shall be interpreted in accordance with the following rules of construction:

A. All measured distances expressed in feet shall be to the nearest tenth of a foot.

B. In the event of conflicting provisions, the more restrictive provisions shall apply.

Subd. 2. Definitions. The following terms, as used in this Land Use Ordinance, shall have the meanings stated:

1. **“Accessory Use"** - Any use which is located on the same lot as the principal use and which serves the principal use. Examples of an Accessory Use include a detached deck, a playset, a trampoline, a swimming pool, a woodpile, and a detached garage.

2. **“Accessory Building”** - An Accessory Use having a roof supported by walls or columns which is subordinate to, and located on the same lot as the principal use. A building shall be considered an integral part of the principal building if connected to the principal building by a covered passageway. An Accessory Building includes a shed and detached garage.

3. **“Adult Care Facility”** - A building having accommodations where care is provided for two (2) or more invalids, infirmed, aged or mentally or physically disabled persons that are not of the immediate family, but not including hospitals, clinics, sanitariums or similar institutions.

4. **"Agricultural Use"** - The use of land for the growing and/or production of field crop for the production of income, including but not limited to the following: barley, soy beans, corn, hay, oats, potatoes, rye, sorghum and sunflowers. AAgricultural use@ shall not include the raising of livestock.

5. **"Airport"** - A parcel of land recognized and licensed by the Minnesota Department of Transportation and the Federal Aviation Administration for the purpose of maintaining, housing, landing and departure of private and commercial aircraft. Such airport may be privately or publicly owned and/or operated.

6. **"Alley"** - A street or thoroughfare affording secondary access to abutting property.

7. **"Agricultural Building or Structure"** - Any building or structure existing or erected which is used principally for agricultural purposes, with the exception of dwelling units.

8. **"Apartment"** - A room or suite of rooms with cooking facilities located within which is occupied as a residence by a single family, or a group of individuals living together as a single family unit. This includes any unit in buildings with more than two dwelling units.

9. **“Automobile Service Station” -** A business that services automobiles, including providing gasoline or general repair services.

10. **"Basement/Cellar/Lower Level"** - A portion of a building located at least 40 inches below ground. The basement shall not be counted as a story for purposes of height limitations.

11. **"Bed and Breakfast"** - An owner-occupied building of residential design wherein lodging is provided to tourists and wherein breakfast may also be provided to said tourists. For purposes of this definition, the term "tourist" shall mean persons renting such accommodations for a total period of time not to exceed fourteen (14) days during any consecutive ninety (90) day period.

12. **"Building"** - Any structure having a roof which may provide shelter or enclosure of persons, animals, chattel, or property of any kind.

13. **"Building Line"** - A line parallel to the street right-of-way line at any story level of a building and representing the minimum distance which all or any part of the building is set back from said right-of-way line.

14. **"Building Height"** - The vertical distance to be measured from the average grade of a building line to the top, to the cornice of a flat roof, to the deck line of a mansard roof, to a point on the roof directly above the highest wall of a shed roof, to the uppermost point on round or other arch type roof, to the mean distance of the highest gable on a pitched or hip roof.

15. **"Building Setback"** - The minimum horizontal distance between the building at its farthest protrusion and a lot line, or the normal high water mark of a stream or river.

16. **"Business"** - Any occupation, employment or enterprise wherein merchandise is exhibited or sold, or where services are offered for compensation.

17. **"Child"** - A child, for the purpose of this Land Use Ordinance, shall mean a person fourteen (14) years of age or younger.

18. **"Child Care Facility"** - A place other than the child's or children's own home or homes in which care, supervision and guidance of a child or children unaccompanied by parents, guardian or custodian is provided on a regular basis for a period of less than twenty-four (24) hours a day, whether operated for profit or non-profit.

19. **"Church"** - A building, where persons regularly assemble for religious worship and which building, together with its accessory buildings and uses, is maintained and controlled by a religious body organized to sustain public worship.

20. **"Clear-Cutting"** - The entire removal of a stand of vegetation.

21. **"Comprehensive Plan"** - A compilation of goals, policy statements, standards, programs and maps for guiding the physical, social and economic development of the City and its environs and includes any unit or part of such plan separately adopted and any amendment to such plan or parts thereof.

22. **"Commissioner"** - The Commissioner of the Department of Natural Resources.

23. **"Conditional Use"** - A use classified as conditional generally may be appropriate or desirable in a specified zone, but requires special approval because if not carefully located or designed it may create special problems such as excessive height or bulk or traffic congestion.

24. **"Condominium"** - A form of individual ownership within a multi-family building with joint responsibility for maintenance and repairs of the common property. In a condominium, each apartment or townhouse is owned outright by its occupant and each occupant also owns a share of the land and other common property.

25. **"Curb Level"** - The grade elevation established by the Council of the curb in front of the center of the building. Where no curb level has been established, the City shall determine a curb level or its equivalent for the purpose of this Land Use Ordinance.

26. **"Development"** - Any man-made change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operation.

27. **"Drive-In"** - Any use where products and/or services are provided to the customer under conditions where the customer does not have to leave the car or where service to the automobile occupants is offered regardless of whether service is also provided within a building.

28. **"Duplex"** – A structure containing two single family dwelling units contiguous to each other only by the sharing of one (1) common wall, and located on a single lot.

29. **"Dwelling, Attached"** - One which is joint to another dwelling or building at one or more sides by a party wall or walls.

30. **"Dwelling, Detached"** - One which is entirely surrounded by open space on the same lot with no common party walls.

31. **"Dwelling Unit"** - A residential building or portion thereof intended for occupancy by a single family, which contains living facilities including provisions for sleeping, eating, cooking, and sanitation, but not including hotels, motels, boarding or rooming houses or tourist homes.

32. **"Dwelling, Single Family Attached –** A building containing one dwelling unit attached to another building containing only one dwelling unit, each of which is located on a separate lot.

33. **"Earth Sheltered Building"** - A building constructed so that fifty percent (50%) or more of the completed structure is covered with earth. Earth covering is measured from the lowest level of livable space in residential units and of usable space in non-residential buildings. An earth sheltered building is a complete structure that does not serve just as a foundation or substructure for aboveground construction. A partially completed building shall not be considered earth sheltered.

34. **"Easement"** - A grant by a property owner for the use of a strip of land for the purpose of constructing and maintaining walkways, roadways, utilities, including but not limited to sanitary sewers, water mains, electric lines, telephone lines, storm sewer or storm drainage ways, gas lines or any other public uses.

35. **"Essential Services"** - overhead or underground electrical, gas, steam or water transmission or distribution systems and structure or collection, communication, supply or disposal systems and structures used by public utilities or governmental departments or commissions or as are required for the protection of the public health, safety or general welfare, including towers, poles, wires, mains, drains, sewers, pipes, conduits, cables, fire alarm boxes, police call boxes and accessories in connection therewith but not including buildings.

36. **"Exterior Storage (includes open storage)"** - The storage of goods, materials, equipment, manufactured products and similar items not fully enclosed by a building.

37. **"Family"** - One or more persons related by blood, marriage or adoption. Five or fewer persons not related by blood, marriage or adoption will be considered a family regardless of the ownership of the unit amongst the five or fewer persons.

38. **"Farm"** - A tract of land which is principally used for agricultural activities such as the production of cash crops, livestock or poultry farming. Such farms may include agricultural dwelling and accessory buildings and structures necessary to the operation of the farm.

39. **"Fence"** - Any partition, structure, wall or gate erected as a divider marker, barrier or enclosure and located along the boundary, or within the required yard. For purposes of this Land Use Ordinance, A fence shall include retaining walls and a retaining wall shall be subject to all requirements for a fence. For purposes of determining the height of a fence, barbed wire or other protrusions shall be included in the measurement.

40. **"Floor Area"** - The sum of the gross horizontal area of the several floors of the building or portion thereof devoted to a particular use, including accessory storage areas located within a building or structure.

41. **"Frontage"** - That boundary of a lot which abuts an existing or dedicated public street.

42. **"Garage"**- A building which is intended for and used to store the private passenger vehicles of the family or families resident upon the premises.

43. **"Garage, Public"** - Any building or premises, except those used as a private or storage garage, used for equipping, repairing, hiring, selling or storing motor driven vehicles.

44. **"Garage, Storage"** - Any building or premises used for housing motor driven vehicles and at which automobile fuels are not sold or motor vehicles are not equipped, repaired, hired, or sold.

45. **"Grade"** - The average of the finished level at the center of the exterior walls of the building. For an earth sheltered building grade means the average of the finished level at the center of the lot. For a building with earth berms but less than 50 percent (50%) earth covering grade means the average of the finished level at the center of the building at the beginning of the earth berm.

46. **"Home Occupation" -** Any gainful occupation or profession engaged in by the occupant of a dwelling at or from the dwelling when carried on within a dwelling unit which principally involves the sale of services as opposed to the sale of goods. Such uses include professional offices, minor repair services, photo or art studios, dressmaking, barber shops, beauty shops, child care providers, or similar uses. No sale of food shall be allowed as part of a home occupation.

47. **"Horticulture"** - Horticulture uses and structures designed for the storage of products and machinery pertaining and necessary thereto.

48. **"Hotel" -** A building of commercial design which provides a common entrance, lobby, halls and stairway and in which people can be, for compensation, temporarily lodged with or without meals.

49. **"Interim Use" –** An interim use includes any use for which a conditional use may be granted under this Code but contains additional conditions either as to use or expiration of the permit. Expiration of an interim use may be based upon a date certain as stated in the permit, violation of the conditions of the permit, a change in the city's zoning regulations which render the use noncomforming, or the redevelopment of the use to a permitted or conditional use. Possible conditions of the permit may include (but are not limited to) parking requirements, lighting requirements, hours of operation, aesthetic considerations, and signage requirements."

50. **"Junk Yards" -** An open area where waste, used, or secondhand materials are bought, sold, exchanged, stored, baled, packed, disassembled or handled, including but not limited to, scrap iron and other metals, paper, rags, rubber, tires, and bottles. A junk yard includes an auto wrecking yard but does not include uses established entirely within enclosed buildings. This definition does not include sanitary landfills.

51. **"Kennel" -** Any structure or premises in which four (4) or more dogs over six months of age are kept.

52. **"Landscaping" -** Planting, including trees, grass, ground cover, and shrubs.

53. **"Lodging Room" -** A room rented as sleeping and living quarters, but without cooking facilities. In a suite of rooms without cooking facilities, each room which provides sleeping accommodation shall be counted as one lodging room.

54. **"Lot"** - A parcel or portion of land in a subdivision or plat of land, separated from other parcels or portions by description as on a subdivision or record of survey map, for the purpose of sale or lease or separate use thereof.

55. **"Lot of Record" -** Any lot which is one unit of a plat heretofore duly approved and filed, or one unit of an Auditor's Subdivision or a Registered Land Survey that has been recorded in the office of the County Recorder for Steele County, Minnesota, prior to the effective date of this Land Use Ordinance.

56. **"Lot Areas" -** The area of a lot in a horizontal plan bounded by the lot lines.

57. **"Lot, Corner" -** A lot situated at the junction of, and abutting on two or more intersecting streets, or a lot at the point of deflection in alignment of a continuous street, the interior angle of which does not exceed one hundred thirty-five (135) degrees.

58. **"Lot Coverage" -** The area of the zoning lot occupied by the principal building and accessory buildings. Earth berms are not to be included in calculating lot coverage. Only the above grade portions of an earth sheltered building should be included in lot coverage calculations.

59. **"Lot Depths"** - The mean horizontal distance between the front lot line and the rear lot line of a lot.

60. **"Lot Line"** - The property line bounding a lot except that where any portion of a lot extends into the public right-of-way, the line at that point shall be the lot line for purposes of this Land Use Ordinance.

61. **"Lot Line, Front"** - That boundary of a lot which abuts an existing or dedicated public street and in the case of a corner lot it shall be the shortest dimension on a public street. If the dimensions of a corner lot are equal, the front line shall be designated by the owner and filed with the County Recorder.

62. **"Lot Line, Rear"** - That boundary of a lot which is opposite the front lot line. If the rear line is less than ten feet in length, or if the lot forms a point at the rear, the rear lot line shall be a line ten feet in length within the lot, parallel to, and at the maximum distance from the front lot line.

63. **"Lot Line, Sides"** - Any boundary of a lot which is not a front lot line or a rear lot line.

64. **"Lot, Substandard"** - A lot or parcel of land for which a deed has been recorded in the office of the County Recorder upon or prior to the effective date of this Land Use Ordinance which does not meet the minimum lot area, structure setbacks or other dimensional standards of this Land Use Ordinance.

65. **"Lot Width"** - The maximum horizontal distance between the side lot lines of a lot measured within the first thirty feet of the lot depth.

66. **"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 foundation and is connected to the required utilities, and including the plumbing, heating, air conditioning and electrical systems contained therein. A "manufactured home" includes mobile homes and prefabricated homes which have been constructed in one or more components at a location other than the proposed permanent location of the home, and transported to the permanent location.

67. **"Manufactured/Mobile Home Park"** - Any site, lot, field or tract of land under single ownership, designated, maintained or intended for the placement of two or more occupied manufactured homes. It shall include any buildings, structure, vehicle, or enclosure intended for use as part of the equipment of such mobile/manufactured home park.

68. **"Metes and Bounds"** - A method of property description by means of their direction and distance from an easily identifiable point.

69. **"Mining"** - The extraction of sand, gravel, rock, soil or other material from the land in the amount of one thousand cubic yards or more and the removing thereof from the site. The only exclusion from this definition shall be removal of materials associated with construction of a building, provided such removal is an approved item in the building permit.

70. **"Motel (Tourist Court)"** - A building or group of detached, semi-detached, or attached buildings containing guest rooms or dwellings, with garage or parking space conveniently located to each unit, and which is designed, used or intended to be used primarily for the accommodation of automobile transients.

71. **"Motor Home or Recreation Vehicle"** - Any vehicle mounted on wheels and for which a license would be required if used on highways, roads, or streets, and so constructed and designed as to permit occupancy thereof for dwelling or sleeping purposes and used for recreational purposes.

72. **“Multiple Family Dwelling”** - A structure containing three or more single family dwelling units.

73. **"Nursery, Landscape"** - A business growing and selling trees, flowering and decorative plants and shrubs and which may be conducted within a building or without, for the purpose of landscape construction.

74. **"Nursing Home"** - A building with facilities for the care of children, the aged, infirmed, or place of rest for those suffering bodily disorder. Said nursing home shall be licensed by the State of Board of Health as provided for in Minnesota Statutes, Section 144.50.

75. **"Obstruction"** - Any dam, wall, wharf, embankment, levee, dike, pile, abutment, projection, excavation, channel modification, culvert, building, wire, fence, stockpile, refuse, fill, structure, or matter in, along, across, or projecting into any channel, watercourse, or regulatory flood plain which may impede, retard or change the direction of the flow of water, either in itself or by catching or collecting debris carried by such water.

76. **"Ordinary High Water Mark"** - A mark delineating the highest water level which has been maintained for a sufficient period of time to leave evidence upon the landscape. The ordinary high water mark is commonly that point where the natural vegetation changes from predominantly aquatic to predominantly terrestrial.

77. **"Open Sales Lot (Exterior Storage)"** - Any land used or occupied for the purpose of buying and selling any goods, materials, or -merchandise and for the storing of same under the open sky prior to sale.

78. **"Parking Space"** - A suitably surfaced and permanently maintained area on privately owned property either within or outside of a building of sufficient size to store one standard automobile.

79. **"Party Wall"** A wall common to two residential dwelling units such as in condominium or zero lot line buildings. This is applicable to townhouses and other multi-family developments.

80. **“Patio Home”** - A single family detached building arranged with other patio homes in a manner which does not meet the setback requirements of single family homes in a residential district.

81. **"Pedestrian Way"** - A public or private right-of-way across or within a block, to be used by pedestrians.

82. **"Planned Unit Development"** - A residential development whereby buildings are grouped or clustered in and around common open space areas in accordance with a prearranged site plan and where the common open space is owned by the homeowners and usually maintained by a homeowner's association.

83. **"Principal Structure or Use"** - One which determines the predominant use as contrasted to accessory use or structure.

84. **"Professional Office"** - An office used for an occupation requiring advanced education or training, including medicine, law, accounting, or teaching.

85. **"Property Line"** - The legal boundaries of a parcel of property which may also coincide with a right-of-way line or a road, cartway, and the like.

86. **"Property Owner"** - Any person, association, corporation or other legal entity having a freehold estate interest, leasehold interest extending for a term or having renewal options for a term in excess of one year, dominant easement interest, or an option to purchase any of same, but not including owners or interest held for security purposes only.

87. **"Public Land"** - Land owned or operated by municipal, school district, County, State or other governmental units.

88. **"Recreation, Commercial"** - Includes all uses such as bowling alleys, roller and skating rinks, driving ranges, and movie theaters that are privately owned and operated with the intention of earning a profit by providing entertainment for the public.

89. **"Recreation, Public" -** Includes all uses such as swimming pools, tennis courts, ball fields, 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.

90. **"Recreational Vehicle" -** Includes a camper trailer, travel trailer, truck camper, motor home, boat trailer or utility trailer.

91. **"Recreational Fire" -** A fire having a diameter of no more than three (3) feet and a height of no more than three (3) feet from base to tip of the flame, used solely for recreational purposes.

92. **"Regional Flood"** - A flood which is representative of large floods known to have occurred generally in Minnesota and reasonably characteristic of what can be expected to occur on an average frequency in the magnitude of the 100-year recurrence interval. Regional flood is synonymous with the term "base flood" used in the Flood Insurance Study.

93. **"Registered Land Survey"** - A survey map of registered land designed to simplify a complicated metes and bounds description, designating the same into a tract or tracts of Registered Land Survey Number. (See Minnesota Statutes 508.47).

94. **"Right-of-Way"** - The total width of land owned by a governmental unit (local, County, State and Federal) in and adjacent to a street, road or highway. This shall include the road surface, drainage ditches, curb and gutter and sidewalk.

95. **"Selective Cutting"** - The removal of single scattered trees.

96. **"Setback"** - The minimum distance between a structure or sanitary facility and a property line. For purposes of measuring a setback, an attached garage or attached deck shall be considered a part of the primary structure.

97. **"Street"** - A public right-of-way which affords primary means of access to abutting property, and shall also include avenue, highway, road or way.

98. **"Street, Collector"** - A street which serves or is designed to serve as a traffic way for a neighborhood or as a feeder to a major street.

99. **"Street, Major or Thoroughfare"** - A street which serves, or is designed to serve, heavy flows of traffic and which is used primarily as a route for traffic between communities and/or other heavy traffic generating areas.

100. **"Street, Local"** - A street intended to serve primarily as an access to abutting properties.

101. **"Street Pavement"** - The wearing or exposed surface of the roadway used by vehicular traffic.

102. **"Street Width"** - The width of the right-of-way, measured at right angles to the centerline of the street.

103. **"Story"** - That portion of a building included between the surface of any floor and the surface of the floor next above, including below ground portions of earth sheltered buildings.

104. **"Story, Half"** - A story under a gable, hip, or gambrel roof, the wall plates of which on at least two opposite exterior walls are not more than two (2) feet above the floor of such story.

105. **"Structure"** - Anything constructed, the use of which requires more or less permanent location on the ground, or attached to something having a permanent location on the ground.

106. **"Structural Alteration"** - Any change in the supporting members of a building such as bearing walls, columns, beams, or girders, or any change in the roof or in any exterior walls.

107. **"Subdivision"** - The division or redivision of a lot, tract, or parcel of land into two or more lots either by plat or by metes and bounds description.

108. **"Townhouse"** - A single family building attached by party walls with other single family buildings, and oriented so that all exits open to the outside.

109. **"Use"** - The purpose or activity for which the land or building thereon is designated, arranged, or intended, or for which it is occupied, utilized, or maintained.

110. **"Use, Non-Conforming"** - Use of land, buildings, or structures legally existing on the effective date of this Land Use Ordinance which does not comply with all the regulations and performance standards of a particular district.

111. **"Use, Permitted"** - A public or private use which of itself conforms with the purposes, objective, requirements, regulations, and performance standards of a particular district.

112. **"Use, Principal"** - The main use of land or buildings as distinguished from subordinate or accessory use. A "principal use" nay be either permitted or conditional.

113. **"Variance"** - A modification or variation of the provisions of this Land Use Ordinance, where it is determined that by reason of special or unusual circumstances relating to a specific lot, that application of this Land Use Ordinance would cause practical difficulties.

114. **"Wetland"** - Land which is annually subject to periodic or continual inundation by water and commonly referred to as bog, swamp, or marsh.

115. **"Yard"** - A required open space on a lot which is unoccupied and unobstructed by a structure from its lowest level to the sky except as permitted in this Land Use Ordinance. The yard extends along the lot line at right angles to such regulations for the zoning district in which such lot is located. For earth sheltered buildings and buildings covered with earth berm, the line of the building is measured from the exterior surface of the building regardless of whether it is above or below grade.

116. **"Yard, Rear"** - The portion of the yard on the same lot with the principal building located between the rear line of the building and the rear lot line and extending for the full width of the lot.

117. **"Yard, Side"** - The yard extending along the side lot line between the front yard and rear yards to a depth or width required by setback regulations for the zoning district in which such lot is located.

118. **"Yard, Front"** - A yard extending along the full width of the front lot line between side lot lines and extending from the abutting street right-of-way line to depth required in the setback regulations for the zoning district in which such lot is located.

119. **"Zoning Amendment"** - A change authorized by the City either in the allowed use within a district or in the boundaries of a district.

120. **"Zoning District"** - An area or areas within the limits of the City for which the regulations and requirements governing use are uniform as defined by this Land Use Ordinance.

SECTION 4.11. ADMINISTRATION.

Subd. 1. Planning and Zoning Committee. A Planning and Zoning Committee shall continue to be in existence as of the date of this Land Use Ordinance which shall be made up of five freeholders of the City, a majority of whom shall constitute a quorum. The Planning and Zoning Committee shall act as advisor to the City Council and perform such other duties as are herein provided. The members of the Planning and Zoning Committee shall be appointed by the City Council from time to time for terms of three years staggered so that the terms of no more than two members shall expire in any one year. Terms of members shall expire on January 1 of a given year, or until a successor is appointed, whichever later occurs. In the event of a vacancy, for any cause, a successor shall be appointed for the unexpired term.

Subd. 2. Zoning Inspector. The Zoning Inspector for the City shall be designated by the Council and shall have the power and duty to enforce this Land Use Ordinance.

Subd. 3. Zoning Permits. Before proceeding with the construction, enlargement, alteration, repair or removal of any building or accessory structure within the City, including the moving of any structure into or out of the City**,** a Zoning Permit for such purpose shall be obtained from the Zoning Inspector by the owner or his agent who shall first pay the fees prescribed herein. Zoning Permits shall not be required for minor repairs or maintenance or for minor alterations made in accordance with this Land Use Ordinance.

Subd. 4. Zoning Inspector, Specific Powers and Duties. The Zoning Inspector shall enforce this Land Use Ordinance and shall perform the following duties:

A. Conduct inspections of buildings and use of land to determine compliance with the terms of this Land Use Ordinance. For the purposes of applying and enforcing this Land Use Ordinance, the Zoning Inspector shall be authorized to enter onto the premises of private landowners within the City.

B. Maintain permanent and current records of this Land Use Ordinance, including, but not limited to: all maps, amendments, and conditional uses, variances, appeals, and applications therefore.

C. Receive, file, and forward all applications for appeals, variances, conditional uses or other matters to the designated official bodies.

D. Review proposed development to assure that all necessary permits have been received from those governmental agencies from which approval is required by County, Federal or State law, including Section 404 of the Federal Water Pollution Control Act Amendments of 1972, 33 U.S.C. 1334.

Subd. 5. Compliance Required. It shall be the duty of all property owners, architects, contractors, subcontractors, builders and other persons involved in the use of property, the erecting, altering, changing or remodeling of any building or structure, including tents and mobile homes, before beginning or undertaking any such use or work, to see that such work does not conflict with and is not in violation of the provisions of this Land Use Ordinance, and any such property owner, architect, building, contractor or other person using property, or doing or performing any such work and in violation of the provisions of this Land Use Ordinance shall be held accountable for such violation.

Subd. 6. Building Permits.

A. Before proceeding with the construction, enlargement, alteration, repair or removal of any building or accessory structure within the City, including the moving of any structure into or out of the City, a Building Permit for such purpose shall be obtained from the Building Inspector by the owner or his agent who shall first pay the fees prescribed herein. Building permits shall not be required for minor repairs or maintenance or for minor alterations made in accordance with this Land Use Ordinance.

B. It is unlawful for any person to use, occupy or permit the use or occupancy of any building or premises or part thereof hereafter created, erected, changed, converted, altered or enlarged in its use or structure until a building permit shall have been issued by the Building Inspector stating that the use of the building or land conforms to the requirements of this Land Use Ordinance. Where a non-conforming use or structure is extended or substantially altered, the zoning certificate shall specifically state the manner in which the nonconforming structure or use differs from the provisions of this Land Use Ordinance.

C. Applications for a Building Permit shall be made in writing upon printed blanks or forms furnished by the Zoning Inspector of the City or the City Clerk, and shall be accompanied by two copies of the plans, such plans to be so completed so to fully illustrate the character of the proposed work.

D. The Building Inspector shall examine and approve the application and plans before a Building Permit is issued. In the event a Building Permit is not issued by the Zoning Inspector, the applicant may appeal to the Planning and Zoning Committee and thereafter to the City Council.

E. Building Permit Fees. The fees for Building Permits shall be as established from time to time by the Master Fee Schedule set forth in Chapter 2, Section 2.65. Building Permits shall expire according to the following schedule:

1. 60 days from the date of issuance when the structure to be constructed, enlarged, altered, repaired or removed is less than 120 square feet.

2. 120 days from the date of issuance when the structure to be constructed, enlarged, altered, repaired or removed is at least 120 square feet but less than 864 square feet.

3. 365 days from the date of issuance when the structure to be constructed, enlarged, altered, repaired or removed is at least 864 square feet or more.

4. Should the construction, enlargement, alteration, repair or removal not be completed by the time the Building Permit expires, the permit applicant shall reapply for a permit and pay the regular fee therefore before completing the project authorized by the permit.

Subd. 7. Violations. Any property, building or structure being used, erected, constructed or reconstructed, altered, repaired, converted or maintained in a manner not permitted by this Land Use Ordinance, shall be prohibited. The Council or the Zoning Inspector may institute appropriate actions or proceedings to prevent, restrain, correct or abate such violations or threatened violations.

SECTION 4.12. ZONING PROCEDURES.

Subd. 1. Zoning Amendments. The Council may, by majority vote of its members except as otherwise provided by law, adopt amendments to the zoning map in relation both to land uses within a particular district or to the location of a 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.

A. Kinds of Amendments.

1. A change in a district's boundary (rezoning).

2. A change in a district's regulations.

B. Initiation of Proceedings. Proceedings for amending this Land Use 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 Planning and Zoning Committee.

3. By action of the Council.

C. Required Exhibits for Rezoning or District Regulation Changes Initiated by Property Owners. An application by a property owner for rezoning or a district regulation change shall include the following:

1. A preliminary building and site development plan. The Council may also require a boundary survey of the property.

2. Evidence of ownership or enforceable option on the property.

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

1. The property owner or his agent shall meet with the Zoning Inspector to explain his situation, learn the procedures, and obtain an application form.

2. The applicant shall file the completed application form together with required exhibits with the Zoning Inspector and shall pay a filing fee as established by the Council.

3. The Zoning Inspector shall transmit the application and required exhibits to the Planning and Zoning Committee and shall notify all property owners within the affected zone and within 350 feet of the outer boundaries of the property in question; however, failure of any property owner to receive such notification shall not invalidate the proceedings, provided a bona fide attempt to comply with this subdivision has been made.

4. The Planning and Zoning Committee shall set the date for a 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 Land Use Ordinance initiated by the Planning and Zoning Committee or the Council.

5. The Planning and Zoning Committee shall hold the public hearing and then shall recommend to the Council within thirty (30) days, one of three actions - approval, denial or conditional approval.

6. The Council shall act upon the application within thirty (30) days after receiving the recommendation of the Planning and Zoning Committee.

7. No application of a property owner for an amendment to the text of this Land Use Ordinance or the zoning map shall be considered by the Planning and Zoning Committee within the one year period following a denial of such request, except the Planning and Zoning Committee may permit a new application if, in the opinion of the Planning and Zoning Committee, new evidence or a change of circumstances warrant it.

8. Failure of the City of Medford to act on a request of a property owner to affect a rezoning or district regulation change shall not act as an approval of the request or a waiver of any approvals required by the City.

Subd. 2. Conditional Use Permits. The purpose of a conditional use is to permit a use that would not be appropriate generally but may be allowed with appropriate restrictions upon a finding that (1) certain conditions as detailed in this Land Use Ordinance exist, and (2) the use or development conforms to the Comprehensive Plan, and (3) is compatible with the existing area.

A. Criteria for Granting Conditional Use Permits. In granting a conditional use permit, the Planning and Zoning Committee shall consider 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 Planning and Zoning Committee shall make the following finding where applicable:

1. The use will not create an excessive burden on existing parks, schools, streets and other public facilities which serve or are proposed to serve the area.

2. The use will be sufficiently compatible or separated by distance or sheltered from public view from adjacent residentially zoned or used land so that existing homes will not be depreciated in value and there will be no deterrence to development of vacant land.

3. The structure and site shall have an appearance that will not have an adverse effect upon adjacent residential properties.

4. The use, in the opinion of the City Council, is reasonably related to the overall needs of the City and to the existing land use.

5. The use is consistent with the purposes of this Land Use Ordinance and the purposes of the zoning district in which the applicant intends to locate the proposed use.

6. The use is not in conflict with the Comprehensive Plan of the City.

7. The use will not cause a traffic hazard or congestion.

B. Additional Conditions.

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

(a) Increasing the required lot size or yard dimension.

(b) Limiting the height, size or location of buildings.

(c) Controlling the location and number of vehicle access points.

(d) Increasing the street width.

(e) Increasing the number of required off-street parking spaces.

(f) Limiting the number, size, location or lighting of signs.

(g) Requiring diking, fencing, sheltering from public view, landscaping or other facilities to protect adjacent or nearby property.

(h) Designating sites for open space.

(I) Establish a time limit.

2. The Zoning Inspector shall maintain a record of all conditional use permits issued including information on the use, location and conditions imposed by the council; time limits, review dates, and such other information as may be appropriate.

C. **Required Exhibits for Conditional Use Permits.** An application for a conditional use permit shall be accompanied by the following:

1. Copy of full legal description.

2. A preliminary building and site development plan and shall require a boundary survey of the property.

3. Evidence of ownership or enforceable option on the property.

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

1. The property owner or his agent shall meet with the Zoning Inspector to explain his situation, learn the procedures, and obtain an application form.

2. The applicant shall file the completed application form together with required exhibits with the Zoning Inspector and shall pay a filing fee as established by the Council.

3. The Zoning Inspector shall transmit the application and required exhibits to the Planning and Zoning Committee and shall notify all property owners within 350 feet of the outer boundaries of the property in question; however, failure of any property owner to receive such notification shall not invalidate the proceedings.

4. The Planning and Zoning Committee 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 Planning and Zoning Committee shall hold the public hearing and then shall 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 effect. The Planning and Zoning Committee shall recommend to the Council within thirty (30) days, one of three actions - approval, denial or conditional approval.

6. **Revocation of Conditional Use Permits.** Where a conditional use permit has been issued pursuant to the provisions of this Land Use Ordinance, such permit shall become null and void without further action by the Council unless work thereon commences within six (6) months of the date granting such conditional use. The conditional use permit shall not be assignable. A conditional use permit shall be deemed to authorize only one particular use and shall expire if that use shall cease for more than six (6) consecutive months.

7. In the event that the applicant violates any of the conditions set forth in the permit, the Council shall have the authority to revoke the conditional use permit.

8. No application of a property owner for a conditional use shall be considered by the Planning and Zoning Committee within a one year period following a denial of such request, except the Planning and Zoning Committee may permit a new application if, in its opinion, new evidence or a change of circumstances warrant it.

9. Failure of the City of Medford to act on a request of a property owner for a conditional use permit shall not act as an approval of the request or a waiver of any approvals required by the City.

Subd. 3. Variances. The Planning and Zoning Committee shall have the power to recommend to the council adjustments in and exceptions to any of the provisions of this Land Use Ordinance to the extent of the following and no further.

A. Criteria for Granting Variances. Pursuant to Minn. Stat. § 462.357, subd. 6, as it may be amended from time to time, the City Council, acting as a Board of Appeals and Adjustments, may issue variances from the provisions of this Land Use Ordinance. A variance is a modification or variation of the provisions of this Land Use Ordinance as applied to a specific piece of property. A variance may be granted only in the event that all of the following criteria are satisfied:

1. The proposed variance must be in harmony with the general purposes and intent of the Land Use Ordinance.

2. The proposed variance must be consistent with the comprehensive plan.

3. The applicant for the proposed variance must establish that there are practical difficulties in complying with the Land Use Ordinance. "Practical difficulties," as used in connection with the granting of a variance, means that

   (i) the property owner proposes to use the property in a reasonable manner not permitted by the Land Use Ordinance;

   (ii) the plight of the landowner is due to circumstances unique to the property not created by the landowner; and

   (iii) the variance, if granted, will not alter the essential character of the locality.

   Economic considerations alone do not constitute practical difficulties. Practical difficulties include, but are not limited to, inadequate lot size or shape, topography, inadequate access to direct sunlight for solar energy systems, or other circumstances over which the owner of the property has no control.

4. No variance shall be permitted as to any use that is not allowed under the Land Use Ordinance for property in the zone where the affected person's land is located.

5. The City Council may impose such restrictions or conditions upon the premises benefited by the variance as may be necessary to comply with the standards established by this Land Use Ordinance, or to reduce or minimize the effect of such variance upon other properties in the neighborhood, and to better carry out the intent of the variance. A condition must be directly related to and must bear a rough proportionality to the impact created by the variance."

Passed and adopted this 25th day of July, 2011, with the following vote: Aye 4; No 0; Absent 0.

B. Required Exhibits for Variances. An application for a variance shall be accompanied by the following:

1. Copy of full legal description.

2. A preliminary building and site development plan and a boundary survey of the property.

3. Evidence of ownership or enforceable option on the property.

C. Procedure. The procedure for obtaining a variance from the regulations of this Land Use Ordinance are as follows:

1. The applicant shall file a completed application form together with required exhibits with the Zoning Inspector and shall pay a filing fee as established by the Council.

2. The Zoning Inspector shall transmit the application to the Planning and Zoning Committee for review and shall notify all property owners within 350 feet of the outer boundaries of the property in question; however, failure of any property owner to receive such notification shall not invalidate the proceedings.

3. The Planning and Zoning Committee 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.

4. The Planning and Zoning Committee shall hold a public hearing on the proposed variance and shall make a recommendation to the Council to approve or deny within thirty (30) days after the public hearing.

5. The Council shall act to approve or deny within thirty (30) days after receiving the recommendation of the Planning and Zoning Committee.

6. Failure of the City of Medford to act on a request of a property owner for a variance shall not act as an approval of the request or a waiver of any approvals required by the City.

Subd. 4. Interim Use Permits. The purpose of an interim use is to permit a use that would not be appropriate generally but may be allowed with appropriate restrictions. An interim use permit may be granted for any use designated as a conditional use in this Code. All conditions, criteria, requirements, and procedures for granting a conditional use permit shall be applicable to the granting of an interim use permit. In addition, an interim use permit may provide for additional conditions beyond those conditions contemplated for a conditional use permit, and may provide for termination of the permit upon a designated date, event, or condition. Permission of the interim use shall not impose additional costs on the City if it is necessary for the City to take the property in the future. Any interim use may be terminated by a change in zoning regulations.

SECTION 4.13. ENFORCEMENT. The Zoning Inspector shall enforce the provisions of this Land Use Ordinance through the proper legal channels.

(Sections 4.14 through 4.19, inclusive, reserved for future expansion.)

SECTION 4.20. PLANNED UNIT DEVELOPMENT.

Subd. 1. Intent and Purpose. The Planned Unit Development (PUD) provisions are intended to encourage more efficient use of land, public services and greater amenity by allowing, under certain circumstances, a more flexible means of land development or redevelopment than is otherwise afforded through the strict enforcement of the zoning requirements of certain districts through lot-by lot development, including development of condominiums, townhouses, or patio homes. Planned Unit Developments may deviate from a literal interpretation of the zoning and subdivision Land Use Ordinances; the PUD and its accompanying guidelines are intended to allow flexibility in design in order to promote developments which will be an asset to the City by equaling or surpassing the quality of developments resulting from the application of more conventional zoning regulations. A PUD is an overlay district in which primary uses are those listed as permitted or conditional in the underlying zoning district where the PUD is located.

Subd. 2. Conditional Use Permit Required. Each Planned Unit Development shall require a Conditional Use Permit.

Subd. 3. Land Ownership. The tract of land to be developed as a PUD shall be under the control of:

A. A single owner, or

B. A group of landowners, acting through a corporation, where each owner agrees in advance to be bound by the conditions and regulations which will be effective within the district and to record such covenants, easements, and other provisions in the county recorder's office.

Subd. 4. General Provisions. The City may approve the Planned Unit Development only if it finds that the development satisfies all of the following standards in addition to meeting the requirements of conditional use permit provisions:

A. The Planned Unit Development is consistent with the Comprehensive Plan of the City.

B. The Planned Unlit Development is an effective and unified treatment of the development plan and provides for the preservation of unique natural amenities such as streams, stream banks, wooded cover, rough terrain, and similar areas.

C. The Planned Unit Development will be developed to harmonize with any existing or proposed development 'in the areas surrounding the project site.

D The proposed primary uses are listed as either permitted or conditional uses in the zoning district in which the proposed development is located.

E. Financing is available to the applicant on conditions and in an amount which is sufficient to assure completion of the Planned Unit Development.

1. The primary uses in a PUD shall confirm to the permitted or conditional uses of the underlying zoning district or districts in which the land for such development is located and may be a combination of uses when by design, use and restriction, the development will not result in undue adverse effects on surrounding areas and will be compatible with adjacent uses and consistent with the intent of this Section and the proposed PUD.

2. A primary function of the PUD provision is to encourage development which will preserve and enhance the natural terrain characteristics and not force intense development to utilize all portions of a given site in order to arrive at the maximum density allowed. In evaluating each individual proposal, the recognition of this objective will be a basic consideration in approving or denying the application.

3. Architectural style of buildings shall not solely be a basis for denial or approval of a plan. However, the overall appearance and compatibility of individual buildings to other site elements, or to surrounding developments, will be a primary consideration in the review stage by the Planning and Zoning Committee and the City Council.

Subd. 5. Types and Restrictions. The following restrictions shall apply:

A. A PUD in which more than 50% of the development is residential in nature shall be known as a PUD Residential Development and shall be subject to the following in addition to other regulations of this Land Use Ordinance which apply:

1. Open land areas or areas surrounded to a major extent by developed land, no PUD Residential Development project area shall be less than the minimum lot size required in the zoning district in which the land is located.

2. A minimum of 25% of the PUD, Residential Development is required to be maintained in green space consisting of vegetative plantings such as grass, trees, shrubs or flowers. No portion of sidewalks, boulevards, or paved areas should be considered in calculating the green space.

B. A PUD in which more than 50% of the development is commercial in nature shall be known as PUD Commercial Development and shall be subject to the following in addition to other regulations of this Land Use Ordinance which apply:

1. In open land areas or areas surrounded to a major extent by developed land, no PUD Commercial Development shall be less than the minimum lot size required in the zoning district in which the land is located.

2. A minimum of 15% of the PUD Commercial Development is required be maintained 'in green space consisting of vegetative plantings such as grass, trees, shrubs or flowers. No portion of sidewalks, boulevards, or paved areas shall be included in calculating the green space.

C. A PUD in which more than 50% of the development is industrial in nature shall be known as a PUD Industrial Development and shall be subject to the following in addition to other regulations of this Land Use Ordinance which apply.

1. In open land areas and areas surrounded to a major extent by developed land, no PUD Industrial Development shall be less than the minimum lot size required in the zoning district in which the land is located.

2. A minimum of 10% of the PUD, Industrial Development is required be maintained 'in green space consisting of vegetative plantings such as grass, trees, shrubs or flowers. No portion of sidewalks, boulevards, or paved areas shall be included in calculating the green space.

Subd. 6. Procedure. The procedures and requirements to establish a PUD district shall be as herein specified.

A. Pre-application Meeting. Prior to the submission of any plan to the Planning and Zoning Committee, the applicant shall meet with the Zoning Inspector, and if necessary with the Planning and Zoning Committee, to discuss the contemplated project relative to community development objectives for the area in question and learn the procedural steps for a conditional use permit. The applicant shall submit a sketch plan at this stage for informal review and discussion. The applicant is urged to avail himself or herself of the advice and assistance of the planning staff to facilitate the review of the sketch plan and development procedure.

B. Preliminary Development Plan. Following the pre-application meeting the applicant shall submit a preliminary plan, official application and all required information to the City.

The Zoning Inspector shall review the application and within ten (10) business days after receiving the application shall notify the applicant in writing if the application is not complete and what additional information Is required.

The City shall take action to approve or deny the application within sixty (60) days of receiving a completed application. If the City cannot take action to approve or deny the application within sixty (60) days of receiving the completed application, the City may extend the time line for taking action before the end of the initial 60-day period by providing written notice of the extension to the applicant. The notification shall state the reasons for the extension and its anticipated length, which may not exceed 60 days unless approved by the applicant in writing.

The primary plan shall be reviewed by the Planning and Zoning Committee and the Commission shall address concerns and make recommendations, if necessary, to make the development more compatible or desirable.

The preliminary plan submitted for review shall include:

1. A certified survey of the land to be included in the PUD.

2. Existing zoning and land use;

3. Location of any existing structures, easements, streets, parking, public or private drives and natural features;

4. Existing topography illustrating existing and proposed drainage;

5. Existing and proposed private and public ownership boundaries including proposed private lots for sale as well as common ownership areas;

6. Proposed land use as identified on the Comprehensive Plan;

7. A plan with locations of all structures including placement, size and type with topography showing two foot contour intervals;

8. All common open spaces shall be labeled as such and their intended use or design and functions;

9. Proposed street locations, names and the location of other public or private drives and generalized parking areas;

10. Approximate density, number, types, location of structures, open spaces and parking areas;

11. Proposed use of land and buildings;

12. Proposed design of buildings, locations of signs and lighting;

13. Generalized landscaping;

14. Form of organization proposed to own and maintain public or private open space.

C. Final Development Plan. Following review and tentative approval of the plan by the Planning and Zoning Committee, the applicant shall prepare and submit a final development plan to the city within one (1) year of tentative approval of the Planning and Zoning Committee. The final plan shall be reviewed by the Planning and Zoning Committee who shall make recommendation to the City Council to either approve, approve with conditions or deny the application. The City Council shall then take action on the application and inform the applicant in writing. If conditional approval is granted, the applicant shall be notified 'in writing of the conditions attached to the approval.

The following information shall be submitted with the final development plan:

1. The final development plan shall conform to the preliminary development plan and include information required for a final plan and any required changes by the Planning Commission to the preliminary development plan.

2. Detailed grading and drainage plan at two foot contour intervals.

3. Landscape plan.

4. Deed restrictions, covenants, agreements, bylaws of proposed owners association and other documents controlling the use of property, type of construction or development and the activities of future tenants or residents.

5. If land is being platted or required to be platted as a condition of the conditional use permit, a public hearing for the preliminary plat may be held in conjunction with the public hearing for the conditional use permit (at final development stage). Preliminary plat requirements shall be as identified in the City of Medford Subdivision Land Use Ordinance. If the petitioner chooses to hold the hearings at the same time, the preliminary

plat must be submitted to the City at least fifteen (15) days prior to the date of the public hearing.

6. A public hearing shall be held by the Planning and Zoning Committee, the Commission shall make a recommendation to the City Council to either approve, approve with conditions or deny the petition. The City Council shall take action on the petition.

D. Amendments. To amend a final plan which was approved, the applicant shall submit to the City an application and plans showing all proposed changes. A public hearing shall be held by the Planning and Zoning Committee following proper notice procedures for public hearings. The Planning and Zoning Committee shall make recommendation to the City Council to either approve, approve with conditions or deny the request to amend the final plan. The City Council shall then take action on the request. Any changes approved by the City Council shall be by resolution as an amendment to the final plan.

Subd. 7. Preliminary Development Plan.

A. An applicant shall make an application for a conditional use permit following the procedural steps as set forth in this Land Use Ordinance.

B. In addition to the criteria and standards set forth in this Land Use Ordinance for granting of the conditional use permits, the following additional findings shall be made before the approval of the outline development plan.

1. The proposed Planned Unit Development (PUD) is in conformance with the Comprehensive Plan.

2. The uses proposed will not have an undue and adverse impact on the reasonable enjoyment of neighboring property, and will not be detrimental to potential surrounding uses.

3. Each phase of the proposed development, as it is proposed to be completed, is of sufficient size, composition, and arrangement that its construction, marketing, and operation of dwelling units and common open space are balanced and coordinated.

4. The PUD will not create an excessive burden on parks, schools, streets, and other public facilities and utilities which are proposed to serve the district.

5. The proposed total development is designed in such a manner as to form a desirable and unified environment within its own boundaries.

C. **Preliminary Development Plan Documentation.** The following exhibits shall be submitted to the Zoning Inspector by the proposed developer as part of the application of a conditional use permit:

1. An explanation of the character and need for the Planned Development and the manner in which it has been planned to take advantage of the Planned Development regulations.

2. A statement of proposed financing of the PUD.

3. A statement of the present ownership of all the land included within the Planned Development and a list of property owners within 350 feet of the outer boundaries of the property.

4. A general indication of the expected schedule of development including sequential phasing and time schedules.

5. A map giving the legal description of the property including approximate total acreage and also indicating existing property lines and dimensions, ownership of all parcels, platting, easement, street rights-of-way, utilities, and buildings for the property, and for the area 350 feet beyond.

6. Natural features map or maps of the property and area 350 feet beyond showing contour lines at no more than two (2) foot intervals, drainage patterns, wetlands, vegetation, soil and subsoil condition.

7. A map indicating proposed land uses including housing units and types, vehicular and pedestrian circulation, and open space uses.

8. Full description as to how all necessary governmental services will be provided to the development including sanitary sewers, storm sewers, water system, streets, and other public utilities.

D. Preliminary Plat. The applicant shall also submit a preliminary plat and all the necessary documentation as required under the Subdivision Regulations, if any, of all or that portion of the project to be platted. For purposes of administrative simplification, the public hearings required for the conditional use permit and preliminary plat may be combined into one hearing or may be held concurrently.

Subd. 8. Final Development Plan.

A. Within ninety (90) days following the approval of the preliminary development plan with recommended modifications, if any, and the preliminary plat, the applicant shall file with the Zoning Inspector a final development plan containing in final form the information required in the preliminary development plan plus any changes recommended by the Planning and Zoning Committee and the Council as a result of the public hearing. The applicant shall also submit a final plat for all or that portion to be platted.

B. The Zoning Inspector shall submit a final development plan and the final plat to the Planning and Zoning Committee and other applicable agencies for review.

C. The final development plan and the final plat shall conform to the preliminary development plan and preliminary plat plus any recommended changes by the Planning and Zoning Committee or the Council to the general development plan and preliminary plat.

D. If the final development plan is approved by the Council, the Zoning Inspector shall issue a conditional use permit to the applicant.

Subd. 9. Enforcing Development Schedule. The construction and provisions of all of the common open spaces and public and recreational facilities which are shown on the final development plan must proceed at the same rate as the construction of dwelling units. At least once every six months following the approval of the final development plan, the Zoning Inspector shall review all of the building permits issued for the planned development and examine the construction which has taken place on the site. If he shall find that the rate of construction of dwelling units is faster than the rate at which common open spaces and public and recreational facilities have been constructed and provided, he shall forward this information to the Council, which may revoke the conditional use permit. If the developer or landowners fail to complete the open spaces and recreation areas within sixty (60) days after the completion of the remainder of the project, the City may finish the open space areas and assess the cost back to the developer or landowner.

Subd. 10. Conveyance and Maintenance of Common Open Space.

A. All land shown on the final development plan as common open space must be conveyed under one of the following methods at the option of the City:

1. It may be conveyed to a public agency which will agree to maintain the common open space and any buildings, structures, or improvements which have been placed on it.

2. It may be conveyed to trustees provided in an indenture establishing an association or similar organization for the maintenance of the Planned Development. The common open space must be conveyed to the trustees subject to covenants to be approved by the Council which restrict common open space to the uses specified on the final development plan, and which provide for the maintenance of the common open space in a manner which assures its continuing use for its intended purpose.

B. If the common open space is conveyed to a homeowner's association, and the common open space is not maintained properly to standards established by the City, the City shall have the authority to maintain the property and assess the costs back to the homeowner's association.

Subd. 11. Standards for Common or Public Open Space. No open area may be accepted as common open space under the provisions of this Land Use Ordinance unless it meets the following standards:

A. The location, shape, size, and character of the common open space must be suitable for the Planned Development.

B. Common open space must be used for amenity or recreational purposes. The uses authorized for the common open space must be appropriate to the scale and character of the Planned Development, considering its size, density, expected population, topography, and the number and type of dwellings to be provided.

C. Common open space must be suitably improved for its intended use, but common open space containing natural features worthy of preservation may be left unimproved. The buildings, structures and improvements which are permitted in the common open space must be appropriate to the uses which are authorized for the common open space and must converse and enhance the amenities of the common open space having regard to its topography and unimproved condition.

Subd. 12. PUD Review and Amendments.

A. **Annual Review.** The Zoning Inspector and Planning and Zoning Committee shall review all PUD's within the City annually until completion of development.

B. **Revision to the PUD.**

1. Minor changes in the location, placement, and heights of buildings or structures may be authorized by the Zoning Inspector if required by engineering or other circumstances not foreseen at the time the final plat was approved.

2. Approval of the Planning and Zoning Committee and the Council shall be required for other minor changes such as rearrangement of lots, blocks, and building tracts. These changes shall be consistent with the purpose and intent of the approved Final Development Plan.

3. **Amendments to the PUD.** Any amendment to the PUD shall require the applicant to follow the same procedures for the amendment as were required for the application of a conditional use permit as set forth in this Land Use Ordinance.

(Sections 4.21 through 4.24, inclusive, reserved for future expansion.)

SECTION 4.25. RESIDENTIAL DISTRICT (R-1).

Subd. 1. Purpose. The purpose of a Residential District (R-1) is to allow low-density single-family dwelling units in the developing portions of the City where City sewer and water is available. All dwelling units in an R-1 District shall be required to hook up to City sewer and water services.

Subd. 2. Permitted Uses. The following uses are permitted in a R-1 District:

A. Single family detached dwellings and duplexes provided that there are no more than 5 dwelling units per acre.

B. Public recreation including parks and playgrounds, libraries, museums, parks, recreation and community buildings owned or controlled by the city or other municipal authority.

C. Child care or foster care facilities serving twelve (12) or fewer persons.

D. Homes Occupations.

E. Public and parochial schools of general instruction.

F. Churches, chapels, including parish house, and schools accessory thereto, including name plates and bulletin boards.

G. Gardening, orchards, and berry patches.

H. Golf clubs with adjoining grounds of not less than 40 acres in extent.

Subd. 3. Accessory Uses. Accessory Uses in R-1 districts shall meet the following requirements:

1. There shall be no limit on the number of accessory uses located on a property except as hereafter set forth.

2. Each residential lot shall be limited to two (2) detached accessory buildings with no more than one (1) accessory building in excess of 144 square feet of exterior foundation dimension.

3. No accessory use shall occupy more than thirty percent (30%) of a rear yard, nor exceed 1,000 square feet of exterior foundation dimension.

4. Accessory buildings shall not exceed one (1) story over sixteen (16) feet in height. No accessory building shall have a door greater than eight (8) feet in height.

Subd. 4. Conditional Uses. The following uses are conditional in a R-1 District:

A. Public or private institutions of an educational or philanthropic or nature.

B. Hospitals and clinics, and assisted living facilities.

C. Public utility services, including stations, distribution plants, etc., but not including warehouses for the storage of bulky material and not including factories for the manufacture of any commodity.

D. Boarding or rental of rooms with a maximum of two (2) roomers for each residential dwelling.

E. Cemeteries, memorial gardens and funeral homes.

F. Water supply buildings and reservoirs, elevated tanks and public swimming pools.

G. Planned Unit Development (PUD).

H. Child care facilities serving thirteen (13) or more persons.

I. Professional offices.

K. Semi-private recreation areas, clubs, lodges, and centers, including country clubs, swimming pools and golf courses, but not including such uses as camping area, miniature golf courses or practice driving tees which are operated for commercial purposes.

L. State licensed residential facilities.

M. Bed and Breakfast facilities.

N. Agricultural uses so long as the use was pre-existing at the time the property was annexed into the City, for a period of five (5) years from the date of annexation. At the expiration of the five (5) year conditional use permit term, the landowner may reapply for a new conditional use permit, but the City shall be under no obligation to grant a new conditional use permit.

O. Uses of the same character as those listed as permitted uses that meet the intent and purposes of a R-1 District but which are not specifically set forth as a permitted or conditional use.

P. Single family attached dwelling.

Q. Wind Energy Conversion Systems, restricted to school properties.

R. Small Wireless Facility.

Subd. 5. Performance Standards. The following are Performance Standards applicable to lots in a R-1 District upon which a single family detached dwelling or duplex is located:

A. **Height Regulations.** The maximum height of any building shall be thirty-five (35) feet.

B. **Front Yard Regulations**.

1. All dwellings and other buildings, and all accessory uses, shall have a minimum front yard setback of twenty-five (25) feet from all public road right-of-ways. Where highway safety and/or backslope easements are factors, the setback shall be determined by the Zoning Inspector, but in no event shall it be less than the above minimum.

2. Where a lot is located at the intersection of two or more roads or highways, there shall be a front yard setback on each road or highway side of each corner lot.

3. Notwithstanding the front yard setback requirement set forth in Subparagraph B.1., patios may have a minimum front yard setback of ten (10) feet so long as the following requirements are met:

    a. The patio shall not rise more than one (1) foot above the exterior finished grade.

    b. No permanent structures may be built upon the patio.

    c. The patio shall not have a footprint in excess of 350 square feet."

C. **Rear Yard Regulations.** The minimum rear yard shall be twenty-five (25) feet from principal dwellings, including all decks, and ten (10) feet from accessory buildings. The minimum rear yard shall be two (2) feet from other accessory uses, including concrete slabs.

D. **Side Yard Regulations.**

1. The minimum side yard shall be ten (10) feet from all buildings and decks. The minimum side yard shall be two (2) feet from other accessory uses, including concrete slabs.

2. Single family attached dwellings that share a common wall shall be exempt from the side yard regulations on that side of the lot on which a common wall is located but shall meet all other side yard requirements.

E. **Lot Area.** The minimum lot area for all plats after the date of this Land Use Ordinance shall be 9,000 square feet.

F. **Lot Width and Depth.** Lots shall have a minimum width of 75 feet and a minimum depth of 120 feet.

G. **Lot Coverage.** The maximum lot coverage of all buildings including accessory buildings shall not exceed fifty (50%) percent.

H. **Driveway Requirements.** Total driveway widths measured at the point adjacent to the street shall not exceed thirty (30) feet.

I. **Tree and Shrub Requirements.** Trees or shrubs shall be set back not less than five (5) feet from the public road and not less than 5 feet from side and rear property lines.

J. **Fence Requirements.**

1. Fences shall be placed not less then two (2) feet from the side and rear property lines, and not less than two (2) feet from the front public right-of-way.

2. Fences shall not exceed six (6) feet in height above finished grade within side and rear yards; fences shall not exceed three (3) feet in height above finished grade within front yards.

3. Electric fences, or any other fence that creates a dangerous condition, shall not be permitted, used, or constructed.

For purposes of these provisions, a corner lot shall be considered to have two (2) front yards, each of which abuts the public right-of-way.

4. Permanent fences shall not be constructed with snow fencing or any similar type of material; woven wire, including but not limited to chicken wire; or constructed out of any other types of temporary fencing materials.

5. Fences need to be constructed with the finished side of the fence being placed facing the outside towards the street and or adjacent properties.

6. Use of the two feet along property line, for instances only involving fence placement- Following City inspection of the exact location of property pins/markers, property owners may utilize the area with landscaping materials. In the instance that the actual property pins/markers cannot be located, the City has the authority to request a survey before approving any alterations that will run to a property line. Surfaces including, but not limited to, asphalt and concrete will not be considered landscaping materials and must follow the two foot setback requirement."

Medford City Code Section 4.25, is hereby amended by inserting Provisions 4, 5, & 6, passed and adopted this 1st day of October, 2012, with the following vote: Aye 5; No 0; Absent 0.

K. **Garages.**

1. Attached garages shall be considered as a part of the dwelling or building in computing the above requirements. Detached garages shall be considered an accessory building and shall meet all requirements of accessory buildings. In both attached and detached garages, garage doors shall not exceed eight (8) feet in height. No garage shall be constructed or altered except to service a family dwelling and to accommodate not more than four (4) automobiles.

2. The size limitations of an attached garage are defined as follows:

(a) Single car garage - 400 square feet maximum.

(b) Double car garage - 800 square feet maximum.

(c) Three car garage - 1,200 square feet maximum.

(d) Four car garage - 1,600 square feet maximum.

L. Parking. The following minimum number of off-street parking spaces shall be provided and maintained, by ownership, easement and/or lease for each lot:

1. Single Family: Two (2) parking spaces.

2. Duplex: Two (2) parking spaces per unit.

3. Assisted Living Facilities: One and a half (1 1/2) parking spaces per unit.

M. Additional Parking Areas. Any parking location, whether made of concrete, bituminous material, gravel, or other material, shall be not less than two (2) foot from any property line.

N. General Requirements. Additional requirements for R-1 Districts are as set forth in the Performance Standards Subdivision of this Section. There shall be no more than one dwelling on each lot or tract of land.

Subd. 6. Additional Performance Standards. Lots in a R-1 district that do not contain a single family detached dwelling or duplex shall meet the performance requirements for lots as set forth in a C-1 District.

SECTION 4.26. MULTI-FAMILY RESIDENTIAL DISTRICT (R-2).

Subd. 1. Purpose. The purpose of a Multi-Family Residential District (R-2) is to allow low-density multi-family dwellings including apartments and townhouses in appropriate areas of the City.

Subd. 2. Permitted Uses. The following uses are permitted in a R-2 District:

A. Duplexes, townhouses, apartments, condominiums.

B. Public recreation including parks and playgrounds.

C. Churches, chapels, temples and synagogues.

D. Public and parochial schools of general instruction.

E. Single family detached dwelling and single family attached dwellings. Single family detached dwellings and single family attached dwellings and lots in a R-2 District must comply with all requirements as set forth for those dwellings and lots in a R-1 District.

F. Child care facilities serving sixteen (16) or fewer persons.

G. Home Occupations.

H. Hospitals and clinics, and assisted living facilities.

I. Adult Care Facility.

Subd. 3. Conditional Uses. The following uses are conditional in a R-2 District:

A. Cemeteries, memorial gardens and funeral hones.

B. Professional offices.

C. Boarding or rental of rooms.

D. Group homes (State licensed facility).

E. City buildings and structures including police and fire station, libraries, museums and art galleries.

F. Funeral homes.

G. Planned Unit Development (PUD).

H. Nursing homes and sanatoria.

I. Manufactured/mobile home park.

J. Child care facilities serving seventeen (17) or more persons.

K. Residential dwellings which do not comply with this Land Use Ordinance but which have an approved building permit prior to the effective date of this Land Use Ordinance. Such conditional use shall cease if the building is destroyed by fire more than 50% of its market value as determined by the Zoning Inspector. If the building is modified to conform to this Land Use Ordinance, the conditional use permit shall expire.

L. Bed and breakfast facilities.

M. Agricultural uses so long as the use was pre-existing at the time the property was annexed into the City, for a period of five (5) years from the date of annexation. At the expiration of the five (5) year conditional use permit term, the landowner may reapply for a new conditional use permit, but the City shall be under no obligation to grant a new conditional use permit.

N. Uses of the same character as those listed as permitted uses that meet the intent and purposes of a R-2 District but which are not specifically set forth as a permitted or conditional use.

O. Wind Energy Conversion Systems, restricted to school properties.

P. Restaurants, Eating Establishments, Community Dining, Congregate Dining.

Q. Small Wireless Facility.

Subd. 4. Performance Standards for Dual-Dwelling Structures. The following are Performance Standards applicable to lots in an R-2 District upon which a duplex or townhouse is located that has no more than two separate dwellings.

A. **Height Regulations.** The maximum height of any building shall be thirty-five (35) feet.

B. **Front Yard Regulations.**

1. All dwellings and other buildings, and all accessory uses, shall have a minimum front yard setback of twenty-five (25) feet from all public road right-of-ways. Where highway safety and/or backslope easements are factors, the setback shall be determined by the Zoning Inspector, but in no event shall it be less than the above minimum.

2. Where a lot is located at the intersection of two or more roads or highways, there shall be a front yard setback on each road or highway side of each corner lot.

C. Rear Yard Regulations. All principal dwellings, including decks, shall have a minimum rear yard setback of twenty-five (25) feet from the rear lot line; accessory structures shall have a minimum rear yard setback of ten (10) feet from the rear lot line; other accessory uses, including concrete slabs; shall have a minimum rear yard setback of two (2) feet from the rear lot line.

D. Side Yard Regulations.

1. All principal dwellings, including decks, shall have a minimum side yard setback of ten (10) feet from the side lot line; accessory structures shall have a minimum rear yard setback of ten (10) feet from the side lot line; other accessory uses shall have a minimum rear yard setback of two (2) feet from the side lot line

2. Townhouses and single family attached dwellings that share a common wall shall be exempt from the side yard regulations on that side of the lot on which a common wall is located but shall meet all other side yard requirements.

E. Lot Area and Density Standards.

1. The maximum lot coverage of all buildings in a single family lot, including accessory buildings, shall not exceed fifty (50%) percent.

2. The minimum lot area for each townhouse project shall be one (1) acre.

3. The maximum density shall be twenty-four (24) units per acre.

F. Lot Width and Depth. A lot upon which a single family dwelling or duplex is located shall have a minimum width of 75 feet and a minimum depth of 120 feet.

G. Minimum Floor Area. Each dwelling shall have the following minimum floor areas:

Efficiency 500 square feet
1 bedroom 600 square feet
2 bedroom 750 square feet
3 bedroom 960 square feet

Each additional bedroom shall require 250 square feet of additional minimum floor area for the entire dwelling.

H. Driveway Regulations. Total driveway widths measured at the point adjacent to the street shall not exceed thirty (30) feet.

I. Tree or Shrub Planting Regulations. Trees or shrubs shall be set back not less than five (5) feet from the public road and not less than 5 feet from side and rear property lines.

J. Fence Requirements.

1. Fences shall be placed not less then two (2) feet from the side and rear property lines, and not less than two (2) feet from the front public right-of-way.

2. Fences shall not exceed six (6) feet in height above finished grade within side and rear yards; fences shall not exceed three (3) feet in height above finished grade within front yards.

3. Electric fences, or any other fence that creates a dangerous condition, shall not be permitted, used, or constructed.

For purposes of these provisions, a corner lot shall be considered to have two (2) front yards, each of which abuts the public right-of-way.

4. Permanent fences shall not be constructed with snow fencing or any similar type of material; woven wire, including but not limited to chicken wire; or constructed out of any other types of temporary fencing materials.

5. Fences need to be constructed with the finished side of the fence being placed facing the outside towards the street and or adjacent properties.

6. Use of the two feet along property line, for instances only involving fence placement- Following City inspection of the exact location of property pins/markers, property owners may utilize the area with landscaping materials. In the instance that the actual property pins/markers cannot be located, the City has the authority to request a survey before approving any alterations that will run to a property line. Surfaces including, but not limited to, asphalt and concrete will not be considered landscaping materials and must
follow the two foot setback requirement."

K. Garages.

1. Attached garages shall be considered as a part of the dwelling or building in computing the above requirements. Detached garages shall be considered an accessory building and shall meet all requirements of accessory buildings. In both attached and detached garages, garage doors shall not exceed ten (10) feet in height. No garage shall be constructed or altered except to service a family dwelling and to accommodate not more than four (4) automobiles.

2. The size limitations of an attached garage are defined as follows:

(a) Single car garage - 400 square feet maximum.

(b) Double car garage - 800 square feet maximum.

(c) Three car garage - 1,200 square feet maximum.

(d) Four car garage - 1,600 square feet maximum.

L. Parking. The following minimum number of off-street parking spaces shall be provided and maintained, by ownership, easement and/or lease for each lot:

1. Single Family: Two (2) parking spaces.

2. Duplex or Townhouse (2 separate dwellings): Two (2) parking spaces per dwelling.

M. Additional Parking Areas. Any parking location, whether made of concrete, bituminous material, gravel, or other material, shall be not less than two (2) foot from any property line.

N. **General Requirements.** Additional requirements for R-1 Districts are as set forth in the Performance Standards Subdivision of this Section. There shall be no more than one dwelling on each lot or tract of land.

O. **Accessory Uses.** Accessory Uses shall meet the following requirements:

1. There shall be no limit on the number of accessory uses located on a property except as hereafter set forth.

2. Each lot shall be limited to two (2) detached accessory buildings with no more than one accessory building in excess of 144 square feet of exterior foundation dimension.

3. No accessory use shall occupy more than thirty percent (30%) of a rear yard, nor exceed 1,000 square feet of exterior foundation dimension.

4. Accessory buildings shall not exceed one (1) story over sixteen (16) feet in height. No accessory building shall have a door greater than ten (10) feet in height.

Subd. 5. Performance Standards for multi-family structues. The following are Performance Standards applicable to lots in an R-2 District upon which a multi-family condominium, townhouse, or apartment is located. For purposes of this subdivision, "multi-family" shall be defined as a principal structure in which three or more dwellings are located:

A. **Height Regulations.** The maximum height of any building shall be forty (40) feet.

B. **Front Yard Regulations.**

1. All dwellings and other buildings, and all accessory uses, shall have a minimum front yard setback of ten (10) feet from all public road right-of-ways. Where highway safety and/or backslope easements are factors, the setback shall be determined by the Zoning Inspector, but in no event shall it be less than the above minimum.

2. Where a lot is located at the intersection of two or more roads or highways, there shall be a front yard setback on each road or highway side of each corner lot.

C. **Rear Yard Regulations.** All principal dwellings, including decks, shall have a minimum rear yard setback of ten (10) feet from the rear lot line; accessory structures shall have a minimum rear yard setback of ten (10) feet from the rear lot line; other accessory uses, including concrete slabs; shall have a minimum rear yard setback of two (2) feet from the rear lot line.

D. **Side Yard Regulations.** All principal dwellings, including decks, shall have a minimum side yard setback of ten (10) feet from the side lot line; accessory structures shall have a minimum rear yard setback of ten (10) feet from the side lot line; other accessory uses shall have a minimum rear yard setback of two (2) feet from the side lot line

E. **Minimum Floor Area.** Each dwelling shall have the following minimum floor areas:

Efficiency 500 square feet
1 bedroom 600 square feet
2 bedroom 750 square feet
3 bedroom 960 square feet

Each additional bedroom shall require 250 square feet of additional minimum floor area for the entire dwelling.

F. **Driveway Regulations.** Total driveway widths measured at the point adjacent to the street shall not exceed thirty (30) feet.

G. **Tree or Shrub Planting Regulations.** Trees or shrubs shall be set back not less than five (5) feet from the public road and not less than 5 feet from side and rear property lines.

H. **Fence Requirements.**

1. Fences shall be placed not less then two (2) feet from the side and rear property lines, and not less than two (2) feet from the front public right-of-way.

2. Fences shall not exceed six (6) feet in height above finished grade within side and rear yards; fences shall not exceed three (3) feet in height above finished grade within front yards.

3. Electric fences, or any other fence that creates a dangerous condition, shall not be permitted, used, or constructed.

For purposes of these provisions, a corner lot shall be considered to have two (2) front yards, each of which abuts the public right-of-way.

4. Permanent fences shall not be constructed with snow fencing or any similar type of material; woven wire, including but not limited to chicken wire; or constructed out of any other types of temporary fencing materials.

5. Fences need to be constructed with the finished side of the fence being placed facing the outside towards the street and or adjacent properties.

6. Use of the two feet along property line, for instances only involving fence placement- Following City inspection of the exact location of property pins/markers, property owners may utilize the area with landscaping materials. In the instance that the actual property pins/markers cannot be located, the City has the authority to request a survey before approving any alterations that will run to a property line. Surfaces including, but not limited to, asphalt and concrete will not be considered landscaping materials and must
follow the two foot setback requirement."

I. **Garages.**

1. Attached garages shall be considered as a part of the dwelling or building in computing the above requirements. In both attached and detached garages, garage doors shall not exceed ten (10) feet in height.

2. Detached garages: There shall be no more than one unattached garage parking stall allowed per dwelling unit. Up to two additional unattached garage parking stalls are allowed per multi-family principal building for maintenance. Detached garages shall not exceed one (1) story and twenty (20) feet in height.

J. **Parking.** The following minimum number of off-street parking spaces shall be provided and maintained, by ownership, easement and/or lease for each lot:

1. Multi-family condominium, townhouse, or apartment: Two (2) parking spaces per dwelling.

2. Elderly (Senior Citizen) Housing: One and one half (1 ½) parking spaces per unit.

K. **Additional Parking Areas.** Any parking location, whether made of concrete, bituminous material, gravel, or other material, shall be not less than two (2) foot from any property line.

L. **Accessory Uses.** Accessory Uses shall meet the following requirements:

1. No accessory structure shall have a door greater than ten (10) feet in height.

2. Each multi-family principal building shall be limited to two (2) detached accessory structures with no more than one (1) accessory structure in excess of 144 square feet of exterior foundation dimension."

Passed and adopted this 20th day of May, 2019, with the following vote: Aye 5; No 0; Absent 0.

SECTION 4.27. NEIGHBORHOOD COMMERCIAL DISTRICT (C-1).

Subd. 1. Purpose. The purpose of a Neighborhood Commercial District (C-1) is to provide for convenient, limited office, retail or service outlets which deal directly with the customer for whom the goods or services are furnished. These centers are to provide services and goods only for the immediate community and surrounding areas and are not intended to draw customers from outside the community.

Subd. 2. Permitted, Conditional, and Accessory Uses. Permitted, Conditional, and Accessory Uses in a C-1 District shall be as set forth in Section 4.32.

Subd. 3. Incidental Uses. Uses incidental to the principal use such as off-street parking and loading and unloading areas, and storage of merchandise shall be allowed subject to any limitations set forth in this Section.

Subd. 4. Performance Standards. The following are Performance Standards applicable to a C-1 District:

A. **Height Regulations.** The maximum height of any building shall be thirty-five (35) feet.

B. **Front Yard Regulations.**

1. There shall be a front-yard setback for buildings in a C-1 District of ten (10) feet from the property line.

2. Where a lot is located at the intersection of two or more roads or highways, there shall be a front yard setback on each road or highway side of each corner lot. No accessory building shall project beyond the front yard of either road.

C. **Side and Rear Yard Regulations.**

1. **Side Yard** - There shall be a minimum side-yard setback for buildings in a C-1 District of ten (10) feet.

2. **Rear Yard** - The minimum rear yard setback shall be ten (10) feet.

D. **Lot Area.** There shall be no minimum lot area in a C-1 District.

E. **Shelter from Public View.** When adjacent to residential property, the City may require sheltering from public view. All areas utilized for the storage or disposal of trash, debris, discarded parts, or similar items shall be kept in an enclosed building or properly contained in a closed container designed for such purpose.

F. **Fence Requirements.**

1. Fences shall not exceed ten (10) feet in height.

2. Electric fences, or any other fence that creates a dangerous condition, shall not be permitted, used, or constructed.

G. Additional Parking Areas. Any parking location, whether made of concrete, bituminous material, gravel, or other material, shall be not less than two (2) foot from any property line.

H. General Regulations. Additional requirements applicable to a C-1 District are set forth in the Performance Standards subdivision of this Section.

SECTION 4.28. COMMUNITY COMMERCIAL DISTRICT (C-2).

Subd. 1. Purpose. The purpose of a Community Commercial District (C-2) is to provide for medium density retail or service activities which will draw customers primarily from the surrounding communities or transient motor vehicle traffic.

Subd. 2. Permitted, Conditional, and Accessory Uses. Permitted, Conditional, and Accessory Uses in a C-2 District shall be as set forth in Section 4.32.

Subd. 3. Incidental Uses. Uses incidental to the principal use such as off-street parking and loading and unloading areas, and storage of merchandise shall be allowed subject to any limitations set forth in this Section.

Subd. 4. Performance Standards. The following are Performance Standards applicable to a C-2 District:

A. Height Regulations. The maximum height of any building shall be thirty-five (35) feet.

B. Front Yard Regulations.

1. There shall be no minimum front-yard setback for buildings in a C-2 District. The doors must be recessed so as not to swing out into the sidewalk.

C. Side and Rear Yard Regulations.

1. Side Yard - There shall be no minimum side-yard setback for buildings in a C-2 District.

2. Rear Yard - The shall be no minimum rear yard setback for buildings in a C-2 District.

D. Lot Area. There shall be no minimum lot area in a C-2 District.

E. Shelter from Public View. When adjacent to residential property, the City may require sheltering from public view. All areas utilized for the storage or disposal of trash, debris, discarded parts, or similar items shall be kept in an enclosed building or properly contained in a closed container designed for such purpose.

F. Fence Requirements.

1. Fences shall not exceed ten (10) feet in height.

2. Electric fences, or any other fence that creates a dangerous condition, shall not be permitted, used, or constructed.

G. **Additional Parking Areas.** There shall be no setback requirement for parking areas in a C-2 District.

H. **General Regulations.** Additional requirements applicable to a C-2 District are set forth in the Performance Standards subdivision of this Section.

I. **Distance from School.** No liquor license shall be granted within six hundred (600) feet of any school. Distance shall be determined by a measurement from property line to property line.

SECTION 4.29. REGIONAL COMMERCIAL DISTRICT (C-3).

Subd. 1. Purpose. The purpose of a Regional Commercial District (C-3) is to provide high intensity commercial and service activities which may gain economic advantage from a concentration of uses and draws and serves customers from a regional market area.

Subd. 2. Permitted, Conditional, and Accessory Uses. Permitted, Conditional, and Accessory Uses in a C-3 District shall be as set forth in Section 4.32.

Subd. 3. Incidental Uses. Uses incidental to the principal use such as off-street parking and loading and unloading areas, and storage of merchandise shall be allowed subject to any limitations set forth in this Section.

Subd. 4. Performance Standards. The following are Performance Standards applicable to a C-3 District:

A. **Height Regulations.** The maximum height of any building shall be sixty-five (65) feet.

B. **Front Yard Regulations.** There shall be a front yard setback of not less than fifty (50) feet from all public road rights-of-way. Where highway safety and/or backslope easements are factors, the setbacks shall be determined by the City Engineer, but shall not be less than the above minimum.

C. **Side and Rear Yard Regulations.**

1. **Side Yard** - There shall be a minimum side-yard setback for buildings in a C-3 District of twenty (20) feet.

2. **Rear Yard** - There shall be a minimum rear yard setback for buildings in a C-3 District of twenty (20) feet.

D. **Lot Area.** There shall be no minimum lot area in a C-3 District.

E. **Shelter from Public View.** When adjacent to residential property, the City may require sheltering from public view. All areas utilized for the storage or disposal of trash, debris, discarded parts, or similar items shall be kept in an enclosed building or properly contained in a closed container designed for such purpose.

F. **Fence Requirements.**

1. Fences shall not exceed ten (10) feet in height.

2. Electric fences, or any other fence that creates a dangerous condition, shall not be permitted, used, or constructed.

G. **Additional Parking Areas.** There shall be no setback requirement for parking areas in a C-3 District.

H. **General Regulations.** Additional requirements applicable to a C-3 District are set forth in the Performance Standards subdivision of this Section.

I. **Distance from School.** No liquor license shall be granted within six hundred (600) feet of any school. Distance shall be determined by a measurement from property line to property line.

SECTION 4.30. INDUSTRIAL DISTRICT (I-1).

Subd. 1. Purpose. An Industrial District (I-1) is intended to provide for warehousing and light industrial development. Light industrial development shall have minimal need for access by the public and have a low impact on nearby properties.

Subd. 2. Permitted, Conditional, and Accessory Uses. Permitted, Conditional, and Accessory Uses in a I-1 District shall be as set forth in Section 4.32.

Subd. 3. Incidental Uses. Uses incidental to the principal use such as off-street parking and loading and unloading areas, and storage of materials shall be allowed subject to any limitations set forth in this Section.

Subd. 4. Performance Standards. The following are Performance Standards applicable to an I-1 District:

A. **Height Regulations.** The maximum height of any building shall be sixty-five (65) feet.

B. **Front Yard Regulations.**

1. The minimum front yard setback shall be ten (10) feet from the right-of-way line.

2. Where a lot is located at the intersection of two or more roads or highways, there shall be a front yard setback on each road or highway side of each corner lot. No building shall project beyond the front yard line of either road.

C. **Side and Rear Yard.** The minimum side yard setback shall be ten (10) feet and rear yard setback shall be ten (10) feet, except that no building shall be located closer than ten (10) feet from a Residential District.

D. **Lot Area.** There shall be no minimum lot area.

E. **Shelter from Public View.** The City may require that an industrial property be sheltered from public view on side and rear yards which face Residential Districts.

F. **Fence Requirements.**

1. Fences shall not exceed ten (10) feet in height.

2. Electric fences, or any other fence that creates a dangerous condition, shall not be permitted, used, or constructed.

G. **General Regulations.** Additional requirements applicable to a I-1 District are set forth in the Performance Standards subdivision of this Section.

SECTION 4.31. HEAVY INDUSTRIAL DISTRICT (I-2).

Subd. 1. Purpose. A Heavy Industrial District (I-2) is intended to provide for heavy industrial and manufacturing development and use which, because of the nature of the product or character of activity, has the potential to impact nearby property and therefore requires isolation from residential or commercial use.

Subd. 2. Permitted, Conditional, and Accessory Uses. Permitted, Conditional, and Accessory Uses in a I-2 District shall be as set forth in Section 4.32.

Subd. 3. Incidental Uses. Uses incidental to the principal use such as off-street parking and loading and unloading areas, and storage of materials shall be allowed subject to any limitations set forth in this Section.

Subd. 4. Performance Standards. The following are Performance Standards applicable to an I-2 District:

A. **Height Regulations.** The maximum height of any building shall be sixty-five (65) feet.

B. **Front Yard Regulations.**

1. There shall be a minimum front yard setback in an I-2 District of fifty (50) feet from the property line.

2. Where a lot is located at the intersection of two or more roads or highways, there shall be a front yard setback on each road or highway side of each corner lot.

C. **Side and Rear Yard.** The minimum side yard shall be twenty (20) feet and rear yard fifty (50) feet, except that no building shall be located closer than fifty (50) feet from a Residential District.

D. **Lot Area.** The minimum lot area shall be 15,000 square feet.

E. **Shelter from Public View.** The City may require that an industrial property be sheltered from public view on side and rear yards which face Residential Districts.

F. **Fence Requirements.**

1. Fences shall not exceed ten (10) feet in height.

2. Electric fences, or any other fence that creates a dangerous condition, shall not be permitted, used, or constructed.

G. **General Regulations.** Additional requirements applicable to a I-2 District are set forth in the Performance Standards subdivision of this Section.

SECTION 4.32. COMMERCIAL AND INDUSTRIAL USES. The following shall be permitted, conditional, and accessory uses in C-1, C-2, C-3, I-1, and I-2 Districts. The letter "P" indicates a permitted use; "A" indicates an accessory use; "C" indicates a conditional use; and "N" indicates not allowed.

Commercial Districts

USES	**C-1**	**C-2**	**C-3**
Adult Day Care	P	P	P
Adult Establishments	N	N	P

Agricultural uses so long as the use was pre-existing at the time the Property was annexed into the City, for a period of five (5) years from the date of annexation. At the expiration of the five(5) year conditional use permit term, the landowner may reapply for a new conditional use permit, but the City shall be under no obligation to grant a new Conditional use permit.	C	C	C
Amusement places (Dance Halls, roller rinks, arcades, theaters, health and recreation clubs, bowling alley, etc.)	C	P	P
Appliance, Sales and Repair	C	P	P
Auto Repair (Major)	P	P	P
Auto Repair (Minor)	P	P	P
Auto Accessory	N	P	P
Automobile Dealerships, Motor Vehicle and Recreation Equipment and Accessory Garages	N	P	P
	C-1	**C-2**	**C-3**
Bakery with Baking for Retail sales On-Site	P	P	P
Barbershops, Beauty Parlors	P	P	P
Bicycle Sales & Repair	P	P	P
Boat & Marine Sales	N	P	P
Book and Video Sales	P	P	P
Building Materials	N	P	P
Building, Structure, or use Accessory to Principal Use	A	A	A
Business Incubator	P	P	N
Camera & Photographic Supplies	P	P	P
Car Wash	P	P	P
Child Care Facilities	P	P	P
Churches	C	C	C
Clothing Sales & Tailoring	P	P	P
Clubs and Lodges	P	P	P
Commercial Greenhouse	P	P	P
Convenience Food (On or off site consumption- such as coffee shops, delicatessens, doughnut shops and ice cream parlors)	P	P	P
Convenience Stores	P	P	P
Custom Manufacturing (Optical, arts, crafts, watches, jewelry and dental)	N	C	P
Department, Discount, and Furniture Stores	C	P	P
Detoxification Facility	N	C	C
Drive up or Drive Through Facilities from which business is transacted directly with customers located in a motor vehicle during such business transactions	N	P	P
Drug Stores	P	P	P
Dry Cleaning & Laundromats	P	P	P
Essential Services	P	P	P
Financial Institutions	P	P	P
Florist Shop	P	P	P
Gas Stations (Principal and Incidental)	N	P	P
General Retail Sales of Merchandise or Services	P	P	P
Government and Utility Offices, including post office, City Hall, Fire and Police Stations	P	P	P
Grocery, Fruit or Vegetable Stores	P	P	P
Group Day Care Centers	P	P	P
Hardware Store	P	P	P
Hospital and Medical Clinics	P	P	P
Implement Sales/Service, Feed Store	N	P	P
Indoor Gun Range	N	N	P
Kennels	P	P	P
Manufactured Home Park	C	C	C
Mini-Storage Facilities	P	P	P
Mortuary	P	P	P
Motels/Hotels	N	C	P

Municipal Liquor Store	P	P	P
Off-Street Loading	A	A	A
Off-Street Parking (Not including semi-trailer truck)	A	A	A
Open and Outdoor Service, Sales and rentals as a Principal or Accessory Use, including sales in or from motorized vehicles, trailers or Career Training Facilities.	C	C	P
Other business uses which in the opinion of the City Council are of the same general character as the uses in this section, and which will not be obnoxious or detrimental to the Commercial district in which located.	C	C	C
Paint and Wallpaper Sales	P	P	P
Parking Ramp	N	N	P
Personal Services	P	P	P
Pet Store	N	P	P
Photography Studio	P	P	P
Plumbing, Heating & Electrical	N	P	P
Printing, Newspaper, Communications	N	P	P
Professional & Commercial Offices (Medical, dental, lawyer, real estate, insurance, travel agent, accountant, etc.)	P	P	P
Public Garages	P	P	P
Radio/T.V. Station, Without Transmitting Power	N	P	P
Recycling Center	N	C	C
Residence dwelling connected to or upstairs of any building, so long as the principal use of the building is authorized in the district.	P	P	P
Restaurants, Taverns, Off-Sale Liquor	N	P	P
Retail Store 30,000 square feet or greater	N	C	P
Reverse Vending Machines	N	C	C
Shopping Center over 30,000 square feet	N	C	P
Small Wireless Facility	P	P	P
Taxi or Bus Terminal	N	P	P
Variety, Notions, Handicraft, Jewelry, Hobby and Gift	P	P	P
Wind Energy Conversion Systems	N	N	C
Wireless Towers	C	C	C
Zoo (Indoor or Outdoor)	N	N	P

Industrial Districts.

USES	**I-1**	**I-2**
Acid Manufacture	N	C
Airports and accessory uses that support airport operations	N	C
Blacksmith, Welding or Other Metal Shop	P	P
Bus, railroad, Motor Freight or Trucking Terminals and Maintenance Garage	P	P
Business Incubator	P	P
Child Care Facilities, so long as facility is attached to and serves employees of primary business on site	C	C
Commercial Fueling Station	N	C
Commercial Building, Structure or use Accessory to the principal use	A	A
Commercial Stock Yards and Slaughtering of Animals	N	C
Commercial and Industrial Laundry Services	P	P
Creosote Plant		
Crude Oil, Gasoline or other liquid storage tanks incidental to the principal use	A	A
Essential Services	P	P
Fertilizer, Fuel Briquettes, Chemical Manufacturing	N	C
Foundry casting; Lightweight, non-ferrous metals or electric foundry not causing noxious fumes or odors	P	P
Government and Public Utility Buildings and Structures	P	P

Heliport	N	C
Incineration or reduction of waste material other than customarily incidental to principal	N	C
Kilns or other heat processes fired by means other than electricity	N	C
Laboratories	P	P
Machine Shops	P	P
Manufacture/Repair Light Sheet Metal Products	P	P
Manufacture of Musical Instruments	P	P
Manufacture or Assembly of Pottery, Ceramic Products Using Only Previously Pulverized Clay and Electric or Gas Kilns	P	P
Manufacture/Repair Electrical Signs, Advertising Devices, etc.	P	P
	I-1	**I-2**
Manufacture of Dairy Products, Cold Storage, Distribution, Bottling Plant	P	P
Manufacturing, Assembly or Treatment of Previously Prepared products (Cloth, leather, paper, plastic, metals, stone, wood, etc.)	P	P
Manufacturing, Compounding, Assembly, Packaging, treatment, or Storage of Products including: Cement, Concrete, Stone cutting, brick, glass, batteries, ceramic products, mill working, metal polishing and plating, paint, vinegar works, rendering of fats and oils, rubber products, plastic asphalt and similar uses.	N	P
Manufacturing, Processing, Packaging or Cosmetics, Pharmaceuticals, and Food Products	P	P
Milling, Distillation and Similar Uses, Grain Elevators	N	C
Motor Vehicle and/or Major Repair	P	P
Off Street Parking (including semi-trailer truck)	A	A
Off-Street Loading	A	A
Offices associated with principal use	A	A
Oil, Gasoline Liquid Fertilizer, Propane or other Chemical Storage Tanks (principal or accessory use), Storage Capacity Exceeds 12,000 Gallons	P	P
Open or Outdoor Service Sale and Rental as an Accessory Use, and including sales in or from motor vehicles, trailers or wagons	P	P
Open and Outdoor Storage	P	P
Radio and Television Transmission Towers and Stations	P	P
Recycling Center	P	P
Refuse and Garbage Disposal	N	C
Research Laboratories	P	P
Small Wireless Facility	P	P
Storage, utilization or manufacture of materials or products which could decompose by detonation	N	C
Warehouses and Wholesaling	P	P
Wind Energy Conversion Systems	N	C
Wireless Towers	C	C

SECTION 4.33. PERFORMANCE STANDARDS.

Subd. 1. Purpose. The performance standards established in this section are designed to encourage a high standard of development by providing assurance that neighboring land uses will be compatible. The performance standards are designed to prevent and eliminate those conditions that cause blight or are detrimental to environment. All future development in all districts shall be required to meet these standards and the standards shall also apply to existing development. Before any building permit is approved, the Zoning Inspector shall determine whether the proposed use will conform to the performance standards. The developer or landowners shall supply data necessary to demonstrate such conformance. Such data may include a description of equipment to be used, hours of operation, method of refuse disposal, and type and location of exterior storage.

Subd. 2. Accessory Height Restriction. In all commercial and industrial districts, no accessory use shall exceed the height of the principal building except by conditional use permit.

Subd. 3. In All Districts. The following requirements or prohibitions shall apply in all Districts:

A. Single Family Dwellings. All single family dwellings shall have a minimum width of 22 feet and a minimum length of 42 feet of living space.

B. Accessory buildings shall not be constructed prior to or in lieu of the principal building.

C. All swimming pools located below ground shall be totally enclosed in a fence with secured access. Fence to be constructed of suitable material and in a configuration to prevent unwanted entry to the pool.

D. The spreading of animal manure or other obnoxious or foul smelling material for fertilizer is prohibited.

E. Pumping of septic tanks or cesspools on to open ground, street or alleys is prohibited.

F. Nothing in this Land Use Ordinance shall be deemed to prohibit the construction or maintenance of any stand or shelter for the sale of agricultural products produced on the premises.

G. No permit shall be granted for the construction of any school, church, hospital, or public meeting place having a seating capacity of more than 50 persons if it is to be located within 300 feet of an existing filling station, public garage, or gasoline distributing station.

H. For purposes of ensuring reasonable visibility, trees shall be trimmed to a height 8 feet above the curb level for a distance of 25 feet from the intersection of the streets lines of the intersection of any two streets.

I. No trash, garbage, paper or other combustible material may be burned in outside receptacles or piles within the city limits. The burning of automobile, truck and tractor tires is prohibited within the city limits at all times.

J. Temporary housing shall not be allowed anywhere in the City except as specifically allowed by this Land Use Ordinance.

K. Moving Structures.

1. No dwelling or building may be moved from one location to another within the City limits, or from a location outside the City into the City without first securing a special use permit by applying first to the Zoning Commission and then to the City Council therefore. Before a dwelling or building is moved either within the City limits or into the city, it must be in safe and sound physical condition and must be visually inspected by the Zoning Inspector and brought up to the then current electrical and plumbing codes as set forth in the state building code.

2. No such structure shall be moved by other than a licensed and bonded mover with the exception of accessory buildings of 625 square feet or less, and less than 15 feet in height.

3. If the City Council approves the issuance of a special permit, the applicant shall deposit with the City Clerk a certified check, cashier's check or cash payable to the City of Medford in an amount equal to 20% of the Zoning Inspector's estimate of all costs of relocation, improvement of structure, and improvements to the proposed site and restoration of the original site as prescribed by the Planning and Zoning Committee and

concurred by the City Council. Ten percent of the original amount deposited shall be forfeited for each day the project remains incomplete beyond the agreed upon completion date. When the Zoning Inspector certifies that the project has been completed and all requirements and conditions have been met, the City Clerk shall return to the applicant all the monies remaining in deposit.

4. Before the Zoning Inspector shall issue a permit to move a structure over any public right of way the applicant shall pay the fee of $10.00, complete the application for building moving permit and moving approval form and file with the City Clerk a certificate of public liability insurance approved by the City Attorney covering all operations of the applicant in the sum of at least One Million ($1,000,000) dollars for each person injured. The certificate shall not contain a limitation of liability of less than $500,000 in case of injury to two or more persons in any one accident or occurrence and in the sum of not less than $500,000 dollars for damage to property. The City of Medford shall be named as an additional insured. Should any such insurance policy be canceled, the City shall be immediately notified and the permit issued thereunder shall be suspended and inoperative until satisfactory insurance is provided.

5. The building moved shall not be occupied until the Building Inspector issues a certificate of occupancy. No certificate of occupancy shall be issued until the building or structure is placed in safe and sound physical condition and brought up to the then current plumbing and electrical codes as set forth in the state building code.

6. New and sectional dwellings, whether constructed in whole or in part, shall not need a special use permit if they comply with the state building code or other requirements of this Land Use Ordinance. However, such new and section dwellings shall comply with all other requirements of this section and this Land Use Ordinance.

7. This subdivision shall not apply to construction sheds or temporary construction offices located on a lot for 18 months or less during a construction project.

8. The permit shall expire one year from the date of issuance of the permit. Upon expiration of the permit, the applicant shall be required to reapply for a permit and pay the regular fee before completing the project authorized by the permit.

L. No person shall keep, maintain or harbor within the city any of the following animals, notwithstanding prohibitions of state or federal law, nothing herein shall limit the keeping, maintaining, or harboring of animals to the extent they are located in a pet store or zoo:

1. Any animal or species, the keeping of which is prohibited by state or federal law.

2. Any nondomestic animal or species, including, but not limited to, the following:

   a. Any skunk, whether captured in the wild, domestically raised, descented or not descented, vaccinated against rabies or not vaccinated against rabies.

   b. Any large cat of the family Felidae, such as lions, tigers, jaguars, leopards, cougars, and ocelots, except commonly accepted domesticated house cats

   c. Any member of the family Canidae, such as wolves, foxes, coyotes, dingos, and jackals, except domestic dogs

   d. Any crossbreed, such as the crossbreeds between dogs and coyotes, or dogs and wolves, but does not include crossbred domestic dogs.

   e. Any poisonous pit viper, such as a rattlesnake, coral snake, water moccasin or cobra.

f. Any raccoon.

g. Any ferret which has not been vaccinated for rabies.

h. Any monkey or other primate.

i. Farm animals, including cows, pigs, horses, sheep, poultry, fowl, goats, and mink.

j. Any other animal which is not listed explicitly above, but which can be reasonably defined as wild or exotic, including bears and badgers.

Amended November 25, 2019 with the following vote, 4 aye, 0 nay, and 1 absent.

M. Junk yards are strictly prohibited in all districts.

N. **Building Numbers**. All principal structures in all zoning districts shall be clearly identified with a property address number.

O. **Cooperation with City Inspections**. Owners and occupants of every property located within the City limits shall cooperate with and shall allow reasonable access to City personnel to accomplish any inspections necessary to enforce the provisions of this Land Use Ordinance.

P. **Open Fires.** No open fires shall be allowed except for recreational fires which shall be supervised at all times.

Q. **Kennels.** Kennels shall be allowed in commercial (C-1, C-2, and C-3) districts but shall be prohibited in residential (R-1 and R-2) districts. In addition, a kennel shall not be located within 100 feet of any residential (R-1 and R-2) district.

R. **Outdoor Displays.** The storage of used tires, batteries, and other such items outside the building shall be controlled; such items shall be displayed in specially designated containers and be limited to one or two areas well back from the street right-of-way line. Junk cars, empty cans, and other unsightly materials will not be permitted in an area subject to public view. The City may require that these areas be fully sheltered from public view. All structures and grounds shall be maintained in an orderly, clean, and safe manner.

S. **Single family attached dwellings and townhouses shall be subject to the following conditions:**

1. Each dwelling shall be oriented as to have all exits open to the outside, with no exits leading directly into the abutting dwelling.

2. Each dwelling shall have separate service for water, sewer, electricity, and other utilities.

3. A common wall agreement shall be filed with the city.

4. Each dwelling shall front a public street.

5. Any jointly owned or jointly utilized facilities, such as decks or driveways, shall be governed under a declaration or covenants and restrictions approved by the city and filed with the Steele County Recorder.

6. All agreements, easements, and deed restrictions on all structures that abut the zero lot line shall be recorded.

T. Lighting Restrictions.

1. Any lighting used to illuminate an off-street parking area, sign, or other structure, shall be arranged so as to deflect light away from any adjoining residential zone or from the public streets. Direct or sky-reflected glare, whether from floodlights or from high temperature processes such as combustion or welding, shall be hooded or controlled in some manner so as not to light adjacent property. Bare incandescent light bulbs shall not be permitted in view of adjacent property or public right-of-way. Any light or combination of lights which cast light on a public street shall not exceed one (1) foot candle (meter reading) as measured from the centerline of said street. Any light or combination of lights which cast light on residential property shall not exceed 0.4 candles (meter reading) as measured from the nearest property line."

2. Lighting in existence as of the effective date of this ordinance shall be exempt from the lighting restrictions set forth herein, provided however, that if existing lighting is substantially altered, modified, or repaired the lighting shall be subject to the lighting restrictions set forth herein.

Subd. 4. Soil Erosion and Sedimentation Control.

A. General Standards.

1. All development shall conform to the natural limitations presented by the topography and soil in order to create the best potential for preventing soil erosion.

2. Slopes over 18% in grade shall not be developed.

3. Development on slopes with a grade between 12% and 18% shall be carefully reviewed to insure that adequate measures have been taken to prevent erosion, sedimentation and structural damage.

4. Erosion and siltation control measures shall be coordinated with the different stages of development. Appropriate control measures shall be installed prior to development when necessary to control erosion.

5. Land shall be developed in increments of workable size such that adequate erosion and siltation controls can be provided as construction progresses. The smallest practical area of land shall be exposed at any one period of time and no exposure shall exceed sixty (60) days unless extended by the Council.

6. Where black dirt is removed, sufficient arable soil shall be set aside for respreading over the developed area. The black dirt shall be restored to a depth of six (6) inches and shall be of a quality at least equal to the soil quality prior to development.

7. The natural drainage system shall be used as far as is feasible for storage and flow of runoff. Storm water drainage shall be discharged to marshlands, swamps, retention basins or other treatment facilities. Diversion of Storm water to marshlands or swamps shall be considered for existing or planned surface drainage. Marshlands and swamps used for Storm water shall provide for natural or artificial water level control. Temporary storage areas or retention basins scattered throughout developed areas shall be encouraged to reduce peak flow, erosion damage, and construction cost.

8. Public and private properties adjacent to the development site shall be protected from the effects of sedimentation. Any violations of this. provision must be corrected by the owner to the satisfaction of the City within five (5) days of receiving notification of such. If the violation is not remedied within the time period specified, the City may correct the problem and assess the costs incurred to the property owner.

B. **Exposed Slopes.** The following control measures shall be taken to control erosion during construction:

1. No exposed slopes should be steeper in grade than four (4) feet horizontal to one (1) foot vertical.

2. At the foot of each exposed slope, a channel and berm should be constructed to control runoff. The channelized water should be diverted to a sedimentation basin (debris basin, silt basin or silt trap) before being allowed to enter the natural drainage system.

3. Along the top of each exposed slope, a berm should be constructed to prevent runoff from flowing over the edge of the slope. Where runoff collecting behind said berm cannot be diverted elsewhere and must be directed down the slope, appropriate measures shall be taken to prevent erosion. Such measures should consist of either an asphalt paved flow apron and drop chute laid down the slope or a flexible slope drain. At the base of the slope drain or flow apron a gravel energy dissipater should be installed to prevent erosion at the discharge end.

4. Exposed slopes shall be protected by whatever means will effectively prevent erosion considering the degree of the slope, soils material, and expected length of exposure. Slope protection shall consist of mulch, sheets of plastic, burlap or jute netting, sod

blankets, fast growing grasses or temporary seedings of annual grasses. Mulch consists of hay, straw, wood chips, corn stalks, bark or other protective material. Mulch should be anchored to slopes with liquid asphalt, stakes, and netting, or should be worked into soil to provide additional slope stability.

5. Control measures, other than those specifically stated above, may be used in place of the above measures if it can be demonstrated that they will as effectively protect exposed slopes.

Subd. 5. Preservation of Natural Drainage ways.

A. **Waterways.**

1. Every effort shall be made to retain the natural drainage systems in the City including existing wetlands and ponds. The natural drainage system shall be maintained by the City. Above-ground runoff disposal waterways may be constructed to augment the natural drainage system.

2. The widths of a constructed waterway shall be sufficiently large to adequately channel runoff from a ten (10) year storm. Adequacy shall be determined by the expected runoff when full development of the drainage area is reached.

3. No fences or structures shall be constructed across the waterway that will reduce or restrict the flow of water.

4. The banks of the waterway shall be protected with a permanent vegetation.

5. The banks of the waterway should not exceed four (4) feet horizontal to one (1) foot vertical in gradient.

6. The gradient of the waterway bed should not exceed a grade that will result in a velocity that will cause erosion of the banks of the waterway.

7. The bend of the waterway should be protected with turf, sod, or concrete. If turf or sod will not function properly, rip rap may be used. Rip rap shall consist of quarried limestone, fieldstone (if random rip rap is used) or construction materials of concrete. The rip rap shall be no smaller than two (2) inches square nor no larger than two (2) feet square. Construction materials shall be used only in those areas where the waterway is not used as part of recreation trail system.

8. If the flow velocity in the waterway is such that erosion of the turf side wall will occur and said velocity cannot be decreased via velocity control structures, then other materials may replace turf on the side walls. Either gravel or rip rap would be allowed to prevent erosion at these points.

B. Sediment Control of Waterways.

1. To prevent sedimentation of waterways, pervious and impervious sediment traps and other sediment control structures shall be incorporated throughout the contributing watershed.

2. Temporary pervious sediment traps could consist of a construction of bales of hay with a low spillway embankment section of sand and gravel that permits a slow movement of water while filtering sediment. Such structures would serve as temporary sediment control features during the construction state of development. Development of housing and other structures shall be restricted from the area on either side of the waterway required to channel a twenty-five (25) year storm.

3. Permanent impervious sediment control structures consist of sediment basins (debris basins, desilting basins, or silt traps) and shall be utilized to remove sediment from runoff prior to its disposal in any permanent body of water.

Subd. 6. Tree and Woodland Preservation; General Provisions.

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

B. Prior to the granting of a building permit, it shall be the duty of the person seeking the permit to demonstrate that there are no feasible or prudent alternatives to the cutting of trees on the site and that if trees are cut he will restore the density of trees to that which existed before development.

C. 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.

D. Development including grading and contouring shall take place in such a manner that the root zone aeration stability of existing trees shall not be affected and shall provide existing trees with a watering equal to one-half the crown area.

E. Notwithstanding the above, the removal of trees seriously damaged by storms or other acts of God, or diseased trees shall not be prohibited.

Subd. 7. Wetland Preservation.

A. **General Provisions.** To the extent possible, all wetlands including marshlands and swamps shall be retained in their natural state to serve as a storm water runoff basin and also as a wildlife habitat.

B. **Discharges Into Wetlands.**

1. Discharge of sewage, organic or other waste into wetlands shall be strictly prohibited.

2. Storm water runoff from construction sites may be directed to the wetland only when substantially free of silt, debris and chemical pollutants and only at rates which will not disturb vegetation or increase turbidity.

C. **Building Constraints.**

1. The lowest floor elevation of buildings if used for living quarters or work area shall be at least three (3) feet above the seasonal high water level of the wetland.

2. Development which will result in unusual road maintenance costs or utility line breakages due to solid limitations, including high frost action, shall not be permitted.

3. The minimum setback for all buildings shall be 75 feet from the seasonal high water level of the wetland.

Subd. 8. Traffic Control and Sight Distance.

A. **Intersections With Traffic Controls.** On any corner lot at a street intersection which has some form of traffic control (stop or yield signs), there shall be no obstruction to traffic visibility, including buildings, within the clear sight triangle which is formed by the intersection of the center line of two intersecting streets and a straight line joining the two said center lines at points eighty (80) feet distant from their point of intersection.

B. **Intersections Without Traffic Controls.** On any corner lot, in all districts, at a street intersection which does not have any form of traffic control, there shall be no obstruction to the traffic visibility, including buildings, within the clear sight triangle which is formed by the intersection of the center line of the two intersecting streets and a straight line joining the two said center lines at points a given number of feet distant from their points of intersection. The distances from said points of intersection are specified in the following table for various speeds in miles an hour of enforced speed limit:

Distance Measurement For Clear Sight Triangle

Miles Per Hour	Distance Measurement
30	88 feet
40	120 feet
50	156 feet
55	174 feet

Subd. 9. Vacated Streets. Whenever any street, alley, easement or public way is vacated by official action, the zoning district abutting the centerline of the said vacated area shall not be affected by such procedure.

Subd. 10. Access Drives and Access.

A. Access drives shall not be placed closer than two (2) feet to any side or rear lot line. The number and types of access drives onto major streets may be controlled and limited by the Council in the interests of public safety and efficient traffic flow.

B. Access drives onto County roads shall require a review by the County Engineer. The County Engineer 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.

C. Access drives to principal structures which traverse wooded, steep, or open field areas shall be constructed and maintained to a width and base material depth sufficient to support access by emergency vehicles. The Zoning Inspector shall review all access drives (driveways) for compliance with accepted community access drive standards. All driveways shall have a minimum width of twelve (12) feet with a road strength capable of supporting emergency and fire vehicles.

D. All lots or parcels shall have direct adequate physical access for emergency 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.

Subd. 11. Vehicle and Recreation Vehicles Parking and Storage on Residential Lots.

A. Surface. Motorized vehicles and recreation vehicles, including trailers, boats, campers, or associated equipment, shall not be parked outside on the premises of any dwelling or any residential lot, unless the entire footprint of the vehicle or recreational equipment is contained within a continuous concrete or bituminous surface, or gravel or stone material with a minimum depth of four (4) inches. The surface shall maintain a minimum setback from all property lines and public right-of-ways of two (2) feet.

B. Exception to Paragraph A. A property owner shall be exempt from the requirements set forth in Paragraph A so long as the following requirements are met:

1. Any lawn surface used as a parking area shall be maintained at all times. The area shall be kept clear of excessive grass and weed growth and the lawn under the parking area shall remain free of mud and ruts. In particular, the property owner shall ensure that the area does not constitute a public nuisance as defined in Section 11.20 of this Code.

2. A property owner who fails to abide by the requirements of this paragraph will be issued one (1) warning letter demanding that the parking area be brought into compliance.

3. In the event that a property owner fails to abide by this paragraph at any time after issuance of a warning letter, the property owner shall no longer qualify for the exception contained in this paragraph and upon notice the property owner shall timely comply with Paragraph A.

C. Location. Motorized vehicles and recreation vehicles, including trailers, boats, campers, or associated equipment and shall maintain a minimum setback from all property lines and public right-of-ways of two (2) feet.

D. No Living Quarters. No permanent living quarters (occupancy exceeding 14 days) shall be maintained or business practiced in a motorized vehicle or recreational vehicle.

E. Public Property. Motorized vehicles and recreation vehicles, trailers, boats, campers, or associated equipment shall not be allowed on any public property overnight except in those public areas specifically designed for overnight stops, or en-route stops. Camping of said equipment in authorized areas shall not exceed ten (10) consecutive days or nights.

F. Street Parking. Motorized vehicles, recreation vehicles, semi-tractors, trailers, boats, campers, or associated equipment shall not be parked on a public roadway for longer than forty-eight (48) consecutive hours.

G. Construction Use. A trailer or mobile home may be allowed in any district where the trailer is used as an office connected with construction where a building permit has been granted for the construction work. The trailer or mobile home shall not be located on the public street without prior approval of the City Council."

Subd. 12. Apartments, Townhouses and other Multi-Family Structures.

A. All multi-family structures shall be subject to the following standards:

B. Standards for Multi-Family Buildings. All requests for building or conditional use permits shall be accompanied by a series of site plans and data showing:

1. Building locations, dimensions, and elevations, all signs, structures, entry areas, storage sites, and other structural improvements to the site.

2. Circulation plans for both pedestrian and vehicular and traffic.

3. Sheltering from public view.

4. Solid waste disposal provisions and facilities.

5. Storm drainage plans.

6. Fire fighting and other public safety facilities and provisions such as hydrant locations and fire lanes.

7. Data pertaining to numbers of dwelling units, size, lot area, ratio, etc.

8. Exterior wall materials and design information.

9. A minimum of two (2) foot contour topographical map of the existing site.

10. A grading plan illustrating the proposed grade changes from the original topographical map. All site areas, when fully developed, shall be completely graded so as to adequately drain and dispose of all surface water, storm water and groundwater in such a manner as to preclude large scale erosion, unwanted ponding and surface chemical runoff.

11. A recreational plan illustrating in detail all recreational facilities and structures.

12. A Landscape Plan. The site, when fully developed, shall be landscaped according to a plan approved by the Planning and Zoning Committee. The landscaping plan shall specify the size, type, and location of all trees and shrubbery and the location of all seeded and sodded areas.

13. A soil erosion control plan for the construction period. Areas within the construction zone shall be fenced with construction limit fencing as per the plan to prohibit heavy machinery and/or materials from being placed on areas not to be disturbed during construction. This shall, at a minimum, include all slopes in excess of 18%.

C. Exterior Storage.

1. All exterior storage shall be sheltered from public view by a solid fence or wall not less than six (6) feet high, but shall not extend within fifteen (15) feet of any street driveway or lot line.

2. Exterior storage besides vehicles shall be limited to service equipment and items offered for sale. Exterior storage of items offered for sale shall be within yard setback requirements and shall be located in containers such as the racks, metal trays, and similar structures designed to display merchandise.

D. Appearance. All buildings within an apartment development shall be so planned that they have the equivalent of a front appearance of each exterior vertical surface.

E. General Buildings or Structural Requirements.

1. Requirements for Exterior Wall Surfacing and Covering. All multiple family dwelling buildings shall be designed and constructed to have the equivalent of a front appearance on each exterior surface. All accessory or ancillary buildings, including garages, shall be designed and constructed with the same facing materials as the principal building. Such material shall be used in the same or better proportions as used on said principal building.

2. Any blighting or deteriorating aspects of the multiple family dwelling development shall be placed or absorbed by the site itself, rather than by neighboring residential uses. This provision particularly applies to the location of parking areas.

3. The design shall make use of all land contained in the site. All of the site shall be related to the multiple family use, either parking, circulation, recreation, landscaping, sheltering from public view, building, storage, etc., so that no portion remains undeveloped.

4. Trash and Garbage. No exterior trash or garbage disposal or storage shall be permitted unless enclosed by a fence or other structure at least six (6) feet in height.

Subd. 13. Parking.

A. Surfacing and Drainage. All off-street parking areas shall have a concrete or bituminous surface, or gravel or stone material with a minimum depth of four (4) inches. No vehicles shall be parked on off-street areas except upon surfaces as above described. Such areas shall be so graded and drained as to dispose of all surface water accumulated within the area. Open sales lots for cars, trucks and other equipment shall also be graded, drained and paved.

B. Location. All accessory off-street parking facilities required herein shall be located as follows:

1. Spaces accessory to one and two-family dwellings shall be located on the same lot as the principal use served.

2. Spaces accessory to the multiple family dwellings shall be located on the same lot as the principal use served or within three hundred (300) feet of the main entrance to the principal building served.

3. Sidewalks shall be provided from parking areas, loading zones and recreation areas to the entrance of the building.

C. General Provisions.

1. Each parking space shall not be less than nine (9) feet wide and twenty (20) feet in length.

2. Control of Off-Street Parking Facilities. When required, accessory off-street parking facilities are provided elsewhere than on the lot in which the principal use served is located, they shall be in the same ownership or control, either by deed or long-term lease,

as the property occupied by such principal use, and the owner of the principal use shall file a recordable document with the council requiring the owner and his or her heirs and assigns to maintain the required number of off-street spaces during the existence of said principal use.

3. **Use of Parking Area.** Required off-street parking space in any district shall not be utilized for open storage of goods or for the storage of vehicles which are inoperable or for sale or rent.

4. Parking shall not be allowed in areas not designated for off-street parking.

D. **Design and Maintenance of Off-Street Parking Areas (Parking Lots).**

1. Parking areas shall be designed so as to provide adequate means of access to a public alley or street. Such driveway access shall not exceed thirty (30) feet in width and shall be so located as to cause the least interference with traffic movement.

3. **Parking Space of Six (6) or More Cars.** When a required off-street parking space for six (6) or more is located adjacent to a residential district, a fence no closer than two (2) feet from the property line approved by the Zoning Inspector shall be erected along the residential district property line at least six (6) feet in height.

4. **Maintenance of Off-Street Parking Space.** It shall be the joint and several responsibility of the operator and owner of the principal use, uses and/or building to maintain, in a neat and adequate manner, the parking space access ways, landscaping and required fences.

5. **Determination of Areas.** A parking space shall not be less than three hundred (300) square feet per vehicle of standing and maneuvering area.

E. **Parking on Public Streets and Residential Areas.** Parking on public streets and in residential areas shall be subject to the standards set forth in the City Code.

F. **Off-Street Space Required**:

1.	**One and Two Family Residences.**	Two (2) spaces per dwelling unit.
2.	**Multiple Dwellings.**	Three (3) spaces per dwelling unit.
3.	**Business and Professional Offices**.	One (1) space for each 200 sq. ft. of gross floor space.
4.	**Medical and Dental Clinics.**	Five (5) spaces per doctor or dentist, plus one (1) space for each employee.
5.	**Hotel or Motel.**	One (1) space per rental unit plus one (1) space per full-time employee.
6.	**Schools:**	
	(a) Elementary Schools.	Two (2) spaces for each classroom.

	(b) High School.	At least one (1) parking space for each four (4) students based on design capacity, plus one (1) additional space for each classroom.
7.	**Colleges.**	At least one (1) space for every two (2) employees plus one (1) space for every car permitted to students by the college.
8.	**Hospital.**	At least one (1) parking space for each three (3) hospital beds, plus one (1) space for each four (4) employees, other than doctors, plus one (1) parking space for each resident and regular staff doctor.
9.	**Licensed Day Care.**	One (1) space for every two (2) employees.
10.	**Group Homes.**	One (1)space for every two (2) residents.
11.	**Drive-In Food Establishment.**	One (1) space for each fifteen (15) sq. ft. of gross floor space in buildings allocated to drive-in operation.
12.	**Bowling Alley.**	Six (6) spaces for each alley, plus additional space as may be required herein for related uses such as a restaurant.
13.	**Automobile Service Station.**	At least two (2) off-street parking spaces plus four (4) off-street parking spaces for each service stall.
14.	**Retail Store.**	At least one (1) off-street parking space for each two hundred fifty (250) sq. ft. of gross floor area.
15.	**Restaurants, Cafes, Bars.**	At least one (1) space for each three (3) seats based on capacity design.
16.	**Theaters, Auditoriums, Mortuaries, Stadiums, Arenas, Dance Halls, and Other Places of Assembly.**	Spaces equal in number to one-third (1/3) of the capacity in persons.
17.	**Churches.**	Spaces equal in number to one-third (1/3) of the capacity in persons of the main sanctuary or auditorium plus provisions for supplementary parking space needs for other portions of the church facilities as determined by final site and building plans when reviewed by the Planning and Zoning Committee.
18.	**Industrial, Warehouse Storage Handling of Bulk Goods.**	At least one (1) space for each employee on maximum shift one (1) space for each two thousand sq. ft. of gross floor area, whichever is larger.

19.	**Uses Not Specifically Noted.**	As determined by the Council following review by the Planning and Zoning Committee.

G. Off-Street Loading and Unloading Areas.

1. Location. All required loading berths shall be off-street and shall be located on the same lot as the building or use to be served. A loading berth shall be located at least twenty-five (25) feet from the intersection of two (2) street rights-of-way and at least fifty (50) feet from a residential district unless within a building. Loading berths shall not occupy the required front yard space.

2. Size. Unless otherwise specified in this Land Use Ordinance, a required loading berth shall not be less than twelve (12) feet in width, fifty (50) feet in length and fourteen (14) feet in height, exclusive of aisle and maneuvering space.

3. Required Loading Spaces. Determined by the Council following review by the Planning and Zoning Committee.

4. Access. Each required loading berth shall be located with appropriate means of vehicular access to a street or public alley in a manner which will least interfere with traffic.

5. Surfacing. All loading berths and access ways shall be improved with a durable material to control the dust and drainage.

6. Accessory Use. Any space allocated as a loading berth or maneuvering area so as to comply with the terms of this Land Use Ordinance shall not be used for the storage of goods, inoperable vehicles or be included as a part of the space requirements necessary to meet the off-street parking area.

7. In connection with any structure which is to be erected or substantially altered, and which requires the receipt or distribution of materials or merchandise by trucks or similar vehicles, there shall be provided off-street loading space.

8. Where noise from loading or unloading activity is audible in a residential district, the activity shall terminate between the hours of 7:00 P.M. and 7:00 A.M.

Subd. 14. Automobile Service Station Standards.

A. Lot Size. An automobile service station site shall be a minimum of 20,000 square feet in size.

B. Setbacks. The fuel pumps shall be set back at least twenty-five (25) feet from the street right-of-way. Adjacent to residential districts, the service station buildings, signs, and pumps shall be a minimum of twenty-five (25) feet from adjoining property. In commercial areas, the structures shall be set back at least ten (10) feet from adjoining property.

C. Curb and Gutters. Concrete curbs and gutters shall be installed on all streets giving access to the station. There shall be a six (6) inch curb along all interior driveways.

D. Separation Requirements. When an automobile service station is located adjacent to residential property, there shall be sheltering from public view.

E. Sheltering from Public View. All areas utilized for the storage or disposal of trash, debris, discarded parts, and similar items shall be kept in an enclosed building or properly contained in a closed container designed for such purpose. All structures and grounds shall be maintained in an orderly, clean, and safe manner.

F. **Architecture.** The station and other buildings shall be of a design that is compatible with the surroundings.

G. **Lighting.** Lights shall be designed and placed in such a manner as to direct the light away from residential areas.

H. **Other Activities.** Business activities not listed in the definition of service stations and not incidental to the station are not permitted on the premises of a service station unless a conditional use permit is obtained specifically for such business. Such activities include but are not limited to the following: (1) automatic car and truck wash; (2) rental of vehicles, equipment or trailers; and (3) general retail sales. Gas pumps located at and a part of other types of business establishments shall require a conditional use permit.

Subd. 15. Drive-in Business Standards. The following standards shall apply to drive-in businesses in all districts:

A. **Design Standards.**

1. The entire area of any drive-in business shall have a drainage system approved by the City Engineer.

2. The entire area other than that occupied by structures or planting shall be surfaced with a hard surface material which will control dust and drainage.

3. Sheltering from public view of acceptable design not over six (6) feet in height or less than four (4) feet shall be constructed along the property line abutting a residential district and such sheltering from public view shall be adequately maintained.

B. **General.**

1. Any drive-in business serving food or beverages may also provide, in addition to vehicular service areas, indoor food and beverage service seating area.

2. The hours of operation shall be set forth as a condition of any building permit for drive-in business.

3. Each drive-in business serving food may have outside seating.

4. Each food or beverage drive-in business shall place refuse receptacles at all exits as well as one (1) refuse receptacle per ten (10) vehicle parking spaces within the parking area.

5. No service shall be rendered, deliveries made, or sales conducted within the required front yard; customers served in vehicles shall be parked to the sides and/or rear of the principal structure.

C. **Site Plan.**

1. The site plan shall clearly indicate suitable storage containers for all waste material. All commercial refuse containers shall be sheltered from public view.

2. A landscape plan shall be included and shall set forth complete specifications for plant materials and other features.

3. Adequate area shall be designated for snow storage such that clear visibility shall be maintained from the property to any public street.

4. The design of any structure shall be compatible with other structures in the surrounding area.

Subd. 16. Home occupations.

A. **General.** Home occupations shall be allowed in all residential districts provided that the outside appearance of the dwelling may not be altered and subject to the following standards:

1. No articles for sale shall be displayed so as to be visible from any street.

2. No mechanical or electrical equipment is used if the operation of such equipment interferes with adjacent property owners T.V. or radio reception or with the desired quiet residential environment of the neighborhood or if the health and safety of the residents is endangered.

3. No outside storage of materials shall be allowed.

4. The home occupation shall conform to the standards in the Minnesota State Building Code and the State Fire Code.

Subd. 17. Bed and Breakfast. Bed and breakfast establishments allowed under the terms of this Land Use Ordinance shall be subject to the following conditions:

A. The owner or operator shall reside on the property or submit a management plan for approval as part of the conditional use permit.

B. The establishment shall conform with all applicable state health, fire, and building code requirements.

C. The only meal served to guests shall be breakfast and only guests shall be served.

D. The facility shall be limited to five (5) guest rooms or a maximum guest capacity of ten (10).

E. Guests shall not stay for more than fourteen (14) days within any ninety (90) day period.

F. A minimum of one (1) off-street parking space for each guest room and two (2) off-street parking spaces for each resident or manager.

G. No cooking or cooking facilities shall be allowed or provided in the guest rooms.

H. A guest list shall at all times be maintained and made available for inspection by the City listing the name and address of each guest.

Subd. 18. Manufactured Home and Manufactured Home Park Standards.

A. **Requirements for Manufactured Homes.**

1. All manufactured homes located within the City of Medford must meet the requirements for single family residential homes, including but not limited to the minimum requirements for foundation, width, and size, except as hereinafter provided.

2. For those manufactured homes located in a manufactured home park, the following requirements shall apply:

(a) The foundation of a manufactured home in a manufactured home park shall be a permanent design, with frost-free footings twice the wall thickness and eight

inches deep, constructed with eight inch concrete block or structurally equal material.

(b) A manufactured home in a manufactured home park shall be constructed with a minimum square footage of 800 square feet. The width of the manufactured home shall be a minimum of 24 feet and the length shall be a minimum of 34 feet.

B. Inspection of Manufactured Home Parks.

1. The Zoning Inspector is hereby authorized and directed to make such inspections as are necessary to determine satisfactory compliance with this Land Use Ordinance.

2. The Zoning Inspector shall have the power to enter at reasonable times upon any private or public property for the purpose of inspecting and investigating conditions relating to the enforcement of this Land Use Ordinance.

3. The Zoning Inspector shall have the power to inspect the register containing a record of all residents of the manufactured home park.

4. It shall be the duty of the park management to give the Zoning Inspector free access to all lots at reasonable times for the purpose of inspection.

5. It shall be the duty of every occupant of a manufacture home park to give the owner thereof or his agent or employee access to any part of such manufactured home park at reasonable times for the purpose of making such repair or alterations as are necessary to effect compliance with this Land Use Ordinance.

C. Notices, Hearings and Orders.

1. Whenever the Zoning Inspector determines that there are reasonable grounds to believe that there has been a violation of any provision of this Land Use Ordinance, the Zoning Inspector shall give notice of such alleged violation to the person to whom the permit or license was issued, as hereinafter provided. Such notice, shall: (a) be in writing; (b) include a statement of the reason for its issuance; and (c) allow 30 days time for the performance of any act it requires. If work cannot be completed in the 30-day period, extensions may be granted if reasons for hardship prevail and can be verified. The notice shall be served upon the owner or his agent as the case may require, provided that such notice or order shall be deemed to have been properly served upon such owner or agent when a copy thereof has been sent by registered mail to his last known address, or when he has been served with such notice by any method authorized or required by the laws of this State.

2. Any person affected by any notice which has been issued in connection with the enforcement of any provisions of this Land Use Ordinance, may request and shall be granted a hearing of the same.

3. Whenever the Zoning Inspector finds that an emergency exists which requires immediate action to protect the public health, he may, without notice or hearing, issue an order reciting the existence of such an emergency and requiring that such action be taken as he may deem necessary to meet the emergency including the suspension of the permit or license. Notwithstanding any other provision of this Land Use Ordinance, such order shall be effective immediately. Any person to whom such an order is directed shall comply therewith immediately, but upon petition to the Zoning Inspector shall be afforded a hearing as soon as possible. The provisions shall be applicable to such a hearing and the order issued thereafter.

D. Environmental, Open Space, and Access Requirements.

1. General Requirements: Condition of soil, ground water level, drainage, and topography shall not create hazards to the property or the health and safety of the occupants. The site should not be exposed to objectionable smoke, noise, odors, or other adverse influences, and no portion subject to unpredictable and/or sudden flooding.

2. Minimum total manufactured home park area shall be ten (10) acres and not less than 150 feet in width.

3. Soil and Ground Cover Requirements: Exposed ground surfaces in all parts of every manufactured home park shall be paved, or covered with stone, screenings, or other solid material.

4. Side Drainage Requirements: The ground surface in all parts of every manufactured home park shall be graded and equipped to drain all surface water in a safe, efficient manner.

5. Residential Use Requirement and Sale Requirements:

(a) No part of any manufactured home park shall be used for non-residential purposes, except such uses that are required for the direct servicing and well being of park residents and for the management and maintenance of the park.

(b) Nothing contained in this section shall be deemed as prohibiting the sale of a manufactured home located on a manufactured home stand and connected to the required essential utilities.

6. Required Separation Between Manufactured Homes:

(a) Manufactured homes shall be separated from each other and from other buildings and structures by at least twenty (20) feet or the sum of the heights of both trailer units, whichever is greater. Manufactured homes placed end-to-end must have minimum clearance of fifteen (15) feet.

(b) An accessory structure such as an awning, cabana, storage cabinet, carport, windbreak, and porch which has a floor area exceeding twenty-five (25) square

feet, and has an opaque top or roof, shall for purposes of all separation requirements, be considered to be part of the manufactured home.

(c) Minimum lot sizes shall not be less than 5,000 square feet.

7. A minimum of five hundred (500) square feet per manufactured home shall be provided for definable play areas and open space within the manufactured home park. Such areas or open space and/or play area shall not be areas included within the setback nor shall they include any areas of less than twenty (20) feet in length or width. This required open space need not be provided on each individual lot, but may be an area defined elsewhere within the manufactured home park boundaries.

8. Required Setbacks, Buffer Strips and Sheltering from Public View:

(a) All manufactured homes shall be located at least twenty-five (25) feet from any property boundary line abutting upon a public street or highway and at least fifteen (15) feet from other property boundary lines.

(b) There shall be a minimum distance of fifteen (15) feet between the manufactured home stand and abutting park street.

(c) All manufactured home parks located adjacent to residential, recreational, commercial or industrial land uses shall provide sheltering from public view such as fences or natural growth along the property line separating the park and such uses, and shall be maintained in a neat and orderly fashion.

9. Park Street System and Car Parking:

(a) General Requirements: All manufactured home parks shall be provided with safe and convenient vehicular access from abutting public streets or roads to each mobile home lot. Such access shall be provided by streets, driveways, and other means.

(b) Park Entrance: Entrances to manufactured home parks shall be designed to minimize congestion and hazards and allow free movement of traffic on adjacent streets. No parking shall be permitted on the park entrance street for a distance of 100 feet from its point of beginning.

(c) Internal Streets: Surfaced roadways shall be of adequate width to accommodate anticipated traffic, and in any case shall meet the following minimum requirements:

(1) All streets except minor streets shall be a minimum of twenty (20) feet in width from face of curb to face of curb. Streets without curb shall be considered minor streets.

(2) Dead-end streets shall be limited in length to 500 feet and shall be provided at the closed end with a turn-around having an outside roadway diameter of at least one hundred (100) feet. All dead-end streets shall be marked with approved signs at the entrance to the dead-end street.

(3) Minor streets sixteen (16) feet in width shall be acceptable only if less than 500 feet long and serving less than eight (8) manufactured homes or of any length if manufacture home lots abut on one side only.

(d) Car Parking: Off-street parking areas or on-street parking lanes shall be provided for the use of park occupants and guests. Such areas shall be furnished at a rate of at least two and one-half (2 2) car spaces for each manufactured home lot.

(e) Required Illumination of Park Street Systems: All manufactured home parks shall be furnished with lighting units so spaced and equipped with luminaries placed at such mounting heights as will provide the following average maintained levels of illumination for the safe movement of pedestrians and vehicles at night:

(1) Pavements: All streets shall be provided with a paved concrete or bituminous surface. Pavement edges shall be protected to prevent raveling of the wearing surface and shifting of the pavement base. Street surfaces shall be maintained, free of cracks, holes and other hazards.

(2) Grades: Longitudinal grades of all streets shall range between 0.4% and 8.00%. Transverse grades (crown) of all streets shall be sufficient to insure adequate transverse drainage.

(3) Intersections: Within fifty (50) feet of an intersection, streets shall be at right angles. A distance of at lease eighty-five (85) feet shall be maintained between the center lines of offset intersection streets. Intersections of more than two streets at one point shall be avoided.

(4) Storm Runoff: If conditions warrant, an adequate storm sewer system shall be provided to dispose of all runoff water. The storm sewer system may be connected to an existing public or quasi-public storm sewer system upon approval.

10. Walks:

(a) General Requirements: All manufactured home parks shall be provided with safe convenient all season pedestrian access of adequate width for intended use, durable and convenient to maintain, between individual manufactured homes, the park streets and all community facilities provided for par residents. Sudden changes in alignment and gradient shall be avoided.

(b) Common Walk System: A common walk system shall be provided and maintained between locations where pedestrian traffic is concentrated. Such common walks shall have a minimum width of four and one-half (4 2) feet.

(c) Individual Walks: All manufactured homes shall be connected to common walks, to paved streets, or to paved driveways or parking spaces connecting to a paved street. Such individual walks shall have a minimum of 2 feet.

E. Water Supply:

Every manufactured home park shall be connected to the city water supply. No individual water systems or wells shall be permitted.

F. Sewage Disposal:

Every manufactured home park shall be connected to the city sewer system. No on-lot sewage disposal facilities shall be permitted.

G. Service Building and Other Community Facilities.

1. General: The requirements of this section shall apply to service buildings, recreation buildings, and other service facilities such as:

(a) Management offices, repair shops, and storage areas;

(b) Sanitary facilities;

(c) Laundry facilities;

(d) Indoor recreation areas;

(e) Commercial uses supplying essential goods or services for the exclusive use of park occupants.

2. Structural Requirements for Buildings: All portions of the structure shall be properly protected from damage by ordinary uses and by decay, corrosion, termites, and other destructive elements. Exterior portions shall be of such materials and be so constructed and protected as to prevent entrance or penetration of moisture and weather.

3. Barbeque Pits, Fireplaces, Stoves and Incinerators: Cooking shelters, barbeque pits, fireplaces, woodburning stoves, and incinerators shall be so located, constructed, maintained and used as to minimize fire hazards and smoke nuisances both on the property on which used and on neighboring property. No open fire shall be permitted except in facilities provided. No open fire shall be left unattended. No fuel shall be used and no material burned which emits dense smoke or objectionable odors.

H. Refuse Handling.

1. General Requirements: The storage, collection and disposal of refuse in the manufactured home park shall be so conducted as to create no health hazards, rodent harborage, insect breeding, accident or fire hazards or air pollution.

I. Insect and Rodent Control.

1. Grounds, buildings and structures shall be maintained free of insect and rodent harborage and infestation. Extermination methods and other measures to control insects and rodents shall conform with the requirements of the State Health Code.

2. Parks shall be maintained free of accumulations of debris which may provide rodent harborage or breeding places for flies, mosquitoes, and other pests.

3. Storage areas shall be so maintained as to prevent rodent harborage; lumber, pipe and other building material shall be stored at least one foot above ground.

4. Where the potential for insect and rodent infestation exists, all exterior openings in or beneath any structure shall be appropriately screened with wire mesh or other suitable materials.

5. The growth of brush, weeds and grass shall be controlled to prevent harborage of ticks, chiggers and other noxious insects. Parks shall be so maintained as to prevent the growth of ragweed, poison ivy, poison oak, poison sumac and other noxious weeds considered

detrimental to health. Open areas shall be maintained free of heavy undergrowth of any description.

J. Fuel Supply and Storage.

1. Natural Gas System: Natural gas piping systems shall be installed and maintained in accordance with applicable codes and regulations governing such systems.

2. Liquefied petroleum gas systems shall be installed and maintained in accordance with applicable codes and regulations governing such systems.

3. All fuel oil supply systems shall be installed and maintained in accordance with applicable codes and regulations governing such systems.

K. Fire Protection.

1. Manufactured home parks shall be kept free of litter, rubbish and other flammable material.

2. Portable fire extinguishers rated for classes A, B and C fires shall be kept visible in service buildings and at other conveniently and readily accessible for use by all occupants and shall be maintained in good operating condition. Their capacity shall be not less than 2.5 gallons for class A extinguishers and 5 pounds carbon dioxide or 10 pounds dry powder for class B and C extinguishers.

3. Fires shall be made only in stoves, incinerators and other equipment intended for such purposes.

4. Fire hydrants shall be installed if the park water supply system is capable of serving them in accordance with the following requirements:

(a) The water supply system shall permit the operation of a minimum of two one and one-half inch hose systems.

(b) Fire hydrants, if provided, shall be located within 500 feet of any manufactured home, service building or other structure in the park.

L. Storm Protection.

Every manufactured home park shall provide a storm shelter adequate to provide protection from storms for all of the residents of the park at one time. The storm shelter shall be reasonably accessible to the residents of the park.

M. Miscellaneous Requirements.

1. Responsibilities of the manufactured home park management:

(a) The person to whom a license for a manufactured home park is issued shall operate the park in compliance with this Land Use Ordinance and shall provide adequate supervision to maintain the park, its facilities and equipment in good repair and in a clean and sanitary condition.

(b) The park management shall notify park occupants of all applicable provisions of this Land Use Ordinance and inform them of their duties and responsibilities under this Land Use Ordinance.

(c) Registration: It shall be the duty of the operator of the manufactured home park to keep a register containing a record of all manufactured home owners and occupants located with the park. The register shall contain the following information:

(1) The name and address of each manufactured home occupant;

(2) The name and address of the owner of each manufactured home and motor vehicle by which it is towed;

(3) The make, model, year and license number of each manufactured home and motor vehicle;

(4) The state, territory, or country issuing such license;

(5) The date of arrival and departure of each manufactured home;

(6) Whether or not each manufactured home is a dependent or independent manufactured home.

(d) The operator of the manufactured home park shall reside on the manufactured home park premises.

SECTION 4.34. VIOLATIONS

A. Abatement.

1. **Notice of Violation**. Written notice of violations of this Land Use Ordinance shall be provided either in person to the record owner of the property in violation or by certified or registered mail to the record owner. If the premises is not occupied, the owner of record is unknown, or the owner of record or occupant refuses to accept notice of violation, notice of violation may be posted on the premises.

2. **Notice of Hearing.** Written notice of any hearing to address a violation of this Land Use Ordinance shall be provided either in person to the record owner of the property in violation or by certified or registered mail to the record owner. If the premises is not occupied, the owner of record is unknown, or the owner of record or occupant refuses to accept notice of violation, notice may be posted on the premises.

3. **Procedure**. Upon determining that a violation of this Land Use Ordinance has occurred, the record owner of the property in violation shall be provided with written notice. The notice shall describe the violation, the corrective action required, a deadline for completing the corrective action, and that failure to complete the corrective action within the time specified will result in an administrative fee. If the corrective action has not been completed by the specified deadline, a second notice shall be provided to the record owner and the record owner shall incur an administrative fee of $100.00. The second notice shall describe the violation, the corrective action required, a deadline for completing the corrective action, that failure to complete the corrective action within the time specified will result in an additional administrative fee and shall advise the record owner that failure to correct the violation within the time specified will result in a hearing before the Planning and Zoning Committee. If the corrective action has not been completed by the specified deadline, the record owner shall incur an additional administrative fee of $250.00 and the violation shall be referred to the Planning and Zoning Committee.

4. **Planning and Zoning Hearing.** The record owner of the property in violation shall be provided with written notice of the Planning and Zoning Committee Hearing. At the hearing the Planning and Zoning Committee may, after finding that a violation has occurred, recommend to the City Council that the violation be abated, that injunctive relief be sought, or that City personnel to take such action as is necessary to directly abate the violation. At the hearing the record owner shall be afforded an opportunity to present evidence opposing a finding that a violation has occurred and may present evidence of the mitigating circumstances regarding the violation. The Planning and Zoning Committee shall in good faith hear and consider the evidence in making a recommendation as to a violation and abatement of the violation.

5. **Personal Liability**. The record owner of the property in violation shall be personally liable for, in addition to the administrative fees set forth above, the cost to the City of the abatement, including administrative costs and attorney=s fees. The City clerk or other official designated by the City Council shall prepare a bill for the total cost and fees and mail it to the owner. Thereupon the amount shall be immediately due and payable to the City.

6. **Assessment**. In the event the record owner fails or refuses to pay the amounts set forth above, the Clerk shall on or before November 1 next following the billing of amounts due, list the total unpaid charges against each separate lot or parcel to which the charges are attributable and shall certify the charges to the County Auditor for collection along with current taxes the following year.

B. **Violations a misdemeanor**. Every person who violates a section, subdivision, paragraph or provision of this Land Use Ordinance when he performs an act thereby prohibited or declared unlawful, or fails to act when such failure is thereby prohibited or declared unlawful, and upon conviction thereof, shall be punished as for a misdemeanor except as otherwise stated in specific provisions hereof. Each day that a violation is permitted to exist shall constitute a separate offence.

This Land Use Ordinance shall be in full force and effect upon its passage and publication.
Adopted by the City Council this 18th day of August, 2008.

(Sections 4.35 though 4.49, inclusive, reserved for future expansion.)

SECTION 4.40. OPT-OUT OF MINNESOTA STATUTES, SECTION 462.3593.

Pursuant to authority granted by Minnesota Statutes, Section 462.3593, subdivision 9, the City of Medford 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.
Adopted by the City Council this 26th day of September 2016.

SECTION 4.45. RIGHT-OF-WAY MANAGEMENT

Subdivision 1.01. Findings, Purpose, and Intent.

To provide for the health, safety and welfare of its citizens, and to ensure the integrity of its streets and the appropriate use of the rights-of-way, the city strives to keep its rights-of-way in a state of good repair and free from unnecessary encumbrances.

Accordingly, the city hereby enacts this new Section of this code relating to right-of-way permits and administration. This Section imposes reasonable regulation on the placement and maintenance of facilities and equipment currently within its rights-of-way or to be placed therein at some future time. It is intended to complement the regulatory roles of state and federal agencies. Under this Section, persons excavating and obstructing the rights-of-way will bear financial responsibility for their work. Finally, this Section provides for recovery of out-of-pocket and projected costs from persons using the public rights-of-way.

This Section shall be interpreted consistently with 1997 Session Laws, Chapter 123, substantially codified in Minnesota Statutes Sections 237.16, 237.162, 237.163, 237.79, 237.81, and 238.086 (the "Act") and 2017 Session Laws, Chapter 94 amending the Act and the other laws governing applicable rights of the city and users of the right-of-way. This Section shall also be interpreted consistent with Minnesota Rules 7819.0050 —7819.9950 and Minnesota Rules Chapter 7560 where possible. To the extent any provision of this Section cannot be interpreted consistently with the Minnesota Rules, that interpretation most consistent with the Act and other applicable statutory and case law is intended. This Section shall not be interpreted to limit the regulatory and police powers of the city to adopt and enforce general ordinances necessary to protect the health, safety and welfare of the public.

Subdivision 1.02. Election to Manage the Public Rights-of-Way

Pursuant to the authority granted to the city under state and federal statutory, administrative and common law, the city hereby elects, pursuant Minn. Stat. 237.163 subd. 2(b), to manage rights-of-way within its jurisdiction.

Subdivision 1.03. Definitions.

The following definitions apply in this Section of this code. References hereafter to "Subdivisions" are, unless otherwise specified, references to Subdivisions in this Section. Defined terms remain defined terms, whether or not capitalized.

Abandoned Facility. A facility no longer in service or physically disconnected from a portion of the operating facility, or from any other facility, that is in use or still carries service. A facility is not abandoned unless declared so by the right-of-way user.

Applicant. Any person requesting permission to excavate or obstruct a right-of-way.

City. The city of Medford, Minnesota. For purposes of Subdivision 1.28, city also means the City’s elected officials, officers, employees and agents.

Collocate or Collocation. To install, mount, maintain, modify, operate, or replace a small wireless facility on, under, within, or adjacent to an existing wireless support structure or utility pole that is owned privately, or by the city or other governmental unit.

Commission. The State Public Utilities Commission.

Congested Right-of-Way. A crowded condition in the subsurface of the public right-of-way that occurs when the maximum lateral spacing between existing underground facilities does not allow for construction of new underground facilities without using hand digging to expose the existing lateral facilities in conformance with Minnesota Statutes, Section 216D.04 subdivision 3, over a continuous length in excess of 500 feet.

Construction Performance Bond. Any of the following forms of security provided at permittee's option:

- Individual project bond;
- Cash deposit;
- Security of a form listed or approved under Minn. Stat. Sec. 15.73, subd. 3;
- Letter of Credit, in a form acceptable to the city;
- Self-insurance, in a form acceptable to the city;
- A blanket bond for projects within the city, or other form of construction bond, for a time specified and in a form acceptable to the city.

Degradation. A decrease in the useful life of the right-of-way caused by excavation in or disturbance of the right-of-way, resulting in the need to reconstruct such right-of-way earlier than would be required if the excavation or disturbance did not occur.

Degradation Cost. Subject to Minnesota Rules 7819.1100 means the cost to achieve a level of restoration, as determined by the city at the time the permit is issued, not to exceed the maximum restoration shown in plates 1 to 13, set forth in Minnesota Rules parts 7819.9900 to 7819.9950.

Degradation Fee. The estimated fee established at the time of permitting by the city to recover costs associated with the decrease in the useful life of the right-of-way caused by the excavation, and which equals the degradation cost.

Department. The department of public works of the city.

Director. The director of the department of public works of the city, or her or his designee.

Delay Penalty. The penalty imposed as a result of unreasonable delays in right-of-way excavation, obstruction, patching, or restoration as established by permit.

Emergency. A condition that (1) poses a danger to life or health, or of a significant loss of property; or (2) requires immediate repair or replacement of facilities in order to restore service to a customer.

Equipment. Any tangible asset used to install, repair, or maintain facilities in any right-of-way.

Excavate. To dig into or in any way remove or physically disturb or penetrate any part of a right-of-way.

Excavation permit. The permit which, pursuant to this Section, must be obtained before a person may excavate in a right-of-way. An Excavation permit allows the holder to excavate that part of the right-of-way described in such permit.

Excavation permit fee. Money paid to the city by an applicant to cover the costs as provided in Subdivision 1.12.

Facility or Facilities. Any tangible asset in the right-of-way required to provide Utility Service.

High Density Corridor. A designated portion of the public right-of-way within which telecommunications right-of-way users having multiple and competing facilities may be required to build and install facilities in a common conduit system or other common structure.

Hole. An excavation in the pavement, with the excavation having a length less than the width of the pavement.

Local Representative. A local person or persons, or designee of such person or persons, authorized by a registrant to accept service and to make decisions for that registrant regarding all matters within the scope of this Section.

Management Costs. The actual costs the city incurs in managing its rights-of-way, including such costs, if incurred, as those associated with registering applicants; issuing, processing, and verifying right-of-way or small wireless facility permit applications; inspecting job sites and restoration projects; maintaining, supporting, protecting, or moving user facilities during right-of-way work; determining the adequacy of right-of-way restoration; restoring work inadequately

performed after providing notice and the opportunity to correct the work; and revoking right-of-way or small wireless facility permits. Management costs do not include payment by a telecommunications right-of-way user for the use of the right-of-way, unreasonable fees of a third-party contractor used by the city including fees tied to or based on customer counts, access lines, or revenues generated by the right-of-way or for the city, the fees and cost of litigation relating to the interpretation of Minnesota Session Laws 1997, Chapter 123; Minnesota Statutes Sections 237.162 or 237.163; or any ordinance enacted under those sections, or the city fees and costs related to appeals taken pursuant to Subdivision 1.30 of this Section.

Obstruct. To place any tangible object in a right-of-way so as to hinder free and open passage over that or any part of the right-of-way.

Obstruction Permit. The permit which, pursuant to this Section, must be obtained before a person may obstruct a right-of-way, allowing the holder to hinder free and open passage over the specified portion of that right-of-way, for the duration specified therein.

Obstruction Permit Fee. Money paid to the city by a permittee to cover the costs as provided in Subdivision 1.12

Patch or Patching. A method of pavement replacement that is temporary in nature. A patch consists of (1) the compaction of the subbase and aggregate base, and (2) the replacement, in kind, of the existing pavement for a minimum of two feet beyond the edges of the excavation in all directions.

Pavement. Any type of improved surface that is within the public right-of-way and that is paved or otherwise constructed with bituminous, concrete, aggregate, or gravel.

Permit. Has the meaning given "right-of-way permit" in Minnesota Statutes, Section 237.162.

Permittee. Any person to whom a permit to excavate or obstruct a right-of-way has been granted by the city under this Section.

Person. An individual or entity subject to the laws and rules of this state, however organized, whether public or private, whether domestic or foreign, whether for profit or nonprofit, and whether natural, corporate, or political.

Probation. The status of a person that has not complied with the conditions of this Section.

Probationary Period. One year from the date that a person has been notified in writing that they have been put on probation.

Registrant. Any person who (1) has or seeks to have its equipment or facilities located in any right-of-way, or (2) in any way occupies or uses, or seeks to occupy or use, the right-of-way or as those associated with registering applicants; issuing, processing, and place its facilities or equipment in the right-of-way.

Restore or Restoration. The process by which an excavated right-of-way and surrounding area, including pavement and foundation, is returned to the same condition and life expectancy that existed before excavation.

Restoration Cost. The amount of money paid to the city by a permittee to achieve the level of restoration according to plates 1 to 13 of Minnesota Public Utilities Commission rules.

Public Right-of-Way or Right-of-Way. The area on, below, or above a public roadway, highway, street, cartway, bicycle lane or public sidewalk in which the city has an interest, including other dedicated rights-of-way for travel purposes and utility easements of the city. A right-of-way does not include the airwaves above a right-of-way with regard to cellular or other nonwire telecommunications or broadcast service.

Right-of-Way Permit. Either the excavation permit or the obstruction permit, or both, depending on the context, required by this Section.

Right-of-Way User. (1) A telecommunications right-of-way user as defined by Minnesota Statutes, Section 237.162, subd. 4; or (2) a person owning or controlling a facility in the right-of-way that is used or intended to be used for providing utility service, and who has a right under law, franchise, or ordinance to use the public right-of-

way.

Service or Utility Service. Includes (1) those services provided by a public utility as defined in Minn. Stat. 216B.02, subds. 4 and 6; (2) services of a telecommunications right-of-way user, including transporting of voice or data information; (3) services of a cable communications systems as defined in Minn. Stat. Chapter. 238; (4) natural gas or electric energy or telecommunications services provided by the city; (5) services provided by a cooperative electric association organized under Minn. Stat., Chapter 308A; and (6) water, and sewer, including service laterals, steam, cooling or heating services.

Service Lateral. An underground facility that is used to transmit, distribute or furnish 'gas, electricity, communications, or water from a common source to an end-use customer. A service lateral is also an underground facility that is used in the removal of wastewater from a customer's premises.

Small Wireless Facility. A wireless facility that meets both of the following qualifications:

(i) each antenna is located inside an enclosure of no more than six cubic feet in volume or could fit within such an enclosure; and

(ii) all other wireless equipment associated with the small wireless facility provided such equipment is, in aggregate, no more than 28 cubic feet in volume, not including electric meters, concealment elements, telecommunications demarcation boxes, battery backup power systems, grounding equipment, power transfer switches, cutoff switches, cable, conduit, vertical cable runs for the connection of power and other services, and any equipment concealed from public view within or behind an existing structure or concealment.

Supplementary Application. An application made to excavate or obstruct more of the right-of-way than allowed in, or to extend, a permit that had already been issued.

Temporary Surface. The compaction of subbase and aggregate base and replacement, in kind, of the existing pavement only to the edges of the excavation. It is temporary in nature.

Trench. An excavation in the pavement, with the excavation having a length equal to or greater than the width of the pavement.

Telecommunications right-of-way user. A person owning or controlling a facility in the right-of-way, or seeking to own or control a facility in the right-of-way that is used or is intended to be used for providing wireless service, or transporting telecommunication or other voice or data information. For purposes of this Section, a cable communication system defined and regulated under Minn. Stat. Chap. 238, and telecommunication activities related to providing natural gas or electric energy services, a public utility as defined in Minn. Stat. Sec. 216B.02, a municipality, a municipal gas or power agency organized under Minn. Stat. Chaps. 453 and 453A, or a cooperative electric association organized under Minn. Stat. Chap. 308A, are not telecommunications right-of-way users for purposes of this Section except to the extent such entity is offering wireless service.

Utility Pole. A pole that is used in whole or in part to facilitate telecommunications or electric service.

Note: Minn. Stat. § 237.162, Subd. 12.

Wireless Facility. Equipment at a fixed location that enables the provision of wireless services between user equipment and a wireless service network, including equipment associated with wireless service, a radio transceiver, antenna, coaxial or fiber-optic cable, regular and backup power supplies, and a small wireless facility, but not including wireless support structures, wireline backhaul facilities, or cables between utility poles or wireless support structures, or not otherwise immediately adjacent to and directly associated with a specific antenna.

Wireless Service. Any service using licensed or unlicensed wireless spectrum, including the use of Wi-Fi, whether at a fixed location or by means of a mobile device, that is provided using wireless facilities. Wireless service does not include services regulated under Title VI of the Communications Act of 1934, as amended, including cable service.

Wireless Support Structure. A new or existing structure in a right-of-way designed to support or capable of supporting small wireless facilities, as reasonably determined by the city.

Subdivision 1.04 Administration.
The City Administrator or designee is the principal city official responsible for the administration of the rights-of-way, right-of-way permits, and the ordinances related thereto. The City Administrator or designee may delegate any or all of the duties hereunder.

Subdivision 1.05. Utility Coordination Committee.
The city may create an advisory utility coordination committee. Participation on the committee is voluntary. It will be composed of any registrants that wish to assist the city in obtaining information and, by making recommendations regarding use of the right-of-way, and to improve the process of performing construction work therein. The city may determine the size of such committee and shall appoint members from a list of registrants that have expressed a desire to assist the city.

Subdivision 1.06. Registration and Right-of-Way Occupancy.

A. *Registration.* Each person who seeks to occupy or use the right-of-way or place any equipment or facilities in or on the right-of-way, including persons with installation and maintenance responsibilities by lease, sublease or assignment, must register with the city. Registration will consist of the application information set forth in Subdivision 1.07.

B. *Registration Prior to Work.* No person may construct, install, repair, remove, relocate, or perform any other work on, or use any facilities or any part thereof, in any right-of-way without first being registered with the city.

C. *Exceptions.* Nothing herein shall be construed to repeal or amend the provisions of a city ordinance permitting persons to plant or maintain boulevard plantings or gardens in the area of the right-of-way between their property and the street curb. Persons planting or maintaining boulevard plantings or gardens shall not be deemed to use or occupy the right-of-way, and shall not be required to obtain any permits or satisfy any other requirements for planting or maintaining such boulevard plantings or gardens under this Section. However, nothing herein relieves a person from complying with the provisions of the Minn. Stat. Chap. 216D, Gopher One Call Law.

Subdivision 1.07. Registration Information.

A. *Information Required*. The information provided to the city at the time of registration shall include, but not be limited to:

(a) Each registrant's name, Gopher One-Call registration certificate number, address and e-mail address, if applicable, and telephone and facsimile numbers.

(b) The name, address and e-mail address, if applicable, and telephone and facsimile numbers of a local representative. The local representative or designee shall be available at all times. Current information regarding how to contact the local representative in an emergency shall be provided at the time of registration.

(c) A certificate of insurance or self-insurance:

(1) Verifying that an insurance policy has been issued to the registrant by an insurance company licensed to do business in the State of Minnesota, or a form of self-insurance acceptable to the city;

(2) Verifying that the registrant is insured against claims for personal injury, including death, as well as claims for property damage arising out of the (i) use and occupancy of the right-of-way by the registrant, its officers, agents, employees and permittees, and (ii) placement and use of facilities and equipment in the right-of-way by the registrant, its officers, agents, employees and permittees, including, but not limited to, protection against liability arising from completed operations, damage of underground facilities and collapse of property;

(3) Naming the city as an additional insured as to whom the coverages required herein are in force and applicable and for whom defense will be provided as to all such coverages;

(4) Requiring that the city be notified thirty (30) days in advance of cancellation of the policy or material modification of a coverage term; and

(5) Indicating comprehensive liability coverage, automobile liability coverage, workers compensation and umbrella coverage established by the city in amounts sufficient to protect the city and the public and to carry out the purposes and policies of this Section.

(6) The city may require a copy of the actual insurance policies.

(7) If the person is a corporation, a copy of the certificate is required to be filed under Minn. Stat. Sec. 300.06 as recorded and certified to by the Secretary of State.

(8) A copy of the person's order granting a certificate of authority from the Minnesota Public Utilities Commission or other authorization or approval from the applicable state or federal agency to lawfully operate, where the person is lawfully required to have such authorization or approval from said commission or other state or federal agency.

B. *Notice of Changes.* The registrant shall keep all of the information listed above current at all times by providing to the city information as to changes within fifteen (15) days following the date on which the registrant has knowledge of any change.

Subdivision 1.08. Reporting Obligations.

A. *Operations*. Each registrant shall, at the time of registration file a construction and major maintenance plan for underground facilities with the city. Such plan shall be submitted using a format designated by the city and shall contain the information determined by the city to be necessary to facilitate the coordination and reduction in the frequency of excavations and obstructions of rights-of-way.
The plan shall include, but not be limited to, the following information:

(a) The locations and the estimated beginning and ending dates of all anticipated; and

(b) To the extent known, the tentative locations and estimated beginning and ending dates for all projects contemplated.

The term "project" in this section shall include both next-year projects and five-year projects.

Subdivision 1.09. Permit Requirement.

A. *Permit Required.* Except as otherwise provided in this code, no person may obstruct or excavate any right-of-way, or install or place facilities in the right-of-way, without first having obtained the appropriate right-of-way permit from the city to do so.

(a) *Excavation Permit.* An excavation permit is required by a registrant to excavate that part of the right-of-way described in such permit and to hinder free and open passage over the specified portion of the right-of-way by placing facilities described therein, to the extent and for the duration specified therein.

(b) *Obstruction Permit.* An obstruction permit is required by a registrant to hinder free and open passage over the specified portion of right-of-way by placing equipment described therein on the right-of-way, to the extent and for the duration specified therein. An obstruction permit is not required if a person already possesses a valid excavation permit for the same project.

(c) *Small Wireless Facility Permit.* A small wireless facility permit is required by a registrant to erect or install a wireless support structure, to collocate a small wireless facility, or to otherwise install a small wireless facility in the specified portion of the right-of-way, to the extent specified therein, provided that such permit shall remain in effect for the length of time the facility is in use, unless lawfully revoked.

B. *Permit Extensions.* No person may excavate or obstruct the right-of-way beyond the date or dates specified in the

permit unless (i) such person makes a supplementary application for another right-of-way permit before the expiration of the initial permit, and (ii) a new permit or permit extension is granted.

C. *Delay Penalty.* In accordance with Minnesota Rule 7819.1000 subp. 3 and notwithstanding subd. 2 of this Subdivision, the city shall establish and impose a delay penalty for unreasonable delays in right-of-way excavation, obstruction, patching, or restoration. The delay penalty shall be established from time to time by city council resolution.

D. *Permit Display.* Permits issued under this Section shall be conspicuously displayed or otherwise available at all times at the indicated work site and shall be available for inspection by the city.

Subdivision 1.10. Permit Applications.

Application for a permit is made to the city. Right-of-way permit applications shall contain, and will be considered complete only upon compliance with, the requirements of the following provisions:

(a) Registration with the city pursuant to this Section;

(b) Submission of a completed permit application form, including all required attachments, and scaled drawings showing the location and area of the proposed project and the location of all known existing and proposed facilities.

(c) Payment of money due the city for:

(1) permit fees, estimated restoration costs and other management costs;

(2) prior obstructions or excavations;

(3) any undisputed loss, damage, or expense suffered by the city because of applicant's prior excavations or obstructions of the rights-of-way or any emergency actions taken by the city;

(4) franchise fees or other charges, if applicable.

(d) Payment of disputed amounts due the city by posting security or depositing in an escrow account an amount equal to at least 110% of the amount owing.

(e) Posting an additional or larger construction performance bond for additional facilities when applicant requests an excavation permit to install additional facilities and the city deems the existing construction performance bond inadequate under applicable standards.

Subdivision 1.11. Issuance of Permit; Conditions.

A. Permit Issuance. If the applicant has satisfied the requirements of this Section, the city shall issue a permit.

B. Conditions. The city may impose reasonable conditions upon the issuance of the permit and the performance of the applicant thereunder to protect the health, safety and welfare or when necessary to protect the right-of-way and its current use. In addition, a permittee shall comply with all requirements of local, state and federal laws, including but not limited to Minnesota Statutes §§ 216D.01 - .09 (Gopher One Call Excavation Notice System) and Minnesota Rules Chapter 7560.

C. Small Wireless Facility Conditions. In addition to Paragraph A, the erection or installation of a wireless support structure, the collocation of a small wireless facility, or other installation of a small wireless facility in the right-of-way, shall be subject to the following conditions:A small wireless facility shall only be collocated on the particular wireless support structure, under those attachment specifications, and at the height indicated in the applicable permit application.

(a) No new wireless support structure installed within the right-of-way shall exceed 50 feet in height without the city's written authorization, provided that the city may impose a lower height limit in the

applicable permit to protect the public health, safety and welfare or to protect the right-of-way and its current use, and further provided that a registrant may replace an existing wireless support structure exceeding 50 feet in height with a structure of the same height subject to such conditions or requirements as may be imposed in the applicable permit.

(b) No wireless facility may extend more than 10 feet above its wireless support structure.

(c) Where an applicant proposes to install a new wireless support structure in the right-of-way, the city may impose separation requirements between such structure and any existing wireless support structure or other facilities in and around the right-of-way.

(d) Where an applicant proposes collocation on a decorative wireless support structure, sign or other structure not intended to support small wireless facilities, the city may impose reasonable requirements to accommodate the particular design, appearance or intended purpose of such structure.

(e) Where an applicant proposes to replace a wireless support structure, the city may impose reasonable restocking, replacement, or relocation requirements on the replacement of such structure.

D. Small Wireless Facility Agreement. A small wireless facility shall only be collocated on a small wireless support structure owned or controlled by the city, or any other city asset in the right-of-way, after the applicant has executed a standard small wireless facility collocation agreement with the city. The standard collocation agreement may require payment of the following:

(a) Up to $150 per year for rent to collocate on the city structure.

(b) $25 per year for maintenance associated with the collocation;

(c) A monthly fee for electrical service as follows:

1. $73 per radio node less than or equal to 100 maximum watts;
2. $182 per radio node over 100 maximum watts; or
3. The actual costs of electricity, if the actual cost exceed the foregoing.

The standard collocation agreement shall be in addition to, and not in lieu of, the required small wireless facility permit, provided, however, that the applicant shall not be additionally required to obtain a license or franchise in order to collocate. Issuance of a small wireless facility permit does not supersede, alter or affect any then-existing agreement between the city and applicant.

Subdivision 1.12 Action on Small Wireless Facility Permit Applications.

A. Deadline for Action. The city shall approve or deny a small wireless facility permit application within 90 days after filing of such application. The small wireless facility permit, and any associated building permit application, shall be deemed approved if the city fails to approve or deny the application within the review periods established in this Subdivision.

B. Consolidated Applications. An applicant may file a consolidated small wireless facility permit application addressing the proposed collocation of up to 15 small wireless facilities, or a greater number if agreed to by a local government unit, provided that all small wireless facilities in the application:

(a) are located within a two-mile radius;

(b) consist of substantially similar equipment; and

(c) are to be placed on similar types of wireless support structures.

In rendering a decision on a consolidated permit application, the city may approve some small wireless facilities and deny others, but may not use denial of one or more permits as a basis to deny all small wireless facilities in the application.

C. Tolling of Deadline. The 90-day deadline for action on a small wireless facility permit application may be tolled if:

(a) The city receives applications from one or more applicants seeking approval of permits for more than 30 small wireless facilities within a seven-day period. In such case, the city may extend the deadline for all such applications by 30 days by informing the affected applicants in writing of such extension.

(b) The applicant fails to submit all required documents or information and the city provides written notice of incompleteness to the applicant within 30 days of receipt the application. Upon submission of additional documents or information, the city shall have ten days to notify the applicant in writing of any still-missing information.

(c) The city and a small wireless facility applicant agree in writing to toll the review period.

Subdivision 1.13. Permit Fees.

A. Excavation Permit Fee. The city shall impose an excavation permit fee in an amount sufficient to recover:

(a) management costs;

(b) city engineering, make-ready, and construction costs associated with collocation of small wireless facilities;

(c) degradation costs, if applicable.

B. Obstruction Permit Fee. The city shall impose an obstruction permit fee in an amount sufficient to recover management costs.

C. Small Wireless Facility Permit Fee. The city shall impose a small wireless facility permit fee in an amount sufficient to recover:

(a) management costs, and;

(b) city engineering, make-ready, and construction costs associated with collocation of small wireless facilities.

D. Payment of Permit Fees. No excavation permit or obstruction permit shall be issued without payment of excavation or obstruction permit fees. The city may allow applicant to pay such fees within thirty (30) days of billing.

E. Non Refundable. Permit fees that were paid for a permit that the city has revoked for a breach as stated in Subdivision 1.22 are not refundable.

F. Application to Franchises. Unless otherwise agreed to in a franchise, management costs may be charged separately from and in addition to the franchise fees imposed on a right-of-way user in the franchise.

Subdivision 1.14. Right-of-Way Patching and Restoration.

A. Timing. The work to be done under the excavation permit, and the patching and restoration of the right-of-way as required herein, must be completed within the dates specified in the permit, increased by as many days as work could not be done because of circumstances beyond the control of the permittee or when work was prohibited as unseasonal or unreasonable under Subdivision 1.16.

B. Patch and Restoration. Permittee shall patch its own work. The city may choose either to have the permittee restore the right-of-way or to restore the right-of-way itself.

(a) City Restoration. If the city restores the right-of-way, permittee shall pay the costs thereof within thirty (30) days of billing. If, following such restoration, the pavement settles due to permittee's improper backfilling, the permittee shall pay to the city, within thirty (30) days of billing, all costs associated with correcting the defective work.

(b) Permittee Restoration. If the permittee restores the right-of-way itself, it shall at the time of application for an excavation permit post a construction performance bond in accordance with the provisions of Minnesota Rule 7819.3000.

(c) Degradation Fee in Lieu of Restoration. In lieu of right-of-way restoration, a right-of-way user may elect to pay a degradation fee. However, the right-of-way user shall remain responsible for patching and the degradation fee shall not include the cost to accomplish these responsibilities.

C. Standards. The permittee shall perform excavation, backfilling, patching and restoration according to the standards and with the materials specified by the city and shall comply with Minnesota Rule 7819.1100.

D. Duty to Correct Defects. The permittee shall correct defects in patching or restoration performed by permittee or its agents. The permittee upon notification from the city, shall correct all restoration work to the extent necessary, using the method required by the city. Said work shall be completed within five (5) calendar days of the receipt of the notice from the city, not including days during which work cannot be done because of circumstances constituting force majeure or days when work is prohibited as unseasonable or unreasonable under Subdivision 1.16.

E. Failure to Restore. If the permittee fails to restore the right-of-way in the manner and to the condition required by the city, or fails to satisfactorily and timely complete all restoration required by the city, the city at its option may do such work. In that event the permittee shall pay to the city, within thirty (30) days of billing, the cost of restoring the right-of-way. If permittee fails to pay as required, the city may exercise its rights under the construction performance bond.

Subdivision 1.15. Joint Applications.

A. Joint application. Registrants may jointly apply for permits to excavate or obstruct the right-of-way at the same place and time.

B. Shared fees. Registrants who apply for permits for the same obstruction or excavation, which the city does not perform, may share in the payment of the obstruction or excavation permit fee. In order to obtain a joint permit, registrants must agree among themselves as to the portion each will pay and indicate the same on their applications.

C. With city projects. Registrants who join in a scheduled obstruction or excavation performed by the city, whether or not it is a joint application by two or more registrants or a single application, are not required to pay the excavation or obstruction and degradation portions of the permit fee, but a permit shall still be required.

Subdivision 1.16. Supplementary Applications.

A. Limitation on Area. A right-of-way permit is valid only for the area of the right-of-way specified in the permit. No permittee may do any work outside the area specified in the permit, except as provided herein. Any permittee which determines that an area greater than that specified in the permit must be obstructed or excavated must before working in that greater area (i) make application for a permit extension and pay any additional fees required thereby, and (ii) be granted a new permit or permit extension.

B. Limitation on Dates. A right-of-way permit is valid only for the dates specified in the permit. No permittee may begin its work before the permit start date or, except as provided herein, continue working after the end date. If a permittee does not finish the work by the permit end date, it must apply for a new permit for the additional time it needs, and receive the new permit or an extension of the old permit before working after the end date of the previous permit. This supplementary application must be submitted before the permit end date.

Subdivision 1.17. Other Obligations.

A. Compliance with Other Laws. Obtaining a right-of-way permit does not relieve permittee of its duty to obtain all other necessary permits, licenses, and authority and to pay all fees required by the city or other applicable rule, law or regulation. A permittee shall comply with all requirements of local, state and federal laws, including but not limited to Minnesota Statutes, Section 216D.01-.09 (Gopher One Call Excavation Notice System) and Minnesota Rules Chapter 7560. A permittee shall perform all work in conformance with all applicable codes and established rules and regulations, and is responsible for all work done in the right-of-way pursuant to its permit, regardless of who does the work.

B. Prohibited Work. Except in an emergency, and with the approval of the city, no right-of-way obstruction or excavation may be done when seasonally prohibited or when conditions are unreasonable for such work.

C. Interference with Right-of-Way. A permittee shall not so obstruct a right-of-way that the natural free and clear passage of water through the gutters or other waterways shall be interfered with. Private vehicles of those doing work in the right-of-way may not be parked within or next to a permit area, unless parked in conformance with city parking regulations. The loading or unloading of trucks must be done solely within the defined permit area unless specifically authorized by the permit.

D. Trenchless excavation. As a condition of all applicable permits, permittees employing trenchless excavation methods, including but not limited to Horizontal Directional Drilling, shall follow all requirements set forth in Minnesota Statutes Chapter 216D and Minnesota Rules Chapter 7560 and shall require potholing or open cutting over existing underground utilities before excavating, as determined by the City Administrator or designee.

Subdivision 1.18. Denial or Revocation of Permit.

A. Reasons for Denial. The city may deny a permit for failure to meet the requirements and conditions of this Section or if the city determines that the denial is necessary to protect the health, safety, and welfare or when necessary to protect the right-of-way and its current use.

B. Procedural Requirements. The denial or revocation of a permit must be made in writing and must document the basis for the denial. The city must notify the applicant or right-of-way user in writing within three business days of the decision to deny or revoke a permit. If an application is denied, the right-of-way user may address the reasons for denial identified by the city and resubmit its application. If the application is resubmitted within 30 days of receipt of the notice of denial, no additional application fee shall be imposed. The city must approve or deny the resubmitted application within 30 days after submission.

Subdivision 1.19. Installation Requirements.

The excavation, backfilling, patching and restoration, and all other work performed in the right-of-way shall be done in conformance with Minnesota Rules 7819.1100 and 7819.5000 and other applicable local requirements, in so far as they are not inconsistent with the Minnesota Statutes, Sections 237.162 and 237.163. Installation of service laterals shall be performed in accordance with Minnesota Rules Chapter 7560 and these ordinances. Service lateral installation is further subject to those requirements and conditions set forth by the city in the applicable permits and/or agreements referenced in Subdivision 1.23 subd. 2 of this ordinance. Permittees shall verify and in addition actually locate existing right-of-ways so as to avoid placing Facililties on private property.

Subdivision 1.20. Inspection.

A. Notice of Completion. When the work under any permit hereunder is completed, the permittee shall furnish a completion certificate in accordance Minnesota Rule 7819.1300.

B. Site Inspection. Permittee shall make the work-site available to the city and to all others as authorized by law for inspection at all reasonable times during the execution of and upon completion of the work.

C. Authority of City Administrator or designee.

(a) At the time of inspection, the City Administrator or designee may order the immediate cessation of any work which poses a serious threat to the life, health, safety or well-being of the public.

(b) The City Administrator or designee may issue an order to the permittee for any work that does not conform to the terms of the permit or other applicable standards, conditions, or codes. The order shall state that failure to correct the violation will be cause for revocation of the permit. Within ten (10) days after issuance of the order, the permittee shall present proof to the City Administrator or designee that the violation has been corrected. If such proof has not been presented within the required time, the City Administrator or designee may revoke the permit pursuant to Subdivision 1.22.

Subdivision 1.21. Work Done Without a Permit.

A. Emergency Situations. Each registrant shall immediately notify the City Administrator or designee of any event regarding its facilities that it considers to be an emergency. The registrant may proceed to take whatever actions are necessary to respond to the emergency. Excavators' notification to Gopher State One Call regarding an emergency situation does not fulfill this requirement. Within two (2) business days after the occurrence of the emergency, the registrant shall apply for the necessary permits, pay the fees associated therewith, and fulfill the rest of the requirements necessary to bring itself into compliance with this Section for the actions it took in response to the emergency.

If the city becomes aware of an emergency regarding a registrant's facilities, the city will attempt to contact the local representative of each registrant affected, or potentially affected, by the emergency. In any event, the city may take

whatever action it deems necessary to respond to the emergency, the cost of which shall be borne by the registrant whose facilities occasioned the emergency.

B. Non-Emergency Situations. Except in an emergency, any person who, without first having obtained the necessary permit, obstructs or excavates a right-of-way must subsequently obtain a permit and, as a penalty, pay double the normal fee for said permit, pay double all the other fees required by the city code, deposit with the city the fees necessary to correct any damage to the right-of-way, and comply with all of the requirements of this Section.

Subdivision 1.22. Supplementary Notification.

If the obstruction or excavation of the right-of-way begins later or ends sooner than the date given on the permit, permittee shall notify the city of the accurate information as soon as this information is known.

Subdivision 1.23. Revocation of Permits.

A. Substantial Breach. The city reserves its right, as provided herein, to revoke any right-of-way permit without a fee refund, if there is a substantial breach of the terms and conditions of any statute, ordinance, rule or regulation, or any material condition of the permit. A substantial breach by permittee shall include, but shall not be limited to, the following:

(a) The violation of any material provision of the right-of-way permit;

(b) An evasion or attempt to evade any material provision of the right-of-way permit, or the perpetration or attempt to perpetrate any fraud or deceit upon the city or its citizens;

(c) Any material misrepresentation of fact in the application for a right-of-way permit;

(d) The failure to complete the work in a timely manner, unless a permit extension is obtained or unless the failure to complete work is due to reasons beyond the permittee's control; or

(e) The failure to correct, in a timely manner, work that does not conform to a condition indicated on an order issued pursuant to Subdivision 1.19.

B. Written Notice of Breach. If the city determines that the permittee has committed a substantial breach of a term or condition of any statute, ordinance, rule, regulation or any condition of the permit, the city shall make a written demand upon the permittee to remedy such violation. The demand shall state that continued violations may be cause for revocation of the permit. A substantial breach, as stated above, will allow the city, at its discretion, to place additional or revised conditions on the permit to mitigate and remedy the breach.

C. Response to Notice of Breach. Within twenty-four (24) hours of receiving notification of the breach, permittee shall provide the city with a plan, acceptable to the city, that will cure the breach. Permittee's failure to so contact the city, or permittee's failure to timely submit an acceptable plan, or permittee's failure to reasonably implement the approved plan, shall be cause for immediate revocation of the permit. Further, permittee's failure to so contact the city, or permittee's failure to submit an acceptable plan, or permittee's failure to reasonably implement the approved plan, shall automatically place the permittee on probation for one (1) full year.

D. Cause for Probation. From time to time, the city may establish a list of conditions of the permit, which if breached will automatically place the permittee on probation for one full year, such as, but not limited to, working out of the allotted time period or working on right-of-way grossly outside of the permit authorization.

E. Automatic Revocation. If a permittee, while on probation, commits a breach as outlined above, permittee's permit will automatically be revoked and permittee will not be allowed further permits for one full year, except for emergency repairs.

F. Reimbursement of city costs. If a permit is revoked, the permittee shall also reimburse the city for the city's reasonable costs, including restoration costs and the costs of collection and reasonable attorneys' fees incurred in connection with such revocation.

Subdivision 1.24. Mapping Data.

A. Information Required. Each registrant and permittee shall provide mapping information required by the city in accordance with Minnesota Rules 7819.4000 and 7819.4100. Within ninety (90) days following completion of any work pursuant to a permit, the permittee shall provide the City Administrator or designee accurate maps and drawings, electronic version preferred, certifying the "as-built" location of all equipment installed, owed and maintained by the permittee. Such maps and drawings shall include the horizontal and vertical location of all facilities and equipment and shall be provided consistent with the city's electronic mapping system, when practical or as a condition imposed by the City Administrator or designee. Failure to provide maps and drawings pursuant to this subsection shall be grounds for revoking the permit holder's registration.

B. Service Laterals. All permits issued for the installation or repair of service laterals, other than minor repairs as defined in Minnesota Rules 7560.0150 subpart 2, shall require the permittee's use of appropriate means of establishing the horizontal locations of installed service laterals and the service lateral vertical locations in those cases where the City Administrator or designee reasonably requires it. Permittees or their subcontractors shall submit to the City Administrator or designee evidence satisfactory to the City Administrator or designee of the installed service lateral locations. Compliance with this Paragraph B and with applicable Gopher State One Call law and Minnesota Rules governing service laterals installed after December 31, 2005 shall be a condition of any city approval necessary for

a) payments to contractors working on a public improvement project including those under Minnesota Statutes Chapter 429 and

b) city approval under development agreements or other subdivision or site plan approval under Minnesota Statutes Chapter 462. The City Administrator or designee shall reasonably determine the appropriate method of providing such information to the city. Failure to provide prompt and accurate information on the service laterals installed may result in the revocation of the permit issued for the work or future permits to the offending permittee or its subcontractors.

Subdivision 1.25. Location and Relocation of Facilities.

A. Placement, location, and relocation of facilities must comply with the Act, with other applicable law, and with Minnesota Rules 7819.3100, 7819.5000 and 7819.5100, to the extent the rules do not limit authority otherwise available to cities.

B Undergrounding. Unless otherwise agreed in a franchise or other agreement between the applicable right-of-way user and the City, Facilities in the right-of-way must be located or relocated and maintained underground.

C. Corridors. The city may assign a specific area within the right-of-way, or any particular segment thereof as may be necessary, for each type of facilities that is or, pursuant to current technology, the city expects will someday be located within the right-of-way. All excavation, obstruction, or other permits issued by the city involving the installation or replacement of facilities shall designate the proper corridor for the facilities at issue.

Any registrant who has facilities in the right-of-way in a position at variance with the corridors established by the city shall, no later than at the time of the next reconstruction or excavation of the area where the facilities are located, move the facilities to the assigned position within the right-of-way, unless this requirement is waived by the city for good cause shown, upon consideration of such factors as the remaining economic life of the facilities, public safety, customer service needs and hardship to the registrant.

D. Nuisance. One year after the passage of this Section, any facilities found in a right-of-way that have not been registered shall be deemed to be a nuisance. The city may exercise any remedies or rights it has at law or in equity, including, but not limited to, abating the nuisance or taking possession of the facilities and restoring the right-of-way to a useable condition.

E. Limitation of Space. To protect health, safety, and welfare, or when necessary to protect the right-of-way and its current use, the city shall have the power to prohibit or limit the placement of new or additional facilities within the right-of-way. In making such decisions, the city shall strive to the extent possible to accommodate all existing and potential users of the right-of-way, but shall be guided primarily by considerations of the public interest, the public's needs for the particular utility service, the condition of the right-of-way, the time of year with respect to essential utilities, the protection of existing facilities in the right-of-way, and future city plans for public improvements and development projects which have been determined to be in the public interest.

Subdivision 1.26 Pre-excavation Facilities Location.

In addition to complying with the requirements of Minn. Stat. 216D.01-.09 ("One Call Excavation Notice System") before the start date of any right-of-way excavation, each registrant who has facilities or equipment in the area to be excavated shall mark the horizontal and vertical placement of all said facilities. Any registrant whose facilities are less than twenty (20) inches below a concrete or asphalt surface shall notify and work closely with the excavation contractor to establish the exact location of its facilities and the best procedure for excavation.

Subdivision 1.27. Damage to Other Facilities.

When the city does work in the right-of-way and finds it necessary to maintain, support, or move a registrant's facilities to protect it, the city shall notify the local representative as early as is reasonably possible. The costs associated therewith will be billed to that registrant and must be paid within thirty (30) days from the date of billing. Each registrant shall be responsible for the cost of repairing any facilities in the right-of-way which it or its facilities damage. Each registrant shall be responsible for the cost of repairing any damage to the facilities of another registrant caused during the city's response to an emergency occasioned by that registrant's facilities.

Subdivision 1.28. Right-of-Way Vacation.

Reservation of right. If the city vacates a right-of-way that contains the facilities of a registrant, the registrant's rights in the vacated right-of-way are governed by Minnesota Rules 7819.3200.

Subdivision 1.29. Indemnification and Liability
By registering with the city, or by accepting a permit under this Section, a registrant or permittee agrees to defend, indemnify, and hold harmless the city in accordance with the provisions of Minnesota Rule 7819.1250.

Subdivision 1.30. Abandoned and Unusable Facilities.

A. Discontinued Operations. A registrant who has determined to discontinue all or a portion of its operations in the city must provide information satisfactory to the city that the registrant's obligations for its facilities in the right-of-way under this Section have been lawfully assumed by another registrant.

B. Removal. Any registrant who has abandoned facilities in any right-of-way shall remove it from that right-of-way if required in conjunction with other right-of-way repair, excavation, or construction, unless this requirement is waived by the city.

Subdivision 1.31. Appeal.
A right-of-way user that: (1) has been denied registration; (2) has been denied a permit; (3) has had a permit revoked; (4) believes that the fees imposed are not in conformity with Minn. Stat. § 237.163, Subd. 6; or (5) disputes a determination of the City Administrator or designee regarding Subdivision1.23 subd.2 of this ordinance may have the denial, revocation, fee imposition, or decision reviewed, upon written request, by the city council. The city council shall act on a timely written request at its next regularly scheduled meeting, provided the right-of-way user has submitted its appeal with sufficient time to include the appeal as a regular agenda item. A decision by the city council affirming the denial, revocation, or fee imposition will be in writing and supported by written findings establishing the reasonableness of the decision.

Subdivision 1.32 Reservation of Regulatory and Police Powers
A permittee's rights are subject to the regulatory and police powers of the city to adopt and enforce general ordinances as necessary to protect the health, safety and welfare of the public.

Subdivision 1.33. Severability.
If any portion of this Section is for any reason held invalid by any court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision and such holding shall not affect the validity of the remaining portions thereof. Nothing in this Section precludes the city from requiring a franchise agreement with the applicant, as allowed by law, in addition to requirements set forth herein."

Effective Date. This Ordinance shall be in full force and effect from and after its passage and publication.

Adopted by the City Council this 27th day of November 2017.

SECTION 4.50. SUBDIVISION AND PLATTING REQUIREMENTS.

Subdivision 1. General Provisions.

A. Purpose. This Section sets forth the minimum requirements deemed necessary to insure and protect the health, safety and welfare of the public. More specifically the provisions of this Section are designed to:

a. Assure that to the maximum extent possible, all lands will be developed for the best possible use with adequate protection against deterioration and obsolescence.

b. Encourage well-planned subdivisions through the establishment of adequate design standards.

c. Create neighborhoods which will be of lasting credit to the community.

d. Facilitate adequate provisions for transportation and other public facilities.

e. Secure the rights of the public with respect to public lands and waters.

f. Improve land records by the establishment of standards for surveys and plats.

g. Safeguard the interest of the public, the homeowner, the subdivider and units of local government.

h. Provide common ground for understanding between developers and local units of government.

i. Prevent where possible, excessive governmental operating and maintenance costs.

j. Provide for the safe and orderly flow of traffic.

B. Administration. This Section shall be administered by the City Council through the Medford Zoning and Planning Commission.

Subdivision 2. Definitions. Unless the context indicates a different meaning, for the purpose of the Section certain words, phrases and terms shall be construed as follows:

1. Alley – Minor traffic ways affording a secondary means of access to abutting properties which is not intended for general traffic circulation.

2. Attorney – Duly named and/or appointed representative of the City.

3. Block – The distance as measured along a street between intersecting streets from center line to center line; and where the context requires, it also means the enclosed area within the perimeter of the streets or property lines enclosing it.

4. Commission – The duly appointed Medford Zoning and Planning Commission and any successor thereto.

5. Council – Elected representatives of the City government.

6. County – Steele County, Minnesota.

7. County Board – The Steele County Board of Commission.

8. Cul-De-Sac – A comparatively short street having but one end open to traffic and the other end being permanently terminated by a vehicular turn-around.

9. Engineer – A duly named and/or appointed representative of the City.

10. Final Plat – The final map, drawing or chart on which the subdivider's plans of subdivision is presented to the City Council for approval and which if approved, will be submitted to the County Register of Deeds.

11. Lot – A piece, parcel or plot of land intended for building development or as a unit for transfer of ownership.

12. Lot Width – the dimension of a lot measured on the building set back line.

13. Lot Depth – The dimension of a lot measured at right angles to the street upon which the lot is fronting.

14. Mayor – The elected head of the City Government.

15. Official Map – A map of the City of Medford which shows the exact block numbers, lot numbers, street width, names and alignment, City limits and other physical features of the City.

16. Owner – Any individual, firm, association, syndicate, copartnership, corporation, trust or any other legal entity having sufficient proprietary interest in the land sought to be subdivided to commerce and maintained proceedings to subdivide the same under this Section.

17. Person – Any individual, firm, association, syndicate or partnership, corporation, trust, or any legal entity.

18. Preliminary Plat – The preliminary map, drawing or chart indicating the proposed layout of the subdivision to be submitted to the City Council for their consideration.

19. Sanitary Sewer – A constructed conduit connected with a sewer system for the carrying of liquids and solids other than storm waters to a sanitary treatment plant.

20. Set Back – The building set back line or distance as measured from the nearest street, road, or water shoreline.

21. Street – A public way which affords primary means of access by pedestrians and vehicles to abutting properties whether designated as a street, avenue, highway, road, boulevard, lane, or however otherwise designated.

22. Storm Sewer – A constructed conduit for carrying surface or ground waters to a drainage course.

23. Subdivider – Any person commencing proceedings under this Section to effect a subdivision of land hereunder for himself or for another.

24. Subdivision – (1) The division of land by platting, conveyance, registered land survey or other means, into two or more lots, plots, sites or other divisions, any of which is less than two and one-half acres in area. (2) The division of land, regardless of area, if such division or plat provides for the granting or dedicating of a public street. (3) The re-subdivision of land heretofore divided or platted into lots, sites, or parcels, where the total area of the land being re-subdivided is one acre or more.

25. Surveyor – A duly registered land surveyor in the State of Minnesota.

26. City – The City of Medford, Minnesota.

Subdivision 3. Procedure for submitting Preliminary Plat.

A. In order to avoid costly revisions in plats the subdivider should familiarize himself with this Section and the related laws.

B. The subdivider shall submit to the City Clerk five copies of the preliminary plat.

C. The subdivider shall submit along with the preliminary plat a written statement explaining the intent as to the character, type, and use of the subdivided property and structures to be developed, the deed restrictions proposed, statement of the extent and character of improvements to be made by the subdivider.

D. The City Clerk shall deliver the copies of the preliminary plat and the letter of explanation to the Medford Zoning and Planning Commission which commission shall consider the plat and letter of explanation at a meeting within 30 days of the time of receipt of such plat and letter of explanation.

E. The Medford Zoning and Planning Commission will determine whether such plan conforms to the design standards set forth in this Section and conforms to adopted City plans. In the event the preliminary plat is approved by the Medford Zoning and Planning Commission, the Commission shall submit such plat and letter of explanation to the City Council together with their endorsement of approval thereon within 30 days of the receipt of the preliminary plat and letter of explanation from the City Clerk; if the Medford Zoning and Planning Commission shall not approve such Preliminary plat, then the same shall be returned to the person submitting it within the said 30 day period together with the objections of the Medford Zoning and Planning Commission. The proposer of the plat may amend the plat to conform to the objections of the Zoning and Planning Commission, resubmitting to the Commission, or may submit it directly to the City Council of the City of Medford over the objections of the Zoning and Planning Commission and upon 10 days written notice to the Zoning and Planning Commission.

F. The City Council may reject the preliminary plat, approve the same, or approve the preliminary plat subject to certain revisions.

G. Conditional approval of a preliminary plat shall not constitute approval of the final plat. Conditional approval of a preliminary plat is hereby limited to a period of twelve (12) month, after which time the subdivider is required to resubmit a preliminary plat.

Subdivision 4. Procedure for Submitting Final Plat. After the approval and endorsement of a preliminary plat, the following procedure shall be followed:

A. Within one year of the approval of the preliminary plat the subdivider shall submit a final plat, as hereinafter described, to the City Clerk. Failure to submit a final plat within the prescribed period of time shall void the approval of the preliminary plat. An extension of the aforementioned time periods may be granted by the City providing that a justifiable request is made by the subdivider prior to the expiration of the above mentioned time period.

B. The City Clerk shall submit the final plat to the Medford Zoning and Planning Commission who shall consider the same within 30 days of the time of its receipt. The commission may take action or may advertise for a public hearing and in the event a public hearing is held, the time within which the Zoning and Planning Commission shall act shall be extended but not greater than another 30 days. Thereafter the final plat will be presented to the City Council who will act on the final plat within 30 days of the date of which it was submitted by the Zoning and Planning Commission. A final plat will not be approved unless it:

1. Conforms to a preliminary plat approved by the Council.

2. Meets the minimum design standards and engineering specifications set forth in this Section.

3. Conforms to the Uniform Zoning Ordinance of the City of Medford.

4. Meets the requirements of the applicable laws of the State of Minnesota.

C. In preparing the final plat, the subdivider will provide such tracings, and cloth prints as required by the applicable statutes of the State of Minnesota and the resolutions of the Steele County Board of Commissioners.

D. The developer shall submit such supplementary information as may be requested by the Zoning Commission in order to adequately evaluate the proposed development.

E. Upon request from the Commission, the developer shall submit drainage plans which will provide for the drainage of surface waters from the area in concern.

Subdivision 5. Data Required for Preliminary Plat. The following information shall be included on or submitted with the Preliminary Plat:

1. The scale shall not be greater than 200 feet per inch.

2. Identification and Description:

a. Proposed name of subdivision, which name shall not duplicate or be alike in pronunciation of the name of any plat theretofore recorded in the City of Medford. Short names are preferable.

b. Location of subdivision by section, town, range, or by other legal description together with small – scale sketch showing location within the section.

c. Names and addresses of the owner, subdivider, surveyor and designer of the plan.

d. Graphic scale and north arrow.

e. Date of preparation.

3. Existing conditions in the tract and in a reasonable area surrounding the tract:

a. Property lines.

b. Areas proposed for non-residential use.

c. Platted streets, railroad right-of-way and utility easements.

d. Permanent buildings or other structures.

e. Location of existing sewers, water mains, culverts or other underground facilities.

4. Wooded areas in outline only.

5. Other reasonable information, such as soil tests, if so requested by the Medford Zoning and Planning Commission in order to make a proper review of the site.

6. Subdivision Design Features:

a. Layout of proposed streets, showing right-of-way widths and names of streets.

b. Location and widths of proposed pedestrian way and utility easements.

c. Layout, numbers and approximate dimensions of lots.

d. Areas, other than streets, pedestrian ways and utility easements intended to be dedicated or reserved for public use, including the size of such area or areas in acres.

e. Minimum front and side-street building set back lines indicating dimensions.

7. Stage Development: Whenever a portion of a tract is proposed for platting and it is intended or of a size for future enlargements of such platted portion from time to time, a tentative plan for the future subdivision of the entire tract shall be submitted.

8. The subdivider shall submit one copy of a corrected preliminary plat containing changes or corrections required by the Zoning and Planning Commission. The corrected preliminary plat shall be submitted to the City Clerk.

9. When requested by the Medford Zoning and Planning Commission, the subdivider shall supply a topographic map having a two foot contour interval drawn to the same scale as the preliminary plat. A topographic map will be required any time that there is questionable surface drainage or sloping property that may be unsuitable for reasonable development.

10. Following review by the Medford Zoning and Planning Commission the City Council will review and issue approval of the Preliminary Plat contingent upon the recommended corrections or additions. The Subdivider shall proceed with the Final Plat and complete the same within the time schedules described elsewhere in this Section.

Subdivision 6. Data Required for Final Plat. The Final Plat shall be prepared in accordance with the applicable provisions of Minnesota Statutes Chapter 505, or other applicable provisions of the Statute as from time to time provided.

A. The Final Plat shall include Certification by the Owner and Surveyor, and Certificate of Approval by the City, and Certificates regarding taxes by the County Treasurer and County Auditor, and the Certificate of Filing by the Register of Deeds.

B. The Final Plat shall incorporate an identification system for all lots and block, which shall perpetuate the existing numbering system within the City.

Subdivision 7. Minimum Design Standards.

A. The following land subdivision principles, standards and requirements will be applied by the Commission in evaluating plans for proposed subdivisions:

1. The provisions outlined herein shall be considered minimum standards and requirements for the promotion of the public health, safety, morals and general welfare.

2. Where literal compliance with the standards herein specified is clearly impractical, the Commission may modify or adjust the standards to permit reasonable utilization of property while securing substantial conformance with the objectives of these regulations.

B. The land use shall be suited to the purpose for which it is to be subdivided. No preliminary plat shall be approved if, considering the best interests of the public, the site is not suitable for plat and development purposes of the kind proposed by reason of potential flooding, swamp conditions, or adverse earth formation. Lots subject to flooding and lots deemed uninhabitable because of adverse earth formation shall not be approved by the Commission for residential occupancy, nor for such other uses as may increase danger to health, life or property or aggravate the hazard, but such land within a plat shall be set aside for such uses as shall not be endangered by periodic or occasional inundation or shall not produce unsatisfactory living conditions.

1. Land subject to hazards of life, health or property shall not be subdivided for residential purposes until all such hazards have been eliminated or unless adequate safeguards against such hazards are provided by the subdivision plan.

2. Proposed subdivision shall be coordinated with existing nearby neighborhoods so that the community as a whole may develop harmoniously.

3. Proposed land uses shall conform to the Uniform Zoning Ordinance of the City of Medford.

4. Streets shall be logically related to the topography so as to produce usable lots, reasonable grades, and perpetuate existing streets.

5. Access shall be given to all lots and portions of the tract in the subdivision and to adjacent unsubdivided territory unless the topography clearly indicates that such connection is not feasible. Streets giving such access shall be improved to the limits of the subdivision. Reserved strips, and landlocked areas shall not be created.

6. Half or partial street will not be permitted, except where satisfactory assurance for dedication of the remaining part of the street can be secured.

7. Wherever a tract to be subdivided borders an existing half or partial street, the other part of the street shall be plotted within such tract.

8. Dead-end streets shall be prohibited, except as stubs to permit future street extension into adjoining tracts, or when designed as Cul-de-sac streets.

9. Private streets and reserve strips shall be prohibited.

C. Cul-de-sac streets, permanently designed as such, shall not exceed 500 feet in length and shall end with a circle with a minimum radius of 60 feet.

D. Right-of-Ways.

1. Width of right-of-way:

East-West streets shall have minimum width of right-of-way of 66 feet;

North-South streets shall have a minimum width of right-of-way of 60 feet;

Alleys – Either a public or private alley shall be provided in a block where the property is owned commercially. Alleys in residential areas other than those zoned for multiple family use shall not be permitted. Alleys in commercial areas shall have a right-of-way width of 24 feet with 20 feet thereof improved for vehicular use; alleys in a residential area shall have a right-of-way width of 20 feet with 16 feet improved for vehicular use.

2. Additional right-of-way and roadway width may be required to promote public safety and convenience when special conditions require it or to provide parking space in areas of intensive use.

3. Street intersections shall be as nearly at right angles as is possible, and no intersection shall be at an angle of less than seventy (70) degrees.

4. A proposed street which is in alignment with and joins an existing and named street shall bear the name of the existing street.

E. Blocks.

1. Block lengths shall not exceed 1200 feet and, if possible, shall not be less than 400 feet in length. In blocks longer than 800 feet a pedestrian crossway with a minimum right-of-way of ten (10) feet shall be provided near the center of the block. The use of additional access ways to schools, parks and other destinations may also be required.

2. Blocks shall be wide enough to allow two tiers of lots except adjoining a lake, railroad or where one tier of lots is necessary because of topographic conditions.

3. Blocks for commercial and industrial areas may vary from the elements of design contained in this Section if the nature of the use requires other treatment. In such cases, off-street parking for employees and customers shall be provided along with safe and convenient limited access to the street system. Space for off-street loading shall also be provided with similar access. Extension of street, railroad, access, right-of-way, and utilities shall be provided as necessary.

F. Lots.

1. The minimum lot width at the setback line shall be seventy-five (75) feet and the minimum lot depth from the right of way line of the fronting street shall be one hundred twenty (120) feet.

2. Lot sizes may be increased if there appears to be a drainage problem with the property, which may require a special drainage course.

3. Lots designed for commercial, industrial, or multiple residence purposes shall have adequate space provided for off-street parking, loading, and service facilities.

4. Side lot lines shall be substantially at right angles to straight street lines or radial to curved street lines or radial to lake or stream shores unless topographic conditions necessitate a variation.

G. Municipal Improvements.

1. Municipal improvements including the design and construction of sewer, water and streets will be provided for at the time of approving the preliminary plat. All subdivisions shall be surveyed, platted, and recorded prior to annexation by the City.

2. When the size or topographic features of a proposed development warrant including the planned improvements with the preparation of the final plat, the Council will so the developer to prepare the same.

3. All improvements, so ordered, shall be designed and constructed in accordance with the minimum standards set forth by the City.

4. Said plans shall be submitted to the City for approval prior to entering contract for the construction of the proposed improvements.

5. In all cases where the City is to cause the improvements to be designed and constructed, the developer shall upon the request of the City, submit such information as may be necessary to coordinate the improvements with the development.

6. Prior to the transfer of any parcel of said property, the municipal improvements to be provided by the developer shall be constructed and shall include stubbing into each designated lot, sewer and water connections, and such utility installations as may be utilized within this area.

7. When so ordered the developer shall construct the street through the gravel surfacing.

H. Prior to the approval of the final plat by the Council, the subdivider shall have agreed in the manner set forth in this Section, to install or pay for the installation, in conformity with the construction plans approved by the engineer, and in conformity with all applicable standards and regulations of the City, the following improvements on site:

1. Monuments of a permanent character shall be placed in locations on the boundary of the subdivision and within it as required by Minnesota Statute 505.32.

2. The full width of the right-of-way of each street and alley dedicated in the plat shall be graded. All streets and alleys shall have an adequate sub-base and shall be improved with an all weather, permanent surface, including curb and gutter, within two years of approval of the final plat by the City Council of the City of Medford.

3. Concrete sidewalks and pedestrian ways may be required by the Council and, if required, shall be installed within the time designated by the Council.

4. Underground telephone service – Telephone service installations to residential structures shall be underground form the mainline to the residential structure except where extreme conditions prohibit and a variance from this requirement is authorized by the Council upon advice of the Zoning and Planning Commission.

5. Apportionment of expenses for improvements—all streets and rights-of-way shall be provided without cost to the City. One hundred percent (100%) of the cost related to a subdivisions including but not limited to water line, sanitary sewer line, water and sanitary service lines extended to the lot(s), curb stops, engineering costs, legal costs, administrative costs, publication costs, and fiscal costs, shall be assessed against the benefited property, except as otherwise provided herein. The cost of providing storm sewer lines is expressly exempted from this requirement. Corner lots may, in the discretion of the City Council, be assessed at less than 100% of the cost for the street construction. In the event curb, gutter or sidewalks are required, the costs thereof shall be assessed 100% against the benefited property. Major street repairs shall be assessed 50% against the benefited property; minor street repairs shall be provided by the City. Corner lots may, in the discretion of the City Council, be assessed at less than 50% of the repair costs for major street repairs. All repairs to curb, gutter or sidewalks shall be assessed 100% to the benefited property.

I. Street Light Requirements for New Residential Development – A meeting shall be held between the Developer, City, Electrical Contractor, and Electrical Supplier prior to commencement of a new residential street project.

1. The Developer shall purchase poles and fixtures.

2. The Electrical contractor shall install the poles and underground wiring, and shall make connections in conformance with applicable codes.

3. The cost of installing the poles, fixtures, and wire shall be shared equally between the Developer and the City. The cost of the poles, fixtures, and wire shall be paid by the Developer.

4. The poles will conform to the following requirements. Corner Poles shall be a minimum of 30 feet in length and shall have a 25 foot mounting height. Other poles

shall be a minimum of 18 feet in length and shall have a 14 foot mounting height. Spacing between poles shall be no more than 300 feet from the corner.

5. Variations from the procedures and requirements set forth in paragraphs 7.8 through 7.8-5 shall be granted only at the discretion of the City Council after referring the request to the Planning and Zoning Board for its recommendation.

Subdivision 8. Variation from Requirements.

A. The Zoning and Planning Commission may recommend a variation to the City Council from the requirements of subdivision planning procedure or public improvements in specific cases when the tract to be subdivided is of such unusual size, shape or character or is surrounded by such development or unusual conditions that the strict compliance with the requirements of this article would result in substantial hardship or injustice or when a group housing or cluster development is proposed.

B. The standards and requirements of these regulations may be modified by the City Council in the case of plans which in the judgment of the Commission achieve substantially the objectives of this Section and which are further protected by such covenants or other legal provisions as will assure conformity to and achievement of the plan.

C. In recommending any variation, the Commission shall take into account the following:

1. The location of the proposed subdivision, proposed land use, and existing use of the land in the vicinity.

2. The number of persons to reside or work in the proposed subdivision and the probable effect of the proposed subdivision upon traffic conditions in the vicinity.

3. Those variations that will allow the subdivider to develop his property in a reasonable manner and at the same time preserve the general intent and spirit of this Section and protect he public welfare and interests of the City.

4. In granting variances and modifications, the Commission may impose such conditions as will, in its judgment, secure substantially the objectives of the standards or requirements so varied or modified.

D. Procedure for Variation – Application for any variation shall be submitted in writing by the subdivider at the time the preliminary plat is filed and shall state fully the grounds for the application and the facts relied upon by the petitioner. The Commission shall consider such application at the meeting on the preliminary plat and give its written recommendations thereon, with the reasons therefore, a the time of its approval or disapproval of said plan. If the Commission refuses to recommend a variation, the subdivider may at once without preparing a final plat, petition the City Council for a review of the decision of application for variation.

E. In the case of the petitioner submitting a request for a variation, the petitioner shall submit the preliminary plat along with the supplementary materials two weeks prior to the regularly scheduled meeting of the City Council.

Subdivision 9. Separability. If any subsection, sentence, clause, phrase or portion of this Section is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate portion and its invalidity shall not affect the remainder hereof.

SECTION 4.51. REQUIREMENTS FOR RECORDING AND CONVEYING REAL PROPERTY.

Subdivision 1. Restriction on Conveyances. No conveyance of land within the City shall be filed or recorded in the County Recorder's Office or have any validity, and the Building Inspector shall not issue a building permit for any structure on said land, unless said conveyance is described with reference to an approved plat or an approved administrative land survey as hereafter provided. No conveyance of land shall be described by metes and bounds except as contained in an administrative land survey, except that any parcel that is of record prior to the date of this ordinance may be conveyed according to the legal description contained in that record.

Subdivision 2. Creation of New Parcel by Administrative Land Survey. A new parcel may be created through use of an Administrative Land Survey. Said Administrative Land Survey may combine former parcels or portions of parcels or may divide a former parcel into two or more new parcels.

Subdivision 3. Requirements of Administrative Land Survey. A new parcel may be created through use of an Administrative Land Survey only upon the satisfaction of all of the following requirements:

1. No Administrative Land Survey shall be of any effect unless and until approved by the City and recorded in the Office of the Steele County Recorder. No Administrative Land Survey shall be recorded without the prior consent of the City.
2. All Administrative Land Surveys shall be filed subject to the same procedure as required for the filing of a preliminary plat. The standards and requirements set forth in these regulations shall apply to all Administrative Land Surveys.
3. An Administrative Land Survey shall not be used to divide a parcel of land in such a way that any resulting parcel does not meet a zoning requirement of this Chapter. All resulting parcels of an Administrative Land Survey shall be buildable lots meeting the minimum requirements of this Chapter for the zoned designation.
4. No Administrative Land Survey shall alter or affect a public right of way or public easement.
5. No conveyance of a parcel defined by an Administrative Land Survey shall be recorded unless the City shall have first approved the Administrative Land Survey.
6. All conveyances of land described with reference to an Administrative Land Survey shall have a copy of the survey attached to the deed of conveyance at the time it is recorded.

Subdivision 4. Restriction on Future Conveyances. Upon the recording of an Administrative Land Survey, no portion of a parcel described by the Administrative Land Survey shall be conveyed except the entire parcel.

Subidivision 5. Effect of Administrative Land Survey. Upon the recording of an Administrative Land Survey, parcels defined by the Administrative Land Survey shall constitute a "Lot" as that term is used in this Chapter.

Subdivision 6. Fees. Fees for the review and approval of an administrative land survey shall be as set by the city council by the Master Fee Schedule set forth in Chapter 2, Section 2.65.

Subdivision 7. Waiver of Compliance. In any case in which compliance with the foregoing restrictions will create an unnecessary hardship and failure to comply does not interfere with the purpose of this Section, the City Council may waive such compliance by adoption of a resolution to that effect and the conveyance may then be filed or recorded.

Subdivision 8. Conveyances Prohibited. Any owner or agent of the owner of land who conveys a lot or parcel in violation of this Section shall forfeit and pay to this municipality a penalty of not less than One Thousand and 00/100 Dollars ($1,000.00) for each lot or parcel so conveyed. The City may enjoin such conveyance by action for injunction or may recover such penalty by a civil action in any court of competent jurisdiction. The City shall not issue any building permits to property conveyed in violation of this Section."

Passed and adopted this 28th day of October, 2013, with the following vote: Aye 5; No 0; Absent 0.

Section 4.51 shall become effective from and after its passage and publication.

SECTION 4.60. NUMBERING OF BUILDINGS.

Subdivision 1 Duty of Owner. It shall be the duty of the owner, agent, lessor or occupant of every house or other building except barns, garages and other buildings which are part of the same property with a numbered house or building, to place on every such building its property street number, either by painting or by affixing such numbers in metal, glass, or other form, so that the same shall be clearly visible from the sidewalk. Numbers shall be placed on such houses and buildings within thirty days from the time said owners, agents, lessors or occupants are notified either by mail, publication or telephone of the assignment of numbers to said houses as hereinafter provided.

Subdivision 2. Assignment of Numbers. Numbers shall be assigned to houses and buildings from Main Street and Central Avenue as bases, and in the following manner:

All houses and buildings situated within the first block north of Central Avenue on all intersecting streets shall be given numbers between 100 and 199 inclusive; within the second block numbers between 200 and 299 inclusive shall be used, and so in each succeeding block; and all numbers shall be indicated by adding the word "North" to the name of the street, which area shall include Sunrise Drive.

In like manner, the numbers between 100 and 199 inclusive shall be used in the first block south of Central Avenue on intersecting streets, and each succeeding hundred in each succeeding block; and the word "South" shall be added to the street name.

On streets intersecting Main Street, number between 100 and 199 inclusive shall be used within the first block from Main Street on either side, and each succeeding hundred in each succeeding block, with the addition of the word "East" or "West" to the street name as the case may be.

Odd numbers shall be used on the west and north sides of the streets and even numbers on the east and south sides, respectively.

Within any block, the houses or buildings nearer the base street shall use the smaller numbers. In assigning numbers to houses and buildings between which one or more twenty-five foot lots lie unimproved, sufficient numbers shall be allowed for later assignment to such vacant lot.

Subdivision 3. Duty of Street Commissioner. It shall be the duty of the street commissioner to assign numbers, as hereinbefore provided, to every house or other building in the City, and to report the numbers assigned at the next regular meeting of the Council. The Council shall at once consider such report, and accept and by resolution approve the same with such revision and amendments as it may deem necessary. A copy of the report as approved, shall be filed with the resolution in the proceedings of the Council; a copy of the report and resolution, properly certified, shall be attached to the plat of the City in the office of the register of deeds of Steele County and to the plat of the City in the office of the City Clerk; and the numbers assigned may be entered upon the appropriate blocks and lots indicated on said plats. It shall be the duty of the City Clerk at

once to notify the owners, agents, lessors or occupants of such houses or buildings, either by mail, publication or telephone, or the numbers so assigned.

Subdivision 4. Report of Clerk. Whenever any house or other building is to be erected hereafter, a number shall be assigned at the time the building permit is granted therefore. On or before the thirty-first day of January of each year hereafter it shall be the duty of the City Clerk to prepare certificates stating the new numbers assigned during the preceding calendar year, and send one to the register of deeds of Steele County for attaching to the plat of the City as aforesaid, and to attach another to the plat in the office of the City of Medford. Such numbers may be approximately entered upon said plats.

SECTION 4.61. PARKS.

Subdivision 1. Times Prohibited. No person shall be present in any City Park between the hours of 11:00 p.m. and 6:00 a.m. without a permit from the City Park and Recreation Commissioner or his designee.

Subdivision 2. Limitations on Liquor.

A. No person shall have in possession in any City Park any container larger than thirty-two (32) ounces containing intoxicating liquor or non-intoxicating malt liquor without a permit.

B. No person shall have in possession in any City Park any glass container containing intoxicating liquor or non-intoxicating malt liquor without a permit.

Subdivision 3. Motor Vehicles. Other than the City, law enforcement or emergency vehicles, no person shall park or drive any motorcycle or motor vehicle in any City Park in any place other than roads or designated parking areas.

Subdivision 4. Fires. No person shall make or use any fire in any City Park in any place other than charcoal grills.

Subdivision 5. Permits. Permits shall be obtained in the following manner:

A. Procedure to obtain a permit to rent Straight River Park, Chalet, Large Pavilion, and Small Pavilion.

1. Reservation and application for a permit shall be made at least five (5) days before the event is scheduled.

2. A surety deposit and rental fee in accordance with the City's fee schedule shall accompany the application.

3. The surety deposit shall be returned upon completion of the scheduled event unless, in the opinion of the Public Works Director and the City Administrator, the event caused additional maintenance or damage, then the Public Works Director and the City Administrator may deduct such additional maintenance or damages from the surety deposit.

B. Procedure to obtain all other special park permits.

1. All other special park permits shall be submitted by application to the City and reviewed by the Park Board at their next regularly scheduled meeting. The Park Board shall make a recommendation to the City Council whether to approve or deny the special permit.

Subdivision 6. Vandalism and Destruction of Park Property. No person shall:

A. Roller blade, bicycle, skate board, scooter, or the like on the tennis courts.

B. Damage, destroy, deface, alter, change or remove any park asset, including but not limited to, tennis courts, volleyball courts, softball diamond, picnic tables, restroom facilities, benches and playground equipment.

C. Cut, remove, damage or destroy, pick or uproot any plant life and natural surroundings such as trees, saplings, shrubs, plants, flowers and grass.

SECTION 4.62. SHADE TREE PROGRAM.

Subdivision 1. Regulation 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 Section as if set out here in full, except as hereinafter provided. A copy of said agency rules herewith incorporated is on file in the City Clerk's Office.

Subdivision 2. Stockpiling of Elm Wood. The stockpiling of bark bearing elm wood within the City limits of the City of Medford 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 Section and the regulations incorporated thereby.

SECTION 4.63. SWIMMING POOLS

Subdivision 1. General.

A. "Swimming Pool" defined. As used in this Section, the term "swimming pool" shall include any enclosure, above or below grade, designed to hold water for the principal purpose of swimming.

B. Enforcement of Section. The city building inspector or his duly authorized representative shall be charged with the enforcement of this Section.

C. Permit Requirements.

1. A swimming pool constructed, excavated or erected within the City shall be subject to the following requirements:

a. A swimming pool designed to hold no more than a maximum of 1,100 gallons of water shall not require a zoning or building permit, and shall be exempt from the requirements of this Section.

b. A swimming pool designed to hold a maximum of no more than 5,000 gallons of water but more than 1,100 gallons of water shall require a zoning permit prior to construction.

c. A swimming pool designed to hold in excess of a maximum of 5,000 gallons of water shall require a zoning permit and a building permit prior to construction.

d. A swimming pool that requires a zoning permit shall be subject to the requirements of Subdivision 2, Paragraphs B and C, as applicable. A swimming pool that requires a building permit shall be subject to the requirement of Subdivision 2, Paragraphs A, B and C.

This Ordinance shall be effective immediately upon its passage and publication.
Adopted by the City Council this 22nd day of May 2017

2. The application for a building permit shall include:

a. The type and size of pool.

b. A site plan indicating the following: Location of pool; location of house, garage, fencing and other improvement on the lot; location of filter unit, pump, and wiring indicating the type of such units; location of structures on adjacent lots; location of back-flush and drainage outlets; grading plan, finished elevations and final treatment (decking, landscaping, etc.) around pool; location of existing overhead or underground wiring, utility easements, trees and similar features; location of any water heating unit.

D. Applicability. All terms, provisions, and requirements of the Section shall be retroactive and shall apply to all swimming pools in existence in the city at the time of adoption of this Section.

Subdivision 2. Requirements.

A. All private swimming pools shall adhere to the following regulations:

1. Pools shall not be located within ten feet, measure horizontally, from overhead or underground utility line of any type.

2. Pools shall not be located within any private or public utility, walkway, drainage or other easement.

3. In the case of underground pools, precautions shall be taken during construction to avoid damage, hazards or inconvenience to adjacent or nearby property.

4. To the extent feasible, back-flush water or water from pool drainage shall be directed onto the owner's property or into approved public drainage ways and shall not drain onto adjacent private land. Drainage onto public streets or other public drainage ways shall require permission of the appropriate local city officials.

5. Pool lighting shall be directed toward the pool and not toward adjacent property.

6. The pool area shall be enclosed with a nonclimbable type safety fence at least five feet in height, but not exceeding six feet, to prevent uncontrolled access from the street or adjacent property. Such fence shall have self-closing and self-latching gates with provision for locking and shall be completely installed prior to the filling of the pool.

7. Retaining walls shall be designed to resist the lateral pressure of the retained material in accordance with accepted engineering practice. Walls retaining drained earth may be designed for pressure equivalent to that exerted by a fluid weighing not less than thirty pounds per cubic foot and having a depth equal to that of the retained earth. Any surcharge shall be in addition to the equivalent fluid pressure.

8. Pool water shall be maintained in a suitable manner to avoid health hazards of any type. Such water shall be subject to periodic inspection by the local health officer.

9. All wiring, installation of heating units, grading, installation of pipes, and all other installations and construction shall be subject to inspection.

10. Nuisances such as undue noise, lighting of adjacent property, health and safety hazards, damage to nearby vegetation and the like shall not be permitted.

11. Filling of pools from fire hydrants or other public facilities shall require the permission of the appropriate local city officials.

12. Any proposed deviation from these standards and requirements shall require a variance in accordance with normal zoning procedures.

B. Private swimming pools which are intended for and used by the occupants of a one-family dwelling and their guest shall adhere to the following regulations:

1. Pools shall not be located within ten feet of any and all lot lines nor within ten feet of any principal structure or frost footing. Pools shall not be located within any required front yard.

2. The filter unit, pump, heating unit and any other noisemaking mechanical equipment shall be located at least twenty-five feet from any adjacent or nearby residential structure and not closer then ten feet to any lot line.

C. Private swimming pools which are intended for and used by the occupants of a multiple-family dwelling and the guests of the occupants of such dwelling shall adhere to the following regulations:

1. No part of the water surface of the swimming pool shall be closer than fifty feet to any lot line.

2. No pumps, filter or other apparatus used in connection with or to service a swimming pool shall be located closer than fifty feet to any lot line.

3. The pool area shall be adequately fenced to prevent uncontrolled access from the street or adjacent property. Adequate screening, including, but not limited to, landscaping shall be placed between the pool area and adjacent single-family district lot lines.

4. All deck areas, adjacent patios or other similar areas used in conjunction with the swimming pool shall be located at least thirty feet from any lot line in an adjacent single-family district.

SECTION 4.64. MANUFACTURED HOMES.

Subdivision 1. General Provisions.

A. Purpose. The purpose of this Section is to provide for manufactured housing in safe, attractive residential neighborhoods with all urban services and desired amenities as other residential areas.

B. Administration. This Section shall be administered by the City Council through the Medford Zoning and Planning Commission and the Medford Building Inspector.

Subdivision 2. Definitions. Unless the context indicates a different meaning, for the purpose of this Section, certain words, phrases and terms shall be construed as follows:

1. Manufactured Homes. A manufactured home is a home as described in Minnesota State Statutes, Section 327.31, Subdivision 3.

Subdivision 3. Regulation.

A. No one shall erect, establish or move into the City of Medford a manufactured home, as described in Minnesota State Statutes, Section 327.31, Subdivision 3, without first obtaining a permit from the Medford City Building Inspector.

B. Issuance of the permit shall be based on the following requirements:

1. The foundation shall be a permanent design, with frost-free footings twice the wall thickness and eight inches deep, constructed with eight inch concrete block or structurally equal material. A full basement shall be constructed with ten inch concrete block or structurally equal material.

2. Any manufactured home shall be constructed with a minimum square footage of 768 square feet. The width of the manufactured home shall be a minimum of 24 feet and the length shall be a minimum of 32 feet.

3. The lot size and location of the manufactured home on the lot shall be in accordance with existing zoning ordinance of the City of Medford.

4. In all other respects, the requirements of the applicable laws of the State of Minnesota and applicable Ordinances of the City of Medford shall be complied with.

SECTION 4.65. MOBILE HOME PARKS.

Subdivision 1. Purpose. To promote health, safety, order, convenience and general welfare by enforcing minimum standards for mobile home parks, the location and use of mobile homes and the design, construction, alteration and arrangement of homes on said lots, authorizing the inspection of mobile home parks (by licensing of operators) and fixing penalties for violations. This Section, in accordance with this purpose, is intended to deal with manufactured homes built in conformance with M.S. 327.31 to 327.35, that comply with all other zoning requirements promulgated pursuant to this Chapter.

Subdivision 2. Definitions. As used in the Section:

Driveway – means a minor private way used by vehicles and pedestrians on a mobile home lot.

License – means a written license issued by the City Council allowing a person to operate and maintain a mobile home park under the provisions of this Section and regulations issued hereunder.

Mobile Home – means a manufactured, transportable, single family dwelling unit over 29 feet in length and 5,000 pounds in weight, suitable for year-round occupancy and containing water supply, waste disposal and electrical conveniences designed for attachment to outside systems.

Mobile Home Lot – means a parcel of land used for the placement of a single mobile home and the exclusive use of its occupants.

Mobile Home Park – means a contiguous parcel of land which has been developed for the placement of mobile homes and is owned by an individual, a firm, trust, partnership, public or private association or corporation.

Mobile Home Stand – means that part of an individual lot which has been reserved for the placement of one mobile home unit.

Park Management – means the person who owns or has charge, care or control of the mobile home park.

Park Street – means a private way which affords principal means of access to individual mobile home lots, or auxiliary buildings.

Permit – means a written permit or certification issued by the Zoning Administration permitting the construction, alteration, and extension of a permanent structure within the mobile home park under provisions of this Section and regulations issued hereunder.

Person – means any individual, firm, trust, partnership, public or private association or corporation.

Service Building – means the connection consisting of all pipes, fittings and appurtenances from the drain outlet of the mobile home to the inlet of the corresponding sewer riser pipe of the sewage system serving the mobile home park.

Sewer Connection – means the connection consisting of all pipes, fittings and appurtenances from the drain outlet of the mobile home to the inlet of the corresponding sewer riser pipe of the sewage system serving the mobile home park.

Sewer Riser Pipe -- means the connection consisting of all pipes, fittings and appurtenances from the water riser pipe to the water inlet pipe to the distribution system within the mobile home.

Water Connection -- means the connection consisting of all pipes, fittings and appurtenances from the water riser pipe to the water inlet pipe to the distribution system within the mobile home.

Water Riser Pipe – means that portion of the water supply system serving the mobile home park which extends vertically to the ground elevation and terminates at a designated point at each mobile home lot.

Non-conforming Use – means a use lawfully in existence on the effective date of this ordinance and not conforming to the regulations in which it is situated except that such use is not non-conforming if it would be authorized under Conditional Use Permit.

Subdivision 3. Permits.

A. It shall be unlawful for any person to construct, alter, or extend any mobile home park or structures within the park that are permanent in nature within the limits of the City of Medford unless he holds a valid permit issued by the Zoning Inspector in the name of such person for the specific construction, alteration or extension proposed, where permanent means structures that are not on wheels or mobile.

B. All applications for permits shall contain the following:

a. Name and address of applicant.

b. Location and legal description of the mobile home park.

c. Complete engineering plans and specifications of the proposed park showing but not limited to the following:

(1) The area and dimensions of the tract of land, topography sketch of land;

(2) The number, location and size of all mobile home lots;

(3) The location and width of roadways and walkways;

(4) The location of water and sewer lines and riser pipes;

(5) Plans and specifications of the water supply and refuse and sewage disposal facilities;

(6) Plans and specifications of all buildings constructed or to be constructed within the mobile home park; and

(7) The location and details of lighting and electrical system.

C. All applications for a permit shall be accompanied by a fee for a conditional use permit as determined by the City Council.

D. The Zoning Committee shall review all applications for permit which have been forwarded to them by the Zoning Inspector under the provisions of this Section, and shall conduct a hearing thereon. The results of the Zoning Committee findings shall be forwarded to the City Council for review and final action.

Subdivision 4. Inspection of Mobile Home Parks.

A. The Zoning Inspector is hereby authorized and directed to make such inspections as are necessary to determine satisfactory compliance with this Section.

B. The Zoning Inspector shall have the power to enter at reasonable times upon any private or public property for the purpose of inspecting and investigating conditions relating to the enforcement of this Section.

C. The Zoning Inspector shall have the power to inspect the register containing a record of all residents of the mobile home park.

D. It shall be the duty of the park management to give the Building Inspector free access to all lots at reasonable times for the purpose of inspection.

E. It shall be the duty of every occupant of a mobile home park to give the owner thereof or his agent or employee access to any part of such mobile home park at reasonable times for the purpose of making such repair or alterations as are necessary to effect compliance with this Section.

Subdivision 5 Notices, Hearings and Orders.

A. Whenever the Zoning Inspector determines that there are reasonable grounds to believe that there has been a violation of any provision of this Section, the Building Inspector shall give notice of such alleged violation to the person to whom the permit or license was issued, as hereinafter provided. Such notice, shall: (a) be in writing; (b) include a statement of the reason for its issuance; and (c) allow 30 days time for the performance of any act it requires. If work cannot be completed in the 30-day period, extensions may be granted if reasons for hardship prevail and can be verified; (d) be served upon the owner or his agent as the case may require; provided that such notice or order shall be deemed to have been properly served upon such owner or agent when a copy thereof has been sent by registered mail to his last known address, or when he has been served with such notice by any method authorized or required by the laws of this State.

B. Any person affected by any notice which has been issued in connection with the enforcement of any provisions of this Section, may request and shall be granted a hearing of the same before the Board of Adjustments.

C. Whenever the Zoning Inspector finds that an emergency exists which requires immediate action to protect the public health, he may, without notice or hearing, issue an order reciting the existence of such an emergency and requiring that such action be taken as he may deem necessary to meet the emergency including the suspension of the permit or license. Notwithstanding any other provision of this Section, such order shall be effective immediately. Any person to whom such an order is directed shall comply therewith immediately, but upon petition to the Zoning Inspector shall be afforded a hearing as soon as possible. The provisions shall be applicable to such a hearing and the order issued thereafter.

Subdivision 6. Environmental, Open Space, and Access Requirements.

A. General Requirements: Condition of soil, ground water level, drainage, and topography shall not create hazards to the property or the health and safety of the occupants. The site should not be exposed to objectionable smoke, noise, odors, or other adverse influences, and no portion subject to unpredictable and/or sudden flooding.

B. Minimum total park area shall be ten (10) acres and not less than 150 feet in width.

C. Soil and Ground Cover Requirements: Exposed ground surfaces in all parts of every mobile home park shall be paved, or covered with stone, screenings, or other solid material, or protected with a vegetative growth that is capable of preventing soil erosion and of eliminating objectionable dust.

D. Site Drainage Requirements: The ground surface in all parts of every mobile home park shall be graded and equipped to drain all surface water in a safe, efficient manner.

E. No part of any park shall be used for non-residential purposes, except such uses that are required for the direct servicing and well being of park residents and for the management and maintenance of the park.

F. Nothing contained in this Section shall be deemed as prohibiting the sale of a mobile home located on a mobile home stand and connected to the required essential utilities.

G. Required Separation Between Mobile Homes:

a. Mobile homes shall be separated from each other and from other buildings and structures by at least twenty (20) feet or the sum of the heights of both trailer units,

whichever is greater. Mobile homes placed end-to-end must have minimum clearance of fifteen (15) feet.

b. An accessory structure such as an awning, cabana, storage cabinet, carport, windbreak, and porch which has a floor area exceeding twenty-five (25) square feet, and has an opaque top or roof, shall for purposes of all separation requirements, be considered to be part of the manufactured home.

c. Minimum lot sizes shall not be less than 5,000 square feet.

H. A minimum of five hundred (500) square feet per mobile home shall be provided for definable play areas and open space within the mobile home park. Such areas or open space and/or play area shall not be areas included within the setback nor shall they include any areas of less than twenty (20) feet in length or width. This required open space need not be provided on each individual lot, but may be an area defined elsewhere within the mobile home park boundaries.

I. Required Setbacks, Buffer Strips and Screening:

a. All mobile homes shall be located at least twenty-five (25) feet from any property boundary line abutting upon a public street or highway and at least fifteen (15) feet from other property boundary lines.

b. There shall be a minimum distance of fifteen (15) feet between the mobile home stand and abutting park street.

c. All mobile home parks located adjacent to residential, recreational, commercial or industrial land uses shall provide screening such as fences or natural growth along the property line separating the park and such uses, and shall be maintained in a neat and orderly fashion.

J. Park Street System and Car Parking:

a. General Requirements: All mobile home parks shall be provided with safe and convenient vehicular access from abutting public streets or roads to each mobile home lot. Such access shall be provided by streets, driveways, other means.

b. Park Entrance: Entrances to manufactured home parks shall be designed to minimize congestion and hazards and allow free movement of traffic on adjacent streets. No parking shall be permitted on the park entrance street for a distance of 100 feet from its point of beginning.

c. Internal Streets: Surfaced roadways shall be of adequate width to accommodate anticipated traffic, and in any case shall meet the following minimum requirements:

(1) All streets except minor streets shall be a minimum of twenty (20) feet in width from face of curb to face of curb. Streets without curb shall be considered minor streets.

(2) Dead-end streets shall be limited in length to 500 feet and shall be provided at the closed end with a turn-around having an outside roadway diameter of at least one hundred (100) feet. All dead-end streets shall be marked with approved signs at the entrance to the dead-end street.

(3) Minor streets sixteen (16) feet in width shall be acceptable only if less than 500 feet long and serving less than eight (8) mobile homes or of any length if mobile home lots abut on one side only.

d. Car Parking: Off-street parking areas or on-street parking lanes shall be provided for the use of park occupants and guests. Such areas shall be furnished at a rate of at least two (2) car spaces for each mobile home lot, of which at least one-half (1/2) of the spaces may be compounds.

e. Required Illumination of Park Street Systems: All parks shall be furnished with lighting units so spaced and equipped with luminaries placed at such mounting heights as will provide the following average maintained levels of illumination for the safe movement of pedestrians and vehicles at night:

(1) All parts of the park street systems: 0.6 footcandle.

(2) Potentially hazardous locations, such as major street intersections and steps or stepped ramps: individually illuminated, with a minimum of 0.6 footcandle.

f. Street Construction and Design Standards:

(1) Pavements: All streets shall be provided with a paved concrete or bituminous surface. Pavement edges shall be protected to prevent raveling of the wearing surface and shifting of the pavement base.

Street surfaces shall be maintained, free of cracks, holes and other hazards.

(2) Grades: Longitudinal grades of all streets shall range between 0.4% and 8.00%. Transverse grades (crown) of all streets shall be sufficient to insure adequate transverse drainage.

(3) Intersections: Within fifty (50) feet of an intersection, streets shall be at right angles. A distance of at least eighty-five (85) feet shall be maintained between the center lines of offset intersection streets. Intersections of more than two streets at one point shall be avoided.

(4) Storm Runoff: If conditions warrant, an adequate storm sewer system shall be provided to dispose of all runoff water. The storm sewer system may be connected to an existing public or quasi-public storm sewer system upon approval.

K. Walks:

(a) General Requirements: All parks shall be provided with safe convenient all season pedestrian access of adequate width for intended use, durable and convenient to maintain, between individual mobile homes, the park streets and all community facilities provided for park residents. Sudden changes in alignment and gradient shall be avoided.

(b) Common Walk System: A common walk system shall be provided and maintained between locations where pedestrian traffic is concentrated. Such common walks shall have a minimum width of four and one-half (4 ½) feet.

(c) Individual Walks: All mobile homes shall be connected to common walks, to paved streets, or to paved driveways or parking spaces connecting to a paved street. Such individual walks shall have a minimum width of 2 feet.

Subdivision 7. Water Supply. An accessible, adequate, safe, and portable supply of water shall be provided in each mobile home park. Where a public supply of water of satisfactory, quantity, quality and pressure is available at the site or at the boundary of the site, connection shall be made thereto and its supply used exclusively. When a satisfactory public water supply system is not available, a private community water supply water system shall be developed and used as approved by the State of Minnesota until such time as a public supply system becomes available.

Subdivision 8. Sewage Disposal. An adequate and safe community sewage system shall be provided in all mobile home parks for conveying and disposing of all sewage. Such system shall be designed, constructed, and maintained in accordance with State and local laws. No on-lot sewage disposal facilities shall be permitted.

Subdivision 9. Service Building and Other Community Service Facilities.

A. General: The requirements of this Section shall apply to service buildings, recreation buildings, and other service facilities such as:

(a) Management offices, repair shops, and storage areas;

(b) Sanitary facilities;

(c) Laundry facilities;

(d) Indoor recreation areas;

(e) Commercial uses supplying essential goods or services for the exclusive use of park occupants.

B. Structural Requirements for Buildings: All portions of the structure shall be properly protected from damage by ordinary uses and by decay, corrosion, termites, and other destructive elements. Exterior portions shall be of such materials and be so constructed and protected as to prevent entrance or penetration of moisture and weather.

C. Barbeque Pits, Fireplaces, Stoves and Incinerators: Cooking shelters, barbeque pits, fireplaces, woodburning stoves, and incinerators shall be so located, constructed, maintained and used as to minimize fire hazards and smoke nuisances both on the property on which used and on neighboring property. No open fire shall be permitted except in facilities provided. No open fire shall be left unattended. No fuel shall be used and no material burned which emits dense smoke or objectionable odors.

Subdivision 10. Refuse Handling. The storage, collection and disposal of refuse in the mobile home park shall be so conducted as to create no health hazards, rodent harborage, insect breeding, accident or fire hazards or air pollution.

Subdivision 11. Insect and Rodent Control.

A. Grounds, buildings and structures shall be maintained free of insect and rodent harborage and infestation. Extermination methods and other measures to control insects and rodents shall conform with the requirements of the State Health Code.

B Parks shall be maintained free of accumulations of debris which may provide rodent harborage or breeding places for flies, mosquitoes, and other pests.

C. Storage areas shall be so maintained as to prevent rodent harborage; lumber, pipe and other building material shall be stored at least one foot above ground.

D. Where the potential for insect and rodent infestation exists, all exterior openings in or beneath any structure shall be appropriately screened with wire mesh or other suitable materials.

E. The growth of brush, weeds and grass shall be controlled to prevent harborage of ticks, chiggers and other noxious insects. Parks shall be so maintained as to prevent the growth of ragweed, poison ivy, poison oak, poison sumac and other noxious weeds considered detrimental to health. Open areas shall be maintained free of heavy undergrowth of any description.

Subdivision 12. Fuel Supply and Storage.

A. Natural Gas System: Natural gas piping systems shall be installed and maintained in accordance with applicable codes and regulations governing such systems.

B. Liquefied petroleum gas systems shall be installed and maintained in accordance with applicable codes and regulations governing such systems.

C. All fuel oil supply systems shall be installed and maintained in accordance with applicable codes and regulations governing such systems.

Subdivision 13. Fire Protection.

A. Mobile home parks shall be kept free of litter, rubbish and other flammable material.

B. Portable fire extinguishers rated for classes A, B and C fires shall be kept visible in service buildings and at other conveniently and readily accessible for use by all occupants and shall be maintained in good operating condition. Their capacity shall be not less than 2.5 gallons for class A extinguishers and 5 pounds carbon dioxide or 10 pounds dry powder for class B and C extinguishers.

C. Fires shall be made only in stoves, incinerators and other equipment intended for such purposes.

D. Fire hydrants shall be installed if the park water supply system is capable of serving them in accordance with the following requirements:

(a) The water supply system shall permit the operation of a minimum of two one and one-
half inch hose systems.

(b) Fire hydrants, if provided, shall be located within 500 feet of any mobile home, service building or other structure in the park.

Subdivision 14. Miscellaneous Requirements.

A. Responsibilities of the park management:

(a) The person to whom a license for a mobile home park is issued shall operate the park in compliance with this Section and shall provide adequate supervision to maintain the park, its facilities and equipment in good repair and in a clean and sanitary condition.

(b) The park management shall notify park occupants of all applicable provisions of this Section and inform them of their duties and responsibilities under this Section.

(c) Registration: It shall be the duty of the operator of the mobile home park to keep a register containing a record of all mobile home owners and occupants located with the park. The register shall contain the following information:

(1) The name and address of each mobile home occupant;

(2) The name and address of the owner of each mobile home and motor vehicle by which it is towed;

(3) The make, model, year and license number of each mobile home and motor vehicle;

(4) The state, territory, or country issuing such license;

(5) The date of arrival and departure of each mobile home;

(6) Whether or not each manufactured home is a dependent or independent mobile home.

The park shall keep the register available for inspection at all times by law enforcement officers, public health official and other official whose duty necessitates acquisition of the information contained in the register. The register record for each occupant registered shall not be destroyed for a period of three (3) years following the date of departure of the registrant from the park.

Subdivision 15. Existing Uses.

Any lawful non-conforming use of land existing at the date of enactment of this Section may be continued for period not to exceed five years from the effective date of this Section except that any non-conforming uses or buildings may not be:

1. Changed to another non-conforming use;

2. Re-established after discontinuance for one year if it involves a substantial building, or after discontinuance for any period in other cases;

3. Extended;

4. Rebuilt after damage exceeding 50 percent of its value.

(Sections 4.66 through 4.69, inclusive, reserved for future expansion.)

SECTION 4.70. ESTABLISHMENT OF STORM SEWER IMPROVEMENT DISTRICT.

Subdivision 1. Establishment of Storm Sewer Improvement District. Pursuant to Minnesota Statutes, Sections 444.16 through 444.21, and after consultation with the consulting engineers to the City as to the storm drainage patterns of the property within the City limits, a storm sewer improvement district is hereby established within the corporate limits of the City, which district shall include all the property within the present corporate limits of the City of Medford.

Subdivision 2. Authority. The City Council may acquire, construct, reconstruct, extend, maintain and otherwise improve storm sewer systems and related facilities within the storm sewer improvement district established pursuant to Subdivision 1. In addition, the City may acquire, construct, maintain and improve storm water holding areas and ponds within the corporate limits of the City of Medford for the benefit of the storm sewer improvement district.

Subdivision 3. Financing, Taxes. The City Council shall have the ability to issue obligations to defray, in whole or in part, the expense incurred and estimated to be incurred in making improvements for the benefit of the storm sewer improvement district established pursuant to Subdivision 1 and may levy taxes on all taxable property within the district to finance the cost of any such improvement, all as provided in Minnesota Statutes, Sections 444.16 through 444.21.

Section 4.71. Flood Plain Management

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[1]*A Flood Insurance Rate Map has been published for the community and the Regulatory Floodway boundary is shown on this map. A separate Flood Boundary and Floodway Map has not been published.*

SUBDIVISION 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 the City of Medford, Minnesota does ordain as follows:

1.2 Findings of Fact:

1.21 The flood hazard areas of the City of Medford, Minnesota, are subject to periodic inundation which results in potential loss of life, loss of property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures or flood protection and relief, and impairment of the tax base, all of which adversely affect the public health, safety, and general welfare.

1.22 Methods Used to Analyze Flood Hazards. This Ordinance is based upon a reasonable method of analyzing flood hazards which is consistent with the standards established by the Minnesota Department of Natural Resources.

1.23 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.

1.3 Statement of Purpose: It is the purpose of this Ordinance to promote the public health, safety, and general welfare and to minimize those losses described in Section 1.21 by provisions contained herein.

SUBDIVISION 2.0 GENERAL PROVISIONS

2.1 Lands to Which Ordinance Applies: This Ordinance shall apply to all lands within the jurisdiction of the City of Medford shown on the Official Zoning Map and/or the attachments thereto as being located within the boundaries of the Floodway, Flood Fringe, or General Flood Plain Districts.

2.2 Establishment of Official Zoning Map: The Official Zoning Map together with all materials attached thereto is hereby adopted by reference and declared to be a part of this Ordinance. The attached material shall include the Flood Insurance Study for Steele County, Minnesota and Incorporated Areas and Flood Insurance Rate Map panels therein numbered 27147C0042C, 27147C0044C and 27147C0061C, all dated December 2, 2011 and prepared by the Federal Emergency Management Agency. The Official Zoning Map shall be on file in the Offices of the Medford City Clerk.

2.3 Regulatory Flood Protection Elevation: The regulatory flood protection elevation shall be an elevation no lower than one foot above the elevation of the regional flood plus any increases in flood elevation caused by encroachments on the flood plain that result from designation of a floodway.

2.4 Interpretation:

2.41 In their interpretation and application, the provisions of this Ordinance shall be held to be minimum requirements and shall be liberally construed in favor of the Governing Body and shall not be deemed a limitation or repeal of any other powers granted by state statutes.

2.42 The boundaries of the zoning districts shall be determined by scaling distances on the Official Zoning Map. Where interpretation is needed as to the exact location of the boundaries of the district as shown on the Official Zoning Map, as for example where there appears to be a conflict between a mapped boundary and actual field conditions and there is a formal appeal of the decision of the Zoning Administrator, the Board of Adjustment shall make the necessary interpretation. All decisions will be based on elevations on the regional (100-year) flood profile, the ground elevations that existed on the site at the time the community adopted its initial floodplain ordinance or on the date of the first National Flood Insurance Program map showing the area within the 100-year floodplain if earlier, and other available technical data. Persons contesting the location of the district boundaries shall be given a reasonable opportunity to present their case to the Board of Adjustment and to submit technical evidence.

2.5 Abrogation and Greater Restrictions: It is not intended by this Ordinance to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where this Ordinance imposes greater restrictions, the provisions of this Ordinance shall prevail. All other ordinances inconsistent with this Ordinance are hereby repealed to the extent of the inconsistency only.

2.6 Warning and Disclaimer of Liability: This Ordinance does not imply that areas outside the flood plain districts or land uses permitted within such districts will be free from flooding or flood damages. This Ordinance shall

not create liability on the part of the City of Medford or any officer or employee thereof for any flood damages that result from reliance on this Ordinance or any administrative decision lawfully made thereunder.

2.7 Severability: If any section, clause, provision, or portion of this Ordinance is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of this Ordinance shall not be affected thereby.

2.8 Definitions: Unless specifically defined below, words or phrases used in this Ordinance shall be interpreted so as to give them the same meaning as they have in common usage and so as to give this Ordinance its most reasonable application.

2.811 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.

2.812 Basement - means any area of a structure, including crawl spaces, having its floor or base subgrade (below ground level) on all four sides, regardless of the depth of excavation below ground level.

2.813 Conditional Use - means a specific type of structure or land use listed in the official control that may be allowed but only after an in-depth review procedure and with appropriate conditions or restrictions as provided in the official zoning controls or building codes and upon a finding that:

(a) Certain conditions as detailed in the zoning ordinance exist.
(b) The structure and/or land use conform to the comprehensive land use plan if one exists and are compatible with the existing neighborhood.

2.814 Equal Degree of Encroachment - a method of determining the location of floodway boundaries so that flood plain lands on both sides of a stream are capable of conveying a proportionate share of flood flows.

2.815 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.

2.816 Flood Frequency - the frequency for which it is expected that a specific flood stage or discharge may be equaled or exceeded.

2.817 Flood Fringe - that portion of the flood plain outside of the floodway. Flood fringe is synonymous with the term "floodway fringe" used in the Flood Insurance Study for Steele County, Minnesota and Incorporated Areas.

2.818 Flood Plain - the beds proper and the areas adjoining a wetland, lake or watercourse which have been or hereafter may be covered by the regional flood.

2.819 Flood Proofing - a combination of structural provisions, changes, or adjustments to properties and structures subject to flooding, primarily for the reduction or elimination of flood damages.

2.820 Floodway - the bed of a wetland or lake and the channel of a watercourse and those portions of the adjoining flood plain which are reasonably required to carry or store the regional flood discharge.

2.821 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.

2.822 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."

2.823 Obstruction - any dam, wall, wharf, embankment, levee, dike, pile, abutment, projection, excavation, channel modification, culvert, building, wire, fence, stockpile, refuse, fill, structure, or matter in, along, across, or projecting into any channel, watercourse, or regulatory flood plain which may impede, retard, or change the direction of the flow of water, either in itself or by catching or collecting debris carried by such water.

2.824 Principal Use or Structure - means all uses or structures that are not accessory uses or structures.

2.825 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.

2.826 Recreational Vehicle - a vehicle that is built on a single chassis, is 400 square feet or less when measured at the largest horizontal projection, is designed to be self-propelled or permanently towable by a light duty truck, and is designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use. For the purposes of this Ordinance, the term recreational vehicle shall be synonymous with the term travel trailer/travel vehicle.

2.827 Regional Flood - a flood which is representative of large floods known to have occurred generally in Minnesota and reasonably characteristic of what can be expected to occur on an average frequency in the magnitude of the 100-year recurrence interval. Regional flood is synonymous with the term "base flood" used in a flood insurance study.

2.828 Regulatory Flood Protection Elevation - The regulatory flood protection elevation shall be an elevation no lower than one foot above the elevation of the regional flood plus any increases in flood elevation caused by encroachments on the flood plain that result from designation of a floodway.

2.829 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.

2.830 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.

2.831 Substantial Improvement - within any consecutive 365-day period, any reconstruction, rehabilitation (including normal maintenance and repair), repair after damage, addition, or other improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure before the "start of construction" of the improvement. This term includes structures that have incurred "substantial damage," regardless of the actual repair work performed. The term does not, however, include either:

(a) Any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions.

(b) Any alteration of an "historic structure," provided that the alteration will not preclude the structure's continued designation as an "historic structure." For the purpose of this Ordinance, "historic structure" shall be as defined in 44 Code of Federal Regulations, Part 59.1.

2.832 Variance - means a modification of a specific permitted development standard required in an official control including this Ordinance to allow an alternative development standard not stated as acceptable in the official control, but only as applied to a particular property for the purpose of alleviating a hardship, practical difficulty or unique circumstance as defined and elaborated upon in a community's respective planning and zoning enabling legislation.

2.9 Annexations: The Flood Insurance Rate Map panels adopted by reference into Section 2.2 above may include floodplain areas that lie outside of the corporate boundaries of the City of Medford at the time of adoption of this ordinance. If any of these floodplain land areas are annexed into the City of Medford after the date of adoption of this ordinance, the newly annexed floodplain lands shall be subject to the provisions of this ordinance immediately upon the date of annexation into the City of Medford.

SUBDIVISION 3.0 ESTABLISHMENT OF ZONING DISTRICTS

3.1 Districts:

3.11 Floodway District. The Floodway District shall include those areas designated as floodway on the Flood Insurance Rate Map adopted in Section 2.2.

3.12 Flood Fringe District. The Flood Fringe District shall include those areas designated as floodway fringe. The Flood Fringe District shall include those areas shown on the Flood Insurance Rate Map as adopted in Section 2.2 as being within Zones AE but being located outside of the floodway.

3.13 General Flood Plain District. The General Flood Plain District shall include those areas designated as Zone A on the Flood Insurance Rate Map adopted in Section 2.2.

3.2 Compliance: No new structure or land shall hereafter be used and no structure shall be constructed, located, extended, converted, or structurally altered without full compliance with the terms of this Ordinance and other applicable regulations which apply to uses within the jurisdiction of this Ordinance. Within the Floodway, Flood Fringe and General Flood Plain Districts, all uses not listed as permitted uses or conditional uses in Sections 4.0, 5.0 and 6.0 that follow, respectively, shall be prohibited. In addition, a caution is provided here that:

3.21 New manufactured homes, replacement manufactured homes and certain travel trailers and travel 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.

SUBDIVISION 4.0 FLOODWAY DISTRICT (FW)

4.1 Permitted Uses:

4.11 General farming, pasture, grazing, outdoor plant nurseries, horticulture, truck farming, forestry, sod farming, and wild crop harvesting.

4.12 Industrial-commercial loading areas, parking areas, and airport landing strips.

4.13 Private and public golf courses, tennis courts, driving ranges, archery ranges, picnic grounds, boat launching ramps, swimming areas, parks, wildlife and nature preserves, game farms, fish hatcheries, shooting preserves, target ranges, trap and skeet ranges, hunting and fishing areas, and single or multiple purpose recreational trails.

4.14 Residential lawns, gardens, parking areas, and play areas.

4.2 Standards for Floodway Permitted Uses:

4.21 The use shall have a low flood damage potential.

4.22 The use shall be permissible in the underlying zoning district if one exists.

4.23 The use shall not obstruct flood flows or increase flood elevations and shall not involve structures, fill, obstructions, excavations or storage of materials or equipment.

4.3 Conditional Uses:

4.31 Structures accessory to the uses listed in 4.1 above and the uses listed in 4.32 - 4.38 below.

4.32 Extraction and storage of sand, gravel, and other materials.

4.33 Marinas, boat rentals, docks, piers, wharves, and water control structures.

4.34 Railroads, streets, bridges, utility transmission lines, and pipelines.

4.35 Storage yards for equipmen
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4.38 t, machinery, or materials.

4.36 Placement of fill or construction of fences.

4.37 Recreational vehicles either on individual lots of record or in existing or new subdivisions or commercial or condominium type campgrounds, subject to the exemptions and provisions of Section 9.3 of this Ordinance.

4.38 Structural works for flood control such as levees, dikes and floodwalls constructed to any height where the intent is to protect individual structures and levees or dikes where the intent is to protect agricultural crops for a frequency flood event equal to or less than the 10-year frequency flood event.

4.4 Standards for Floodway Conditional Uses:

4.41 All Uses. No structure (temporary or permanent), fill (including fill for roads and levees), deposit, obstruction, storage of materials or equipment, or other uses may be allowed as a conditional use that will cause any increase in the stage of the 100-year or regional flood or cause an increase in flood damages in the reach or reaches affected.

4.42 All floodway conditional uses shall be subject to the procedures and standards contained in Section 10.4 of this Ordinance.

4.43 The conditional use shall be permissible in the underlying zoning district if one exists.

4.44 Fill:

(a) Fill, dredge spoil, and all other similar materials deposited or stored in the flood plain shall be protected from erosion by vegetative cover, mulching, riprap or other acceptable method.

(b) Dredge spoil sites and sand and gravel operations shall not be allowed in the floodway unless a long-term site development plan is submitted which includes an erosion/sedimentation prevention element to the plan.

(c) As an alternative, and consistent with Subsection (b) immediately above, dredge spoil disposal and sand and gravel operations may allow temporary, on-site storage of fill or other materials which would have caused an increase to the stage of the 100-year or regional flood but only after the Governing Body has received an appropriate plan which assures the removal of the materials from the floodway based upon the flood warning time available. The conditional use permit must be title registered with the property in the Office of the County Recorder.

4.45 Accessory Structures:

(a) Accessory structures shall not be designed for human habitation.

(b) Accessory structures, if permitted, shall be constructed and placed on the building site so as to offer the minimum obstruction to the flow of flood waters:

(1) Whenever possible, structures shall be constructed with the longitudinal axis parallel to the direction of flood flow; and
(2) So far as practicable, structures shall be placed approximately on the same flood flow lines as those of adjoining structures.

(c) Accessory structures shall be elevated on fill or structurally dry flood proofed in accordance with the FP-1 or FP-2 flood proofing classifications in the State Building Code. As an alternative, an accessory structure may be flood proofed to the FP-3 or FP-4 flood proofing classification in the State Building Code provided the accessory structure constitutes a minimal investment, does not exceed 500 square feet in size at its largest projection, and for a detached garage, the detached garage must be used solely for parking of vehicles and limited storage. All flood proofed accessory structures must meet the following additional standards:

(1) The structure must be adequately anchored to prevent flotation, collapse or lateral movement of the structure and shall be designed to equalize hydrostatic flood forces on exterior walls;
(2) Any mechanical and utility equipment in a structure must be elevated to or above the regulatory flood protection elevation or properly flood proofed; and
(3) To allow for the equalization of hydrostatic pressure, there must be a minimum of two "automatic" openings in the outside walls of the structure having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding. There must be openings on at least two sides of the structure and the bottom of all openings must be no higher than one foot above the lowest adjacent grade to the structure. Using human intervention to open a garage door prior to flooding will not satisfy this requirement for automatic openings.

4.46 Storage of Materials and Equipment:

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

(b) Storage of other materials or equipment may be allowed if readily removable from the area within the time available after a flood warning and in accordance with a plan approved by the Governing Body.

4.47 Structural works for flood control that will change the course, current or cross section of protected wetlands or public waters shall be subject to the provisions of Minnesota Statute, Chapter 103G. Community-wide structural works for flood control intended to remove areas from the regulatory flood plain shall not be allowed in the floodway.

4.48 A levee, dike or floodwall constructed in the floodway shall not cause an increase to the 100-year or regional flood and the technical analysis must assume equal conveyance or storage loss on both sides of a stream.

SUBDIVISION 5.0 FLOOD FRINGE DISTRICT (FF)

5.1 Permitted Uses: Permitted uses shall be those uses of land or structures listed as permitted uses in the underlying zoning use district(s). If no pre-existing, underlying zoning use districts exist, then any residential or non residential structure or use of a structure or land shall be a permitted use in the Flood Fringe District provided such use does not constitute a public nuisance. All permitted uses shall comply with the standards for Flood Fringe District "Permitted Uses" listed in Section 5.2 and the "Standards for all Flood Fringe Uses" listed in Section 5.5.

5.2 Standards for Flood Fringe Permitted Uses:

5.21 All structures, including accessory structures, must be elevated on fill so that the lowest floor including basement floor is at or above the regulatory flood protection elevation. The finished fill elevation for structures shall be no lower than one (1) foot below the regulatory flood protection elevation and the fill shall extend at such elevation at least fifteen (15) feet beyond the outside limits of the structure erected thereon.

5.22 As an alternative to elevation on fill, accessory structures that constitute a minimal investment and that do not exceed 500 square feet at its largest projection may be internally flood proofed in accordance with Section 4.45 (c).

5.23 The cumulative placement of fill where at any one time in excess of one-thousand (1,000) cubic yards of fill is located on the parcel shall be allowable only as a conditional use, unless said fill is specifically intended to elevate a structure in accordance with Section 5.21 of this ordinance.

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

5.25 The provisions of Section 5.5 of this Ordinance shall apply.

5.3 Conditional Uses: Any structure that is not elevated on fill or flood proofed in accordance with Section 5.21 - 5.22 and or any use of land that does not comply with the standards in Section 5.23 - 5.24 shall only be allowable as a conditional use. An application for a conditional use shall be subject to the standards and criteria and evaluation procedures specified in Sections 5.4-5.5 and 10.4 of this Ordinance.

5.4 Standards for Flood Fringe Conditional Uses:

5.41 Alternative elevation methods other than the use of fill may be utilized to elevate a structure's lowest floor above the regulatory flood protection elevation. These alternative methods may include the use of stilts, pilings, parallel walls, etc., or above-grade, enclosed areas such as crawl spaces or tuck under garages. The base or floor of an enclosed area shall be considered above-grade and not a structure's basement or lowest floor if: 1) the enclosed area is above-grade on at least one side of the structure; 2) it is designed to internally flood and is constructed with flood resistant materials; and 3) it is used solely for parking of vehicles, building access or storage. The above-noted alternative elevation methods are subject to the following additional standards:

(a) Design and Certification - The structure's design and as-built condition must be certified by a registered professional engineer or architect as being in compliance with the general design standards of the State Building Code and, specifically, that all electrical, heating, ventilation, plumbing and air conditioning equipment and other service facilities must be at or above the regulatory flood protection elevation or be designed to prevent flood water from entering or accumulating within these components during times of flooding.

(b) Specific Standards for Above-grade, Enclosed Areas - Above-grade, fully enclosed areas such as crawl spaces or tuck under garages must be designed to internally flood and the design plans must stipulate:

(1) A minimum area of openings in the walls where internal flooding is to be used as a flood proofing technique. There shall be a minimum of two openings on at least two sides of the structure and the bottom of all openings shall be no higher than one-foot above grade. The automatic openings shall have a minimum net area of not less than one square inch for every square foot of enclosed area subject to flooding unless a registered professional engineer or architect certifies that a smaller net area would suffice.

(2) The automatic openings may be equipped with screens, louvers, valves, or other coverings or devices provided that they permit the automatic entry and exit of flood waters without any form of human intervention; and

(3) That the enclosed area will be designed of flood resistant materials in accordance with the FP-3 or FP-4 classifications in the State Building Code and shall be used solely for building access, parking of vehicles or storage.

5.42 Basements, as defined by Section 2.812 of this Ordinance, shall be subject to the following:

(a) Residential basement construction shall not be allowed below the regulatory flood protection elevation.

(b) Non-residential basements may be allowed below the regulatory flood protection elevation provided the basement is structurally dry flood proofed in accordance with Section 5.43 of this Ordinance.

5.43 All areas of non-residential structures including basements to be placed below the regulatory flood protection elevation shall be flood proofed in accordance with the structurally dry flood proofing classifications in the State Building Code. Structurally dry flood proofing must meet the FP-1 or FP-2 flood proofing classification in the State Building Code and this shall require making the structure watertight with the walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and the effects of buoyancy. Structures flood proofed to the FP-3 or FP-4 classification shall not be permitted.

5.44 When at any one time more than 1,000 cubic yards of fill or other similar material is located on a parcel for such activities as on-site storage, landscaping, sand and gravel operations, landfills, roads, dredge spoil disposal or construction of flood control works, an erosion/sedimentation control plan must be submitted unless the community is enforcing a state approved shoreland management ordinance. In the absence of a state approved shoreland ordinance, the plan must clearly specify methods to be used to stabilize the fill on site for a flood event at a minimum of the 100-year or regional flood event. The plan must be prepared and certified by a registered professional engineer or other qualified individual acceptable to the Governing Body. The plan may incorporate alternative procedures for removal of the material from the flood plain if adequate flood warning time exists.

5.45 Storage of Materials and Equipment:

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

(b) Storage of other materials or equipment may be allowed if readily removable from the area within the time available after a flood warning and in accordance with a plan approved by the Governing Body.

5.46 The provisions of Section 5.5 of this Ordinance shall also apply.

5.5 Standards for All Flood Fringe Uses:

5.51 All new principal structures must have vehicular access at or above an elevation not more than two (2) feet below the regulatory flood protection elevation. If a variance to this requirement is granted, the Board of Adjustment must specify limitations on the period of use or occupancy of the structure for times of flooding and only after determining that adequate flood warning time and local flood emergency response procedures exist.

5.52 Commercial Uses - accessory land uses, such as yards, railroad tracks, and parking lots may be at elevations lower than the regulatory flood protection elevation. However, a permit for such facilities to be used by the employees or the general public shall not be granted in the absence of a flood warning system that provides adequate time for evacuation if the area would be inundated to a depth and velocity such that when multiplying the depth (in feet) times velocity (in feet per second) the product number exceeds four (4) upon occurrence of the regional flood.

5.53 Manufacturing and Industrial Uses - measures shall be taken to minimize interference with normal plant operations especially along streams having protracted flood durations. Certain accessory land uses such as yards and parking lots may be at lower elevations subject to requirements set out in Section 5.52 above. In considering permit applications, due consideration shall be given to needs of an industry whose business requires that it be located in flood plain areas.

5.54 Fill shall be properly compacted and the slopes shall be properly protected by the use of riprap, vegetative cover or other acceptable method. The Federal Emergency Management Agency (FEMA) has established criteria for removing the special flood hazard area designation for certain structures properly elevated on fill above the 100-year flood elevation - FEMA's requirements incorporate specific fill compaction and side slope protection standards for multi-structure or multi-lot developments. These standards should be investigated prior to the initiation of site preparation if a change of special flood hazard area designation will be requested.

5.55 Flood plain developments shall not adversely affect the hydraulic capacity of the channel and adjoining flood plain of any tributary watercourse or drainage system where a floodway or other encroachment limit has not been specified on the Official Zoning Map.

5.56 Standards for recreational vehicles are contained in Section 9.3.

5.57 All manufactured homes must be securely anchored to an adequately anchored foundation system that resists flotation, collapse and lateral movement. Methods of anchoring may include, but are not to be limited to, use of over-the-top or frame ties to ground anchors. This requirement is in addition to applicable state or local anchoring requirements for resisting wind forces.

SUBDIVISION 6.0 GENERAL FLOOD PLAIN DISTRICT

6.1 Permissible Uses:

6.11 The uses listed in Section 4.1 of this Ordinance shall be permitted uses.

6.12 All other uses shall be subject to the floodway/flood fringe evaluation criteria pursuant to Section 6.2 below. Section 4.0 shall apply if the proposed use is in the Floodway District and Section 5.0 shall apply if the proposed use is in the Flood Fringe District.

6.2 Procedures for Floodway and Flood Fringe Determinations Within the General Flood Plain District.

6.21 Upon receipt of an application for a permit or other approval within the General Flood Plain District, the applicant shall be required to furnish such of the following information as is deemed necessary by the Zoning Administrator for the determination of the regulatory flood protection elevation and whether the proposed use is within the Floodway or Flood Fringe District.

(a) A typical valley cross-section(s) showing the channel of the stream, elevation of land areas adjoining each side of the channel, cross-sectional areas to be occupied by the proposed development, and high water information.

(b) Plan (surface view) showing elevations or contours of the ground, pertinent structure, fill, or storage elevations, the size, location, and spatial arrangement of all proposed and existing structures on the site, and the location and elevations of streets.

(c) Photographs showing existing land uses, vegetation upstream and downstream, and soil types.

(d) Profile showing the slope of the bottom of the channel or flow line of the stream for at least 500 feet in either direction from the proposed development.

6.22 The applicant shall be responsible to submit one copy of the above information to a designated engineer or other expert person or agency for technical assistance in determining whether the proposed use is in the Floodway or Flood Fringe District and to determine the regulatory flood protection elevation. Procedures consistent with Minnesota Regulations 1983, Parts 6120.5000 - 6120.6200 and 44 Code of Federal Regulations Part 65 shall be followed in this expert evaluation. The designated engineer or expert is strongly encouraged to discuss the proposed technical evaluation methodology with the respective Department of Natural Resources' Area Hydrologist prior to commencing the analysis. The designated engineer or expert shall:

(a) Estimate the peak discharge of the regional flood.

(b) Calculate the water surface profile of the regional flood based upon a hydraulic analysis of the stream channel and overbank areas.

(c) Compute the floodway necessary to convey or store the regional flood without increasing flood stages more than 0.5 foot. A lesser stage increase than .5' shall be required if, as a result of the additional stage increase, increased flood damages would result. An equal degree of encroachment on both sides of the stream within the reach shall be assumed in computing floodway boundaries.

6.23 The Zoning Administrator shall present the technical evaluation and findings of the designated engineer or expert to the Governing Body. The Governing Body must formally accept the technical evaluation and the recommended Floodway and/or Flood Fringe District boundary or deny the permit application. The

Governing Body, prior to official action, may submit the application and all supporting data and analyses to the Federal Emergency Management Agency, the Department of Natural Resources or the Planning Commission for review and comment. Once the Floodway and Flood Fringe District Boundaries have been determined, the Governing Body shall refer the matter back to the Zoning Administrator who shall process the permit application consistent with the applicable provisions of Section 4.0 and 5.0 of this Ordinance.

SUBDIVISION 7.0 SUBDIVISIONS[2]

[2]Note: Medford's comprehensive subdivision ordinance will be amended to include necessary flood plain management provisions.

7.1 Review Criteria: No land shall be subdivided which is unsuitable for the reason of flooding, inadequate drainage, water supply or sewage treatment facilities. All lots within the flood plain districts shall be able to contain a building site outside of the Floodway District at or above the regulatory flood protection elevation. All subdivisions shall have water and sewage treatment facilities that comply with the provisions of this Ordinance and have road access both to the subdivision and to the individual building sites no lower than two feet below the regulatory flood protection elevation. For all subdivisions in the flood plain, the Floodway and Flood Fringe District boundaries, the regulatory flood protection elevation and the required elevation of all access roads shall be clearly labeled on all required subdivision drawings and platting documents.

7.2 Floodway/Flood Fringe Determinations in the General Flood Plain District: In the General Flood Plain District, applicants shall provide the information required in Section 6.2 of this Ordinance to determine the 100-year flood elevation, the Floodway and Flood Fringe District boundaries and the regulatory flood protection elevation for the subdivision site.

7.3 Removal of Special Flood Hazard Area Designation: The Federal Emergency Management Agency (FEMA) has established criteria for removing the special flood hazard area designation for certain structures properly elevated on fill above the 100-year flood elevation. FEMA's requirements incorporate specific fill compaction and side slope protection standards for multi-structure or multi-lot developments. These standards should be investigated prior to the initiation of site preparation if a change of special flood hazard area designation will be requested.

SUBDIVISION 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 flood plain shall be flood proofed in accordance with the State Building Code or elevated to above the regulatory flood protection elevation.

8.2 Public Transportation Facilities. Railroad tracks, roads, and bridges to be located within the flood plain shall comply with Sections 4.0 and 5.0 of this Ordinance. Elevation to the regulatory flood protection elevation shall be provided where failure or interruption of these transportation facilities would result in danger to the public health or safety or where such facilities are essential to the orderly functioning of the area. Minor or auxiliary roads or railroads may be constructed at a lower elevation where failure or interruption of transportation services would not endanger the public health or safety.

8.3 On-site Sewage Treatment and Water Supply Systems: Where public utilities are not provided: 1) On-site water supply systems must be designed to minimize or eliminate infiltration of flood waters into the systems; and 2) New or replacement on-site sewage treatment systems must be designed to minimize or eliminate infiltration of flood waters into the systems and discharges from the systems into flood waters and they shall not be subject to impairment or contamination during times of flooding. Any sewage treatment system designed in accordance with the State's current statewide standards for on-site sewage treatment systems shall be determined to be in compliance with this Section.

SUBDIVISION 9.0 MANUFACTURED HOMES AND MANUFACTURED HOME PARKS AND PLACEMENT OF RECREATIONAL VEHICLES.

9.1 New manufactured home parks and expansions to existing manufactured home parks shall be subject to the provisions placed on subdivisions by Section 7.0 of this Ordinance.

9.2 The placement of new or replacement manufactured homes in existing manufactured home parks or on individual lots of record that are located in flood plain districts will be treated as a new structure and may be placed only if elevated in compliance with Section 5.0 of this Ordinance. If vehicular road access for pre-existing manufactured home parks is not provided in accordance with Section 5.51, then replacement manufactured homes will not be allowed until the property owner(s) develops a flood warning emergency plan acceptable to the Governing Body.

9.21 All manufactured homes must be securely anchored to an adequately anchored foundation system that resists flotation, collapse and lateral movement. Methods of anchoring may include, but are not to be limited to, use of over-the-top or frame ties to ground anchors. This requirement is in addition to applicable state or local anchoring requirements for resisting wind forces.

9.3 Recreational vehicles that do not meet the exemption criteria specified in Section 9.31 below shall be subject to the provisions of this Ordinance and as specifically spelled out in Sections 9.33-9.34 below.

9.31 Exemption - Recreational vehicles are exempt from the provisions of this Ordinance if they are placed in any of the areas listed in Section 9.32 below and further they meet the following criteria:

(a) Have current licenses required for highway use.

(b) Are highway ready meaning on wheels or the internal jacking system, are attached to the site only by quick disconnect type utilities commonly used in campgrounds and recreational vehicle parks and the recreational vehicle has no permanent structural type additions attached to it.

(c) The recreational vehicle and associated use must be permissible in any pre-existing, underlying zoning use district.

9.32 Areas Exempted For Placement of Recreational Vehicles:

(a) Individual lots or parcels of record.

(b) Existing commercial recreational vehicle parks or campgrounds.

(c) Existing condominium type associations.

9.33 Recreational vehicles exempted in Section 9.31 lose this exemption when development occurs on the parcel exceeding $500 for a structural addition to the recreational vehicle or exceeding $500 for an accessory structure such as a garage or storage building. The recreational vehicle and all additions and accessory structures will then be treated as a new structure and shall be subject to the elevation/flood proofing requirements and the use of land restrictions specified in Sections 4.0 and 5.0 of this Ordinance. There shall be no development or improvement on the parcel or attachment to the recreational vehicle that hinders the removal of the recreational vehicle to a flood free location should flooding occur.

9.34 New commercial recreational vehicle parks or campgrounds and new residential type subdivisions and condominium associations and the expansion of any existing similar use exceeding five (5) units or dwelling sites shall be subject to the following:

(a) Any new or replacement recreational vehicle will be allowed in the Floodway or Flood Fringe Districts provided said recreational vehicle and its contents are placed on fill above the regulatory flood protection elevation and proper elevated road access to the site exists in accordance with Section 5.51 of this Ordinance. No fill placed in the floodway to meet the requirements of this Section shall increase flood stages of the 100-year or regional flood.

(b) All new or replacement recreational vehicles not meeting the criteria of (a) above may, as an alternative, be allowed as a conditional use if in accordance with the following provisions and the provisions of 10.4 of the Ordinance. The applicant must submit an emergency plan for the safe evacuation of all vehicles and people during the 100 year flood. Said plan shall be prepared by a registered engineer or other qualified individual, shall demonstrate that adequate time and personnel exist to carry out the evacuation, and shall demonstrate the provisions of Section 9.31 (a) and (b) of this Ordinance will be met. All attendant sewage and water facilities for new or replacement recreational vehicles must be protected or constructed so as to not be impaired or contaminated during times of flooding in accordance with Section 8.3 of this Ordinance.

SUBDIVISION 10.0 ADMINISTRATION

10.1 Zoning Administrator: A Zoning Administrator or other official designated by the Governing Body shall administer and enforce this Ordinance. If the Zoning Administrator finds a violation of the provisions of this Ordinance the Zoning Administrator shall notify the person responsible for such violation in accordance with the procedures stated in Section 12.0 of the Ordinance.

10.2 Permit Requirements:

10.21 Permit Required. A Permit issued by the Zoning Administrator in conformity with the provisions of this Ordinance shall be secured prior to the erection, addition, modification, rehabilitation (including normal maintenance and repair)**,** or alteration of any building, structure, or portion thereof; prior to the use or change of use of a building, structure, or land; prior to the construction of a dam, fence, or on-site septic system; prior to the change or extension of a nonconforming use; prior to the repair of a structure that has been damaged by flood, fire, tornado, or any other source; and prior to the placement of fill, excavation of materials, or the storage of materials or equipment within the flood plain.

10.22 Application for Permit. Application for a permit shall be made in duplicate to the Zoning Administrator on forms furnished by the Zoning Administrator and shall include the following where applicable: plans in duplicate drawn to scale, showing the nature, location, dimensions, and elevations of the lot; existing or proposed structures, fill, or storage of materials; and the location of the foregoing in relation to the stream channel.

10.23 State and Federal Permits. Prior to granting a permit or processing an application for a conditional use permit or variance, the Zoning Administrator shall determine that the applicant has obtained all necessary state and federal permits.

10.24 Certificate of Zoning Compliance for a New, Altered, or Nonconforming Use. It shall be unlawful to use, occupy, or permit the use or occupancy of any building or premises or part thereof hereafter created, erected, changed, converted, altered, or enlarged in its use or structure until a certificate of zoning compliance shall have been issued by the Zoning Administrator stating that the use of the building or land conforms to the requirements of this Ordinance.

10.25 Construction and Use to be as provided on applications, plans, permits, variances and certificates of zoning compliance. Permits, conditional use permits, or certificates of zoning compliance issued on the basis of approved plans and applications authorize only the use, arrangement, and construction set forth in such approved plans and applications, and no other use, arrangement, or construction. Any use, arrangement, or construction at variance with that authorized shall be deemed a violation of this Ordinance, and punishable as provided by Section 12.0 of this Ordinance.

10.26 Certification. The applicant shall be required to submit certification by a registered professional engineer, registered architect, or registered land surveyor that the finished fill and building elevations were accomplished in compliance with the provisions of this Ordinance. Flood proofing measures shall be certified by a registered professional engineer or registered architect.

10.27 Record of First Floor Elevation. The Zoning Administrator shall maintain a record of the elevation of the lowest floor (including basement) of all new structures and alterations or additions to existing structures in the flood plain. The Zoning Administrator shall also maintain a record of the elevation to which structures or alterations and additions to structures are flood proofed.

10.28 Notifications for Watercourse Alterations. The Zoning Administrator shall notify, in riverine situations, adjacent communities and the Commissioner of the Department of Natural Resources prior to the community authorizing any alteration or relocation of a watercourse. If the applicant has applied for a permit to work in the beds of public waters pursuant to Minnesota Statute, Chapter 103G, this shall suffice as adequate notice to the Commissioner of Natural Resources. A copy of said notification shall also be submitted to the Chicago Regional Office of the Federal Emergency Management Agency (FEMA).

10.29 Notification to FEMA When Physical Changes Increase or Decrease the 100-year Flood Elevation. As soon as is practicable, but not later than six (6) months after the date such supporting information becomes available, the Zoning Administrator shall notify the Chicago Regional Office of FEMA of the changes by submitting a copy of said technical or scientific data.

10.3 Board of Adjustment:

10.31 Rules. The Board of Adjustment shall adopt rules for the conduct of business and may exercise all of the powers conferred on such Boards by State law.

10.32 Administrative Review. The Board of Adjustment shall hear and decide appeals where it is alleged there is error in any order, requirement, decision, or determination made by an administrative official in the enforcement or administration of this Ordinance.

10.33 Variances. The Board of Adjustment may authorize upon appeal in specific cases such relief or variance from the terms of this Ordinance as will not be contrary to the public interest and only for those circumstances such as hardship, practical difficulties or circumstances unique to the property under consideration, as provided for in the respective enabling legislation for planning and zoning for cities or counties as appropriate. In the granting of such variance, the Board of Adjustment shall clearly identify in writing the specific conditions that existed consistent with the criteria specified in this Ordinance, any other zoning regulations in the Community, and in the respective enabling legislation that justified the granting of the variance.

No variance shall have the effect of allowing in any district uses prohibited in that district, permit a lower degree of flood protection than the regulatory flood protection elevation for the particular area, or permit standards lower than those required by state law. The following additional variance criteria of the Federal Emergency Management Agency must be satisfied:

(a) Variances shall not be issued by a community within any designated regulatory floodway if any increase in flood levels during the base flood discharge would result.
(b) Variances shall only be issued by a community upon (i) a showing of good and sufficient cause, (ii) a determination that failure to grant the variance would result in exceptional hardship to the applicant, and (iii) a determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public, or conflict with existing local laws or ordinances.
(c) Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.

10.34 Hearings. Upon filing with the Board of Adjustment of an appeal from a decision of the Zoning Administrator, or an application for a variance, the Board of Adjustment shall fix a reasonable time for a hearing and give due notice to the parties in interest as specified by law.
The Board of Adjustment shall submit by mail to the Commissioner of Natural Resources a copy of the application for proposed variances sufficiently in advance so that the Commissioner will receive at least ten days notice of the hearing.

10.35 Decisions. The Board of Adjustment shall arrive at a decision on such appeal or variance within 60 days. In passing upon an appeal, the Board of Adjustment may, so long as such action is in conformity with the provisions of this Ordinance, reverse or affirm, wholly or in part, or modify the order, requirement, decision or determination of the Zoning Administrator or other public official. It shall make its decision in writing setting forth the findings of fact and the reasons for its decisions. In granting a variance the Board of Adjustment may prescribe appropriate conditions and safeguards such as those specified in Section 10.46, which are in conformity with the purposes of this Ordinance. Violations of such conditions and safeguards, when made a part of the terms under which the variance is granted, shall be deemed a violation of this Ordinance punishable under Section 12.0. A copy of all decisions granting variances shall be forwarded by mail to the Commissioner of Natural Resources within ten (10) days of such action.

10.36 Appeals. Appeals from any decision of the Board of Adjustment may be made, and as specified in this community's official controls and also by Minnesota Statutes.

10.37 Flood Insurance Notice and Record Keeping. The Zoning Administrator shall notify the applicant for a variance that: 1) The issuance of a variance to construct a structure below the base flood level will result in increased premium rates for flood insurance up to amounts as high as $25 for $100 of insurance coverage and 2) Such construction below the 100-year or regional flood level increases risks to life and property. Such notification shall be maintained with a record of all variance actions.

A community shall maintain a record of all variance actions, including justification for their issuance, and report such variances issued in its annual or biennial report submitted to the Administrator of the National Flood Insurance Program.

10.4 Conditional Uses. The City Council shall hear and decide applications for conditional uses permissible under this Ordinance. Applications shall be submitted to the Zoning Administrator who shall forward the application to the City Council for consideration.

10.41 Hearings. Upon filing with the City Council an application for a conditional use permit, the City Council shall submit by mail to the Commissioner of Natural Resources a copy of the application for proposed conditional use sufficiently in advance so that the Commissioner will receive at least ten days notice of the hearing.

10.42 Decisions. The City Council shall arrive at a decision on a conditional use within 60 days. In granting a conditional use permit the City Council shall prescribe appropriate conditions and safeguards, in addition to those specified in Section 10.46, which are in conformity with the purposes of this Ordinance. Violations of such conditions and safeguards, when made a part of the terms under which the conditional use permit is granted, shall be deemed a violation of this Ordinance punishable under Section 12.0.

A copy of all decisions granting conditional use permits shall be forwarded by mail to the Commissioner of Natural Resources within ten (10) days of such action.

10.43 Procedures to be followed by the City Council in Passing on Conditional Use Permit Applications Within all Flood Plain Districts.

(a) Require the applicant to furnish such of the following information and additional information as deemed necessary by the City Council for determining the suitability of the particular site for the proposed use:

(1) Plans in triplicate drawn to scale showing the nature, location, dimensions, and elevation of the lot, existing or proposed structures, fill, storage of materials, flood proofing measures, and the relationship of the above to the location of the stream channel; and

(2) Specifications for building construction and materials, flood proofing, filling, dredging, grading, channel improvement, storage of materials, water supply and sanitary facilities.

(b) Transmit one copy of the information described in subsection (a) to a designated engineer or other expert person or agency for technical assistance, where necessary, in evaluating the proposed project in relation to

flood heights and velocities, the seriousness of flood damage to the use, the adequacy of the plans for protection, and other technical matters.

(c) Based upon the technical evaluation of the designated engineer or expert, the City Council shall determine the specific flood hazard at the site and evaluate the suitability of the proposed use in relation to the flood hazard.

10.44 Factors Upon Which the Decision of the City Council Shall Be Based. In passing upon conditional use applications, the City Council shall consider all relevant factors specified in other sections of this Ordinance, and:

(a) The danger to life and property due to increased flood heights or velocities caused by encroachments.

(b) The danger that materials may be swept onto other lands or downstream to the injury of others or they may block bridges, culverts or other hydraulic structures.

(c) The proposed water supply and sanitation systems and the ability of these systems to prevent disease, contamination, and unsanitary conditions.

(d) The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner.

(e) The importance of the services provided by the proposed facility to the community.

(f) The requirements of the facility for a waterfront location.

(g) The availability of alternative locations not subject to flooding for the proposed use.

(h) The compatibility of the proposed use with existing development and development anticipated in the foreseeable future.

(i) The relationship of the proposed use to the comprehensive plan and flood plain management program for the area.

(j) The safety of access to the property in times of flood for ordinary and emergency vehicles.

(k) The expected heights, velocity, duration, rate of rise, and sediment transport of the flood waters expected at the site.

(l) Such other factors which are relevant to the purposes of this Ordinance.

10.45 Time for Acting on Application. The City Council shall act on an application in the manner described above within 30days from receiving the application, except that where additional information is required pursuant to 10.43 of this Ordinance. The City Council shall render a written decision within 60 days from the receipt of such additional information.

10.46 Conditions Attached to Conditional Use Permits. Upon consideration of the factors listed above and the purpose of this Ordinance, the City Council shall attach such conditions to the granting of conditional use permits as it deems necessary to fulfill the purposes of this Ordinance. Such conditions may include, but are not limited to, the following:

(a) Modification of waste treatment and water supply facilities.

(b) Limitations on period of use, occupancy, and operation.

(c) Imposition of operational controls, sureties, and deed restrictions.

(d) Requirements for construction of channel modifications, compensatory storage, dikes, levees, and other protective measures.

(e) Flood proofing measures, in accordance with the State Building Code and this Ordinance. The applicant shall submit a plan or document certified by a registered professional engineer or architect that the flood proofing measures are consistent with the regulatory flood protection elevation and associated flood factors for the particular area.

SUBDIVISION 11.0 NONCONFORMING USES

11.1 A structure or the use of a structure or premises which was lawful before the passage or amendment of this Ordinance but which is not in conformity with the provisions of this Ordinance may be continued subject to the following conditions. Historic structures, as defined in Section 2.831(b) of this Ordinance, shall be subject to the provisions of Sections 11.11 – 11.15 of this Ordinance.

11.11 No such use shall 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 shall be protected to the Regulatory Flood Protection Elevation in accordance with any of the elevation on fill or flood proofing techniques (i.e., FP-1 thru FP-4 floodproofing classifications) allowable in the State Building Code, except as further restricted in 11.13 and 11.16 below.

11.13The cost of all structural alterations or additions to any nonconforming structure over the life of the structure shall not exceed 50 percent of the market value of the structure unless the conditions of this Section are satisfied.
The cost of all structural alterations and additions must include all costs such as construction materials and a reasonable cost placed on all manpower or labor. If the cost of all previous and proposed alterations and additions exceeds 50 percent of the market value of the structure, then the structure must meet the standards of Section 4.0 or 5.0 of this Ordinance for new structures depending upon whether the structure is in the Floodway or Flood Fringe District, respectively.

11.l4 If any nonconforming use is discontinued for l2 consecutive months, any future use of the building premises shall conform to this Ordinance. The Assessor shall notify the Zoning Administrator in writing of instances of nonconforming uses that have been discontinued for a period of l2 months.

11.15 If any nonconforming use or structure is substantially damaged, as defined in Section 2.830 of this Ordinance, it shall not be reconstructed except in conformity with the provisions of this Ordinance. The applicable provisions for establishing new uses or new structures in Sections 4.0, 5.0 or 6.0 will apply depending upon whether the use or structure is in the Floodway, Flood Fringe or General Flood Plain District, respectively.

11.16 If a substantial improvement occurs, as defined in Section 2.831 of this Ordinance, from any combination of a building addition to the outside dimensions of the existing building or a rehabilitation, reconstruction, alteration, or other improvement to the inside dimensions of an existing nonconforming building, then the building addition and the existing nonconforming building must meet the requirements of Section 4.0 or 5.0 of this Ordinance for new structures, depending upon whether the structure is in the Floodway or Flood Fringe District, respectively.

SUBDIVISION 12.0 PENALTIES FOR VIOLATION

12.1 Violation of the provisions of this Ordinance or failure to comply with any of its requirements (including violations of conditions and safeguards established in connection with grants of variances or conditional uses) shall constitute a misdemeanor and shall be punishable as defined by law.

12.2 Nothing herein contained shall prevent the City of Medford from taking such other lawful action as is necessary to prevent or remedy any violation. Such actions may include but are not limited to:

12.21 In responding to a suspected Ordinance violation, the Zoning Administrator and Local Government may utilize the full array of enforcement actions available to it including but not limited to prosecution and fines, injunctions, after-the-fact permits, orders for corrective measures or a request to the National Flood Insurance Program for denial of flood insurance availability to the guilty party. The Community must act in good faith to enforce these official controls and to correct Ordinance violations to the extent possible so as not to jeopardize its eligibility in the National Flood Insurance Program.

12.22 When an Ordinance violation is either discovered by or brought to the attention of the Zoning Administrator, the Zoning Administrator shall immediately investigate the situation and document the nature and extent of the violation of the official control. As soon as is reasonably possible, this information will be submitted to the appropriate Department of Natural Resources' and Federal Emergency Management Agency Regional Office along with the Community's plan of action to correct the violation to the degree possible.

12.23 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.

12.24 If the responsible party does not appropriately respond to the Zoning Administrator within the specified period of time, each additional day that lapses shall constitute an additional violation of this Ordinance and shall be prosecuted accordingly. The Zoning Administrator shall also upon the lapse of the specified response period notify the landowner to restore the land to the condition which existed prior to the violation of this Ordinance.

SUBDIVISION l3.0 AMENDMENTS

The flood plain designation on the Official Zoning Map shall not be removed from flood plain areas unless it can be shown that the designation is in error or that the area has been filled to or above the elevation of the regulatory flood protection elevation and is contiguous to lands outside the flood plain. Special exceptions to this rule may be permitted by the Commissioner of Natural Resources if he determines that, through other measures, lands are adequately protected for the intended use.

All amendments to this Ordinance, including amendments to the Official Zoning Map, must be submitted to and approved by the Commissioner of Natural Resources prior to adoption. Changes in the Official Zoning Map must meet the Federal Emergency Management Agency's (FEMA) Technical Conditions and Criteria and must receive prior FEMA approval before adoption. The Commissioner of Natural Resources must be given 10-days written notice of all hearings to consider an amendment to this Ordinance and said notice shall include a draft of the Ordinance amendment or technical study under consideration."

Passed and adopted this 7th day of November, 2011, with the following vote: Aye 5 ; No 0 ; Absent 0 .

This ordinance shall become effective from and after its passage and publication.

(Sections 4.72 through 4.79, inclusive, reserved for future expansion.)

SECTION 4.80 BED AND BREAKFAST ESTABLISHMENTS.

Subdivision 1. Definition. A bed and breakfast establishment means a building of residential design wherein lodging is provided to guests and for consideration breakfast may also be provided to said guests. For purposes of this definition the term "guest" shall mean persons renting such accommodations for a total period of time not to exceed fourteen (14) days during any consecutive ninety (90) day period.

Subdivision 2. Conditional Use. Bed and breakfast establishments shall be allowed as a conditional use in residential zones if the following conditions are met:

a) There shall be a minimum of one off-street parking space for each guest room.

b) A sign not to exceed 24" in height and 36" in length may be affixed to the building identifying the business name of the bed and breakfast facility. The sign shall not be internally illuminated. No other signage shall be permitted.

c) The only meal served to guests shall be breakfast and only guests will be served.

d) A guest shall be limited to his or her stay to no more than 14 days during any consecutive 90-day period.

e) A guest list shall at all times be maintained and made available for inspection by the City listing the name and address of each guest.

f) The bed and breakfast establishment shall conform with all applicable state health, fire and building code requirements.

Subdivision 3. Procedure. All applications for a conditional use permit to operate a bed and breakfast establishment shall first be reviewed by the Zoning and Planning Board and approved by the City Council prior to the commencement of operations.

SECTION 4.83. LICENSING OF ADULT ESTABLISHMENTS.

Subdivision 1. Findings and Purpose. The City Council has studied the impacts that adult establishments have in communities. The City Council concludes:

a. Adult establishments have adverse secondary impacts, including increased crime rates, lower property values, increased transiency, neighborhood blight, and potential health risks.

b. The adverse impacts caused by adult establishments tend to diminish if adult establishments are governed by geographic, licensing, and health requirements.

c. It is not the intent of the City Council to prohibit adult establishments from having a reasonable opportunity to locate in the city.

d. The public health, safety, morals, and general welfare will be promoted by the city adopting regulations governing adult establishments.

Subdivision 2. Definitions. For purposes of this Section, the following terms have the meanings given them.

1. *Adult Establishment.* A business engaged in any of the following activities or which utilizes any of the following business procedures or practices:

   a. Any business that has at least twenty-five percent (25%) of its inventory, stock and trade, or publicly displayed merchandise, or at least twenty-five percent (25%) of the floor area of the business, (not including storerooms, stock areas, bathrooms, basements, or any portion of the business not open to the public) devoted to items, merchandise, or other materials distinguished or characterized by an emphasis on material depicting, exposing, describing, discussing, or relating to Specified Sexual Activities or Specified Anatomical Areas.

   b. Any business that involves any Adult Use as defined herein.

2. *Adult Use.* An Adult Use is any of the following activities and businesses:

   a. *Adult Bookstore:* An establishment or business used for the barter, rental, or sale of items consisting of printed matter, pictures, slides, records, audio tape, videotape, or motion picture film if such business is not open to the public general but only to one or more classes of the public, excluding any minor by reason of age, or if at least twenty-five percent (25%) of its inventory, stock and trade, or publicly displayed merchandise, or at least twenty-five percent (25%) of the floor area of the business, (not including storerooms, stock areas, bathrooms, basements, or any portion of the business not open to the public) is devoted to items, merchandise, or other material distinguished and characterized by an emphasis on the depiction or description of Specified Sexual Activities or Specified Anatomical Areas.

   b. *Adult Cabaret:* A business or establishment, at least a portion of which provides dancing, modeling, or other live entertainment to patrons if the dancing, modeling, or live entertainment is distinguished and characterized by an emphasis on the presentation, display, depiction, or description of nudity, sexual conduct, or sexual excitement for observation by patrons or that seeks to evoke, arouse, or excite the patrons' sexual or erotic feelings or desires.

   c. *Adult Companionship Establishment:* A business or establishment that excludes minors by reason of age, and which provides the service of engaging in or listening to conversation, talk, or discussion between an employee of the establishment and a customer, if such service is distinguished or characterized by an emphasis on Specified Sexual Activities or Specified Anatomical Areas.

   d. *Adult Massage Parlor, Health Club:* A massage parlor or health club which restricts minors by reason of age, and which provides the services of massage, if such service is distinguished and characterized by an emphasis on Specified Sexual Activities or Specified Anatomical Areas.

   e. *Adult Mini-Motion Picture Theater:* A business or establishment with a capacity for less than 50 persons used for presenting material if such material is distinguished and characterized by an emphasis on matter depicting, describing or relating to Specified Sexual Activities or Specified Anatomical Areas.

   f. *Adult Motion Picture Arcade:* Any place to which the public is permitted or invited where coin or slug-operated or electronically, electrically, or mechanically controlled or operated still or motion picture machines, projectors, or other image-producing devices are maintained to show images to five (5) or

fewer persons per machine at any one time, and where the image so displayed are distinguished and characterized by an emphasis on or depicting or describing Specified Sexual Activities or Specified Anatomical Areas.

g. *Adult Motion Picture Theater:* A motion picture theater with a capacity of fifty (50) or more persons used for presenting material if such theater, as a prevailing practice, excludes minors by reasons of age or if such material is distinguished or characterized by an emphasis on Specified Sexual Activities or Specified Anatomical Areas for observation by patrons.

h. *Adult Novelty Business:* A business which has a principal activity the sale of materials or devices which stimulate human genitals, which are designed for sexual stimulation, or which depict or relate to Specified Sexual Activities or Specified Anatomical Areas.

3. *Specified Anatomical Areas.* For the purpose of this Section, Specific Anatomical Areas includes:

a. Less than completely and opaquely covered human genitals, pubic region, buttocks, anus, or female breast(s) below a point immediately above the top of the areola, or any combination of the foregoing; and

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

4. *Specified Sexual Activities:* For the purpose of this Section, Specified Sexual Activities includes:

a. Actual or simulated sexual intercourse, oral copulation, anal intercourse, oral-anal copulation, bestiality, direct physical stimulation of unclothed genitals, flagellation or torture in the context of a sexual relationship, or the use of excretory functions in the context of a sexual relationship, and any of the following acts or conduct: anilingus, buggery, coprophagy, coprophilia, cunnilingus, fellatio, necrophilia, pederasy, pedophilia, piquerism, sapphism, zooeraastia; or

b. Clearly depicted human genitals in the state of sexual stimulation, arousal, or tumescence; or

c. Use of human or animal ejaculation, sodomy, oral copulation, coitus, or masturbation; or

d. Fondling or touching of the nude human genitals, pubic region, buttocks, or female breast(s); or

e. Situation involving a person or persons, any of whom are nude, clad in undergarments or in sexually revealing costumes, and who are engaged in the activities involving the flagellation, torture, fettering, binding, or other physical restraint of any such persons; or

f. Erotic or lewd touching, fondling or other sexually oriented contact with an animal by a human being; or

g. Human excretion, urination, menstruation, vaginal or anal irrigation.

Subdivision 3. General Provisions. Adult establishment as defined in this Section shall be subject to the following general provisions.

A. Adult Uses shall be restricted to the C-3 Regional Commercial District.

B. Adult Establishments shall be located at least seven hundred fifty (750) Feet, as measured in a straight line, from the main public entrance of the adult establishment to the nearest boundary line of the following:

a. Residentially zoned or used property;

b. A licensed daycare center;

c. Any school;

d. Any church;

e. Any hotel or motel;

f. Any public park;

g. Any cemetery;

h. Any hospital;

i. Any nursing home;

j. Any youth facility;

k. Another adult establishment.

C. Adult Establishment signs shall be generic in nature and shall only identify the type of business which is being conducted. Signs shall not be pictorial.

D. Each Adult Establishment is a separate use and no two Adult Establishments shall be located in the same building or upon the same property.

E. Adult Establishments shall be prohibited in establishments where liquor is served.

F. Adult Establishments shall be prohibited at any place or event where minors are permitted.

Subdivision 4. Hours of Operation. An Adult Establishment may not be open between the hours of 10:00 p.m. and 9:00 a.m.

Subdivision 5. Additional Adult Cabaret Regulations.

A. No person, firm, partnership, corporation, or other entity shall advertise, or cause to be advertised, an adult cabaret without a valid adult establishment license.

B. An adult cabaret licensee shall maintain and retain for a period of two (2) years the names, addresses, and ages of all persons engaged, hired, or employed as dancers or performers by the licensee.

C. An adult cabaret shall be prohibited in establishments where liquor is served.

D. No owner, operator, or manager of an adult cabaret shall permit or allow any dancer or other live entertainer to perform nude.

E. No dancer, live entertainer, performer, patron, or other person shall be nude in an adult cabaret.

F. No dancer, live entertainer, or performer shall be under 18 years old.

G. All dancing shall occur on a platform intended for the purpose which is raised at least two (2) feet from the level of the floor.

H. No dancer or performer shall perform or dance closer than ten (10) feet to any patron.

I. No dancer or performer shall fondle or caress any patron and no patron shall fondle or caress any dancer or performer.

J. No patron shall directly pay or give any gratuity to any dancer or performer.

K. No dancer or performer shall solicit any pay or gratuity from any patron.

L. No person under the age of eighteen (18) years shall be admitted to an adult cabaret.

Subdivision 6. License Requirements.

A. No person shall own or operate an adult establishment without having first secured a license.

B. Application. The application for an adult establishment license shall include:

a. If the applicant is an individual, the name, residence, phone number, and birth date of the applicant. If the applicant is a partnership, the name, residence, phone number, and birth date of each general and limited partner. If the applicant is a corporation, the names, residences, phone numbers, and birth dates of all those persons holding more than five percent (5%) of the issued and outstanding stock of the corporation.

b. The name, address, phone number, and birth date of the operator and manager of such operation, if different from the owners.

c. The address and legal description of the premises where the adult establishment is to be located.

d. A statement detailing any gross misdemeanor or felony convictions relating to sex offenses, obscenity, or the operation of an adult establishment or adult business by the applicant, operator, or manager and whether or not the applicant, operator, or manager has ever applied for or held a license to operate a similar type of business in other communities. In the case of a corporation, a statement detailing any felon convictions by the owners of more than five percent (5%) of the issued and outstanding stock of the corporation, and whether or not those owners have ever applied for or held a license to operate a similar type of business in other communities.

e. The activities and types of business to be conducted.

f. The hours of operation.

g. The provisions made to restrict access by minors.

h. A building plan of the premises detailing all internal operations and activities, and detailing all entrances and exits to the building, including the main entrance.

C. Expiration of License. All licenses shall expire on December 31 of the year in which it is issued.

D. License Fees:

a. Each application for a license shall be submitted to the City Clerk. Each application for a license shall be accompanied by payment in full of the required fee for the license.

b. Each license shall be issued for a period of one (1) year, except that if a portion of the license year has elapsed when the application is made, a license may be issued only for the remainder of the year.

c. The annual fee for an adult establishment license shall be $1,000.00.

E. Granting of License.

a. The City shall investigate all facts set out in the application and hold a public hearing within thirty (30) days after the City Clerk receives the application. Opportunity shall be given to any person to be heard for or against the granting of the license.

b. After such investigation and administrative hearing, the City Council shall grant or refuse the application. The City Council shall grant or refuse the application thirty (30) days after the public hearing has closed.

c. Each license may be issued to the applicant only and shall not be transferable to another holder. Each license shall be issued only for the premises described in the application. No license may be transferred to another premises without the approval of the City Council.

F. Persons Ineligible for License. No license shall be granted to or held by any person:

a. Under twenty-one (21) years of age.

b. Who is overdue or whose spouse is overdue in payments to the city, county, state, or federal government of taxes, fees, fines, or penalties, or charges or liens for municipal services and utilities assessed against them or imposed upon them.

c. Who has been convicted or whose spouse has been convicted of a gross misdemeanor or felony or of violating any law of this state or local ordinances relating to sex offenses, obscenity offenses, or adult establishments.

d. Who is not the proprietor of the establishment for which the license is issued or for which application is made.

e. Who is residing with a person who has been denied a license by the city or any other Minnesota municipal corporation to operate an adult establishment, or residing with a person whose license to operate an adult establishment has been suspended or revoked within the preceding twelve (12) months.

G. Places ineligible for License:

a. No license shall be granted for adult establishments on any premises where a licensee has violated this Section, or where any license hereunder has been revoked for cause, until one (1) year has elapsed after such violation or revocation, whichever later occurs.

b. No license shall be granted for any adult establishment which is not in compliance with the city's zoning regulations, or fire, building and health and safety codes and all provisions of federal, state, and municipal law.

H. Condition of License:

a. All licensed premises shall have the license posted in a conspicuous place at all times.

b. No minor shall be permitted on the licensed premises.

c. Any designated inspection officer of the city or peace officer shall have the right to enter, inspect, and search the premises of a licensee during business hours.

d. No adult goods or material services shall be offered, sold, transferred, conveyed, given, displayed, or bartered to any minor.

e. In granting a license for an adult establishment, the City Council may impose additional conditions to protect the best interests of the surrounding area or the city as a whole.

f. The licensee must keep itemized written records of all transactions involving the sale or rental of all items or merchandise for at least one (1) year after the transaction. At a minimum, those records must contain a description of the transaction, the date of the transaction, the purchase price or rental price, and a detailed description of the item or merchandise that is being purchased or rented. This information must be provided to the city upon request.

g. The licensee must cover or otherwise arrange all window, doors, and apertures to prevent any person outside the licensed premises from viewing any items or merchandise inside the premises depicting specified sexual activities or specified anatomical areas.

I. Penalty

a. Any violation of this Section shall be a basis for the suspension or revocation of any license granted hereunder. In the event that the City Council proposes to revoke or suspend the license, the licensee shall be notified in writing of the basis for such proposed revocation or suspension. The City Council shall hold a public hearing for the purpose of determining whether to revoke or suspend the license, which public hearing shall be within forty-five (45) days of the date of

the notice. The City Council shall determine whether to suspend or revoke the license within forty-five (45) days after the close of the hearing and shall notify the licensee of its decision within that forty-five (45) day period.

b. Any person violating any provision of this Section is guilty of a misdemeanor and upon conviction shall be punished not more than the maximum penalty of a misdemeanor as prescribed by state law.

J. Right of Appeal. Any applicant whose application for an adult establishment license is denied, or any licensee whose license is revoked or suspended, may appeal such denial, revocation, or suspension to a court of competent jurisdiction within thirty (30) days after the denial, revocation, or suspension of such license.

SECTION 4.84. SIGN REGULATIONS.

Subdivision 1. Purpose and Definitions.

A. Findings, purpose and effect.

a. Findings. The city council hereby finds as follows:

1. Exterior signs have a substantial impact on the character and quality of the environment.

2. Signs provide an important medium through which individuals may convey a variety of messages.

3. Signs can create traffic hazards, aesthetic concerns and detriments to property values, thereby threatening the public health, safety and welfare.

4. The city's zoning regulations have, since as early as 1949, included the regulation of signs in an effort to provide adequate means of expression and to promote the economic viability of the business community, while protecting the city and its citizens from a proliferation of signs of a type, size, location and character that would adversely impact upon the aesthetics of the community and threaten the health, safety and welfare of the community. The regulation of the physical characteristics of signs within the city has had a positive impact on traffic safety and the appearance of the community.

b. Purpose and intent. It is not the purpose or intent of this Section to regulate the message displayed on any sign; nor is it the purpose or intent of this Section to regulate any building design or any display not defined as a sign, or any sign which cannot be viewed from outside a building. The purpose and intent of this Section is to:

1. Regulate the number, location, size, type, illumination and other physical characteristics of signs within the city in order to promote the public health, safety and welfare.

2. Maintain, enhance and improve the aesthetic environment of the city by preventing visual clutter that is harmful to the appearance of the community.

3. Improve the visual appearance of the city while providing for effective means of communication, consistent with constitutional guarantees and the city's goals of public safety and aesthetics.

4. Provide for fair and consistent enforcement of the sign regulations set for herein under the zoning authority of the city.

c. Effect. A sign may be erected, mounted, displayed or maintained in the city if it is in conformance with the provisions of these regulations. The effect of this Section, as more specifically set forth herein, is to:

1. Allow a wide variety of sign types in commercial zones, and a more limited variety of signs in other zones, subject to the standards set forth in this Section.

2. Allow certain small, unobtrusive signs incidental to the principal use of a site in all zones when in compliance with the requirements of this Section.

3. Prohibit signs whose location, size, type, illumination or other physical characteristics negatively affect the environment and where the communication can be accomplished by means having a lesser impact on the environment and the public health, safety and welfare.

4. Provide for the enforcement of the provisions of this Section.

B. Severability. If any subsection, sentence, clause, or phrase of this Section is for any reason held to be invalid, such decision shall not affect the validity of the remaining portions of this Section. The City Council hereby declares that it would have adopted this Section in each subsection, sentence, or phrase thereof, irrespective of the fact that any one or more subsections, sentences, clauses, or phrases be declared invalid.

C. Definitions. The following words and terms, when used in this Section, shall have the following meanings, unless the context clearly indicates otherwise:

Abandoned sign - any sign and/or its supporting sign structure which remains without a message or whose display surface remains blank for a period of sixty (60) days or more, or any sign which pertains to a time, event or purpose which no longer applies, shall be deemed to have been abandoned. Signs applicable to a business temporarily suspended because of a change in ownership or management of such business shall not be deemed abandoned unless the property remains vacant for a period of sixty (60) days or more. Any sign remaining after demolition of a principal structure shall be deemed to be abandoned. Signs which are present because of being legally established nonconforming signs or signs which have required a conditional use permit or a variance shall also be subject to the definition of abandoned sign.

Awning - a roof-like cover, often of fabric, plastic, metal or glass designed and intended for protection from the weather or as a decorative embellishment, and which projects from a wall or roof of a structure primarily over a window, walk, or the like. Any part of an awning which also projects over a door shall be counted as an awning.

Awning sign - a building sign or graphic printed on or in some fashion attached directly to the awning material.

Balloon sign - a sign consisting of a bag made of lightweight material supported by helium, hot, or pressurized air which is greater than twenty-four (24) inches in diameter.

Building - any structure used or intended for supporting or sheltering any use or occupancy.

Building sign - any sign attached or supported by any structure used or intended for supporting or sheltering any use or occupancy.

Canopy - a roof-like cover, often of fabric, plastic, metal, or glass on a support, which provides shelter over a doorway.

Canopy sign - any sign that is part of or attached to a canopy, made of fabric, plastic, or structural protective cover over a door or entrance. A canopy sign is not a marquee and is different from service area canopy signs.

Commercial Speech - speech advertising a business, profession, commodity, service or entertainment.

Construction Sign (or Development Sign) - A Non-illuminated sign announcing the names of architects, engineers, developers, contractors, or other individuals or firms involved with the development, construction, alteration or repair of any buildings or property (but not including any advertisement of any product) or announcing the character of the building enterprise, or the purpose for which the construction is intended.

Electronic Changeable Copy Sign – a sign that displays electronic, non-pictorial text information. Electronic Changeable Copy Signs include signs that change text by scrolling or fading messages.

Electronic Graphic Display Sign – a sign that displays electronic, static images, static graphics, or static pictures, with or without text information.

Elevation - the view of the side, front, or rear of a given structure(s).

Elevation area - the area of all walls that face any lot line.

Erect - activity of constructing, building, raising, assembling, placing, affixing, attaching, creating, painting, drawing or any other way of bringing into being or establishing.

Flag - any fabric or similar lightweight material attached at one end of the material, usually to a staff or pole, so as to allow movement of the material by atmospheric changes and which contains distinctive colors, patterns, symbols, emblems, insignia, or other symbolic devices.

Flashing sign - a directly or indirectly illuminated sign which exhibits changing light or color effect by any means, so as to provide intermittent illumination which includes the illusion of intermittent flashing light by means of animation. Also any mode of lighting which resembles zooming, twinkling, or sparkling.

Freestanding sign - any sign which has supporting framework that is placed on, or anchored in, the ground and which is independent from any building or other structure.

Frontage - the line of contact of a property with the public right-of-way.

Governmental Sign - a sign which is erected by a governmental unit for the purpose of identification, directing or guiding traffic.

Grade - grade shall be construed to be the final ground elevation after construction. Earth mounding criteria for landscaping and screening is not part of the final grade for sign height computation.

Height of sign - the height of the sign shall be computed as the vertical distance measured from the base of the sign at grade to the top of the highest attached component of the sign.

Identification Sign - Signs in all districts which identify the business, owner, manager, or resident and/or set forth the address of the property.

Illuminated sign – any sign which is lighted by an artificial light source either directed upon it or illuminated from an interior source. Illuminated signs include but are not limited to electronic changeable copy signs, electronic graphic display signs, flashing signs, and time and temperature signs.

Individual Property Sale or Rental Sign – Any on-parcel sign announcing the name of the owner, manager, realtor, or other person directly involved in the sale or rental of the property or announcing the purpose for which it is being offered.

Interior sign - a sign which is located within the interior of any building, or within an enclosed lobby or court of any building, and a sign for and located within the inner or outer body, court or entrance of any theater.

Issuing Authority - the City of Medford.

Marquee - any permanent roof-like structure projecting beyond a theater building or extending along and projecting beyond the wall of that building, generally designed and constructed to provide protection from the weather.

Marquee sign - any building sign painted, mounted, constructed or attached in any manner, on a marquee.

Monument sign - any freestanding sign with its sign face mounted on the ground or mounted on a base at least as wide as the sign and which has a height exceeding eight (8) feet.

Multiple tenant site - any site which has more than one (1) tenant, and each tenant has a separate ground level exterior public entrance.

Non-commercial speech - dissemination of messages not classified as Commercial Speech which include, but are not limited to, messages concerning political, religious, social, ideological, public service and informational topics.

Off-parcel sign - a commercial speech sign which directs the attention of the public to a business, activity conducted, or product sold or offered at a location not on the same parcel where such business sign is located. For purposes of this definition, easements and other appurtenances shall be considered to be outside such platted parcel of land and any sign located or proposed to be located in an easement or other appurtenance shall be considered an off- parcel sign. For purposes of this definition, a sign directing attention to a parcel that is adjacent to the parcel upon which the sign is located and that is under the same ownership as the parcel upon which the sign is located shall not be considered an off-parcel sign.

On-parcel messages - identify or advertise an establishment, person, activity, goods, products or services located on the parcel where the sign is installed.

Parapet (wall) - that portion of building wall that rises above the roof level.

Pole sign - see Pylon Sign.

Portable sign - any sign which is manifestly designed to be transported, including by trailer or on its own wheels, even though the wheels of such sign may be removed and the remaining chassis or support is converted to another sign or attached temporarily or permanently to the ground since this characteristic is based on the design of such a sign.

Principal building - the building in which the principal primary use of the lot is conducted. Lots with multiple principal uses may have multiple principal buildings, but storage buildings, garages, and other clearly accessory uses shall not be considered principal buildings.

Projecting sign - any sign which is affixed to a building or wall in such a manner that its leading edge extends more than two (2) feet beyond the surface or such building or wall face.

Property owner - legal owner of property as officially recorded by Steele County.

Public notices - official notices posted by public officers, employees or their agents in the performance of their duties, or as directed by such officers, employees or agents.

Public street right-of-way - the planned right-of-way for a public street.

Pylon sign - any freestanding sign which has its supportive structure(s) anchored in the ground and which has a sign face elevated above ground level by pole(s) or beam(s) and with the area below the sign face open.

Residential district - any district zoned for residential uses.

Roof - the exterior surface and it supporting structure on the top of a building or structure. The structural make-up of which conforms to the roof structures, roof construction and roof covering sections of the Uniform Building Code.

Roof line - the upper-most edge of the roof or in the case of an extended facade or parapet, the upper-most height of said facade.

Roof sign - any sign erected and constructed wholly on and above the roof of a building, supported by the roof structure, and extending vertically above the highest portion of the roof.

Roof sign, integral - any building sign erected or constructed as an integral or essentially integral part of a normal roof structure of any design, so that no part of the sign extends vertically above the highest portion of the roof and so that no part of the sign is separated from the rest of the roof by a space of more than six (6) inches.

Rotating sign - a sign or portion of a sign which turns about on an axis.

Setback, front – in commercial and industrial districts, the minimum horizontal distance permitted between the public right-of-way and a structure on the parcel; in residential districts, the minimum horizontal distance permitted between the principal street frontage and the structure. In instances in which a property fronts on more than one (1) street, front setbacks are required on all street frontages.

Setback, rear - the minimum horizontal distance permitted between the property line opposite the principal street frontage and a structure on the parcel.

Setback, side - the minimum horizontal distance permitted between the side lot line and a structure on the parcel.

Sign - any letter, word or symbol, poster, picture, statuary, reading matter or representation in the nature of advertisement, announcement, message or visual communication, whether painted, posted, printed, affixed or constructed, including all associated brackets, braces, supports, wires and structures, which is displayed for informational or communicative purposes.

Sign face - the surface of the sign upon, against, or through which the message of the sign is exhibited.

Sign structure - any structure including the supports, uprights, bracing and framework which supports or is capable of supporting any sign.

Site - a plot or parcel of land, or combination of contiguous lots or parcels of land, which are intended, designated, and/or approved to function as an integrated unit.

Time and Temperature Sign – any sign which displays exclusively current time and temperature information.

Total area of all signs - the maximum permitted combined area of all signs allowed on a specific parcel that can be viewed from the public right-of-way.

Video Display Sign - a sign that changes its message in a manner characterized by motion or pictorial imagery.

Visible - capable of being seen by a person of normal visual acuity (whether legible or not) without visual aid.

Wall - any structure which defines the exterior boundaries or courts of a building or structure and which has a slope of sixty (60) degrees or greater with the horizontal plane.

Wall sign - any building sign attached parallel to, but within two (2) feet of a wall, painted on the wall surface of, or erected and confined within the limits of an outside wall of any building or structure, which is supported by such wall or building, and which displays only one (1) sign surface.

Subdivision 2. Administration and Enforcement.

A. Permit required. No sign shall be erected, altered, reconstructed, maintained or moved in the city without first securing a permit from the city. The content of the sign shall not be reviewed or considered in determining whether to approve or deny a sign permit. Application for a permit shall be in writing addressed to the issuing authority and shall contain the following information:

a. Name, address and telephone number of person making application.

b. Name, address and telephone number of person owning sign.

c. Name, address and telephone number of property owner.

d. Name, address and telephone number of person installing sign.

e. The address at which any signs are to be erected.

f. The lot, block and addition at which the signs are to be erected and the street on which they are to front.

g. A site plan to scale showing the location of lot lines, building structures, parking areas, existing and proposed signs and any other physical feature.

h. A complete set of plans showing the necessary elevations, distances, size and details to fully and clearly represent the construction and place of the signs.

i. The cost of the sign.

j. Type of sign (i.e. wall sign, monument sign, etc.).

k. Certification by applicant indicating the application complies with all requirements of the Section.

l. If the proposed sign is along state trunk highway or interstate highway, the application shall be accompanied by proof that the applicant has obtained a permit from the state for the sign.

1. Copy of stress sheets and calculator showing that the structure is designed for deadload and wind pressure in any direction in the amount required by this and all other laws and regulations of the City.

2. Written consent of the owner or lessee of any parcel on which the sign is to be erected.

3. Any electrical permit required and issued for such said sign.

4. Such other information as the building inspector may require to show full compliance with this and all other laws and regulations of the City. The building inspector may waive 1, 2, and 3 above.

The issuing authority shall approve or deny the sign permit in an expedited manner no more than 60 days from the receipt of the complete application, including applicable fee. If the permit is denied, the issuing authority shall prepare a written notice of its decision within 10 days its decision, and send it by U.S. Mail to the applicant.

B. Fees. Sign permit fees shall be as set by the City Council by the Master Fee Schedule set forth in Chapter 2, Section 2.65. An application and sign permit fee apply to all signs over six (6) square feet in size. One application per sign is required.

C. Repairs. Any sign located in the city which may now be or hereafter become out of order, rotten or unsafe, and every sign which shall hereafter be erected, altered, resurfaced, reconstructed or moved contrary to the provisions of this section, shall be removed or otherwise properly secured in accordance with the terms of this Section by the owners thereof or by the owners of the grounds on which said sign shall stand, upon

receipt of proper notice so to do, given by the issuing authority. No rotten or other unsafe sign shall be repaired or rebuilt except in accordance with the provisions of this section and upon a permit issued by the issuing authority.

D. Removal. In the event of the failure of the owner or person, company or corporation having control of any sign, or the owner of the ground on which the sign is located, to remove or repair said sign within 60 days after the use is terminated, a notice shall be provided to the land owner and the sign may be removed by the city at the expense of the owner or manager of the sign, or the owner of the ground upon which the sign stands. No permit shall be granted for any sign regardless of location except upon the condition that it will be moved at no expense or claim of damage to any governmental unit should the improvement thereof be necessary for the construction, reconstruction, or relocation of any public roadway or easement.

E. It shall be the duty of the building inspector, upon the filing of an application for a permit, to examine such plans, specifications and other data and the parcel upon which it is proposed to erect the sign. If it shall appear that the proposed structure is in compliance with all the requirements of this Section and all other laws and regulations of the City, the permit shall then be issued. If the work authorized under the permit has not been completed within one (1) year after the date of issuance, the permit shall be null and void.

F. Violations. Violation of this section is a misdemeanor. Each day that the violation continues is a separate offense.

Subdivision 3. General Provisions.

A. Regulations.

1. General. Except as hereinafter provided, no signs shall be erected or maintained at any angle to a building or structure which sign extends or projects over the sidewalk, street or highway. A sign that is erected or maintained flat against any building or structure shall extend or project no more than fifteen inches over the sidewalk.

2. Exceptions. The provisions of this Section do not prohibit and a permit is not required for the following:

   a. The changing of the content or display of a sign, except as specifically prohibited elsewhere in this Section.

   b. Signs six (6) square feet or less in size.

   c. The erection and maintenance of signs, either illuminated or unilluminated, which are on the sides of a marquee which is firmly attached to and a part of a theatre or other building, providing such signs are an integral part of the marquee and do not project above or below the marquee; or

   d. The erection and maintenance of signs, not illuminated, which are attached to the marquee and which do not project more than 16 inches above the marquee.

   e. Public notices.

   f. Construction signs. Construction signs six (6) square feet or less in size. Such signs shall be confined to the site of the development or construction and shall be removed within two (2) years of the date of issuance of the first building permit or when the particular project is completed, whichever sooner occurs.

g. Individual property sale or rental signs. Such signs six (6) square feet or less in size. Signs will be confined to the parcel with directly relates to the sale or rental of the property. Signs shall be removed within thirty (30) days after sale or rental of the property.

h. Governmental signs.

i. Basic repairs and maintenance to signs or supporting structures shall not require a permit so long as the size or basic character of the sign is not altered.

These exemptions, however, shall not be construed as relieving the owner of the sign from the responsibility of its erection and maintenance, and its compliance with the provisions of this ordinance or any other law or ordinance regulating the same.

B. Below marquee. No sign, either illuminated or non-illuminated, may project below a marquee.

C. Electrical signs. Electrical signs must be installed in accordance with the current electrical code and a separate permit from the building official must be obtained prior to placement.

D. Unauthorized signs. The following signs are unauthorized signs and are prohibited in all districts:

1. Any sign, signal, marking or device which purports to be or is an imitation of or resembles any official traffic control device or railroad sign or signal, or emergency vehicle signal, or which attempts to direct the movement of traffic or which hides from view or interferes with the effectiveness of any official traffic-control device or any railroad sign or signal.

2. Any Sign which, by reason of position, shape or color interferes in any way with the proper functioning or purpose of a traffic sign or signal, which obstructs the vision of drivers or pedestrians, or detracts from the visibility of any traffic control device.

3. Illuminated signs giving off an intermittent or rotating beam of lights.

4. Flashing signs.

5. Video display signs.

6. Illuminated signs, except as hereafter specifically allowed.

7. Exposed incandescent lamps with an internal metallic reflector or an external reflector.

8. All off-parcel signs, except that a parcel in a C-3 district may contain one off-parcel sign so long as the parcel upon which the sign is located has frontage adjacent to a public highway in excess of 900 feet and the sign is located along that frontage.

(D.8-Amended and adopted this 25th day of March, 2019.)

9. Signs painted, attached or in any other manner affixed to trees, rocks, or similar natural surfaces, or attached to public utility poles, bridges, towers, or similar public structures.

10. Private signs within public rights-of-way or easements, with the exception of warning signs posted by public utilities, and with the exception of signs located in residential districts as hereafter provided.

11. Abandoned signs.

E. Setbacks. Signs shall conform to building yard regulations for the zoning district in which the signs are located except as otherwise specified in this section.

	C-1	C-2	C-3	Residential (R-1 and R-2)
Front Yard	2'	0’	10’	2’
Side Yard	5'	0’	0’	5’
Rear Yard	5'	5’	5’	5’
Rear Yard - abutting Residential District	5’	5’	20'	5’

	I-1	I-2
Front Yard	2'	10’
Side Yard	5’	10’
Rear Yard	5’	10’
Rear Yard - abutting Residential District	5’	20’

F. Area. The area within the frame shall be used to calculate the square footage except that the width of a frame exceeding 12 inches shall constitute sign face, and if such letters or graphics be mounted directly on a wall or fascia or in such way as to be without a frame the dimensions for calculating the square footage shall be the area extending six inches beyond the periphery formed around such letters or graphics in a plane figure bounded by straight lines connecting the outermost points thereof. Symbols, flags, pictures, wording, figures or other forms of graphics painted on or attached to windows, walls, awnings, free-standing structures, suspended by balloons, or kites or on persons, animals, or vehicles are considered a sign and are included in calculating the overall square footage.

G. Canopies, marquees and fixed awnings. Canopies, marquees and fixed awnings are an integral part of the structure to which they are attached. They are allowed in the Commercial and Industrial Districts if they meet following requirements and the applicable square footage requirements.

a. An awning, canopy or marquee may not project into the public right-of-way nearer than 30 inches to the street curb or curb line;

b. Awnings, canopies or marquees may have no part of the structure other than supports nearer the ground surface than seven feet;

c. The architectural style of the awning, canopy or marquee may be consistent with the building being served;

d. Awnings, canopy or marquees projecting into the required yards may not be enclosed except with a transparent material permitting through vision; and

e. Awnings, canopies or marquees built over the public right-of-way must have liability insurance policy holding the city free of all responsibility.

H. Illumination. External illumination for signs shall be so constructed and maintained that the source of light is not visible from the public right-of-way or residential property.

I. Height. The top of a sign, including its superstructure, if any, shall be no higher than the roof of the building to which such sign may be attached or 50 feet above ground level, whichever height is less; except that the height of any sign which is attached to or an integral part of a functional structure, such as a water

tower, smoke stack, radio or TV transmitting tower, beacon or similar structure shall be no higher than such structure. Signs, including any superstructure standing or erected free of any building or other structure, shall not exceed an overall height of 50 feet from ground level and shall be located on land in an area which is landscaped or if such land is part of an approved parking area, it shall be surfaced or paved as required in the zoning code.

J. No Free Standing or Portable Sign in excess of six (6) square feet shall be less than one hundred (100) lineal feet from the center intersection of two or more public roads, or less than one hundred (100) lineal feet from the intersection of a public road and a railroad.

K. Retroactive Affect. This Section shall apply to all sign applications applied for and/or pending prior to its enactment.

L. Non-commercial speech. Notwithstanding any other provisions of this Section, all signs of any size containing Non-Commercial Speech may be posted from August 1 in any general election year until ten (10) days following the general election and thirteen (13) weeks prior to any special election until ten (10) days following the special election.

Subdivision 4. Specific Regulations by Zoning District.

A. Residential Districts.

1. Within residential zoning districts, signs are permitted as follows:

R-1 District -- (Lots abutting a public right-of-way 99 feet or less)

Maximum sign area of single sign	Total area of all signs
16 square feet per surface	16 square feet

R-1 District -- (Lots abutting a public right-of-way 100 feet or more)

Maximum sign area of single sign	Total area of all signs
36 square feet per surface	72 square feet plus 2 square feet per front foot of lot abutting a public right-of-way in excess of 100 feet.

R-2 District

Maximum sign area of single sign	Total area of all signs
36 square feet per surface	72 square feet plus 2 square feet per front foot of lot abutting a public right-of-way in excess of 100 feet.

2. The following types of signs are not permitted in residential zoning districts:

1. Awning signs;
2. Balloon signs;
3. Canopy signs;
4. Flashing signs;
5. Marquee signs;
6. Pole signs;
7. Pylon signs; and
8. Illuminated signs;
9. Portable signs.

3. Signs may be illuminated but such lighting shall be diffused or indirect and shall not illuminate beyond any lot line.

B. Commercial Districts.

1. Within commercial zoning districts, signs are permitted as follows:

C-1 District

Maximum sign area of single sign	Total area of all signs
12 square feet per surface	14 square feet plus 2 square feet per front foot of lot abutting a public right-of-way in excess of 100 feet.

C-2 District

Maximum sign area of single sign	Total area of all signs
64 square feet	68 square feet plus 2 square feet per front foot of l lot abutting a public right-of-way in excess of 100 feet.

C-3 District

Maximum sign area of single sign	Total area of all signs
Not applicable.	5 square feet per front foot of lot abutting a public right-of-way.

2. Portable signs shall not exceed twenty-five (25) square feet in area. No more than one (1) portable sign may be located on each parcel.

3. Illuminated signs. Illuminated signs, including electronic changeable copy signs, electronic graphic display signs, and time and temperature signs, but excluding flashing signs and video display signs, shall be allowed subject to the following limitations.

   a. Limited duration. Any portion of the message must have a minimum duration of eight seconds.

   b. Limited text. The text of the sign must be limited to ten words to allow passing motorists to read the entire copy with minimal distraction.

   c. Brightness. The sign must not exceed a maximum illumination of 5,000 nits (candelas per square meter) during daylight hours and a maximum illumination of 500 nits between dusk to dawn as measured from the sign's face at maximum brightness.

4. Canopies and Awnings. The design of canopies shall be in keeping with the overall building design in terms of location, size, and color. No canopies with visible wall hangers shall be permitted. Signage on canopies may be substituted for allowed building signage and shall be limited to 25% of the canopy area. Internally illuminated canopies must be compatible with the overall color scheme of the building.

C. Industrial Districts.

1. Within industrial zoning districts, signs are permitted as follows:

I-1 District

Maximum sign area of single sign	Total area of all signs
64 square feet per surface	68 square feet plus 2 square feet per front foot of lot abutting a public right-of-way in excess of 100 feet.

I-2 District

Maximum sign area of single sign	Total area of all signs
Not applicable.	5 square feet per front foot of lot abutting a public right-of-way.

2. Portable signs shall not exceed twenty-five (25) square feet of area. No more than one (1) portable sign may be located on each parcel.

3. Illuminated signs. Illuminated signs, including electronic changeable copy signs, electronic graphic display signs, and time and temperature signs, but excluding flashing signs and video display signs, shall be allowed subject to the following limitations.

   a. Limited duration. Any portion of the message must have a minimum duration of eight seconds.

   c. Limited text. The text of the sign must be limited to ten words to allow passing motorists to read the entire copy with minimal distraction.

   c. Brightness. The sign must not exceed a maximum illumination of 5,000 nits (candelas per square meter) during daylight hours and a maximum illumination of 500 nits between dusk to dawn as measured from the sign's face at maximum brightness.

Subdivision 5. Noncommercial Speech. The owner of any sign which is otherwise allowed by this Section may substitute non-commercial copy in lieu of any other commercial or non-commercial copy. This substitution of copy may be made without any additional approval or permitting. The purpose of this provision is to prevent any inadvertent favoring of commercial speech over non-commercial speech, or favoring of any particular non-commercial message over any other non-commercial message. This provision prevails over any more specific provision to the contrary.

Subdivision 6. Sign Types Not Provided for Within Zoning Districts. Whenever in any zoning district a sign type is neither specifically permitted nor prohibited, the sign type shall be considered and not allowed. In such case the City Council, the Planning Commission or a property owner may request a study by the City to determine if the sign type is acceptable and if so, what zoning district would be most appropriate and the determination as to the conditions and standards relating to approval of the sign.

This Sign Ordinance shall be in full force and effect upon its passage and publication. Adopted by the City Council of the City of Medford this 22nd day of September, 2008.

SEC. 4.85 WIND ENERGY CONVERSION SYSTEMS (WECS)

Subd. 1. **Purpose.** The ordinance is established to regulate the installation of Wind Energy Conversion Systems (WECS) within the city, not otherwise subject to siting and oversight by the State of Minnesota.

Subd. 2. Interpretation, Conflict and Separability.

A. Interpretation. In interpreting these regulations and their application, the provisions of these regulations shall be held to be the minimum requirements for the protection of public health, safety and general welfare. These regulations shall be constructed to broadly promote the purposes for which they are adopted.

B. Conflict. These regulations are not intended to interfere with, abrogate or annul any other ordinance, rule or regulation, statute or other provision of law except as provided in these regulations. If any provision of these regulations that impose restrictions different from any other ordinance, rule or regulation, statute or provision of law, the provision that is more restrictive or imposes higher standards shall control.

C. Separability. If any part or provision of these regulations or the application of these regulations to any developer or circumstances is found invalid by any competent jurisdiction, the judgment shall be confined in its operation to the part, provision or application directly involved in the controversy in which the judgment shall be rendered and shall not affect or impair the validity of the remainder of these regulations or the application of them to other developers or circumstances.

Subd. 3. Definitions. The following terms as used in this section shall have the meanings as set forth herein.

a. Aggregated Project. Aggregated projects are those which are developed and operated in a coordinated fashion, but which have multiple entities separately owning one or more of the individual WECS within the larger project. Associated infrastructure such as power lines and transformers that service the facility may be owned by a separate entity but are also included as part of the aggregated project.

b. Commercial WECS. A WECS of equal to or greater than 35 kW in total name plate generating capacity.

c. Fall Zone. The area, defined as the furthest distance from the tower base, in which a guyed tower will collapse in the event of a structural failure. This area is less than the total height of the structure.

d. Feeder Line. Any power line that carries electrical power from one or more wind turbines or individual transformers associated with individual wind turbines to the point of interconnection with the electric power grid. In the case of interconnection with the high voltage transmission systems, the point of interconnection shall be the substation serving the WECS.

e. Meteorological Tower. For the purposes of this WECS ordinance, meteorological towers are those towers which are erected primarily to measure wind speed and directions plus other data relevant to siting WECS. Meteorological towers do not include towers and equipment used by airports, the Minnesota Department of Transportation, or other similar applications to monitor weather conditions.

f. Non-Commercial WECS. A WECS of less than 35 kW in total name plate generating capacity.

g. Property Line. The boundary line of the area over which the entity applying for a WECS permit has legal control for the purposes of installation of a WECS. This control may be attained through fee title ownership, easement, or other appropriate contractual relationship between the project developer and landowner.

h. Public Conservation Lands. Land owned in fee title by State or Federal agencies and managed specifically for conservation purposes, including but not limited to State Wildlife Management Areas, State Parks, State Scientific and Natural Areas, federal Wildlife Refuges and Waterfowl Production

Areas. For the purposes of this section public conservation lands will also include lands owned in fee title by non-profit conservation organizations. Public conservation lands do not include private lands upon which conservation easements have been sold to public agencies or non-profit conservation organizations.

i. Rotor Diameter. The diameter of the circle described by the moving rotor blades.

j. Total Height. The highest point, above ground level, reached by a rotor tip or any other part of the WECS.

k. Tower. Vertical structures that support the electrical generator, rotor blades, or meteorological equipment.

l. Tower height. The total height of the WECS exclusive of the rotor blades.

m. Transmission Line. Those electrical power lines that carry voltages of at least 40,000 volts (40 KV) and are primarily used to carry electric energy over medium to long distances rather than directly interconnecting and supplying electric energy to retail customers.

n. WECS - Wind Energy Conversion System. An electrical generating facility comprised of one or more wind turbines and accessory facilities, including but not limited to: power lines, transformers, substations and meteorological towers, that operate by converting the kinetic energy of wind into electrical energy. The energy may be used on-site or distributed into the electrical grid.

o. Wind Turbine. Any piece of electrical generating equipment that converts the kinetic energy of blowing wind into electrical energy through the use of airfoils or similar devices to capture the wind.

Subd. 4. Conditional Use Permit Required. The approval of construction and location of a WECS in any district shall be subject to the conditional use permit procedures established in Section 4.12 of this code of ordinances.

Subd. 5. Fee Required. Due to the substantial review that is necessary to approve a WECS, the City shall be authorized to charge a permit fee in addition to any fees charged for a conditional use permit. Said permit fee shall be as set by the city council by the Master Fee Schedule set forth in Chapter 2, Section 2.65.

Subd. 6. Application Procedures. The following information shall be required and provided at the time of application for a conditional use permit in addition to the information required for a site plan or conditional use permit application:

(a) The name(s) of project the applicant.

(b) The name of the project owner.

(c) The legal description and address of the parcel upon which the WECS will be located.

(d) A description of the project including: number, type, name plate generating capacity, tower height, rotor diameter, and total height of all wind turbines and means of interconnecting with the electrical grid.

(e) Property survey, including the location of property lines, wind turbines, electrical wires, interconnection points with the electrical grid, and all related accessory structures. The site layout shall include distances and be drawn to scale.

(f) Evidence that the applicant can obtain and maintain adequate liability insurance for the WECS and subject property.

(g) Decommissioning Plan as required in part (H)(2)(i) and (H)(2)(j) of this section.

(j) A noise study, prepared by a qualified professional or WECS provider, that demonstrates that the WECS shall not emit noise in excess of the limits established in Minnesota Rules 7030.

(k) A shadow flicker model that demonstrates that shadow flicker shall not fall on, or in, any existing residential structure. Shadow flicker expected to fall on a roadway or a portion of a residentially

zoned property may be acceptable if the flicker does not exceed 30 hours per year; and the flicker will fall more than 100 feet from an existing residence; or the traffic volumes are less than 500 vehicles (ADT). The shadow flicker model shall:

(1) Map and describe with a 1000 foot radius of the proposed dispersed wind energy system the topography, existing residences and location of their windows, location of other structures, wind speeds and directions, existing vegetation and roadways. The model shall represent the most probable scenarios of wind constancy, sunshine constancy, and wind directions and speed;

(2) Calculate the locations of shadow flicker caused by the proposed project and the expected durations of the flicker at these locations, calculate the total number of hours per year of flicker at all locations.

(3) Identify problem areas where shadow flicker will interfere with existing or future residences and roadways and describe proposed mitigation measures, including, but not limited to, a change in siting of the WECS, a change in the operation of the WECS, or grading or landscaping mitigation measures.

(l) A topographical map of the project site including the location of any wind turbine, boundaries of the project area, surrounding property within one-quarter mile, and any other WECS within ten rotor diameters of the proposed project.

(m) FAA permit application.

(n) Location of all known communications towers within two miles of the proposed project. Provide proof that the WECS will not interfere with emergency or other microwave transmission.

(o) Description of potential impacts on nearby WECS and wind resources on adjacent properties.

(p) An engineering certification completed by the manufacture's engineer or another qualified engineer that the turbine, foundation and tower design of the WECS is within accepted professional standards, given local soil and climate conditions.

(q) A decommissioning plan outlining the anticipated means and cost of removing WECS at the end of their serviceable life or upon becoming a discontinued use. The cost estimates shall be made by a competent party; such as a Professional Engineer, a contractor capable of decommissioning or a person with suitable expertise or experience with decommissioning. The plan shall also identify the financial resources that will be available to pay for the decommissioning and removal of the WECS and accessory facilities.

(r) A summary identifying all county, city or township roads to be used for the purpose of transporting commercial WECS, substation parts, concrete, and/or equipment for construction, operation or maintenance of the commercial WECS.

Aggregated Projects may jointly submit a single application and be reviewed under joint proceedings, including notices, hearings, reviews and as appropriate, approvals. Permits will be issued and recorded separately.

Subd. 7. District Regulations. WECS will be conditionally permitted or prohibited as set forth in Sections 4.25, 4.26, and 4.32 of the Medford City Code.

Subd. 8. Setbacks. All towers shall adhere to a setback of three (3) times the Total Height from all property lines, public road right-of-ways, and structures.

Subd. 9. Requirements and Standards.

A. Safety Design Standards.

1. Clearance. Rotor blades or airfoils must maintain at least 12 feet of clearance between their lowest point and the ground.

2. Warnings. For all Commercial WECS, a sign or signs shall be posted on the tower, transformer and substation warning of high voltage. Signs with emergency contact information shall also be posted on the turbine or at another suitable point. Painted aviation warnings are recommended on metrological towers less than 200 feet.

3. For all guyed towers, visible and reflective objects, such as plastic sleeves, reflectors or tape, shall be placed on the guy wire anchor points and along the outer and innermost guy wires up to a height of eight feet above the ground. Visible fencing shall be installed around anchor points of guy wires on all commercial, industrial, and institutional properties.

B. General Standards.

1. Total height. Non-Commercial WECS shall have a total height of less than 200 feet.

2. Tower configuration. All wind turbines that are part of a commercial WECS shall be installed with a tubular, monopole type tower.

3. Color and finish. All wind turbines and towers shall be white, grey or another non-obtrusive color. Blades may be black in order to facilitate deicing. Finishes shall be matt or non-reflective. Metrological towers are exempt from this requirement.

4. Lighting. Lighting, including lighting intensity and frequency of strobe, shall adhere to but not exceed requirements established by Federal Aviation Administration permits and regulations. Red strobe lights are preferred for night-time illumination to reduce impacts on migrating birds. Red pulsating incandescent lights should be avoided.

5. Other signage. All signage on site shall comply with city ordinances. The manufacturer's or owner's company name and/or logo may be placed upon the nacelle, compartment containing the electrical generator, of the WECS.

6. Feeder lines. All communications and feeder lines, equal to or less than 34.5 kV in capacity, installed as part of a WECS shall be buried where reasonably feasible. Feeder lines installed as part of a WECS shall not be considered an essential service. This standard applies to all feeder lines subject to City authority.

7. Shadow flicker. Shadow flicker may not exceed 30 hours per year and shall not fall more than 100 feet from an existing residential property.

8. Discontinuation and decommissioning. A WECS shall be considered a discontinued use after 1 year without energy production, unless a plan is developed and submitted to the city outlining the steps and schedule for returning the WECS to service. All commercial WECS and accessory facilities, including the foundation, shall be completely removed within a year of the discontinuation of use for commercial WECS projects. For non-commercial projects, the footings for the WECS may be left in place provided the slab remains in place.

9. Orderly development. Upon issuance of a conditional use permit, all commercial WECS shall notify the Energy Facility Permitting staff of Department of Commerce of the project location and details on the form specified by the Department.

10. Noise. All WECS shall comply with Minnesota Rules 7030 governing noise.

11. Complaint resolution. The owner/operator of the WECS shall develop a process to resolve complaints from nearby residents. The applicant shall make every reasonable effort to resolve any complaint.

12. Interference. The applicant shall minimize or mitigate interference with electromagnetic communications, such as radio, telephone, microwaves, or television signals cause by any WECS. The applicant shall notify all communication tower operators within two miles of the proposed WECS location upon application to the City for permits. No WECS interfere with any microwave transmissions.

13. Right of entrance. By the acceptance of the conditional use permit, the owner/operator grants permission to the city to enter the property to remove the WECS pursuant to the terms of the conditional use permit and to assure compliance with other conditions set forth in the permit.

14. Substations. Any electrical facility designed to convert electricity produced by wind turbines to a voltage greater than 35,000 volts (35 KV) for interconnection with high voltage transmission lines shall be located outside of the road right of way.

C. Avoidance and Mitigation of Damages.

1. Roads. Applicants shall be responsible for restoring or paying damages as agreed to by the applicable road authority(ies) sufficient to restore the road(s) and bridges over which components have been transported to preconstruction conditions

2. Drainage system. The Applicant shall be responsible for immediate repair of damage to public drainage systems stemming from construction, operation or maintenance of the WECS.

3. The owner of the WECS is responsible for any damage to any below grade public or private utilities, due to the installation, operation, decommissioning, or action otherwise resulting for any WECS.

Effective Date. This Ordinance shall be in full force and effect from and after its passage and publication.

(Sections 4.86 through 4.98, inclusive, reserved for future expansion.)

SECTION 4.99. VIOLATION A MISDEMEANOR. Every person who violates a section, subdivision, paragraph or provision of this Chapter when he performs an act thereby prohibited or declared unlawful, or fails to act when such failure is thereby prohibited or declared unlawful, and upon conviction thereof, shall be punished as for a misdemeanor except as otherwise stated in specific provisions hereof.

SECTION 4.86. WIRELESS TELECOMMUNICATION TOWERS AND ANTENNAS.

Subdivision 1. Purpose and Intent. The purpose of this Section is to establish predictable and balanced regulations for the siting and screening of wireless communications equipment in order to accommodate the growth of wireless communication systems within the City of Medford while protecting the public against any adverse impacts on the City's aesthetic resources and the public welfare.

The provisions of this Section are intended to maximize the use of existing towers, structures, and buildings to accommodate new wireless telecommunication antennas in order to minimize the number of towers needed to serve the community.

The regulations contained herein are necessary in order to:

1. Facilitate provision of wireless communications services to the residents and business of the City.

2. Minimize adverse visual effects of towers through careful design and sitting standards.

3. Avoid potential damage to adjacent properties from tower failure through structural standards and setback requirements.

4. Maximize the use of existing and approved towers and buildings to accommodate new wireless telecommunication antennas in order to reduce the number of towers needed to serve the community.

Subdivision 2. **Conditional Use Permit Required**. No antenna structure or tower shall be constructed without first obtaining a conditional use permit from the City.

Subdivision 3. Zoning. Antenna structures and towers shall be allowed only in those zoning districts designated in this Chapter.

Subdivision 4. General Standards.

1. Any proposed commercial wireless telecommunication service tower shall be designed, structurally, electrically, and in all respects to accommodate both the applicant's antennas and comparable antennas for at least two (2) additional users if the tower is over 100 feet in height or for at least one additional user if the tower is between 60 and 100 feet in height. Towers must be designed to allow for future rearrangement of antennas upon the tower and to accept antennas mounted at varying heights.

2. Prior to construction of a tower as allowed by a conditional use permit, applicants must obtain FAA approval and/or provide documentation that FAA approval is not needed.

3. Applicants must obtain FCC licensure and approval as required. No interference with local television and radio reception shall be allowed. No wireless communications service shall be permitted that causes any interference with commercial or private use and enjoyment of other legally operational communications devices including, but limited to, radios, televisions, personal computers, telephones, personal communications devices, garage door openers, security systems, and other electronic equipment and devices. All applicants must furnish a state registered engineer's certification that no such interference will occur or indentify what interference may occur and how the applicant will mitigate any potential interference that may occur.

4. Applicants must submit proof of liability and Worker's Compensation Insurance.

5. Applicants must submit proof that towers and their antennas have been designed in accordance with the manufacturers specifications, and following completion of construction were inspected by a qualified and licensed professional engineer (at the applicant's expense) to conform to applicable state structural building standards and all other applicable reviewing agencies and to conform with accepted electrical engineering methods and practices as specified in applicable provision of the National Electrical Code.

6. All towers and their antennas shall utilize building materials, colors, textures, screening and landscaping that effectively blend the tower facilities within the surrounding natural setting.

7. Metal towers shall be constructed of, or treated with, corrosive resistant material.

8. All towers shall be reasonably protected against unauthorized climbing. The area around the base of the tower and guy wires anchors shall be enclosed by a chain link fence with a minimum height of six (6) feet with a locked gate. A minimum of three (3) strands of barbed or razor wire shall be installed on top of the chain link fencing.

9. No advertising or identification of any kind intended to be visible from the ground or other structures is permitted, except applicable warning and equipment information signage required by the manufacturer shall meet all applicable City, State and Federal regulations.

10. Towers and their antennas shall not be illuminated by artificial means, except for camouflage purposes or the illumination is specifically required by the FAA or other authority.

11. No part of any antenna or towers, nor any lines, cable, equipment, wires, or braces shall at any time extend across or over any part of the right of way, public street, highway, or sidewalk, without approval by the City through the zoning permit approval process.

12. All obsolete or unused towers and accompanying accessory facilities shall be removed within six (6) months of the cessation of operations at the site unless a time extension is approved by the City Council. After the facilities are removed, the site shall be restored to its original or an improved state.

13. All antennas shall be in compliance with all City building and electrical code requirements and as applicable shall require related permits.

14. When applicable, written authorization for antenna erection shall be provided by the property owner.

15. The addition of antennas and associated equipment of an additional provider to an existing permitted tower shall be considered co-location and shall require an amendment to the existing conditional use permit for the tower.

16. A water tower owned by the City does not constitute a wireless telecommunication tower as that term is used in this Section. All water towers owned by the City are exempt from the requirements of this Section.

Subidision 5. Location Requirements. A conditional use permit for a new tower shall not be approved unless the City finds that the antennas cannot be accommodated on an existing or approved tower, building, or structure within a one mile search radius (one-half mile search radius for towers under one hundred (100) feet in height) of the proposed tower due to one or more of the following reasons:

1. The planned equipment would exceed the structural capacity of an existing tower, building, or other structure, as documented by a qualified professional radio frequency (RF) engineer, and the existing structure cannot be reinforced or modified to accommodate planned equipment at a reasonable cost.

2. The planned equipment would cause interference with other existing or planned equipment at an existing tower, building or other structure as documented by a qualified professional radio frequency (RF) engineer, and the interference cannot be prevented as a reasonable cost.

3. Existing towers, buildings or other structures cannot accommodate the planned equipment at a height necessary to function reasonably as documented by a qualified professional radio frequency (RF) engineer.

4. Existing or approved towers, building or other structures do not exist in the service area, or do not meet the needs of the use, as documented by a qualified professional radio frequency (RF) engineer.

5. Other unforeseen reasons make it infeasible to locate the planned telecommunications equipment upon an existing or approved tower, building or other structure.

6. The applicant must demonstrate that a good faith effort to co-locate on existing towers and structures within a one (1) mile radius was made, but an agreement could not be reached.

The applicant shall provide documentation of the area to be served including maps demonstrating size of communication cells and search rings for the antenna location. A narrative shall describe a search ring of not less than one (1) mile radius for the requested site, clearly explain why the site was selected, what existing structures were available and why they are not suitable as locations or co-locations.

Subdivision 6. Agreement of Property Owner. All agreements between an applicant and a property owner shall contain all of the General Standards set forth in Subdivision 4. Said agreement shall be signed by the applicant and the property owner and shall be attached to and become a part of the conditional use permit.

Subdivision 7. Setback Requirements. The tower shall be setback a minimum distance of one hundred ten (110) percent of the tower height from all property lines and/or right-of-ways. All accessory structures shall be setback a minimum of fifty (50) feet from all side yard and rear yard property lines and/or right-of-ways. All anchoring structures shall be setback at least ten (10) feet from all property lines and/or right-of-ways.

Subdivision 8. Tower Design. Wireless communication towers shall be of a monopole design unless the City determines that an alternative design requested by the applicant would better blend into the surrounding environment.

Subdivision 9. Financial Requirements. The City may require a financial plan that will identify the financial resources that will be available to pay for the removal of the towers. The City may require financial security in the form of a letter of credit, a cash escrow account, a performance bond, or other financial means acceptable to the City.

Subdivision 10. Penalty. Any person, firm, or corporation who violates any provision of this code shall be guilty of a misdemeanor.

Effective Date
Section 4.86 shall take effect upon its passage and publication.

Adopted the City Council of the City of Medford, Minnesota this 27th day of April, 2015.

Chapter 5

CONSTRUCTION, LICENSING, PERMITS AND REGULATION

SECTION 5.01. BUILDING CODE ADOPTED.

Subdivision 1. Building Code. The Minnesota State Building Code, one copy of which is on file in the office of the City Clerk of Medford, is hereby adopted by reference as though set forth verbatim herein.

Subdivision 2. Organization and Enforcement. The organization of the Building Department and enforcement of the Code shall be as established by Chapter 2 of the Uniform Building Code. The Code shall be enforced within the incorporated limits of the City. The Administrative Authority shall be a State Certified "Building Official" appointed from time to time by the Medford City Council.

Subdivision 3. Permits, Inspections and Fees. Permits, inspections, and collection of fees shall be as provided in Chapter 3 of the Uniform Building Code. The permit fees shall be as established from time to time by the Medford City Council by the Master Fee Schedule set forth in Chapter 2, Section 2.65.

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SECTION 5.02. PERMIT FEES. Fees for permits under this Chapter, which may include a surcharge, shall be determined by the Council and fixed by the Master Fee Schedule set forth in Chapter 2, Section 2.65, a copy of which shall be in the office of the City Clerk and uniformly enforced.

SECTION 5.03. BUILDING PERMITS REQUIRED. It is unlawful for any person to erect, construct, enlarge, alter, repair, move, improve, remove, convert, or demolish any building or structure, or any part or portion thereof, including, but not limited to, the plumbing, electrical, ventilating, heating or air conditioning systems therein, or cause the same to be done, without first obtaining from the City a separate building or mechanical permit for each such building, structure or mechanical component.

(Section 5.04 through 5.09, inclusive, reserved for future expansion.)

SECTION 5.10. MOVING BUILDINGS.

Subdivision 1. Permit Required.. No dwelling or building may be moved from one location to another within the City limits, or from a location outside of the City into the City without first securing a special use permit and building permit by applying first to the Zoning Commission and then to the City Council therefore. Before a dwelling or building is moved either within the City limits or into the city, it must be in sound physical condition and it must be visually inspected by the Building Inspector and brought up to the then current electrical and plumbing codes as set forth in the state building code.

Subdivision 2. Licensed and Bonded Movers. No such structure shall be moved by other than a licensed and bonded mover with the exception of accessory buildings of six hundred twenty-five (625) square feet or less, and less than fifteen (15) feet in height.

Subdivision 3. Deposit. If the City Council approves the issuance of a special permit, the applicant shall give to the City Clerk-Treasurer a certified check, cashier's check or cash payable to the City of Medford in an amount equal to 20% of the Building Inspector's estimate of all costs of relocation, improvement of structure, and improvements to the proposed site and restoration of the original site as prescribed by the Planning Commission and concurred in by the Council. Ten percent (10%) of the original amount deposited shall be forfeited for each day the project remains incomplete beyond the agreed upon completion date. When the Building Inspector shall certify that the project has been completed, the City Clerk-Treasurer shall return to the applicant all the monies remaining in deposit.

Subdivision 4. Insurance. Before the Building Inspector shall issue a permit to move a structure over any public right of way the applicant shall pay the fee of $10.00, complete the application for building moving permit and moving approval form and file with the City Clerk a certificate of public liability insurance approved by the City Attorney covering all operations of the applicant in the sum of at least Five Hundred Thousand ($500,000) dollars for each person injured and not containing a limitation of liability of less than Five Hundred Thousand ($500,000) in case of injury to two or more persons in any one accident or occurrence and in the sum of not less than Five Hundred Thousand ($500,000) dollars for damage to property. The City of Medford shall be named and the insurance provided shall include the City as an additional party insured. Should any such insurance policy be canceled, the City shall be immediately notified and the permit issued there under shall be suspended and inoperative until satisfactory insurance is provided.

Subdivision 5. Certificate of Occupancy. The building or structure moved shall not be occupied until the Building Inspector issues a certificate of occupancy. No certificate of occupancy shall be issued until the building or structure is placed in sound physical condition and brought up to the then current plumbing and electrical codes as set forth in the state building code. Appeals from the decisions of the Building Inspector shall be by the same method as appeals of other decisions of the Building Inspector in Section 4.13, Subdivision 4.

Subdivision 6. New and Sectional Dwellings Exempt. New and sectional dwellings, whether constructed in whole or in part, shall not need a special use permit if they comply with the state building code or other requirements of this Zoning Ordinance, Chapter 4. However, such new and section dwellings shall comply with all other requirements of this Section.

Subdivision 7. Construction Sheds and Temporary Offices Exempt. This subdivision shall not apply to construction sheds or temporary construction offices located on a lot for 18 months or less during a construction project.

(Section 5.11 through 5.19, inclusive, reserved future expansion.)

SECTION 5.20. PROHIBITIONS ON STORM WATER DRAINAGE

Subdivision 1. Prohibitions on Storm Water Drainage.

A. No person shall discharge or cause to be discharged any "storm water drainage" into any sanitary sewer system. "Storm water drainage" is defined as any storm water, ground water, or flow from roof runoff, subsurface drainage, down spouts, yard drains, sump pumps, yard fountains, drains, swimming pools, ponds, cistern overflows, lawn sprays, foundation drains, tile lines, or any other natural precipitation, but specifically excludes discharges from the municipal swimming pool.

B. No person shall make or maintain a connection between eaves troughs, rain spouts, footing drains, or any other conductor used to carry natural precipitation or ground water, and the sanitary sewer system or any part thereof.

C. Sump Pumps. Dwellings and other buildings or structures which possess a sump pump discharge system shall have a permanently installed discharge line. Said discharge line shall not at any time discharge water into the sanitary sewer system, but shall provide for year round discharge to the City storm sewer system. It shall consist of a rigid discharge line, without valving or quick connections for altering the path of discharge.

E. Roof Run-Off. Any drainage from roof run-off that is connected to the storm sewer system shall have a pressure relief valve, backflow release valve, or similar system installed to prevent excessive pressure from building up in the storm sewer system.

F. Any property owner in violation of this Section who receives notice of said violation shall disconnect the conductor from the sanitary sewer system within ten (10) days. Any property owner in violation of this Section shall be assessed a monthly surcharge of $100.00 for each month that the conductor is not permanently disconnected. For purposes of assessing the monthly surcharge, it shall be presumed that the conductor was connected from the date of the last inspection, not to exceed one (1) year. Failure to permanently disconnect the conductor or reconnect a disconnected conductor may result in the suspension of water and sanitary sewer service.

Subdivision 2. Regulations Relative to Prohibited Discharges.

A. To ensure compliance with the requirements of this Section, the City Council may, by resolution, designate a person or persons who shall be authorized and given authority at any reasonable hour to enter any building or premises for the purpose of inspecting the same to determine whether the premises complies with the requirements of this Section. Said person shall hereinafter be referred to as the "Designated Inspector".

B. Inspections shall be made at any reasonable hour and the Designated Inspector may do such acts as may reasonable be necessary to determine the facts with reference to any suspected violation.

C. In the event of a violation, the Designated Inspector shall give written notice to the property owner, and the tenant or occupant if rental property, directing him to disconnect such prohibited storm water drainage from the sanitary sewer system within ten (10) days.

D. Should any person fail or refuse to make the disconnection from the sanitary sewer system or take such other action as required by this Section or the Designated Inspector, the City may make the necessary corrections and charge the cost thereof to the property owner. Such charges are hereby made by a lien upon such premises and shall be certified to the County Auditor as a special assessment and collected with other taxes.

E. In the event that the character of the waste water from any manufacturer or industrial plant building or other premises is such that it may damage the City's waste water treatment system or cannot be treated satisfactorily in the system, the Designated Inspector shall have the right to require such user to dispose of such waste otherwise and prevent it from entering the City's sanitary sewer system.

F. Any person aggrieved by action of the Designated Inspector may appeal to the Medford City Council and shall be heard at the next regularly scheduled City Council meeting.

G. All areas that are platted after the effective date of this Section shall include a storm water drainage system.

H. All footing drains and sump pumps that are installed after the effective date of this Section shall discharge into a storm water drainage system, if such system is available in proximity to the footing drain or sump pump.

I. Prior to occupancy, all new home construction shall have an inspection of its sump pump system completed and a certificate of compliance shall be obtained.

Subdivision 3. Prohibited Discharges, Specific Requirements.

A. No person shall discharge or cause to be discharged either directly or indirectly and of the substances, material, waters, or waste described as follows:

1. Any liquid having a temperature higher than 150 degrees Fahrenheit. Exceptions may be granted by the Designated Inspector for short duration flows where the property owner has shown that the high temperature waste water would not cause any significant problems to the waste water treatment facility.

2. Any water or waste which contains wax, grease or oil, plastic or other substances that will solidify or will become discernibly viscous at temperatures between 32 degrees to 150 degrees Fahrenheit.

3. Any solids, liquids or gases, which by themselves or by interaction with other substances, may cause fire or explosion hazards, or in any other way may be injurious to person, property or the operator of the waste water treatment facility.

4. Any solids, slurries or viscous substances of such character as to be capable of causing obstruction to the flow in sewers, or other interferences with the proper operation of the waste water treatment facilities, including but not limited to ashes, cinders, sand, mud, straw, shavings, metal, glass, rags, feathers, tar, plastics, wood, whole blood, paunch manure, hair and flushing, end trails, lime, slurry, lime residues, chemical residues or bulk solids.

5. Any garbage that has not been properly comminuted or shredded.

6. Any noxious or malodorous substance, which either singly or by interaction with other substances is capable of causing objectionable odors, or hazard to life, or forms solids in concentrations or creates any other conditions deleterious to structures or treatment processes, or requires unusual provisions, alteration or expense to handle such materials.

7. Any waters or wastes having a pH lower than 6.0 or higher than 9.0 or having any corrosive property capable of causing damage or hazards to structures, equipment or personnel. Exceptions may be granted for short duration flows where the discharger has shown that the high or low pH would not cause any significant sewage works problems.

8. Any waters or wastes containing suspended or dissolved solids of such character and quantity that unusual attention or expense is required to handle such materials in the waste water collection and treatment facilities.

9. Any waters or wastes containing a toxic or poisonous substance such as plating or heat treating wastes in sufficient quantity to injure or interfere with any waste water treatment process, to constitute a hazard to humans or animals, or to create any hazard in the receiving waters of the waste water treatment facilities.

10. Any cyanide greater than 1.0 part per million, such as CN.

11. Any hexavalent chromium greater than 1.0 part per million.

12. Any trivalent chromium greater than 10 parts per million.

13. Any copper greater then 1.0 part per million.

14. Any nickel greater then 1.0 part per million.

15. Any cadmium greater then 1.0 part per million.

16. Any zinc greater then 1.0 part per million.

17. Any phenols greater then 12 parts per million.

18. Any iron greater then 12 parts per million.

19. Any tin greater then 1.0 part per million.

20. Any radioactive waste greater than allowable releases as specified by current United States Bureau of Standards handbooks dealing with the handling and release of radioactive materials.

Subdivision 4. Prohibited Discharges, Quantity and Concentrations.

A. Except in quantities, or concentrations, or with provisions as set forth herein, it shall be unlawful for any person to discharge waters or waste to the sanitary sewer containing:

1. Free or emulsified oil and grease exceeding an analysis on average of 100 parts per million (834 pounds per million gallons) or combinations of free or emulsified oil and grease if, as determined by the Designated Inspector, it appears probable that such waste:

a. Can deposit grease or oil in the sewer lines in such manner as to clog the sewers;

b. Are not eminible to bacterial action and will therefore pass to the receiving waters without being affected by normal waste water treatment processes; or

c. Can have deleterious effects on the treatment process.

2. Materials which exert or cause:

a. Unusual concentrations of solids or composition, as for example in total suspended solids of nature (such as Fuller's Earth) and/or in total dissolved solids (such as sodium chloride or sodium sulfate);

b. Excessive discoloration;

c. Unusual biochemical oxygen demand or unusual immediate oxygen demand; or

d. High hydrogen sulfide content.

Subdivision 5. Control of Admissible Wastes. Any person desiring to deposit or discharge any industrial waste mixture into the sanitary sewer system of the City or any sanitary sewer system connected therewith shall make written application to the Designated Inspector.

Subdivision 6. Control Chambers. Any person discharging or desiring to discharge an industrial waste mixture into the sanitary sewer system of the City, or any sanitary sewer system connected therewith, shall provide and maintain in a suitably accessible position on his premises, or such premises occupied by him, an inspection chamber or manhole near the outlet of each sewer, drain, pipe, channel, or connection which communicates with any sanitary sewer or sewage treatment system of the City or any sanitary sewer system connected therewith. Each such manhole or inspection chamber shall be of such

design and construction as to prevent infiltration by ground and/or surface waters and to prevent the entrance of objectionable slugs or solids (greater than ½ inch in size) into the sanitary sewer system. The inspection chamber shall be maintained by persons discharging waste so that any authorized representative or employee of the City may readily and safely measure the rate of flow and obtain samples of the flow at all times. Plans for the construction of control manholes or inspection chambers, including such flow measuring devices as may be required, shall be approved by the Designated Inspector prior to the beginning of construction. Such structures and equipment (including a valve on the effluent line) shall be installed by the property owner at his expense.

Subdivision 7. Measurement of Flow.

A. The water consumption during the previous year, as determined from the meter records of the City, shall be the valid basis for computing the waste water flow, unless actual waste water flow measurement by a recording meter of an approved type is required by the Designated Inspector. The owner shall install and maintain such device in proper condition to accurately measure such flow. Upon failure to do so, the water consumption shall be the basis for determining the applicability of this Section and computing the industrial service charge, if any.

B. When water is contained in a product or is evaporated or is discharged in an uncontaminated condition to surface drainage, an application may be made for a reduction in the volume of waste discharge to the public sanitary sewer system, provided supporting data satisfactory to the Designated Inspector is furnished. This data shall include a flow diagram, destination of water supply and/or waste, supported by submetering data obtained on the process piping at the expense of the property owner.

Subdivision 8. Sampling of Wastes. Sampling of the effluent of waste discharges may be accomplished manually or by the use of mechanical equipment to obtain a 24 hour composite sample which would be representative of the total effluent. Samples shall be taken at such intervals as determined by the Designated Inspector as necessary to maintain a control over the discharges from the establishment. All costs for sampling and testing of industrial discharges as ordered by the Designated Inspector, shall be paid by the person making such discharges. All tests shall be conducted by qualified personnel and in accordance with standard methods. Test results shall be reported within a reasonable time.

Subdivision 9. Powers and Authority of Enforcing Agents.

A. The Designated Inspector shall be permitted to gain access to such properties as may be necessary for the purposes of inspection, observation, measurements, sampling and testing in accordance with provisions of this Section. Any person found to be violating any provisions of this Section shall be served by the City with written notice stating the nature of the violation and providing a reasonable time limit for the satisfactory correction thereof. Any person who shall continue any violation beyond the time limit shall be summarily disconnected from the sanitary sewer and/or water service. Such disconnection and reconnection shall be at the total expense of the property owner.

B. Where acids and chemicals damaging to sewer lines or treatment processes are released to the sewer causing rapid deterioration of these structures or interfering with proper treatment of waste water, the Designated Inspector is authorized to immediately terminate services by such measures as are necessary to protect the facilities.

Subdivision 10. Penalty. Any person violating any of the provisions of this Section shall be guilty of a misdemeanor. Each day of each such violation shall be deemed a separate offense. Any person violating any of the provisions of this Section shall become liable to the City for any expense, loss or damage sustained by the City by reason of such violation.

Subdivision 11. Separability. If any section, subsection, sentence, clause, phrase or a portion of this Section is for any reason held invalid or unconstitutional by any Court of competent jurisdiction, such portion shall be deemed a separate portion and its invalidity shall not affect the remainder hereof.

(Section 5.21 through 5.98, inclusive, reserved for future expansion.)

SECTION 5.99. VIOLATION A MISDEMEANOR. Every person who violates a section, subdivision, paragraph or provision of this Chapter when he performs an act thereby prohibited or declared unlawful, or fails to act when such failure is thereby prohibited or declared unlawful, and upon conviction thereof, shall be punished as for a misdemeanor except as otherwise stated in specific provisions hereof.

Chapter 6

ALCOHOLIC BEVERAGES LICENSING AND REGULATION

SECTION 6.01. ESTABLISHING A MUNICIPAL LIQUOR DISPENSARY

Subdivision 1. Definition of Terms. As used in this Section, the terms:

(a) "Intoxicating Liquor" and "Liquor" means distilled, vinous and fermented beverages containing more than 3.2% of alcohol by weight.

(b) "Beer" means any malt beverage with an alcoholic content of more than ½ of 1% by volume and not more than 3.2 percent by weight.

(c) "On-Sale" means sale by the drink for consumption in the dispensary.

(d) "Off-Sale" means retail sale in the original package for consumption away from the dispensary.

(e) "Sell" includes all barters, gifts, and other means of furnishing intoxicating liquor or beer in violation or evasion of this Section.

(f) "Minors" means any person under the age of 21 years.

Subdivision 2. Dispensary Established. There is hereby established a municipal liquor dispensary for the on and off sale of intoxicating liquors. No liquor may be sold at retail elsewhere in the City except that wine may be sold on sale by restaurants licensed under Section 6.06. No liquor may be sold at retail by anyone other than employees of the municipal liquor dispensary except that wine may be sold on sale by employees of restaurants licensed under Section 6.06. No person shall consume liquor in a public park, on a public street, or in any public place other than the dispensary except that wine may be consumed in a restaurant licensed under Section 6.06.

Subdivision 3. Location and Operation.

A. The dispensary shall be located at such suitable place in the City as the Council determine by motion. However, no premises upon which taxes or other public levies are delinquent shall be leased for dispensary purposes.

B. The dispensary shall be in the immediate charge of a liquor store manager selected by the Council and paid such compensation as is fixed by the Council. He shall furnish a surety bond to the municipality, conditioned upon the faithful discharge of his duties, in such sum as the Council specifies. The bond premium may be paid by the City or by the manager in the discretion of the Council. The manager shall operate the dispensary under the Council's direction and shall perform such duties in connection with the dispensary as may be imposed upon him by the Council. He shall be responsible to the Council for the conduct of the dispensary in full compliance with this Section and with the laws relating to the sale of liquor and beer.

Subdivision 4. Dispensary Fund Created.

A. A Municipal Liquor Dispensary fund is hereby created in which all revenues received from the operation of the dispensary shall be deposited and from which all ordinary expenses shall be paid. Any amounts it may be necessary to borrow from the general fund of the City for initial costs of rent, fixtures, and stock or for operating expenses shall be reimbursed to that fund out of the first available monies coming into the dispensary fund thereafter. Surpluses accumulating in

the dispensary fund may be transferrable to the general fund or to any other appropriate fund in the City by resolution of the Council and expended for any municipal purpose.

The handling of Municipal Liquor Dispensary receipts and disbursements shall comply with the procedure prescribed by law for the receipts and disbursement of City funds generally.

Subdivision 5. Hours of Operation.

. *A. On-sale intoxicating liquor.* No on-sale of intoxicating liquor may be made between 2:00 a.m. and 8:00 a.m. on the days Monday through Saturday, nor after 2:00 a.m. Sunday except pursuant to a Sunday license.

B. Sunday licenses. On-sales pursuant to a Sunday license are permitted in conjunction with the sale of food between 11:00 a.m. Sunday and 2:00 a.m. on Monday.

C. Off-sale intoxicating liquor. No off-sale is permitted:

(1) On Sunday prior to 11:00 a.m. and after 6:00 p.m.";

(2) Before 8:00 a.m. or after 10:00 p.m. on Monday through Saturday;

(3) On Thanksgiving Day;

(4) On Christmas Day, December 25; or

(5) After 8:00 p.m. Christmas Eve, December 24."

2. This Ordinance shall be effective July 1, 2017 upon its passage and publication.

Subdivision 6. Conditions of Operation and Restrictions on Consumption.

A. The dispensary shall not have swinging doors. All windows in the front of the dispensary shall be clear glass and the public view of the whole interior shall be unobstructed by screens, curtains, or partitions. There shall be no partition, box, stall, screen, curtain, or other device to obstruct the general observation of any part of the dispensary room by persons in the room. However, partitions, subdivisions, or panels not higher than 48 inches from the floor shall not be constructed as such obstructions.

B. No business other than the sale of liquor shall be carried on in the dispensary except the retail sale of cigars, cigarettes, all forms of tobacco, beer, and soft drinks, both on-sale and off sale.

C. No pool or billiard table shall be kept in any part of the dispensary.

D. No person shall keep, possess or operate in any part of the dispensary any slot machine, dice, or other gambling device or permit the same to be kept or used. No person shall gamble on such premises and no gambling of any character shall be permitted thereon.

E. No liquor or beer shall be sold on credit.

F. No minor shall be permitted to remain on the dispensary premises.

G. No liquor or beer shall be sold or served to an intoxicated person.

H. No minors shall misrepresent his age for the purpose of obtaining liquor or beer.

I. No liquor or beer shall be sold or served to a minor, directly or indirectly.

J. No person shall be permitted to loiter about the dispensary habitually.

K. No person of a known immoral character and no disorderly person shall be permitted on the dispensary premises.

L. The dispensary shall be inspected by the health officer of the City at least once a month and as many other times as he deems necessary to insure that the premises are maintained in a sanitary condition.

Subdivision 7. Enforcement and Penalty. It shall be the duty of all police officers and constable of the City to enforce the provisions of this Section and to search premises and seize evidence of law violation and preserve the same as evidence against any person alleged to be in violation of this Section, and to prepare the necessary processes and papers therefore. Any person violating any provision of this Section shall be guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine of not more than one hundred dollars ($100.00) or shall be imprisoned in the City lockup for not to exceed ninety (90) days, plus the costs of prosecution in either case. Provided, also, that any employee of the dispensary willfully violating the provision hereof or any provision of the laws of Minnesota relating to gambling or the sale of intoxicating liquor or beer shall be discharged.

SECTION 6.02. PROHIBITIONS ON POSSESSION OF ALCOHOL BEVERAGES. It shall be unlawful for any person to consume, carry, transport, or have in his possession, any beverage containing alcohol in any amount, upon the public sidewalks, streets, alleys, lanes, park, playgrounds, or other public lands in the City of Medford, Minnesota, unless such beverage is in an unopened, sealed container. This prohibition may be waived from time to time by the City Council, or its designated representative, as shall be deemed advisable for specific occasions and events conducted upon public lands within the City of Medford.

SECTION 6.03. "ON-SALE" LIQUOR, REGULATION AND LICENSE PROVISIONS

Subdivision 1. Definitions.

A. General. Unless the context clearly indicates otherwise, the words, combinations of words, terms and phrases, as used in this Section shall have the meanings set forth in the subdivisions of this Section which follow, and Chapter 340A of Minnesota Statutes.

B. "Restaurant" Defined. For purposes of this Section, "Restaurant" is an establishment, other than a hotel, under the control of a single proprietor or manager, where meals are regularly served at tables to the general public, and which has a seating capacity for guests of not less than thirty (30).

C. "Hotel" Defined. For purposes of this Section, a "Hotel" is defined as follows:

Hotel. "Hotel" is an establishment where food and lodging are regularly furnished to transients and which has:

(1) A resident proprietor or manager;

(2) A dining room serving the general public at tables and having facilities for seating at least thirty (30) guests at one time; and

(3) Guest rooms in the following minimum numbers: Twenty-five (25).

A hotel is subject to the requirements of a restaurant provided under Subdivision 2.

D. "Club" Defined. For purposes of this Section, a "Club" is defined as follows:

Club. "Club" is an incorporated organization organized under the laws of the State for civic, fraternal, social or business purposes, for intellectual improvement, or for the promotion of sports, or a congressionally chartered veterans' organization, which:

(1) Has more than fifty (50) members;

(2) Has owned or rented a building or space in a building for more than one (1) year that is suitable and adequate for the accommodation of its members;

(3) Is directed by a board of directors, executive committee, or other similar body chosen by the members at a meeting held for that purpose. No member, officer, agent or employee shall receive any profit from the distribution or sale of beverages to the members of the club, or their guests, beyond a reasonable salary or wages fixed and voted each year by the governing body.

E. "Person" Defined. For purposes of this Section, a "person" is defined as any human being, any private corporation, any partnership, firm, association, or other organization, any receiver, trustee, assignee, agent, or other legal representative of any of the foregoing, or any other legal entity. "Person" is specifically defined for purposes of the Section to exclude the City of Medford.

Subdivision 2. License Procedures – "On-Sale."

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

B. On-Sale Licenses. Private "on-sale" licenses shall be issued only to hotels, clubs, and restaurants and shall permit "on-sale" of liquor only.

C. Number of On-Sale Licenses. The authorized number of "on-sale" licenses for issuance shall be four (4).

Temporary Licenses. A temporary license for a period not to exceed three (3) days may be granted to a club or charitable, religious or other nonprofit organization in existence for at least three (3) years, in connection with a social event within the City of Medford, sponsored by the applying organization.

Qualified organizations applying for a temporary license must complete the prescribed application and submit it with the license fee and a certificate of liquor liability insurance in amounts equal to those prescribed in Subdivision 3.B., or, in the alternative, a contract with a previously licensed on-sale, intoxicating liquor licensee to sell to the general public, to cater and provide the serving of intoxicating liquors. The catering licensee must present a certificate extending the liquor liability insurance to the premises on which the social event is being held.

No more than one (1) such temporary license will be allowed an organization in the course of any twelve (12) month span.

Each such application must be approved by the Minnesota Commissioner of Public Safety before becoming effective.

Subdivision 3. Application for License.

A. Form. Every application for a license to sell liquor shall state the name of the applicant, his age, representation as to his character, with such references as the Council may request, the type of license applied for, the business in connection with which the proposed license will operate and

its location, whether the applicant is owner and operator of the business, how long he has been in that business at that place, and such other information as the Council may request from time to time. In addition to containing such information, the application shall be in the form prescribed by the City Council and shall be verified and filed with the City Clerk. No person shall make a false statement in an application. A copy of each application shall be forwarded to the Steele County sheriff and he shall return a report of his objections, if any, to issuance of the license as requested.

B. Bond and Insurance. Each application for a license shall be accompanied by a surety bond, or, in lieu thereof, cash or United States Government bonds of equivalent market value as provided in Minnesota Statutes, Section 340A.409. Such surety bond or other security shall be in the sum of $3,000 for an applicant for an "on-sale" license. Each applicant for a license shall provide, with the application, proof of financial responsibility as follows:

a. A certificate that there is in effect an insurance policy or pool providing the following minimum coverages:

(1) $50,000 because of bodily injury to any one (1) person in any one (1) occurrence, and, subject to the limit for one (1) person, in the amount of $100,000 because of bodily injury to two (2) or more persons in any one (1) occurrence, and in the amount of $10,000 because of injury to or destruction of property of others in any one (1) occurrence.

(2) $50,000 for loss of means of support of any one (1) person in any one (1) occurrence, and, subject to the limit for one (1) person, $100,000 for loss of means of support of two (2) or more persons in any one (1) occurrence; Or

b. A bond of a surety company, with minimum coverages as provided in clause a., or

c. A certificate of the State Treasurer that the licensee has deposited with him $100,000 in cash or securities which may legally be purchased by savings banks or for trust funds having a market value of $100,000.

C. Approval of Security. The security offered under Subdivision 2 shall be approved by the City Council. Surety bonds shall be approved by the City Attorney. Operation of a licensed business without having on file with the City at all times effective security, as required in Subdivision 2, is cause for revocation of the license.

Subdivision 4. License Fee.

A. Fees. The annual fee for a liquor license for an "on-sale" license and temporary liquor license shall be in the amounts duly establish from time to time by the City Council by the Master Fee Schedule set forth in Chapter 2, Section 2.65.

B. Payment. Each application for a license shall be accompanied by a receipt from the City Clerk for payment of the prescribed license fee. All fees shall be paid into the General Fund. If an application for a license is rejected, the Treasurer shall refund the amount paid.

C. Term: Pro Rata Fee. Each license shall be issued for a period of one (1) year except that if an initial application is made during the license year, a license may be issued for the remainder of the year for a pro rata fee of $200 per month plus an administrative fee of $100; any fraction of a month is counted as one (1) month. Every license shall expire on the last day of June.

D. Refunds. Refunds of license fees may be made to licensees of record, according to the following formula: Of the amount paid in, $100 shall be retained to cover the costs of administration and processing. The balance shall be refunded at the rate of $200 per each full month that the license is not used. At the time of surrender of the license, the residual balance may be remitted to the surrendering licensee upon application to the City Clerk and approval by the City Council.

E. Investigation Fee. At the time of initial application for an "on-sale" license, or upon application for a transfer of an existing license, the applicant shall pay to the City an investigation fee of an amount to be set by the Council from time to time by the Master Fee Schedule set forth in Chapter 2, Section 2.65, which is not refundable in whole or in part. An investigation fee is not required for renewals for the same applicant unless an investigation is deemed necessary by the Council.

Subdivision 5. Granting of Licenses.

A. Preliminary Investigation. On an initial application for an on-sale license and on application for transfer of an existing on-sale license, the applicant shall pay with his application an investigation fee in an amount set by the City Council from time to time by the Master Fee Schedule set forth in Chapter 2, Section 2.65 and the City shall conduct a preliminary background and financial investigation of the applicant. The application in such case shall be made on a form prescribed by the state bureau of criminal apprehension and with such additional information as the Council may require. If the council deems it in the public interest to have an investigation made on a particular application for renewal of an on-sale license, it shall so determine. In any case, if the council determines that a comprehensive background and financial investigation of the applicant is necessary, it may conduct the investigation itself or contract with the bureau of criminal investigation for the investigation. No license shall be issued, transferred, or renewed if the results show to the satisfaction of the council that issuance would not be in the public interest. If an investigation outside the state is required, the applicant shall be charged the cost, not to exceed $10,000, which shall be paid by the applicant after deducting any initial investigation fee already paid. The fee shall be payable by the applicant whether or not the license is granted.

B. Hearing and Issuance. The City Council shall investigate all facts set out in the application. Opportunity shall be given to any person t 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" license shall become effective until it, together with the security furnished by the applicant, has been approved by the commissioner of public safety.

C. Person and Premises Licensed; Transfer. Each license shall be issued only to the applicant and for the premises described in the application. No license may be transferred to another person or place without City Council approval. Any transfer of stock or a corporate licensee is deemed a transfer of the license, and a transfer of stock without prior council approval is a ground for revocation of the license.

D. New Premises. Where an applicant has applied for a license for premises whereon a new structure is to be erected, or an existing structure is to be substantially reconstructed, the license may be granted by the Council but issued to the applicant only after the applicant furnishes to the Council a certificate of occupancy issued to the applicant by the building official. If a new building is contemplated or under construction, a floor plan and site plan must be provided with this application.

Subdivision 6. Persons Ineligible for License. No license shall be granted to any person made ineligible for such a license by state law. No more than one intoxicating liquor license shall be directly or indirectly issued within the city to any one person. A person for purposes of this Section is defined as an individual, partnership, or corporation.

Subdivision 7. Places Ineligible for License.

A. General Prohibition. No license shall be issued for any place or any business ineligible for such a license under state law.

B. 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.

C. Distance from School. No liquor license shall be granted within six hundred (600) feet of any school. Distance shall be determined by a measurement from property line to property line.

Subdivision 8. Conditions of License.

A. In General. Every license is subject to the conditions in the following subparagraphs and all other provisions of this Section and of any other applicable ordinance, state law or regulation.

B. Insurance. Compliance with financial responsibility requirements of state law and of this Section is a continuing condition of any license granted pursuant to this Section.

C. Licensee's Responsibility. Every licensee is responsible for the conduct in the licensed establishment. The act of any employee on the licensed premises authorized to sell intoxicating liquor in the establishment is the act of the licensee, and the licensee shall be liable to all penalties provided by this Section and the law equally with the employee. It shall be unlawful for any person, or his agents, servants or employees, to see intoxicating liquor to any person under the age of twenty-one (21).

D. Inspections. Every licensee shall allow any peace officer, health officer, or properly designated office or employee of the city to enter, inspect, and search the premises of the licensee during business hours without a warrant.

E. Time Limitations. No sale of intoxicating liquor shall be made after the hour of eight o'clock p.m. on any December 24th. No sale of intoxicating liquor shall be made between the hours of 1:00 a.m. and 8:00 a.m. on any weekday, Monday through Saturday, both inclusive. It shall be the responsibility of the licensee, or employees of licensees, to remove all bottles, glassware and other beverage containers that contain intoxicating liquor as defined in Minnesota Statutes, Section 340A.509, Subdivision 2, from the bar, table areas and from customers by no later than 1:00 a.m. The premises of the establishment shall be vacated of all customers by 1:30 a.m.

Subdivision 9. Prohibited Acts.

A. Dancing Generally. No dancing whatever shall be permitted in any establishment other than clubs which are licensed to sell intoxicating liquor, except where a permit is issued therefore.

B. Dancing Permits. A dance permit may be issued by the Council for a fee in the amount duly established by the Council from time to time by the Master Fee Schedule set forth in Chapter 2, Section 2.65 to "on-sale" license holders. Each permit shall run concurrently with the "on-sale" license of the permittee, and shall authorize patron dancing only, and only in designated areas specified in the permit. No more than two (2) designated areas shall be allowed per establishment. The permit holder shall be responsible for policing dance areas, and failure to do so shall constitute a violation of the terms of the permit, and authorize the Council, upon a public hearing with ten (10) days written notice, to revoke the permit or suspend said permit, separate from the "on-sale" license.

C. Musical Entertainment Generally. No live musical entertainment shall be permitted or conducted on any licensed premises other than clubs, except on an area set aside solely for the use of a stage.

Subdivision 10. Suspension and Revocation.

A. The council shall either suspend for up to 60 days or revoke any liquor license upon a finding that the licensee has failed to comply with any applicable statute, regulation, or ordinance relating to intoxicating liquor. Except in cases of failure of financial responsibility no suspension or revocation shall take effect until the licensee has been afforded an opportunity for a hearing pursuant to Minnesota law.

B. Lapse of required dram shop insurance or bond, or withdrawal of a required deposit of cash or securities, shall effect an immediate suspension of any license issued pursuant to this Section without further action of the City Council. Notice of cancellation, lapse of a current liquor liability policy or bond, or withdrawal of deposited cash or securities shall also constitute notice to the licensee of the impending suspension of the licensee. The holder of a license who has

received notice of lapse of required insurance or bond, or withdrawal of a required deposit, or of suspension or revocation of a license, may request a hearing thereon and if such a request is made in writing to the Clerk a hearing shall be granted within 10 days or such longer period as may be requested. Any suspension under this paragraph shall continue until the City Council determines that the financial responsibility requirements of this Section have again been met.

SECTION 6.04. ESTABLISHING LICENSE AND INVESTIGATION FEES. The City Council of Medford hereby establishes the following license and investigation fees:

Subdivision 1. License Fees. License fees shall be set from time to time by the Master Fee Schedule set forth in Chapter 2, Section 2.65.

SECTION 6.05. SUNDAY "ON-SALE" LIQUOR SALES

Subdivision 1. Definitions.

A. General. Unless the context clearly indicates otherwise, the words, combinations of words, terms and phrases, as used in this Section shall have the meanings set forth in the subdivisions of this Section which follow, and Chapter 340A of Minnesota Statutes.

B. "Restaurant" Defined. For purposes of this Section, "Restaurant" is an establishment, other than a hotel, under the control of a single proprietor or manager, where meals are regularly served at tables to the general public, and which has a seating capacity for guests of not less than thirty (30).

C. "Hotel" Defined. For purposes of this Section, a "Hotel" is defined as follows:

Hotel. "Hotel" is an establishment where food and lodging are regularly furnished to transients and which has:

(1) A resident proprietor or manager;

(2) A dining room serving the general public at tables and having facilities for seating at least thirty (30) guest at one time; and

(3) Guest rooms in the following minimum numbers: Twenty-five (25).

A hotel is subject to the requirements of a restaurant provided under Subdivision 2.

D. "Club" Defined. For purposes of this Section, a "Club" is defined as follows:

Club. "Club" is an incorporated organization organized under the laws of the State for civic, fraternal, social or business purposes, for intellectual improvement, or for the promotion of sports, or a congressionally chartered veterans' organization, which:

(1) Has more than fifty (50) members;

(2) Has owned or rented a building or space in a building for more than one (1) year that is suitable and adequate for the accommodation of its members;

(3) Is directed by a board of directors, executive committee, or other similar body chosen by the members at a meeting held for that purpose. No member, officer, agent or employee shall receive any profit from the distribution or sale of beverages to the members of the club, or their guests, beyond a reasonable salary or wages fixed and voted each year by the governing body.

E. "Person" Defined. For purposes of this Section, a "person" is defined as any human being, any private corporation, any partnership, firm, association, or other organization, any receiver, trustee, assignee, agent, or other legal representative of any of the foregoing, or any other legal entity.

Subdivision 2. Sunday Liquor Sales. The following requirements shall apply to Sunday liquor sales:

a. A special license authorizing sales on Sunday in conjunction with the serving of food may be issued to any hotel, restaurant or club which has an "on-sale" license.

b. For purposes of this subdivision, meals shall be served not less than five (5) days weekly, including Sundays.

c. All personnel, preparation areas, service areas and equipment must comply with all applicable laws and Sections.

d. Food service must be maintained from time of opening until at least 9:00 p.m.

f. The menu must consist of not less than three (3) separate and distinct entrees all prepared on the premises.

g. The establishment must be under the supervision and control of a single proprietor or manager or supervisory person who is available on the premises to the public and City officials during hours of operation.

h. For private parties with the service of hors d'oeuvres rather than separate entrees, the licensee need not comply with paragraph g above, but must comply with the following:

(1) All private parties must be held in an enclosed room, rooms or area separated or restricted from public use, said area to be monitored; and

(2) Admission must be monitored by an employee of the licensee and be limited to invited guests only.

i. Clubs may sell liquor on Sundays only in conjunction with the sales of food.

Subdivision 3. Application for License. Every application for a Sunday Liquor License to sell liquor on Sundays shall state the name of the applicant, his age, representation as to his character, with such references as the Council may request, the business in connection with which the proposed license will operate and its location, whether the applicant is owner and operator of the business, how long he has been in that business at that place, and such other information as the Council may request from time to time. In addition to containing such information, the application shall be in the form prescribed by the City Council and shall be verified and filed with the City Clerk. No person shall make a false statement in an application. A copy of each application shall be forwarded to the Steele County Sheriff and he shall return a report of his objections, if any, to issuance of the license as requested.

Subdivision 4. License Fee.

A. License fees shall be set from time to time by the Master Fee Schedule set forth in Chapter 2, Section 2.65.

B. Payment. Each application for a license shall be accompanied by a receipt from the City Clerk for payment of the prescribed license fee. All fees shall be paid into the General Fund. If an application for a license is rejected, the Treasurer shall refund the amount paid.

C. Term: Pro Rata Fee. Each license shall be issued for a period of one (1) year except that if an initial application is made during the license year, a license may be issued for the remainder of the year for a pro rata fee of $15.00 per month plus an administrative fee of $20.00; any fraction of a month is counted as one (1) month. Every license shall expire on the last day of June.

D. Refunds. Refunds of license fees may be made to licensees of record, according to the following formula: Of the amount paid in, $20.00 shall be retained to cover the costs of administration and processing. The balance shall be refunded at the rate of $15.00 per each full month that the license is not used. At the time of surrender of the license, the residual balance may be remitted to the surrendering licensee upon application to the City Clerk and approval by the City Council.

Subdivision 5. Granting of Licenses.

A. Hearing 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.

B. Person and Premises Licensed; Transfer. Each license shall be issued only to the applicant and for the premises described in the application. No license may be transferred to another person or place without City Council approval. Any transfer of stock or a corporate licensee is deemed a transfer of the license, and a transfer of stock without prior council approval is a ground for revocation of the license.

C. New Premises. Where an applicant has applied for a license for premises whereon a new structure is to be erected, or an existing structure is to be substantially reconstructed, the license may be granted by the Council but issued to the applicant only after the applicant furnishes to the Council a certificate of occupancy issued to the applicant by the building official. If a new building is contemplated or under construction, a floor plan and site plan must be provided with this application.

Subdivision 6. Persons Ineligible for License. No license shall be granted to any person made ineligible for such a license by state law. No more than one Intoxicating Liquor License shall be directly or indirectly issued within the city to any one person. A person for purposes of this Section is defined as an individual, partnership, or corporation.

Subdivision 7. Places Ineligible for License.

A. General Prohibition. No license shall be issued for any place or any business ineligible for such a license under state law.

B. 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.

C. Distance from School. No liquor license shall be granted within six hundred (600) feet of any school. Distance shall be determined by a measurement from property line to property line.

Subdivision 8. Conditions of License.

A. In General. Every license is subject to the conditions in the following subdivisions and all other provisions of this Section and of any other applicable ordinance, state law or regulation.

B. Insurance. Compliance with financial responsibility requirements of state law and of any ordinance relating to a liquor license is a continuing condition of any license granted pursuant to this Section.

C. Licensee's Responsibility. Every licensee is responsible for the conduct in the licensed establishment. The act of any employee on the licensed premises authorized to sell intoxicating liquor in the establishment is the act of the licensee, and the licensee shall be liable to all penalties provided by this Section and the law equally with the employee. It shall be unlawful for any person, or his agents, servants or employees, to see intoxicating liquor to any person under the age of twenty-one (21).

D. Inspections. Every licensee shall allow any peace officer, health officer, or properly designated office or employee of the city to enter, inspect, and search the premises of the licensee during business hours without a warrant.

E. Time Limitations. No sale of intoxicating liquor shall be made on any Sunday between the hours of 1:00 a.m. and 10:00 a.m. A license holder may 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 1:00 a.m. on Mondays.

Subdivision 9. Suspension and Revocation.

A. The council shall either suspend for up to 60 days or revoke any Sunday Liquor License upon a finding that the licensee has failed to comply with any applicable statute, regulation, or ordinance relating to intoxicating liquor. Except in cases of failure of financial responsibility no suspension or revocation shall take effect until the licensee has been afforded an opportunity for a hearing pursuant to Minnesota law.

B. Lapse of required dram shop insurance or bond, or withdrawal of a required deposit of cash or securities, shall effect an immediate suspension of any license issued pursuant to this Section without further action of the City Council. Notice of cancellation, lapse of a current liquor liability policy or bond, or withdrawal of deposited cash or securities shall also constitute notice to the licensee of the impending suspension of the licensee. The holder of a license who has received notice of lapse of required insurance or bond, or withdrawal of a required deposit, or of suspension or revocation of a license, may request a hearing thereon and if such a request is made in writing to the Clerk a hearing shall be granted within 10 days or such longer period as may be requested. Any suspension under this paragraph shall continue until the City Council determines that the financial responsibility requirements of this Section have again been met.

Subdivision 10. Municipal Liquor Store. Nothing in this Section is intended to prohibit the Medford Municipal Liquor Store from operating on Sundays. The Medford Municipal Liquor is specifically authorized to operate on Sundays so long as it satisfies the definition of a Restaurant, Hotel, or Club as contained herein. The Medford Municipal Liquor Store is specifically exempt from the requirements of Subdivision 3 (Application for License), Subdivision 4 (License Fees), and Subdivision 5 (Granting of License).

SECTION 6.06. LICENSING AND REGULATION OF WINE.

Subdivision 1. Provisions of State Law Adopted. The provisions of Minnesota Statutes, Chapter 340A, relating to the definition of terms, licensing, consumption, sales, conditions of bonds of licensees, hours of sale, and all other matters pertaining to the retail sale, distribution, and consumption of intoxicating liquor insofar as they are applicable to wine licenses authorizing the sale of wine not exceeding 14 percent alcohol by volume for consumption on the licensed premises only, in conjunction with the sale of food, are adopted and made a part of this Section as if set out in full.

Subdivision 2. Wine Licenses. No person, except a wholesaler or manufacturer to the extent authorized under the state license, and the municipal liquor dispensary, shall directly or indirectly deal in, sell, or keep for sale in the city any wine not exceeding 14 percent alcohol by volume without an on-sale wine license. An on-sale wine license authorizes the sale of wine not exceeding 14 percent alcohol by volume, for consumption on the licensed premises only, in conjunction with the sale of food. An on-sale wine license may be issued only to a restaurant having facilities for seating not fewer than 25 guests at one time, or to a licensed bed and breakfast facility approved by the Commissioner of Public Safety. For purposes of this Section, a restaurant means an establishment, other than a hotel, under the control of a single proprietor or manager, having appropriate facilities for serving meals, and where, in consideration of payment thereof, meals are regularly prepared on the premises and served at tables to the general public. A bed and breakfast facility is authorized to furnish wine only to registered guests of the facility.

Subdivision 3. Number of Licenses. The City Council may issue wine licenses to qualified applicants, but no more than two (2) wine licenses shall be in effect at any one time.

Subdivision 4. Application for License.

A. Form. Every application for on-sale wine license shall state the applicant's name, age, citizenship or resident alien status, and representations as to the applicant's character, with such reference as the council may require. The application shall also state the restaurant or bed and breakfast facility in connection with which the proposed license will operate, its location, whether the applicant is owner and operator of the restaurant or bed and breakfast facility, how long he has been in the restaurant or bed and breakfast business at that place, and such other information as the council may require from time to time. The application shall be in the form prescribed by the Commissioner of Public Safety and shall be filed with the City Clerk. No person shall make a false statement on an application.

B. Bond and Insurance. Each application for a license shall be accompanied by a surety bond or, in lieu thereof, cash or United States Government bonds of equivalent market value. The surety bond or other security shall be in the sum of $3,000.00 for an applicant for an "on-sale" wine

license. Each applicant for a wine license shall provide, with the application, proof of financial responsibility as follows:

a. A certificate that there is in effect an insurance policy or pool providing the following minimum coverages:

(1) $50,000.00 because of bodily injury to any one (1) person in any one (1) occurrence, and, subject to the limit for one (1) person, in the amount of $100,000.00 because of bodily injury to two (2) or more persons in any one (1) occurrence, and in the amount of $10,000.00 because of injury to or destruction of property of others in any one (1) occurrence.

(2) $50,000.00 for loss of means of support of any one (1) person in any one (1) occurrence, and, subject to the limit for one (1) person, $100,000.00 for loss of means of support of two (2) or more persons in any one (1) occurrence; or

b. A bond of a surety company, with minimum coverages as provided in clause a.; or

c. A certificate of the State Treasurer that the licensee has deposited with him $100,000.00 in cash or securities which may legally be purchased by savings banks or for trust funds having a market value of $100,000.00.

C. Approval of Security. The security offered under Subdivision 2 shall be approved by the City Council. Surety bonds shall be approved by the City Attorney. Operation of a licensed business without having on file with the City at all times effective security, as required in Subdivision 2, is cause for revocation of the license.

Subdivision 5. License Fee.

A. License fees shall be set from time to time by the Master Fee Schedule set forth in Chapter 2, Section 2.65.

B. Payment. Each application for a wine license shall be accompanied by the license fee. All fees shall be paid into the General Fund.

C. Term: Pro Rata Fee. Each license shall be issued for a period of one (1) 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 June.

D. Refunds. No refund of any fee shall be made except as authorized by statute.

Subdivision 6. Granting of Licenses.

A. Investigation and Issuance. The City Council shall investigate all facts set out in the application. Opportunity shall be given to any person to be heard for or against the granting of the license. After the investigation and hearing, the council may grant or refuse the application. No wine license shall become effective until the license and the security furnished by the applicant have been approved by the state Commissioner of Public Safety.

B. Person and Premises Licensed; Transfer. Each license shall be issued to the applicant only and shall not be transferrable to another holder. Each license shall be issued only for the premises described in the application. No license may be transferred to another place without the approval of the City Council. Any transfer of stock or a corporate licensee is deemed a transfer of the license and a transfer of stock without prior council approval is grounds for revocation of the license.

Subdivision 7. Persons Ineligible for License. No wine license shall be granted to any person made ineligible for such a license by state law.

Subdivision. 8. Places Ineligible for License.

A. General Prohibition. No wine license shall be issued for any restaurant or bed and breakfast facility ineligible for such a license under state law.

B. 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.

C. Distance from School. No liquor license shall be granted within six hundred (600) feet of any school. Distance shall be determined by a measurement from property line to property line.

Subdivision. 9. Conditions of License.

A. In General. Every license is subject to the conditions in the following subdivisions and all other provisions of this Section and of any other applicable ordinance, state law or regulation.

B. Licensee's Responsibility. Every licensee is responsible for the conduct in the licensed establishment. Any sale of alcoholic beverages by any employee authorized to sell such beverages in the establishment is the act of the licensee and the licensee shall be liable for all penalties provided by this Section and the law equally with the employee.

C. Inspections. Every licensee shall allow any peace officer, health officer, or properly designated officer or employee of the city to enter, inspect, and search the premises of the licensee during business hours without a warrant.

D. Federal Stamps. No licensee shall possess a federal wholesale liquor dealer's special tax stamp or a federal gambling stamp.

Subdivision. 10. Suspension and Revocation. The Council shall either suspend for up to 60 days or revoke any on-sale wine license, or impose a civil fine not to exceed $2,000.00 for each violation upon a finding that the licensee has failed to comply with any applicable statute, regulation, or ordinance relating to alcoholic beverages. Except in cases of failure of financial responsibility no suspension or revocation shall take effect until the licensee has been afforded an opportunity for a hearing pursuant to Minnesota law.

Subdivision 11. Separability. If any subsection, sentence, clause, phrase or a portion of this Section is for any reason held invalid or unconstitutional by any Court of competent jurisdiction, such portion shall be deemed a separate portion and its invalidity shall not affect the remainder hereof.

SECTION 6.07. LICENSING AND REGULATION OF MALT LIQUORS

Subdivision 1. Provisions of State Law Adopted. The provisions of Minnesota Statutes, Chapter 340A, relating to the definition of terms, licensing, consumption, sales, conditions of bonds of licensees, hours of sale, and all other matters pertaining to the retail sale, distribution, and consumption of intoxicating liquor insofar as they are applicable to 3.2 malt liquor licenses adopted and made a part of this Section as if set out in full.

Subdivision 2. Definitions. Any terms as used herein are as defined in Minnesota Statutes Section 340A.101.

Subdivision 3. License Required; Kinds of Licenses Enumerated. No person, except wholesalers and manufacturers to the extent authorized by law, shall deal in or dispose of by gift, sale or otherwise, or keep or offer for sale, any 3.2 malt liquor within the City of Medford without first having received a license as provided in this article.

Subdivision 4. Scope of Licenses. Licenses shall be of two kinds: (1) Retail "on-sale", and (2) Retail "off-sale".

A. On-Sale Licenses. "On-sale" licenses to sell 3.2 malt liquor in the City of Medford shall permit the sale of 3.2 malt liquor for consumption on the premises only and shall consist of two (2) classes to be known as "on-sale" licenses and "restricted on-sale licenses". A "restricted on-sale license" shall be for less than one year and shall have such other restrictions as the Council shall prescribe.

B. Off-Sale Licenses. "Off-sale" licenses to sell 3.2 malt liquor in the City of Medford shall permit the sale of 3.2 malt liquor at retail in the original package for consumption off the premises only.

Subdivision 5. Premises Eligible to Receive "On-Sale" License. "On-sale" licenses to sell 3.2 malt liquor in the City of Medford shall be granted only to drugstores, restaurants, hotels, clubs, bowling centers, and establishments used exclusively for the sale of 3.2 malt liquor with the incidental sale of tobacco and soft drinks.

Subdivision 6. Persons Ineligible for License. No 3.2 malt liquor license shall be granted to any person made ineligible for such a license by state law.

Subdivision 7. Application for License.

A. Form. Every application for a 3.2 malt liquor license shall state the applicant's name, age, citizenship or resident alien status, and representations as to the applicant's character, with such reference as the council may require. The application shall also state the business or organization in connection with which the proposed license will operate its location, whether the applicant is owner and operator of the business or organization, how long the business or organization has been in existence, and such other information as the Council may require from time to time. The application shall be in the form prescribed by the Medford City Clerk and shall be filed with the City Clerk. No person shall make a false statement on an application.

B. Bond and Insurance. Each application for a license shall be accompanied by a surety bond or, in lieu thereof, cash or United States Government bonds of equivalent market value. The surety bond or other security shall be in the sum of $3,000.00 for an applicant for an "on-sale" 3.2 malt liquor license. Each applicant for a 3.2 malt liquor license shall provide, with the application, proof of financial responsibility as follows:

a. A certificate that there is in effect an insurance policy or pool providing the following minimum coverages:

(1) $50,000.00 because of bodily injury to any one (1) person in any one (1) occurrence, and, subject to the limit for one (1) person, in the amount of $100,000.00 because of bodily injury to two (2) or more persons in any one (1) occurrence, and in the amount of $10,000.00 because of injury to or destruction of property of others in any one (1) occurrence.

(2) $50,000.00 for loss of means of support of any one (1) person in any one (1) occurrence, and, subject to the limit for one (1) person, $100,000.00 for loss of means of support of two (2) or more persons in any one (1) occurrence; Or

b. A bond of a surety company, with minimum coverages as provided in clause a.; or

c. A certificate of the State Treasurer that the licensee has deposited with him $100,000.00 in cash or securities which may legally be purchased by savings banks or for trust funds having a market value of $100,000.00.

C. Approval of Security. The security offered under Subdivision 2 shall be approved by the City Council. Surety bonds shall be approved by the City Attorney. Operation of a licensed business without having on file with the City at all times effective security, as required in Subdivision 2, is cause for revocation of the license.

Subdivision 8. License Fee.

A. License fees shall be set from time to time by the Master Fee Schedule set forth in Chapter 2, Section 2.65.

B. Payment. Each application for a 3.2 malt liquor license shall be accompanied by the license fee. All fees shall be paid into the General Fund.

C. Term: Pro Rata Fee. Each license shall be issued for a period of one (1) 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 June.

D. Refunds. No refund of any fee shall be made except as authorized by statute.

Subdivision 9. Granting of Licenses.

A. Investigation and Issuance. The City Council shall investigate all facts set out in the application. Opportunity shall be given to any person to be heard for or against the granting of the license. After the investigation and hearing, the council may grant or refuse the application. No 3.2 liquor license shall become effective until the license and the security furnished by the applicant have been approved by the state Commissioner of Public Safety.

B. Person and Premises Licensed; Transfer. Each license shall be issued to the applicant only and shall not be transferrable to another holder. Each license shall be issued only for the premises described in the application. No license may be transferred to another place without the approval of the City Council. Any transfer of stock or a corporate licensee is deemed a transfer of the license and a transfer of stock without prior council approval is grounds for revocation of the license.

Subdivision 10. Places Ineligible for License.

A. General Prohibition. No 3.2 malt liquor license shall be issued for any business or organization ineligible for such a license under state law.

B. 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.

Subdivision 11. Conditions of License.

A. General. Every license is subject to the conditions in the following subdivisions and all other provisions of this Section and of any other applicable ordinance, state law or regulation.

B. Licensee's Responsibility. Every licensee is responsible for the conduct in the licensed establishment. Any sale of alcoholic beverages by any employee authorized to sell such beverages in the establishment is the act of the licensee and the licensee shall be liable for all penalties provided by this Section and the law equally with the employee.

C. Inspections. Every licensee shall allow any peace officer, health officer, or properly designated office or employee of the city to enter, inspect, and search the premises of the licensee during business hours without a warrant.

D. Posting. All licensed premises shall have the license posted in a conspicuous place at all times.

E. Age Limitations. No 3.2 malt liquor shall be sold or served to any person under twenty-one (21) years of age, or to any person to whom sale is prohibited by state statute or by reason of sale to whom a penalty is provided by state statute.

F. Gambling. No gambling or any gambling device shall be permitted on any licensed premises.

G. Ownership. No manufacturer or wholesaler of 3.2 malt liquor shall have any ownership of or interest in an establishment licensed to sell at retail contrary to the provisions of state law. No retail licensee and manufacturer or wholesaler of 3.2 malt liquor shall be parties to any exclusive purchase contract. No retail licensee shall receive any benefits contrary to law from a manufacturer or wholesaler of 3.2 malt liquor and no such manufacturer or wholesaler shall confer any benefits contrary to law upon a retail licensee.

H. Special Tax Stamp. No licensee shall sell 3.2 malt liquor while holding or exhibiting in the licensed premises a federal retail liquor dealer's special tax stamp, unless he is licensed under the laws of the state to sell intoxicating liquors.

I. Dance Permits. A dance permit may be issued by the Council for a fee in the amount duly established by the Council from time to time set by the Master Fee Schedule set forth in Chapter 2, Section 2.65 to "on-sale" license holders. Each permit shall run concurrently with the "on-

sale" license of the licensee, and shall authorize patron dancing only, and only in designated areas specified in the permit. No more than two (2) designated areas shall be allowed per establishment. No act, thing or contest of a brutal, immoral or indecent character shall be shown, exhibited, or displayed, or permitted. The dance permit holder shall be responsible for policing dance areas, and failure to do so shall constitute a violation of the terms of the permit, and authorize the Council, upon a public hearing with ten (10) days written notice, to revoke the permit or suspend said permit, separate from the "on-sale" license.

J. Distance from School. No liquor license shall be granted within six hundred (600) feet of any school. Distance shall be determined by a measurement from property line to property line.

Subdivision 12. Suspension and Revocation. The council shall either suspend for up to 60 days or revoke any 3.2 Malt Liquor License, or impose a civil fine not to exceed $2,000.00 for each violation upon a finding that the licensee has failed to comply with any applicable statute, regulation, or ordinance relating to alcoholic beverages. Except in cases of failure of financial responsibility, no suspension or revocation shall take effect until the licensee has been afforded an opportunity for a hearing pursuant to Minnesota Statutes.

Subdivision 13. Hours of Sale. No sale of 3.2 malt liquor shall be made in the City of Medford on any Sunday between the hours of 1:00 a.m. and 10:00 a.m., nor between the hours of 1:00 a.m. and 8:00 p.m. on any statewide election day. No sale of 3.2 malt liquor shall be made in the City of Medford between the hours of 12:45 a.m. and 8:00 a.m. on any other day.

Subdivision 14. Separabilility. If any , subsection, sentence, clause, phrase or a portion of this Section is for any reason held invalid or unconstitutional by any Court of competent jurisdiction, such portion shall be deemed a separate portion and its invalidity shall not affect the remainder hereof.

Subdivision 15. Intoxicating Malt Liquors. A holder of an on-sale wine license issued pursuant to Section 6.06 of this Code who is also licensed to sell 3.2 percent malt liquors at on-sale pursuant to Section 6.07 of this Code may be authorized by the City Council to sell Intoxicating Malt Liquors at on-sale without an additional license. For purposes of this subdivision, an Intoxicating Malt Liquor is any beer, ale, or other beverage made from malt by fermentation containing more than 3.2 percent of alcohol by weight. The annual fee for authorization to sell Intoxicating Malt Liquor pursuant to this subdivision shall be $175.00.

(Sections 6.08 through 6.98, inclusive, reserved for future expansion.)

SECTION 6.99. VIOLATION A MISDEMEANOR. Every person who violates a section, subdivision, paragraph or provision of this Chapter when he performs an act thereby prohibited or declared unlawful, or fails to act when such failure is thereby prohibited or declared unlawful, and upon conviction thereof, shall be punished as for a misdemeanor except as otherwise stated in specific provisions hereof.

Chapter 7

OTHER BUSINESS REGULATION AND LICENSING

Section 7.01 Peddlers, Solicitors and Transient Merchants

Subdivision 1	Purpose
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Subdivision 3	License Required
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Subdivision 15 Appeal
Subdivision 16 Effect of Revocation
Subdivision 17 Rebates
Subdivision 18 License Exemptions
Subdivision 19 Prohibited Activities
Subdivision 20 Disobedience to Signs Prohibiting Entry on Premises

Subdivision 1 PURPOSE

The purpose of this chapter is to protect residents of the City of Medford against fraud, unfair competition and intrusion into the privacy of their homes by licensing and regulating peddlers, solicitors and transient merchants.

Subdivision 2 DEFINITIONS

For use in this chapter the following terms are defined:

1. "Peddler" means any person carrying goods or merchandise who sells or offers for sale for immediate delivery such goods or merchandise from house to house or upon the public street.

2. "Solicitor" means any person who solicits or attempts to solicit from house to house or upon the public street any contribution or donation or any order for goods, services, subscriptions or merchandise to be delivered at a future date.

3. "Transient merchant" means any person who engages in a temporary or itinerant merchandising business and in the course of such business hires, leases or occupies any building or structure whatsoever, or who operates out of a vehicle which is parked anywhere within the City limits. Temporary association with a local merchant, dealer, trader

   or auctioneer, or conduct of such transient business in connection with, as a part of, or in the name of any local merchant, dealer, trader or auctioneer does not exempt any person from being considered a transient merchant.

Subdivision 3 LICENSE REQUIRED.

Any person engaging in peddling, soliciting or in the business of a transient merchant in the City without first obtaining a license as herein provided is in violation of this chapter.

Subdivision 4 APPLICATION FOR LICENSE

An application for a city license to conduct business as a peddler or transient merchant shall be made at least three (3) regular business days before the applicant desires to begin conducting business. Notwithstanding that the business may be a corporation or other entity, each individual who will engage in the business of peddling or transient merchant shall make application on a form approved by the city council and available from the office of the city clerk. All applications shall be signed by the applicant. All applications shall include the following information:

1. Applicant’s full legal name.
2. A physical description of the applicant (hair color, eye color, height, weight, distinguishing marks and features, and the like.)
3. Full address of applicant’s permanent residence.
4. Telephone number of applicant’s permanent residence.
5. Full legal name of any all business operations owned, managed or operated by applicant, or for which the applicant is an employee or agent.
6. Any and all business related telephone numbers of the applicant.
7. The dates during which the applicant intends to conduct business, and if the applicant is applying for a daily license, the number of days he or she will be conducting business in the city.
8. Any and all addresses and telephone numbers where the applicant can be reached while conducting business within the city, including the location where a transient merchant intends to set up business.
9. A statement as to whether or not the applicant has been convicted within the last five years of any felony, gross misdemeanor, or misdemeanor for violation of any state or federal statute or any local ordinance, other than traffic offenses.

10. A list of the three most recent locations where the applicant has conducted business as a peddler or transient merchant.
11. A picture of all persons who will be soliciting business. Pictures will be verified by the City to the City's satisfaction or the applicant shall consent to the City taking pictures of all solicitors.

Subdivision 5 LICENSE FEES

License Fees. License fees shall be set from time to time by the Master Fee Schedule set forth in Chapter 2, Section 2.65.

Subdivision 6 BOND REQUIRED.

Before a license under this chapter is issued to a transient merchant, an applicant shall provide to the Clerk evidence that the applicant has filed a bond with the Secretary of State.

Subdivision 7 LICENSE ISSUED.

If the Clerk finds the application is completed in conformance with the requirements of this chapter, the facts stated therein are found to be correct and the license fee paid, a license shall be issued immediately.

Subdivision 8 DISPLAY OF LICENSE.

Each solicitor and peddler shall keep such license in possession at all times while doing business in the City and shall, upon the request of prospective customers, exhibit the license as evidence of compliance with all requirements of this chapter. Each transient merchant shall display publicly such merchant's license in the merchant's place of business.

Subdivision 9 LICENSE NOT TRANSFERABLE.

Licenses issued under the provisions of this chapter are not transferable in any situation and are to be applicable only to the person filing the application.

Subdivision 10 TIME RESTRICTION.

All peddler's and solicitor's licenses shall provide that said licenses are in force and effect only between the hours of eight o'clock (8:00) a.m. and eight o'clock (8:00) p.m.

Subdivision 11 REVOCATION OF LICENSE.

After notice and hearing, the Clerk may revoke any license issued under this chapter for the following reasons:

1. Fraudulent Statements. The licensee has made fraudulent statements in the application for the license or in the conduct of the business.

2. Violation of Law. The licensee has violated this chapter or has otherwise conducted the business in an unlawful manner.

3. Endangered Public Welfare, Health or Safety. The licensee has conducted the business in such manner as to endanger the public welfare, safety, order or morals.

Subdivision 12 NOTICE.

The Clerk shall send a notice to the licensee at the licensee's local address, not less than ten (10) days before the date set for a hearing on the possible revocation of a license. Such notice shall contain particulars of the complaints against the licensee, the ordinance provisions or State statutes allegedly violated, and the date, time and place for hearing on the matter.

Subdivision 13 HEARING.

The Clerk shall conduct a hearing at which both the licensee and any complainants shall be present to determine the truth of the facts alleged in the complaint and notice. Should the licensee, or authorized representative, fail to appear without good cause, the Clerk may proceed to a determination of the complaint.

Subdivision 14 RECORD AND DETERMINATION.

The Clerk shall make and record findings of fact and conclusions of law, and shall revoke a license only when upon review of the entire record the Clerk finds clear and convincing evidence of substantial violation of this chapter or State law.

Subdivision 15 APPEAL.

If the Clerk revokes or refuses to issue a license, the Clerk shall make a part of the record the reasons therefor. The licensee, or the applicant, shall have a right to a hearing before the Council at its next regular meeting. The Council may reverse, modify or affirm the decision of the Clerk by a majority vote of the Council members present and the Clerk shall carry out the decision of the Council.

Subdivision 16 EFFECT OF REVOCATION.

Revocation of any license shall bar the licensee from being eligible for any license under this chapter for a period of one year from the date of the revocation.

Subdivision 17 REBATES.

There shall be no rebates given for any reason.

Subdivision 18 LICENSE EXEMPTIONS.

The following are excluded from the application of this chapter.

1. The acts of merchants or their employees in delivering goods in the regular course of business.

2. The sale of farm or garden products by the person producing the same or where the products are sold at a "farmer's market".

3. Children, age eighteen or younger, soliciting for school sponsored activities.

4. Children, age eighteen or younger, soliciting for such organizations as the "Boy Scouts" or "Girl Scouts" where the children soliciting are members of the organization and where the proceeds of the sale are mainly devoted to the benefit of the children.

5. "Garage" or "estate" sales.

6. Solicitations by any organization for the philanthropic, religious or educational causes if the following procedure has been accomplished: the requesting entity must file an application in writing, on a form to be furnished by the city clerk, which shall give the following information:
    a. Name and purpose of the cause for which exemption is sought.
    b. Name of the individual in the organization responsible for the peddling or solicitations.
    c. Names and addresses of the individuals who will actually be doing the peddling or solicitation.
    d. Period during which the peddling or solicitation is to be carried on.
    e. Certificate of nonprofit status from the state where organized.

7. Persons delivering, collecting for or selling subscriptions to newspapers.

8. Route delivery persons who only incidentally solicit additional business or make special sales.

9. Person invited onto the property by the landowner.

Subdivision 19 PROHIBITED ACTIVITIES

No solicitor, peddler, or transient merchant while conducting business shall:

1. Call attention to his or her business or items to be sold by means of blowing any horn or whistle, ringing any bell, crying out, or by any other noise, so as to be unreasonably audible.
2. Obstruct the free flow of either vehicular or pedestrian traffic on any street, alley, sidewalk or other public right-of-way.
3. Conduct business in a way as to create a threat to the health, safety and welfare of any individual or the general public.

4. Fail to provide proof of license or registration, and identification, when requested; or using the license or registration of another person.
5. Make any false or misleading statements about the product or service being sold, including untrue statements of endorsement.
6. Claim to have the endorsement of the city solely based on the city having issued a license or certificate of registration to that person.
7. Remain on the property of another when requested to leave, or to otherwise conduct business in a manner a reasonable person would find obscene, threatening, intimidating or abusive.

Subdivision 20 DISOBEDIENCE TO SIGNS PROHIBITING ENTRY ON PREMISES A NUISANCE,

MISDEMEANOR

Entering a private property that has been posted prohibiting peddlers, solicitors, or transient merchants is hereby declared to be a nuisance and is prohibited. Violation of this section is a misdemeanor.

Amended and adopted this 25th day of June, 2012, with the following vote: Aye 4; No 0; Absent 1.
This ordinance shall become effective from and after its passage and publication.

SECTION 7.02. PUBLIC DANCES. No public dances shall be allowed within the City of Medford without first obtaining a dance permit. Application for a dance permit shall be made to the City Clerk.

SECTION 7.03. REGISTRATION AND REGULATION OF RENTAL UNITS.

Subdivision 1. Purpose. The purpose of this Section is to provide minimum standards for rental dwelling units in the City of Medford. Objectives of this Section include, but are not limited to:

(a) Protect the character and stability of residential areas within the City.

(b) Correct and prevent housing conditions that adversely affect, or are likely to adverse affect life, safety, health and general welfare of the renting public.

(c) Provide minimum standards for heating, sanitary equipment and for light and ventilation necessary to protect the health and safety of occupants of rental dwelling units.

(d) Provide minimum standards for the maintenance of existing rental residential buildings, thus preventing substandard housing and blight.

(e) Preserve the value of land and buildings throughout the city.

(f) Limit or prevent the existence of debris or other public nuisances on the exterior premises or in the common areas of rental properties that has a detrimental effect upon the city's neighborhoods, the tenants residing in the rental properties, citizens residing in close proximity to the rental properties, and the public health, safety, welfare and morals of those who live there.

(g) Limit or prevent persons residing in rental property in Medford from engaging in disorderly conduct which results in a hostile environment for other Medford citizens living within rental property or in proximity to rental property.

Subdivision 2.0. General Provisions.

A. Jurisdiction. This Section shall be applicable to all rental dwelling units within the legal boundaries of the City of Medford. Every building and its premises used in whole or in part as a rental dwelling unit, for a single family or person, and every building used in whole or in part as a dwelling having two or more families or persons living in separate units shall conform to the requirements of this Section irrespective of when such building may have been constructed, altered or repaired. This Section established minimum standards for rental dwelling units and related premises.

B. Interpretation and Application. The provisions of this Section shall be considered minimum requirements and shall not be deemed a limitation or repeal of any other powers granted by Minnesota Statutes.

Subdivision 3. Definitions. The following words and terms as used in this Section, shall have the following meanings, unless the context clearly indicates otherwise:

A. "Dwelling" means a residential building, wholly or partly used or intended to be used for living, sleeping, cooking or eating purposes by human occupants; but not including rest homes, convalescent homes, nursing homes, hotels, motels, and facilities licensed by the State of Minnesota as institutional occupancies or dormitories.

B. "Rental Dwelling Unit" means a residential building or portion thereof, room or group of rooms, wholly or partly used or intended to be used as a single habitable unit for living, sleeping, cooking, or eating purposes by human occupants, rented or offered for rent by any person to any other person for use for residential purposes. "Rental Dwelling Unit" means and includes apartments, single-family dwellings, or manufactured (mobile) homes. "Rental Dwelling Unit" does not include rest homes, nursing homes, hotels, motels, dormitories, or facilities licensed by the State of Minnesota as institutional occupancies.

C. "Building Inspector" means the building inspector appointed by the City of Medford or authorized designee.

D. "Accessory Structure" means a subordinate structure on the same lot as the principal dwelling or dwellings, and which is not used nor authorized to be used for living or sleeping by humans occupants.

E. "Egress" means an arrangement of exit facilities to assure safe means of exit from a building with specific dimensions as required in this code or any applicable code.

F. "Exit" means a continuous and unobstructed means of egress to a public way. Exit includes intervening doors, corridors, ramps, stairways, and courts.

G. "Occupant" means any person living, sleeping, eating or cooking within a dwelling unit.

H. "Person" means any individual, firm, partnership, association, corporation, company or joint venture or organization of any kind.

I. "Premises" means the dwelling and its land and all buildings thereon.

J. "Rent" means any consideration paid for the exclusive use of the dwelling unit, including, but not limited to, money, services or a combination thereof, paid or delivered at fixed intervals periodically agreed upon.

K. "Repair" means to restore to a sound, acceptable state of operation, serviceability or appearance.

L. "Safety" means the condition of being reasonably free from danger and hazards which may cause injury or illness.

M. "Sound Condition and Good Repair" means that the rental dwelling unit on its structural elements, fixtures, facilities or equipment are in a safe and acceptable condition and appearance and in good working order and operation.

N. "Disorderly Use" shall mean that conduct occurring on the rental premises which violates any of the following provisions of Medford Code or Minnesota Statues:

1. Disorderly Conduct, Medford Code Section 11.01.

2. Public Nuisances, Medford Code Section 11.20.

3. Discharge of Firearms, Medford Code Section 11.21.

4. Dog Regulations, Medford Code Section 11.23.

5. Unlawful Sale or Use of Controlled Substances, Minn. Stat. Sec. 152.01 through 152.025 and 152.027, Subd. 1 and 2.

6. Unlawful possession, transportation, sale, or use of a weapon, Minn. Stat. Sec. 609.66 through 609.67 and 624.712 through 624.7181.

7. Dangerous Dogs, Minn. Stat. Sec. 609.226 and 347.50 through 347.56.

Subdivision 4. Registration Certificate Required.

A. No owner of a dwelling shall allow another person to occupy, nor shall any person let another for occupancy, any rental dwelling unit without first obtaining a registration certificate as provided in this Section, or at any time that the registration certificate, or the right to receive such a registration certificate is suspended or revoked. Any registration certificate obtained pursuant to this Section shall be issued in the name of the owner of the dwelling. In the case of a multiple unit dwelling, a registration certificate issued pursuant to this Section includes and applies to both the entire dwelling as well as each individual rental dwelling unit within the dwelling. Any suspension or revocation of the registration certificate or the right to receive a registration certificate may involve the entire dwelling or an individual rental dwelling unit or units within the dwelling.

B. The occupancy or rental of any rental dwelling unit for which a registration certificate is required, need not be interrupted or suspended for lack of a registration certificate if the same is due to the inability of the City to process the application in a timely manner, or if the owner is in the process of complying with a notice of deficiencies from the City within the period of time authorized by the Building Inspector.

Subdivision 5. Initial Application/Provisional Licenses. On or before January 1, 2006 all current owners of rental dwelling units as of the date of adoption of this Section shall apply for a registration certificate as hereinafter provided. After adoption of this Section, all owners of new or converted rental dwelling units shall apply for a registration certificate as hereinafter provided. Upon filing the application and payment of the registration fee, the applicant will be issued a provisional registration certificate pending inspection of the rental dwelling unit. Following the inspection provided in this Section and a determination that the rental dwelling unit is in compliance with this Section and all applicable local, state, and federal requirements, including fire, housing, and building requirements, and upon the payment of the registration fee, a registration certificate will be issued to the owner for the rental dwelling unit or units.

Subdivision 6. Application for Registration Certificate. An application for a registration certification shall be filed by the owner with the City Clerk. An application for any dwelling to be converted to a use which would require a registration certificate shall be made and filed with the City Clerk at least thirty (30) days prior to such conversion.

Subdivision 7. Application Forms. Forms of application for registration certificate that shall be supplied by the City Clerk and will be available at the Medford City Hall.

Subdivision 8. Applications. Each application for registration certificate shall contain the following information:

(a) Name, residence address, telephone number, and date of birth of the owner of the dwelling. If the owner is a partnership, the name of the partnership, and the name, residence address, telephone number, and date birth of all partners and the identification of the managing partner. If the owner is a corporation, the name and address of the corporation, and the name, address, telephone number, and date of birth of the chief operating officer. If the dwelling is being sold on a contract for deed, the name and address of the contract vendee. Where the word "owner" is used in any part of this Section, it shall include all persons as outlined in this Section.

(b) Name, residence address, telephone number, and date of birth of any agent appointed by the owner to accept service of process and to receive or give receipt for notices.

(c) Name, residence address, telephone number, and date of birth of any agent actively involved in maintenance or management of said dwelling.

(d) Legal street address of the dwelling.

(e) Description of the number and type of rental dwelling units offered for rent and the facilities incorporated in such rental dwelling units.

(f) Any person making application for a rental registration certificate must provide proof of

identification by the use of a driver's license, state issued identification card, military identification card, or such other identification as is acceptable to the City Clerk. The identification provided must set forth the full name and date of birth of the person making the application.

(g) An acknowledgment that the applicant has reviewed and understands the provisions of this Section, intends to abide by the provisions and will include reference to this Section in any written lease used in renting the property.

Subdivision 9. Agent Required. Any registration certificate holder who does not reside within a 30 mile radius of the City, shall, by a written document executed and acknowledged by such registration certificate holder, appoint an agent residing within that area, upon which agent the City may serve notices pertaining to the administration of this Section or of any provisions of the Medford City Code to such rental dwelling unit, which service shall be as effective as if made upon such registration certificate holder.

In those cases where an agent is appointed, the registration certificate holder shall provide the City with the full name, date of birth, address and telephone number of such agent(s). A registration certificate holder shall provide written notice to the City, with the required information, whenever the agent for the registered property is changed. The written notice shall be provided to the City within 48 hours of such change(s).

Subdivision 10. Investigation. The Building Inspector shall investigate all applications for a registration certificate to verify that the rental dwelling units offered for rent comply with this Section and shall conduct inspections of the rental dwelling units to ensure compliance with this Section.

Subdivision 11. Inspections Under the Minimum Rental Housing Code.

A. Inspection Upon Complaint. Any rental dwelling unit within the city is subject to investigation upon complaint by any citizen or city employee. Inspections shall be conducted during daylight hours and the Building Inspector shall present evidence of official capacity to the occupant or owner in charge of a respective rental dwelling unit.

B. Inspection Access. When an owner, occupant or other person in charge of a rental dwelling unit refuses to permit free access to the structure or premises under their control, the Building Inspector may seek a court order authorizing inspection and may direct the City of Medford to take action to suspend or revoke the registration certificate as allowed in Subdivision 20 of this Section.

C. Penalty for Retaliation Against Complainant. It is a misdemeanor for any person to take retaliatory action against, harass or intimidate any person who makes a good faith Complaint against real property within the city.

D. Penalty for Filing False or Malicious Complaint. It shall be a misdemeanor for any person to file a false or malicious complaint of violations of state law or local ordinance concerning the use of real property. The City of Medford may charge back to the complainant the costs of investigation of complaints made on any rental dwelling unit if it is determined that the complaint is invalid.

Subdivision 12. Rental Dwelling Unit Requirements. No person shall rent to another for occupancy any rental dwelling unit, for the purpose of living therein, which does not comply with the following requirements. Rental Dwelling Units shall comply with all zoning, building, fire safety, and health ordinances and nothing herein is intended to limit the applicability or enforcement of any other Section.

A. Interior, Exterior Health and Safety Requirements.

a. Structural Elements. Every foundation, roof, floor, exterior and interior wall, ceiling,

inside and outside stair, porch, and balcony, and every appurtenance shall be free from obvious structural deficiency or dilapidation and shall be safe to use and capable of supporting normal loads.

b. Foundations. The foundation, floor and floor supports shall provide adequate support and be free from obvious structural deficiency or deterioration.

c. Walls, partitions, and vertical supports. Walls, partitions, and vertical supports shall not twist, lean, or buckle.

d. Roofs and ceilings. Roofs, ceilings, or other horizontal members shall not sag or buckle.

e. Weather and rodent resistance. The foundation, exterior walls and exterior roof shall be substantially water tight and rodent resistant.

f. Chimney. Chimneys shall be in sound condition and good repair and shall not be leaning, crumbling or settling.

g. Decks, Patios and Railings. Decks, patios, balconies, railings, and stairways shall be in sound condition and good repair. Railings, banisters, handrails shall be constructed and maintained in a manner that they do not present a danger to those using them.

h. Accessory Structures. Detached structures, including garages, sheds, and other accessory buildings shall be maintained in sound condition and good repair and in the same manner as the main structure of the premises.

B. Electrical

a. Electrical Wiring. Wiring shall conform to the law in effect at the time of installation and any wiring shall be maintained in good condition. Conditions which violate these requirements include, but are not limited to broken wires, bare or frayed wires, broken or burned outlets and switches, missing cover plates, fuses rated for more than wiring, and bypasses or defeated fuses/circuit breakers.

b. Electrical Service Panel. Access to the operating face of any electrical switchboard or panel board shall be maintained as provided in the International Fire Code and/or Electrical Code. Electric panels shall be in a condition so as not to allow contact with energized wires, contacts, or busses. Fuse sockets shall be furnished with proper fuses.

c. Extension Cords. Extension cords shall not be used as a substitute for permanent wiring. Extension cords shall not extend through wall openings, beneath rugs or carpeting, or be bundled. Extension cords may not be used for loads greater than the rated capacity for which they are designed.

d. Outlets and Junction Boxes. All outlets and junction boxes shall have covers that are properly secured.

e. Ground Fault Indicators (GFI's). All GFI outlets must be in sound operating condition.

f. Bare Wires. Bare wires or wire nuts are prohibited except for low voltage wiring for speaker cords, telephone equipment, or doorbell wiring or knob and tube wiring maintained in sound condition.

C. Mechanical and Utilities.

a. Furnace and Water Heater. The furnace or boiler and water heater shall have been in sound condition and in good repair. The furnace shall have been inspected by a licensed professional within the previous 24 months.

b. Combustible Storage. Mechanical and electrical equipment areas shall be free of

flammable and combustible storage or separated from hot water heaters, furnace, or other sources of ignition.

c. Bathrooms. Bathrooms shall be equipped with an operable flush toilet, fixed washbasin or lavatory, and either a bathtub, shower or combination. Adequate hot and cold running water shall be provided.

d. Ventilation. A window or mechanical fan connected directly to the outside shall be provided in bathrooms.

e. Appliances. Cooking ovens, cooking stoves, and/or cooking ranges, if provided by owner, shall be in sound condition and repair and good operating order. Gas models shall be self-igniting and equipped with a shut off valve. Gas lines shall be in sound condition and good repair.

D. Exits and Egress.

a. Exit Hardware. Doors shall open from the inside without the need of special knowledge, effort or tools. Doors within common egress paths may not be equipped with hasps/padlocks, multiple locks, or double keyed deadbolt locks. Night latches, deadbolts, or security chains are acceptable within an individual rental dwelling unit.

b. Exit Ways. Exit ways shall be marked and clear of obstructions including storage, furniture, decorations, garbage, snow, or structural problems.

c. Means of Egress. All sleeping rooms shall have a primary and a secondary means of escape. The primary means of escape shall be the primary access to a room. The secondary means of escape may be a window meeting the approved egress requirements.

d. Handrails. Handrails shall be continuous on one side of a stairway and shall be between 34 and 38 inches in height. Where a handrail has been removed it shall be replaced in compliance with this Section. A stairway shall be equipped with a handrail where a safety hazard exists.

E. Fire Protection.

a. Fire Extinguishers. Fire Extinguishers shall have been properly installed, fully charged,

b. Fire Extinguishers. Fire extinguishers shall have been properly installed, fully charged, and inspected by a qualified person within the past 12 months.

b. Smoke Detectors. Smoke detectors and carbon monoxide detectors shall be properly located and correctly functioning.

c. Fire doors. Fire doors, when provided, must be sound, positive latching and self-closing.

d. Firewalls and Separations. Building and tenant separations, firewalls, and fire doors must be free from damage, alterations or open holes.

e. Fire Connections. Outside fire department connections must be clearly marked, capped and unobstructed.

f. Sprinklers. If equipped with a sprinkler system, the system must have been tested by a qualified professional within the last 12 months.

g. Proper Storage of Fuel and Fuel Operated Equipment. Gasoline and gasoline operated vehicles and other equipment and cooking grills or cookers containing fuels may not be stored within a rental dwelling

unit. Gasoline and gasoline operated vehicles and other equipment and cooking grills or cookers containing fuels shall be stored in a garage or other accessory building having a wall with a one-hour fire separation rating.

Subdivision 13. Issuance and Posting of Registration Certificate. Whenever the investigation of an application indicates that the rental dwelling units comply with this Section, the Building Inspector shall issue a registration certificate. Every registrant of a rental dwelling unit shall post the registration certificate in a conspicuous place.

Subdivision 14. Notice of Violation.

A. Whenever the investigation of an application for registration certificate indicates that the rental dwelling unit does not comply with this Section, the Building Inspector shall serve a notice of violation on the applicant in the manner hereafter provided:

B. Such notice shall:

(a) Be in writing;

(b) Include the street address or other description of the real estate sufficient for identification;

(c) Include a statement of the violation or violations for which the notice is being issued;

(d) Specify a reasonable time for the performance of any act it requires; and

(e) Be served upon the owner, or the agent, by personal service or by leaving a copy at the owner or agent's usual place of abode with a person of suitable age and discretion then resident therein, or by depositing the notice in the United States post office addressed to the owner at the owner's last known address with postage prepaid thereon or if service cannot be made by any one of the above means then such notice shall be deemed served if a copy of such notice be posted and kept posted for 48 hours in a conspicuous place on the premises affected by such notice. Such notice may contain an outline of remedial actions, which if taken, will effect compliance with the provisions of this Section.

C. Owners of rental dwelling units shall give notice of outstanding violations of this Section to any purchaser of such property.

Subdivision 15. Rejection of Application. Whenever the investigation of an application for registration certificate indicates that the rental dwelling unit does not comply with the provisions of this code, and from the nature of the violations, the rental dwelling unit cannot be brought up to meet the minimum requirements, the City Clerk shall return the application to the applicant stating the reasons for the rejection of the application.

Subdivision 16. Temporary Rental Registration Certificates. The Building Inspector may issue a temporary registration certificate when corrections required following inspection do not constitute a fire, safety or health hazard to the tenants or the general public, and the repairs are not immediately practicable or feasible as a result of factors beyond the owner's control. Such factors may include climatic conditions, or the unavailability of contractors, supplies or materials needed to make the corrections. A temporary rental registration certificate shall be conditioned upon the owner making the needed corrections with timelines determined by the Building Inspector and identified on the temporary certificate. The temporary certificate shall expire if the work is not completed, inspected and approved by the Building Inspector by the date listed thereon.

Subdivision 17. Appeals. Any applicant whose application for a registration certificate, after investigation, has been rejected by the Building Inspector, may request and shall be granted a hearing in the matter before the Medford City Council under the procedures set forth hereafter in

Subdivision 21.

Subdivision 18. Penalty for Failure to Register; Misdemeanor. Every person required to register a rental dwelling unit and who fails to do so, or who allows the property to be occupied when the rental dwelling unit fails to comply with this Section, or when the registration certificate

or right to receive such registration certificate is revoked or suspended, shall be guilty of a violation of this Section. Each day that a property is rented out without a valid registration certificate on file for that property is a separate violation. A violation of this Section shall be a misdemeanor. Nothing in this Section shall prohibit the City from pursuing other legal remedies, including an injunctive relief, for any violation of this Section.

Subdivision 19. Certificate Renewal and Non-transferability.

A. All registration certificates shall expire two (2) years after date of issuance and must be renewed upon the expiration of the two (2) year term. All information required by Subdivision 6 of this Section must be submitted at the time of renewal. Whenever the applicant certifies that no change has been made in a registered rental dwelling unit, and the registered unit has been inspected within

the preceding twelve (12) months, a renewal registration certificate may be issued without reinspection by the Building Inspector, provided the owner certifies that the rental dwelling units are in compliance with this Section, and the appropriate registration fee has been paid.

B. Every person who transfers title to property registered under this Section shall provide the City Clerk with the name, residence address and telephone number of the new owner, and date of the transfer of title within ten (10) days of the date of such transfer. Within thirty (30) days of the date of such transfer, the new owner shall apply for a new registration certificate. In the case of a contract for deed the purchaser shall be deemed to be the owner of the property for purposes of this Section and shall be required to apply for a rental registration certificate in his/her name. The date on the contract for deed shall be deemed to be the date the purchaser becomes the "owner" for purposes of this Section.

C. Registration certificates may not be transferred or assigned.

Subdivision 20. Suspension or Revocation of Registration Certificate.

A.. Any registration certificate issued by the City pursuant to the provisions of this Section may be suspended or revoked upon a finding that the certificate holder, during the term of the certificate, failed to comply with any provision of this Section or any applicable local, state, and federal requirement, including fire, housing, and building requirement.

B. A person's right to apply and receive a registration certificate may be suspended or revoked upon a finding that the applicant has let to another for occupancy any rental dwelling unit without first obtaining a registration certificate as required by this Section or who has failed to comply with any provision of this Section or any applicable local, state, and federal requirement, including fire, housing, and building requirement.

C. Whenever it appears to the City that adequate grounds may exist for the suspension or revocation of a registration certificate, or the right to receive a registration certificate, the Building Inspector shall by notice as provided in Subdivision 14, specify the nature of the alleged grounds and order that a hearing on the matter be held as provided below.

D. No such suspension or revocation shall be effective until the registration certificate holder has been afforded an opportunity for hearing before the Medford City Council as set forth in Subdivision 21.

Subdivision 21. Appeals Procedure.

A. Appeals to the Medford City Council. Any person affected by any notice of violation or emergency order issued and served pursuant to this Section or otherwise adversely affected by the administration of this Section, shall be granted a hearing before the Medford City Council upon filing in at Medford City Hall a written petition requesting such hearing and setting forth a brief statement of the grounds therefore. The petition shall be filed within twenty (20) days after the notice is served, order issued, or other adverse action taken.

B. Date of Hearing. The hearing requested shall be held not more than thirty (30) days after the day on which the petition is filed or within ten (10) days of such filing in case of an emergency order. The City Council may postpone the date of the hearing for a reasonable time beyond such period if a good and sufficient reason exists for such postponement and in the case of an emergency order the City Council determines that adequate safeguards will be taken to provide for the health and safety of the occupants and general public during such postponement.

C. Notice of Hearing. The City Clerk shall cause five (5) days written notice of the hearing to be given to the petitioner by personal service or by mailing to the petitioner's last known address.

D. Proceedings. At such hearing the petitioner, petitioner's agent or attorney, shall be given an opportunity to be heard and to show cause why the notice of alleged violation or emergency order issued by the Building Inspector or other action taken adverse to petitioner should be modified or withdrawn. The Building Inspector shall present a written statement of the findings and decisions to the City Council at the time of the hearing together with evidence in support of the violation, order, or other action taken.

E. Decisions of the City Council. After such hearing the City Council shall sustain, modify or withdraw the notice of alleged violation or emergency order or other action taken depending upon its findings as to whether the provisions of this Section have been complied with. If the City Council sustains or modifies such notice or emergency order, or other administrative action, it shall be deemed to be an order. A copy of the decision of the City Council shall be served by mail on the petitioner.

With respect to existing buildings, whenever it is not practicable or feasible to require strict compliance with the substantive provisions of this Section and all applicable local, state, and federal requirements, including fire, housing, and building requirements, the City Council may approve a variance from such provisions when in its judgment, existing conditions are in acceptable compliance with the spirit and intent of the Medford City Code and reasonably safeguard the health, safety and welfare of the occupants and the public.

F. Record of Proceedings. The proceedings of each hearing held before the City Council, including the findings and decisions of the Building Inspector, shall be reduced to writing and entered as a public record at Medford City Hall. Such record shall include a copy of every notice, order, stay or other writing issued in connection with the matter.

G. Stays. The City Council may stay enforcement of an order made after a hearing for a reasonable length of time, provided, however, that the City Council shall first find that immediate enforcement of the order would result in extreme hardship to the person or persons affected and that the immediate health, safety and welfare of the occupants and the public will not be jeopardized by such stay.

H. Notices Not Appealed. Any notice served pursuant to the provisions of this Section shall automatically become an order if a written petition for a hearing is not filed with the City Clerk within twenty (20) days after the notice was served.

I. Appeals from City Council Decisions. Any person aggrieved by the decision of the City Council may seek relief there from in any court of jurisdiction as provided by the laws of the state.

Subdivision 22. Fees. The registration fee shall be in an amount duly established by the City Council from time to time by the Master Fee Schedule set forth in Chapter 2, Section 2.65. The registration fee shall be paid at the time of application for registration and shall be non-refundable. No registration certificate shall be issued under this Section until the appropriate registration fee shall be paid in full.

Subdivision 23. Severability. If any subsection, paragraph, phrase, or provision of this Section shall be determined invalid for any reason, such determination of invalidity shall not affect the remaining provisions of this Section.

Subdivision 24, Disorderly Use a Violation. A Disorderly Use as defined in this Section shall constitute a violation of this Section. Violations of this Section, whether occurring within a specific unit, within a common area, or on the exterior of the premises, shall apply to the entire licensed premises. The existence of a public nuisance on the exterior of the rental premises or in the common areas of the rental premises shall constitute a violation of this Section.

Subdivision 25, Rental Property Owner Responsible. Any rental property owner shall be responsible to take appropriate action against persons occupying or visiting the licensed premises, whether within a specific unit or within a common area. For purposes of this Section, the term "persons occupying the premises" shall include tenants as defined in Minn. Stat. Sec. 566.18, and those persons on the licensed premises whose presence the tenant has invited or to which the tenant has acquiesced.

Subdivision 26. Procedure Upon Disorderly Use Violation.

A. Upon determination that a disorderly use has occurred on a rental premises or an administrative fine has been issued, the City shall notify the property owner pursuant to Subdivision 14 and shall direct the property owner to take corrective action to prevent further violations. The property owner shall submit to the City a written report of appropriate corrective actions taken by the property owner within fourteen (14) days of the date the notice was sent. Failure to submit the written report as required herein, or failure to take appropriate corrective actions, shall be a basis for the revocation or suspension of the license or right to receive a license for the entire licensed premises.

B. If another instance of disorderly use occurs within twelve (12) months of the issuance of a prior notice of violation, the license or right to obtain such license may be revoked or suspended for the entire licensed premises.

D. No suspension or revocation or other sanctions shall be imposed where a violation involves disorderly use and the property owner has filed an unlawful detainer action with the district court that will address the violation, so long as the action is diligently pursued by the property owner. Notice of and a copy of the unlawful detainer action shall be delivered to the city clerk. A determination that the licensed premises has been involved in a disorderly use shall be made upon a preponderance of the evidence. It shall not be necessary that criminal charges be brought to support a determination of disorderly use, nor shall the

fact of dismissal or acquittal of such a criminal charge operate as a bar to adverse license action under this section.

E. No suspension or revocation shall be effective until the property owner has been afforded an opportunity for a hearing in accordance with the appeals procedure set forth in Subdivision 21.

(Sections 7.04 through 7.09, inclusive, reserved for future expansion.)

SECTION 7.10 SALES AND USE TAX

Subdivision 1. Authority.

The Minnesota Legislature has, by Laws of Minnesota 2011, 1st Special Session, Chapter 7, Article 4, Section 15, authorized the city to impose a 0.5% sales and use tax to repay loans received from the Minnesota Public Facilities Authority since 2007 that were used to finance $4,200,000 of improvements to the city's water and wastewater systems. The city approved the act in accordance with applicable law.

Subdivision 2. Definitions.

The words, terms and phrases used in this subchapter shall have the meaning ascribed to them in M.S. Ch. 297A, except where the context clearly indicates otherwise. In addition, the following definitions shall apply:

1. Act. "Act" means Laws of Minnesota 2011, 1st Special Session, Chapter 7, Article 4, Section 15.

2. City. "City" means the City of Medford, Minnesota.

3. Commissioner. "Commissioner" means the Commissioner of Revenue for the State of Minnesota, acting under the authority of an agreement entered into between the city and the state pursuant to the act, or such other person or entity designated to administer and collect the sales and use tax.

4. "Retailer Maintaining a Place of Business in the City or Any Like Term. "Retailer" maintaining a place of business in the city or any like term means any retailer having or maintaining within the city, directly or by a subsidiary or an affiliate, an office, place of distribution, sales or sample room or place, warehouse or other place of business, or having any representative, including an affiliate, agent, sales person, canvasser or

solicitor operating in the city under the authority of the retailer or its subsidiary, for any purpose, including the sourcing, repairing, selling, delivering, installation or soliciting of orders of the retailer's goods or services, or the leasing of tangible personal property located in the city, whether the place of business or agent, representative, affiliate, sales person, canvasser or solicitor is located in the city permanently or temporarily, or whether or not the retailer or subsidiary is authorized to do business within the city."

5. Sales and Use Tax. "Sales and Use Tax" means the Medford sales and use tax imposed and collected pursuant to this section.

6. Section. "Section" means Section 7.10 in its present form, and as subsequently codified in the Medford City Code.

Subdivision 3. Imposition of Tax
Except as otherwise provided in this section, there is hereby imposed an additional excise tax in the amount of 0.5% of the gross receipts from the sales at retail sourced within city limits which are taxable under the state sales and use tax laws and rules. For purposes of this section, "state sales and use tax laws and rules" means those provisions of the state revenue laws applicable to state sales and use tax imposition, administration, collection, and enforcement, including Minnesota Statutes, chapters 270C, 289A, 297A, and Minnesota Rules 8130, as amended from time to time. A local use tax is imposed on the amount of 0.5% on the storage, use, distribution or consumption of goods or services that are sourced within city limits which are taxable under the state sales and use tax laws and rules. All of the provisions of the state sales and use tax laws and rules apply to the local sales and use tax imposed by this section. The local sales and use tax imposed by this section shall be collected and remitted to the commissioner on any sale or purchase when the state sales tax must be collected and remitted to the commissions under the state sales and use tax laws and rules and is in addition to the state sales and use tax."

Amended this 26th day of August 2019, with the following vote: Aye5; No 0; Absent 0.
Subdivision 4. Separate Statement; Collection from Purchaser; Advertising No Tax; Minimum Uniform Tax Collection Methods.

The sales and use tax shall be stated and charged separately from the sales price or charge for service insofar as practical, and should be a debt from the purchaser to the seller recoverable at law in the same manner as other debts. In computing the tax to be collected as a result of any transaction, any amount of tax less than $0.005 may be disregarded, and amounts of tax $0.005 or more may be considered an additional cent. If the sales price of any sale at retail is $0.99 or less, no tax shall be collected.

Subdivision 5. Exemption Certificates.

A fully completed exemption certificate taken from a purchaser to the effect that the property purchased is for resale or that the sale is otherwise exempt from the application of the tax imposed by this section will conclusively relieve the retailer from collecting and remitting the tax to the extent the seller is also relieved of liability for the sales tax under Minnesota Statutes, Section 297A.665. A person who has obtained from the Commissioner an exemption certificate pursuant to the M.S. Ch. 297A may use such exemption certificate for the purposes of the sales and use tax imposed by the city.

Subdivision 6. Presumption of Purpose of Sale.

For the purpose of the proper administration and enforcement of Subdivision 3, it shall be presumed that all retail sales for delivery in the city are for storage, use or other consumption in the city until the contrary is established.

Subdivision 7. Collection at Time of Sale.

A. Any retailer making deliveries within the city, any retailer maintaining a place of business in the city, or any other retailer otherwise doing business within the city, upon making sales or any items described in Subdivision 3 that are not exempted from the sales tax imposed under that section, and that are to be delivered or caused to be delivered within the city to the purchaser, shall at the time of making such sales collect the sales and use tax from the purchaser.

The tax collected by such retailer shall be remitted to the Commissioner on behalf of the city.

B. Any retailer required to collect the sales and use tax, and remit such tax to the Commissioner pursuant to this section, shall register with the Commissioner and provide such other information as the Commissioner may require.

Subdivision 8. Agent of Retailer.

When, in the opinion of the Commissioner, it is necessary for the efficient administration of the tax, the Commissioner may disregard any salesman, representative, trucker, peddler or canvasser as the agent of the dealer, distributor, supervisor, employer or other person under whom such salesman, representative, trucker, peddler or canvasser operated, or from whom the tangible property is being sold is obtained, and may regard the dealer, distributor, supervisor, employer or other person as a retailer for the purposes of this section.

Subdivision 9. Effective Date; Transitional Sales.

Except as otherwise provided herein, the sales and use tax authorized by this section shall apply to sales made on or after April 1, 2013, and shall be in addition to all other taxes now in effect. The sales and use tax shall not apply to the following:

1. The gross receipts from the purchase or lease of tangible personal property made under an enforceable contract entered into before April 1, 2013, provided that delivery or possession of items is taken on or before June 30, 2013.

2. The gross receipts from the purchase of taxable services, including utility services, if the billing period includes charges for services furnished before and after April 1, 2013. However, the sales and use tax shall apply to all purchases of taxable services, including utility services, if the billing period begins with services furnished on or after April 1, 2013.

3. The gross receipts from the purchase of construction materials used to complete a lump sum or fixed price construction contract that was signed and enforceable before April 1, 2013, and that does not provide for an allocation of future taxes, provided that the construction materials are used exclusively in performing the contract and the materials are delivered before October 1, 2013.

Subdivision 10. Collection and Enforcement.

The sales and use tax imposed by the city pursuant to this section shall be subject to the same interests, penalties and other rules as are applicable to the state general sales tax imposed by M.S. Chs. 289A and 297A. The sales and use tax imposed by the city pursuant to this section may be collected by the state on behalf of the city as provided by an appropriate agreement with the Minnesota Commissioner of Revenue. The City sales and use tax imposed under this section shall expire at the earlier of (1) 20 years after the date the taxes are first imposed, or (2) when the City Council determines that the amount of revenues received from the tax equals or exceeds the sum of loans made to the city by the Minnesota Public Facilities Authority as described in subdivision 1, including interest on the loans. Any funds remaining after completion of the repayment of the loans may be placed in the general fund of the city. The tax imposed under subdivision 3 may expire at an earlier time if the city so determines by ordinance.

Subdivision 11. Tax Clearance Issuance of Licenses.

The city may not issue or renew a license for the conduct of trade or business in the city if the Commissioner notifies the city that the applicant for such license owes delinquent sales and use taxes as provided in this section, or penalties or interest due on such taxes.

A. For the purposes of this subdivision, the following terms have the following meanings:

1. Applicant. "Applicant" means an individual if the license is issued to, or in the name of, an individual; or a corporation, partnership or other entity, if the license is issued to or in the name of a corporation, partnership or other entity.

2. Delinquent Taxes. "Delinquent Taxes" do not include a tax liability if:

(a) An administrative or court action that contests the amount of validity or the liability has been filed or served;

(b) The appeal period to contest tax liability has not expired; or

(c) The applicant has entered into a payment agreement and is current with the payments.

3. Penalties and Interest. "Penalties and Interest" are penalties and interest due on sales and use taxes as defined in this section.

B. A copy of the notice of delinquent taxes given to the city shall also be sent to the applicant taxpayer. In the case of renewal of a license, if the applicant requests a hearing in writing, within 30 days of the receipt of the notice of delinquent taxes, then a contested case hearing shall be held by the Commissioner under the same procedures as provided in M.S. § 270C.72 for the state sales and use tax imposed under M.S. Ch. 297A, provided that if a hearing must be held on the state sales and use tax, hearings may be combined."

Passed and adopted this 26th day of December, 2012, with the following vote: Aye 5; No 0; Absent 0.

Section 7.10 shall become effective from and after its passage and publication.

(Sections 7.11 through 7.98, inclusive, reserved for future expansion.)

SECTION 7.99. VIOLATION A MISDEMEANOR. Every person who violates a section, subdivision, paragraph or provision of this Chapter when he performs an act thereby prohibited or declared unlawful, or fails to act when such failure is thereby prohibited or declared unlawful, and upon conviction thereof, shall be punished as for a misdemeanor except as otherwise stated in specific provisions hereof.

Chapter 8

STREET AND SIDEWALKS GENERALLY

SECTION 8.01. SNOW REMOVAL.

Subdivision 1. Introduction. The City believes it is in the best interest of the residents for the City to assume basic responsibility for control of snow and ice on city streets. Reasonable ice and snow control is necessary for routine travel and emergency services. The City will provide such control in a safe and cost effective manner, keeping in mind safety, budget, personnel and environmental concerns. The City will use employees, equipment and/or private controls to provide this service.

Subdivision 2. Application. This Section applies to city streets. It does not apply to other governments' roads that go through the city unless there is a specific agreement between the city and that other government.

Subdivision 3. Commencement of Snow Removal Operations. The Public Works Director, or their designee, shall be responsible for deciding when to begin snow or ice control operations. The criteria for that decision shall include:

A. The amount of snow accumulation;
B. Drifting of snow that causes problems for travel;
C. Icy conditions which seriously affect travel; and
D. Time of snowfall in relationship to heavy use of streets.

Snow and ice control operations are expensive and involve the use of limited personnel and equipment.

Consequently, snowplowing operations will not generally be conducted for snowfall of less than 3 inches.

Subdivision 4. Manner of Plowing. Snow will be plowed in a manner so as to minimize any traffic obstructions. The center of the roadway will be plowed first. The snow shall then be pushed from left to right. The discharge shall go onto the boulevard area of the street. When a plow goes on a bridge, the driver shall slow down so that snow does not go over the bridge if possible. In times of extreme snowfall, streets will not always be immediately be able to be completely cleared of snow.

Subdivision 5. Snow Removal. The Public Works Director, or their designee designated, will determine when snow will be removed by truck from the area. Such snow removal will occur in areas where there is no room on the boulevard for snow storage and in areas where accumulated piles of snow create a hazardous condition. Snow removal operations will not commence until other snowplowing operations have been completed. Snow removal operations may also be delayed, depending on weather conditions, personnel and budget availability. The snow will be removed and hauled to a snow storage area. The snow storage area will be located so as to minimize environmental problems.

Subdivision 6. Priorities for Snow Plowing. The City shall plow those streets with a higher priority before those with lesser priority. Priority shall be determined based on street function, traffic volume and importance to the welfare of this community. High volume routes which connect major sections of the city and provide access for emergency, fire, police and medical services shall be first priority. Second priority streets are those that provide access to schools and commercial businesses. Third priority streets are low volume, residential streets. Fourth priority areas are alleys and city parking lots.

Subdivision 7. Weather Conditions. Snow and ice control operations will be conducted only when weather conditions do not endanger the safety of city employees and equipment. Factors that may delay snow and ice control operations include severe cold, significant winds and limited visibility.

Subdivision 8. Sidewalks. Property owners shall be responsible for clearing snow off sidewalks abutting their property. The City shall have no obligation to clear snow off sidewalks abutting private property. Property owners shall clear snow off their sidewalks within 24 hours of a snow event. In the event that a property owner fails to clear the snow within 24 hours, the City at its sole discretion may clear the snow; in that event, the City shall bill the property owner and the property owner shall be liable for the City's cost to have its employees clear the snow, together with any other administrative fee the City may set from time to time by the Master Fee Schedule set forth in Chapter 2, Section 2.65.

Subdivision 9. Deposit of Snow or Ice Onto Streets and Alleyways Prohibited. It is a misdemeanor for any person, not acting under a specific contract with the City or without special permission from the City, to remove snow or ice from private property and deposit it on any public street or alley."

Effective Date. This Ordinance shall be in full force and effect from and after its passage and publication.

Amended and adopted this 25th day of June, 2012.

SECTION 8.02. MAINTENANCE OF STREETS.

Subdivision 1. Introduction. The City believes it is in the best interest of the residents for the City to do maintenance of its city streets. An important part of street maintenance is the repair of potholes. The city will repair potholes in a safe and cost effective manner, keeping in mind safety, budget, personnel, and environmental concerns. The city will use city employees, equipment and/or private contractors to provide this service. Pothole repair is part of the city's overall pavement management program.

Subdivision 2. Application. This Section applies to city streets. It does not apply to other governments' roads that go through the city unless there is a specific agreement between the city and that other government.

Subdivision 3. Inspections. The Public Works Director, or his designated employee of the City, shall decide when to conduct pothole repairs but repairs will consist of two elements.

A. Crew Repair. A crew will be assigned an area to inspect. It will repair any potholes it finds in that area. Each street will be inspected at a minimum of once a year depending on available resources and factors such as weather and other

street work that needs to be done. The timing for the repairs will also be based upon those factors.

B. Response to Complaint or Accident. A crew will be sent out to inspect any street when the city receives a complaint or notice of an accident or damage involving a pothole.

Subdivision 4. **Criteria for Repair.** Not every imperfection in a street surface is necessarily considered to be a pothole in need of repair. The general criteria will a pothole that is 2 inches or more deep and over 5 inches in diameter. The Public Works Director, or his designated employee of the City, will have discretion to decide if a pothole is need of repair.

Subdivision 5. Priorities for Repair. The city has classified city streets based on the street function, traffic volume, and importance to the welfare of the community. The city will repair those streets first that are high volume and high speed routes that connect major sections of the city and provide access for emergency fire, police and medical services. The second priority streets are those streets providing access to schools and commercial businesses. The third priority streets are low volume residential streets. The fourth priority area is alleys and city parking lots.

Subdivision 6. Documentation. Workers will document all street repairs to potholes that are made under this Section. Records will not necessarily identify each individual pothole, but may how the general street location where repairs were made.

SECTION 8.03. ASSESSMENTS.

Subdivision 1. Improvements Eligible for Special Assessment. The following public improvements and related acquisition, construction, extension, and maintenance of such improvements, authorized by Minnesota Statutes Sections 429.021 and 459.14, are eligible for special assessment within the City:

a. Streets, sidewalks, trails, pavement, curbs and gutters.

b. Water works.

c. Sanitary sewer.

d. Storm sewer.

e. Street boulevard trees, landscaping and other city beautification projects.

f. Street lights.

Public improvements shall be specially assessed regardless of whether the City receives financial assistance from the Federal Government, the State of Minnesota, Steele County, or from any other source to defray a portion of the costs of the public improvement. Such aid shall be used first to reduce the city cost of the improvement (the amount of the total improvement expense the City will pay). If the financial assistance received is greater than the city cost, the remainder of the aid shall be placed in the Capital Improvement Fund to be applied towards other City projects.

Subdivision 2. Computation of Assessments. General assessable costs shall be for the following categories and calculated using not only the construction costs, but also the applicable portion of the engineering, legal and financing costs to construct those improvements. Assessments shall fall into these categories:

A. **New Subdivisions.** All costs incurred for the development of new infrastructure are assessable against the benefitted property 100% in accordance with the following guidelines for new construction. These costs shall include all costs for the engineering, legal, construction and financing of the actual improvements installed. These assessable costs include all costs for the streets, landscaping, water, sanitary sewer, storm sewer, and electrical distribution systems. These assessments may be financed through the annual payments of principal and interest.

B. **Street Improvements**.

1. **Method of Calculating Assessments**. All lots shall be assessed at 100% of the total lot frontage, save and except for the following:

   a. Lots that abut two or more streets, including corner lots, shall be assessed at two-thirds of the total lot frontage of the improved street.

   b. Odd shaped lots (where there is greater than 2.0 feet difference between the front and rear lot lines), including lots on cul-de-sacs, shall be assessed at one-half of the sum of the lot's front and rear lot lines.

   c. Lots that do not abut a public improvement but which are serviced by the public improvement shall be assessed as if the lot line closest to the public improvement abuts the public improvement. Examples include a back lot that does not abut a street but is accessed by that street, and lots that do not abut a street but access water or sewer services from the trunk lines running under that street. Lots that may be assessed on two or more streets shall be assessed at two-thirds of the total lot frontage of the improved street

   Amended November 25, 2019, with the following vote: 4 aye, 0 nay, 1 absent.

   Street assessments shall be based upon a maximum street width of 36 feet. Street widths greater than 36 feet shall be a city cost. Cost of construction of residential streets shall be based on six inches of granular base and 3 ½ inches of flexible pavement; cost of construction of commercial and industrial streets shall be based on 8 inches of granular base and 4 inches of flexible pavement. Oversizing costs which are incurred in excess of the above may be paid by: State Funds, larger assessment rates to other benefitted properties, general obligation funds, or any other method or combination of methods authorized by the City Council.

2. **New Construction.** New streets shall be assessed 100% to the benefitted properties.

3. **Reconstruction and Overlays.** Street reconstructions and overlays shall be assessed 50% to the benefitted properties. New curb and gutter shall be assessed at 100%.

4. **Gravel streets.** Upgrading existing gravel streets by adding pavement, curb or gutter shall be considered new construction and all costs shall be assessed at 100%.

5. **Seal Coats.** Street maintenance costs for surface patching and seal coating shall not be assessed to abutting property owners.

6. **Alleys.** Upgrading existing gravel alleys by adding pavement shall be assessed at 100% to all lots abutting on the alley.

7. **Curb and gutter improvements.** New curb and gutter shall be assessed 100% to abutting property owners regardless of whether the street construction is new construction or reconstruction. The benefited properties shall be assessed based upon actual lot frontage.

8. **Driveways.** Driveway construction and street repair for service installation shall be assessed 100% to the benefited property owner. Driveways shall be extended one (1) foot beyond the edge of the bituminous pavement by the City as part of the street improvement in areas where no concrete curb and gutter exists. Driveways shall be replaced in kind (same surfacing) in areas where concrete curb and gutter exists or is installed.

C. **Sidewalks and Trails**.

1. **Sidewalk and Trail Defined**. A "sidewalk" shall be defined as a walkway that has a width of less than eight (8) feet. A "trail" shall be defined as a walkway that has a width of eight (8) feet or greater.

2. **Sidewalks**. New sidewalks on existing developed properties shall be assessed 50% to benefitted properties. Reconstruction of a sidewalk (the replacement of a long section of sidewalk greater than ten (10) feet in continuous length) shall be assessed 50% to the benefitted properties. For purposes of this paragraph, benefitted properties shall include properties on both side of the street, based on lot frontage.

3. **Trails.** New trails and reconstruction of trails shall not be assessed. This policy recognizes the benefit to the entire community resulting from a trail system.

D. **Storm Sewer Improvements**.

1. **New Construction.** Storm sewers in new subdivisions shall be assessed 100% to the developer. New storm sewers in existing subdivisions shall be assessed 100% to benefitted properties based upon the drainage area.

2. **Reconstruction.** Reconstructed storm sewer shall be assessed 50% to benefitted properties, based upon the drainage area.

E. **Sanitary Sewer Improvements**. Assessments for sanitary sewer in residential areas shall be based upon the cost of construction of 8 inch mains to a depth of no more than 25 feet. Assessments for sanitary sewers in commercial and industrial areas shall be based upon 12 inch mains.

1. **New Construction.** Sanitary sewers in new subdivisions shall be assessed 100% to the developer. New sanitary sewers in existing subdivisions shall be assessed 100% to benefitted properties, based upon actual lot frontage.

2. **Reconstruction.** The replacement of existing sanitary sewers shall be assessed 50% to benefitted properties, based upon actual lot frontage.

3. **Service Lines.** Individual service lines installed directly to specified properties shall be fully assessed directly to the benefitted properties. Any existing service lines found to be defective as part of a street reconstruction shall be replaced as part of the project and 100% assessed directly to the property.

4. **Trunk Improvements** – Oversizing cost of the sanitary sewer over and above a normal lateral sanitary sewer (12" and/or smaller) and extra depth of the sanitary sewer over and above a normal lateral sanitary sewer (25' deep and/or shallower) shall be paid by the City. Also all improvement costs associated with wastewater treatment, river crossings, railroad crossings, Interstate Highway crossings, lift station and forcemain construction shall be considered Trunk Improvements.

F. **Watermain Assessments**. Assessments for watermains in residential areas shall be based upon the cost of construction of 8 inch mains. Assessments for watermains in commercial and industrial areas shall be based upon 12 inch mains.

1. **New Construction.** Watermains in new subdivisions shall be assessed 100% to the developer. New watermains in existing subdivisions shall be assessed 100% to benefitted properties, based upon actual lot frontage.

2. **Reconstruction.** The replacement of existing watermains shall be assessed 50% to benefitted properties, based upon actual lot frontage.

3. **Service Lines.** Individual service lines installed directly to specified properties shall be fully assessed directly to the benefitted properties. Any existing service lines found to be defective as part of a street reconstruction shall be replaced as part of the project and 100% assessed directly to the property.

4. **Trunk Improvements** – Oversizing cost of the watermain over and above a normal lateral watermain (8" and/or smaller) for residential properties and (12" and/or smaller) for commercial/industrial properties shall by paid by the City. Also, all improvement costs associated with water treatment, water storage, wells, pumping stations, river crossings, railroad crossings and Interstate Highway crossings shall be considered Trunk Improvements.

H. **Street Boulevard Trees and Landscaping**. All street boulevard trees and landscaping installed as part of new street constructions or in reconstructing any existing improvement shall be included as part of the overall project costs included in the assessment calculations.

I. **Street Lights**. All costs for new street lights installed as part of constructing new streets or street lights relocated as part of reconstructing streets shall be included in the overall project costs and included in the assessment calculations.
In new subdivisions, the city may require the developer to finance street light improvements rather than assessing the cost.

I. **Other Improvements**. Based on the City Council determination, any other improvements may be fully assessed or assessed in part.

J. **Additional Benefit**. Notwithstanding the methods of computation set forth in this Subdivision 2, the City may assess or impose an additional assessment on a property or a designated area of similarly situated properties in the event that the city determines that the property or designated area of similarly situated properties, due to location or use, receives a special benefit due to any improvement described in this Subdivision. Said property or designated area of similarly situated properties may be assessed even though they do not abut the public improvements to be assessed.

K. **Limitation on Assessment**. No property shall be specially assessed for a public improvement in excess of the special benefit received by the property due to the public improvement. The City shall have the discretion to place a cap on proposed special assessments to the extent it determines that a proposed assessment exceeds the special benefit. In applying this discretion, the City shall treat all similarly situated properties on a similar basis.

Subdivision 3. Financing of Assessments. The City Council may direct the certification of the assessment role for payment in annual installments of principal and interest in either substantially equal payments of principal and interest or a fixed amount of principal per year. Interest on the assessments shall be determined on a project by project basis, but will typically be one (1) to two (2) percent above the average coupon on the bonds issued to finance the improvements for which the assessments are certified. Assessments shall typically be financed over fifteen (15) to twenty (20) years.

A. **Deferred Assessments.** The Council may defer any assessments against a benefitted property by resolution. This deferment applies to homestead property owned by persons 65 years of age or older, or who is retired by virtue of permanent and total disability, for whom it would be a hardship to make payment. To apply for a deferment, interested applicants shall submit a form available from the City Clerk along with other information that the City Clerk may request in order to allow the City Council to make the determination that the applicant qualifies for this deferment. If the City Council grants deferment, the Clerk shall notify the County Auditor and County Assessor who shall in accordance with Minnesota Statutes Section 435.194 record a notice of the deferment with Steele County setting forth the amount of the assessment. Interest shall accrue during the period of deferment.

Said deferment shall terminate and all amounts accumulated plus applicable interest shall become due upon the occurrence of any one of the following:

1. The death of the owner provided that the spouse is not eligible for the deferment;

2. The sale, transfer, or subdivision of all or any part of the property;

3. The loss of homestead status on the property; or

4. The determination by the Council that payment or partial payment would not constitute undue hardship.

B. **Partial Pre-Payment.** After the adoption of the assessment role by the City Council, the owner of any property specially assessed in the proceeding may, prior to the certification of the assessment to the County Auditor, pay to the City Treasurer any portion of the assessment and the remaining unpaid balance shall be spread over the period of time established by the City Council for the payment of the assessment in installments.

ubdivision 4. Additional New Development Fees. In addition to the assessments set forth above, new developments shall incur the following additional fees which shall be set or modified by the City Council by the Master Fee Schedule set forth in Chapter 2, Section 2.65. New development shall be defined for purposes of this Section as any new development that changes the use of character of a property.

a. **Annexation Deposit**. At the time of application for annexation into the City the owner shall pay a deposit based upon acres to be annexed. The Annexation Deposit shall be applied toward engineering and legal costs. Unused portions shall be refunded to the Developer.

b. **Annexation Reimbursement**. At the time of application for annexation into the City the property owner shall reimburse the City for all compensation paid by the City to the township from which the land has been annexed.

c. **Water and Sewer Connections**. Each water and sewer connection shall incur a fee payable to the City at the time of application for building permits based upon the sizing of the connection.

d. **Trunk Fees**. All developments of property shall be required to pay trunk fees in relation to the use of the developed property and number of acres, lots, or units to be developed.

e. **Land Donation**. In addition to other fees payable for a new development, a landowner shall be required to dedicate percentage of the gross acreage of the property to the City as and for open space. At the discretion of the City, in lieu of a land donation the landowner may pay a percentage of the fair market value of the land to be developed, or some combination thereof.

f. **Engineering Fee**. All public improvements in new developments shall utilize the City Engineer. The Developer shall reimburse the City for its engineering costs as a percentage of the total cost of the public improvements.

g. **Administrative Fee**. All new developments shall be required to pay an administrative fee to the City based upon a percentage of the construction costs for the public improvements.

Effective Date. This Ordinance shall be in full force and effect from and after its passage and publication.

Amended and adopted this 16th day of December, 2013.

SECTION 8.04. MAILBOXES. In the event street maintenance or snowplowing causes damage to mail receptacles situated on City property it shall be the responsibility and obligation of the respective property owners to repair. The City of Medford shall incur no liability or obligation for costs of repair or replacement damage arising out of street maintenance.

SECTION 8.10. REGULATION OF TREE MAINTENANCE.
Subdivision 1. Purpose. It is the purpose of this section to promote and protect the public welfare, safety, and general welfare by providing for the regulation of the maintenance and removal of trees, shrubs and other plants within the City.

Subdivision 2. Definitions. The following terms, as used in this Section, shall have the meanings stated:

A. "Boulevard Tree" means a tree, shrub, bush, or any other woody vegetation located on land lying between the property lines or within the right-of-way lines on either side of any street, avenue or way within the City

B. "Park Tree" means a tree, shrub, bush, and any other woody vegetation located in a public park or area owned by the City not defined as “Boulevard Tree”.

Subdivision 3. Adjacent Landowner Responsibility. An owner of real property adjacent to a Boulevard Tree shall maintain the Boulevard Tree as necessary to maintain good health and vigor and protect the tree against damage.

Subdivision 4. Adjacent Landowner Financial Responsibility. An owner of real property adjacent to a Boulevard Tree shall be financially responsible for removal of the tree, limbs, or roots. Property owners will be responsible for performing the work or hiring a contractor to prune, maintain or remove the tree, limbs, or roots

.

Subdivision 5. City Right to Maintain. The City shall have the right, but not the responsibility, to prune, maintain and remove any Boulevard Tree as may be necessary to insure the public safety or to preserve or enhance the symmetry and beauty of locale. Such work may occur during annual maintenance at the City’s expense.

Subdivision 6. Public Works Supervisor/Director to Control Trees. The Public Works Supervisor/Director shall have, under the direction of the city council, control and supervision over all Park Trees and Boulevard Trees. Whenever the Public Works Supervisor/Director shall find that any tree needs trimming, removal, treatment or other care in order to preserve the same in good condition or to protect the public from damage or injury he/she shall see that the necessary work is performed.

Subdivision 7. Removal of Boulevard Trees Endangering Utilities or Other Public Improvements. The City may remove or cause or order to be removed any Boulevard Tree or part thereof that is in an unsafe condition or that by reason of its nature is injurious to sewers, electric power lines, or other public improvements.

Subdivision 8. Interference with Lighting. Every Boulevard Tree overhanging any street or right-of-way shall be pruned so that the branches shall not obstruct the light from any street lamp or obstruct the view of any street intersection, and so that there shall be a clear space of at least 8 feet above the street. Dead, diseased, or dangerous trees, broken or decayed limbs that endanger the safety of the public shall be removed.

Subdivision 9. City May Order Work Performed. In cases where an owner of real property adjacent to a Boulevard Tree receives written notice from the City requiring the maintenance and/or removal of the tree, limbs, or roots the owner shall be financially responsible for removal of the tree, limbs, or roots. If the owner(s) fails to comply with the provisions of the written notice, the City’s public works crew, or any of its agents, may perform such work. The City shall keep an accurate account of the cost thereof for each lot, piece or parcel of land abutting the Boulevard Tree and bill the owner(s) for the work performed.

Subdivision 10. Assessment. If maintenance work described in the foregoing subdivision is performed by the city, the city shall forthwith upon completion thereof ascertain the cost attributable to each lot, piece or parcel of abutting land. If the owner does not pay the bill, the city shall present such certificate to the council and obtain its approval thereof. When such certificate has been approved it shall be extended as to the cost therein stated as a special assessment against such abutting land and such special assessment shall be certified for collection as other special assessments are certified and collected.

Subdivision 11. Interference with Public Works Crews. It shall be unlawful for any person to prevent, delay or interfere with the City’s public works crew, or any of its agents, while engaging in and about the maintenance or removal of any Boulevard Tree or Park Tree as authorized in this Section. “

2. This Ordinance shall be effective immediately upon its passage and publication.

   Passed and adopted this 25th day of March, 2019

   (Sections 8.05 through 8.98, inclusive, reserved for future expansion.)

SECTION 8.99. VIOLATION A MISDEMEANOR. Every person who violates a section, subdivision, paragraph or provision of this Chapter when he performs an act thereby prohibited or declared unlawful, or fails to act when such failure is thereby prohibited or declared unlawful, and upon conviction thereof, shall be punished as for a misdemeanor except as otherwise stated in specific provisions hereof.

Chapter 9

TRAFFIC REGULATIONS

SECTION 9.01. HIGHWAY TRAFFIC REGULATION ACT ADOPTED BY REFERENCE.

Subdivision 1. Adoption by Reference. Except as otherwise provided in this Chapter, or in Chapter 10 of this Code, Minnesota Statutes, Chapter 169, (commonly referred to as the Highway Traffic Regulation Act), as amended, is hereby incorporated herein and adopted by reference, including the penalty provisions thereof.

Subdivision 2. Unclassified Violations.

A. No person shall operate a vehicle on a public highway, street, parking lot, alley or other public property in such manner as to cause the tires to squeal, the gears to grind, or the motor to back fire, except when an emergency creates the necessity for such operation.

B. No person shall drive a vehicle on a public highway, street, parking lot, alley or other public property at irregular or erratic and changing speeds or in such a manner as to cause said motor vehicle to skid or slide upon acceleration or stopping or in a manner that simulates a temporary race, or that causes the vehicle to turn abruptly or sway, except when an emergency creates the necessity for such operation.

C. No person shall loiter on top of, against, or upon an outside portion of any vehicle parked on any public highway, street, parking lot, alley or other public property without the consent or permission of the owner or operator thereof, nor shall he loiter in such places in a manner likely to endanger himself or to impede the free flow of traffic.

D. Except in a real emergency, during an authorized public parade, or when making lawful signals, no person shall drive or ride in a motor vehicle on any public highway, street, alley, parking lot or other public places (a) with any part of his person extending outside the window, or (b) while sitting, reclining or being in or on any portion of a motor vehicle not normally occupied by the driver or passengers, or (c) while standing or being above normal sitting position in an open convertible motor vehicle.

Subdivision 3. Traffic Control Signs. The City Council shall cause to be placed traffic control signs and markers on such streets, alleys, avenues, highways and other public ways as the City Council may, by motion, from time to time direct. The City Council is further empowered to cause to be placed temporary signs or markers on or adjacent to streets, alleys, avenue, highways and other public ways as it may deem necessary or expedient to regulate, warn or guide traffic in emergency cases, or where public safety would be thereby preserved.

Subdivision 4. Application of Regulations. This Section, as amended from time to time, shall be deemed to be in addition to and supplementary to and not in conflict with existing sections of this Code, but shall be an additional provision for the regulation of traffic and parking of vehicles on the streets of the City of Medford, Minnesota.

Subdivision 5. Penalty. It shall be a petty misdemeanor for any person to do any act forbidden or fail to perform any act required by Subdivision 2 or 3 of this Section.

Subdivision 6. Penalty. Any violation of the statutes adopted by reference in Subdivision 1 is a violation of this Section when it occurs within the City of Medford. Any person thus violating any provision of this Section shall be guilty of such an offense and shall be punished by such penalty as is prescribed by such statute, except where a different penalty is prescribed in this Section.

SECTION 9.02. REGULATIONS IN VICINITY OF FIRES.

Subdivision 1. Members Vested with Police Powers. That at and in the vicinity of fires and where fire apparatus has stopped in an answer to a fire alarm all officers and members of the

Medford Fire Department shall be vested with police powers and among others shall have power to control and direct traffic of persons and vehicles.

Subdivision 2. Prohibition Against Proximity to Fire Vehicles. The driver of any vehicles shall not follow any fire vehicles or apparatus or cars in which firemen are being transported, to a fire or in answer to a fire alarm, closer than 500 feet, nor drive into nor park within 500 feet where such vehicles or fire apparatus has stopped, unless he be a resident within such distance or unless permission be given him by police or fire department officer or member.

Subdivision 3. Prohibition Against Loitering. No person except firemen, police officers, and residents within such distance, shall, without permission of firemen or a police officer, approach, remain or loiter within 100 feet of the scene of a fire or where fire vehicles or apparatus has stopped in answer to a fire alarm, and every person within such distance shall be subject to and obey all orders of police officers or firemen.

SECTION 9.03. WEIGHT LIMITATIONS

Subdivision 1. Purpose. The purpose of this Section is to preserve the condition of the public streets within the City of Medford from serious damage and destruction by the excessive use of the streets by trucks and other heavily laden vehicles, to reduce the amount of loss and expenses to the taxpayers of the City of Medford for street maintenance, and to reduce the amount of dirt, noise and other undesirable conditions created by such traffic.

Subdivision 2. Weight Limitations. It shall be unlawful for any vehicle or combination of vehicles larger than 3 ton gross weight per axle or combination thereof to be operated upon the public streets and roads of the City of Medford except those streets controlled by the County of Steele.

Section 3. Signage. The City Maintenance Engineer will be directed and is authorized to erect and maintain signs at the main entrances to the city streets affected establishing the weight restrictions as set forth in Subdivision 2.

Subdivision 4. Other Vehicles. School buses, refuse haulers, home delivery (milk, ice cream, salt, heating trucks) utility, and street maintenance vehicles may proceed with normal operation on their regularly established routes and at all regularly established hours.

Subdivision 5. Special Permits. The City Council may at its discretion upon application in writing and good cause being shown therefore, issue a special permit in writing authorizing the applicant to move a prohibited vehicle or combination of vehicles otherwise not in conformity with the previous provisions of this Section, upon the streets and highways of the City. The City Council may issue or withhold such permit at its discretion. If such permit is issued, the City Council may limit or prescribe conditions of operation of such vehicle or vehicles when necessary to assure against undue damage to the road foundations, surfaces, or structures and may require such undertaking or other security as it may deem necessary to compensate for any injury or damage to any roadway or road structure. In addition the City Council may require the operator owner of such vehicle or vehicles have in effect, a policy of liability insurance or bond affording substantially the same coverage with respect to injury to person and damage to property as may be required.

Subdivision 6. Standing Vehicles.

A. No person shall park, stop or leave a standing vehicle or combination of vehicles larger than 3 ton gross axle weight whether attended or unattended on any street or highway in the City of Medford except by special permit issued by the Medford City Council. Street or highway means the entire width between boundary lines of any way or place when any part thereof is open to the use of the public street, as a matter or right, for the purposes of vehicular traffic, within the City of Medford.

B. It is unlawful for any person owning, driving, or in charge of a motor vehicle to cause or permit the parking or continuous standing for more than four (4) hours on any public property within any residential use district of this City, of any motor vehicles in excess of nine thousand (9,000) pounds gross vehicle weight or in excess of twenty-two (22) feet in length.

Subdivision 7. Idling Vehicles. No person shall have or allow a motor vehicle engine to idle in residential districts of the City of longer than thirty (30) minutes. No idling period shall be repeated at shorter intervals than five (5) hours.

SECTION 9.04. REGULATION OF BYCYCLES AND BICYCLE TRAFFIC.

Subdivision 1. Traffic Laws Apply. Every person riding a bicycle upon a roadway or upon any path set aside for the exclusive use of bicycles shall be granted all of the rights and shall be subject to all of the duties applicable to the driver of a vehicle by the law of this state, or by the traffic regulations of this municipality.

Subdivision 2. Equipment on Bicycles. Every bicycle shall be equipped with a brake which will enable the operator to make the braked wheel skid on dry, level clean pavement.

Subdivision 3. Bicycle Riding Equipment. Every bicycle, when in use at nighttime, shall be equipped with, or its operator shall carry, a lamp on the front which shall emit a white light visible from a distance of at least five hundred (500) feet to the front and with a red reflector on the rear of a type approved by the Department of Public Safety which is visible from all distances from on hundred (100) feet to six hundred (600) feet to the rear when directly in front of lawful lower beams of head lamps on a motor vehicle. A lamp emitting a red light visible from a distance of five hundred (500) feet to the rear may be used in addition to the red reflector. No person may at any time when there is not sufficient light to render clearly discernible persons and vehicles on the highway at a distance of five hundred (500) feet ahead, operate a bicycle unless the bicycle or its operator is equipped with reflective surfaces that shall be visible during the hours of darkness from six hundred (600) feet when viewed in front of lawful lower beams of head lamps on a motor vehicle.

The reflective surfaces shall include reflective materials on each side of each pedal to indicate their presence from the front or the rear and with a minimum of twenty (20) square inches on each side of the bicycle or its operator, of white reflective material. All reflective materials used in compliance with this subdivision shall meet the requirements as prescribed by the Commissioner of Public Safety.

Subdivision 4. Speed. No person shall operate a bicycle at a speed greater than is reasonable and prudent under the conditions then existing.

Subdivision 5. Obedience to Traffic Control. Devices. (a) Any person operating a bicycle shall obey traffic control devices applicable to vehicles unless otherwise directed by a police officer. (b) Whenever authorized signs are erected indicating that no right or left or U-turn is permitted, no person operating a bicycle shall disobey the direction on any such sign.

Subdivision 6. Signals Required. Before turning or changing the direction of any bicycle upon any street, highway, parkway or public place it shall be the duty of the bicycle rider to give a signal by the extension of the hand to indicate the direction it is the intention to proceed. Signal your right or left turn during the last one hundred (100) feet before reaching the turning point. You need not continue the hand-and-arm signal while making the turn.

Subdivision 7. Carrying Articles. No person operating bicycle shall carry any packages, bundle or article which prevents the driver from keeping at least one hand upon the handle bar.

Subdivision 8. Trick Riding. No person riding or operating a bicycle shall perform or attempt to perform any acrobatic, fancy or stunt riding upon any public highway or street.

Subdivision 9. Ride and Passengers on Bicycles. A person propelling a bicycle shall not ride other than astride a permanent and regular seat attached thereto. No bicycle shall be used to carry more persons at one time than the number for which it is designed and equipped.

Subdivision 10. Parking and Parking Spaces. Any bicycle which is parked on any sidewalk so as to be a hazard to pedestrians shall be impounded.

Subdivision 11. Entering or Emerging from Alley or Driveway. The operator of a bicycle emerging from an alley, driveway or building upon approaching a sidewalk or the sidewalk area

extending across any alleyway shall yield the right-of-way to all pedestrians approaching on the sidewalk or sidewalk area, and upon entering the roadway, shall yield the right-of-way to all vehicles approaching on the roadway.

Subdivision 12. Vehicles Prohibited from Bicycle Lanes and Paths. No person shall operated a motor vehicle within an established and officially designated bicycle lane or path except when necessary to park where parking is allowed, for purposes of ingress or egress to and from driveways or for purpose of intersectional travel.

Subdivision 13. Where to Ride. Every person operating a bicycle upon a roadway shall ride as near the right side of the roadway as practicable, exercising due care when passing a standing vehicle or one proceeding in the same direction. Whenever a usable path for bicycles has been provided adjacent to a roadway or as a part of the roadway, bicycle riders shall use such paths and shall not use the remaining portion of the roadway.

Subdivision 14. Ride Abreast. Persons riding bicycles upon a roadway shall not ride more than two (2) abreast except on paths or parts of roadways set aside for exclusive use of bicycles.

Subdivision 15. Hitching Rides. It shall be unlawful for any person operating a bicycle upon any street, highway, parkway or public place to attach himself or herself to any other moving vehicle.

Subdivision 16. Effect of Regulations. It is unlawful for any person to do any act forbidden or fail to perform any act required on this Section. The parent of any child or minor and the guardian of any ward shall not authorize or knowingly permit any child, minor or ward to violate any of the provisions of this chapter. These regulations applicable to bicycles shall apply whenever a bicycle is operated upon any street or highway within this municipality or upon any path or trail therein set aside for the exclusive use of bicycles subject to those exceptions stated herein.

Subdivision 17. Juvenile Bicycle Law Offender. All persons under the age of adulthood as defined by the State Statutes of Minnesota and who violate any of the provisions of this Section shall be declared a juvenile bicycle law offender and the proceedings against said individual will take place in the Juvenile Court of Steele County under rules and regulations prescribed by said Court.

Subdivision18. Impoundment of Bicycles. Where a person is apprehended by a police officer and is convicted by a judge for using a bicycle in a manner contrary to any provision of this Section or of the Minnesota Statutes, the judge may impound the bicycle for a period not exceeding three (3) months.

Subdivision 19. Impounding and Fees. Bicycles found in violation of this Section or any abandoned bicycle found on any street, alley, highway, boulevard or public grounds shall be immediately impounded and shall be surrendered to the owner thereof upon proof of ownership satisfactory to the Police Department and payment of a fee of $5.00 to cover part of the costs of impoundment. If the owner is known, notice of the impoundment shall be sent by U.S. Mail to the said owner immediately upon impoundment. If any bicycle is not claimed by the owner within three (3) months of the impoundment, said bicycle may be disposed of as unclaimed property.

SECTION 9.05. REGULATION OF SNOWMOBILES.

Subdivision 1. **Definitions.** For the purpose of this Section the terms defined herein shall have the meaning ascribed to them.

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

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

3. "Owner" means a person, other than a lien holder having the property in or title to snowmobile entitled to the use or possession thereof.

4. "Operate" means to ride in or on and control the operation of a snowmobile.

5. "Operator" means to every person who operates or is in actual physical control of a snowmobile.

Subdivision 2. Prohibited Locations. Except as herein specifically permitted and authorized, it is unlawful for any person to operate a snowmobile within the limits of the City of Medford, Minnesota:

1. On the portion of any right of way of any public highway, street, road, trail or alley used for motor vehicle travel, except the most right-hand lane (except in passing) which is used for vehicle traffic in the same direction, other than on freeways, interstate, trunk, county state-aid, or county highways. Snowmobiles may be operated upon the ditch bottom where lawfully so posted or the outside bank of trunk, county state-aid and county highways where such highways are so configured within the corporate limits.

2. On a public sidewalk provided for pedestrian travel.

3. On boulevards within any public right of way.

4. On private property of another without specific permission of the owner or person in control of said property.

5. On any other public place except as may be specifically permitted by other provisions of the City Code.

Subdivision 3. Crossings Allowed. A snowmobile may make a direct crossing of a street or highway, except an interstate highway or freeway, provided:

1. The crossing is made at an angle of approximately 90 degrees to the direction of the street or highway and at a place where no obstruction prevents a quick and safe crossing.

2. The snowmobile is brought to a complete stop before crossing the shoulder or main traveled way.

3. The driver yields the right of way to all oncoming traffic which constitutes an immediate hazard.

4. In crossing a divided street or highway, the crossing is made only at an intersection of such street or highway with another public street or highway.

5. If the crossing is made between the hours of one-half hour after sunrise or in conditions of reduced visibility, only if both front and rear lights are on.

Subdivision 4. Traffic Rules Apply. City traffic regulations shall apply to the operation of snowmobiles upon streets and highways, except for those relating to required equipment, and except those which by their nature have no application.

Subdivision 5. Intersections. No snowmobile shall enter any intersection without yielding the right of way to any vehicles or pedestrians at the intersection, or so close to the intersection as to constitute an immediate hazard.

Subdivision 6. Person under 18.

A. No person under 14 years of age shall operate on streets or the roadway surface of highways or make a direct crossing of a trunk, county state-aid, county highway, or city street as the operator of a snowmobile. A person 14 years of age or older, but less than 18 years of age, may operate a snowmobile on streets and highways as permitted under this Section and make a direct crossing of such streets and highways only if he has in his immediate possession a valid

snowmobile safety certificate issued by the commissioner, as provided by M.S.A. Section 84.872.

B. It is unlawful for the owner of a snowmobile to permit the snowmobile to be operated contrary to the provisions of the subdivision.

Subdivision 7. Prohibited Conduct. It is unlawful for any person to operate a snowmobile within the limits of the City of Medford, Minnesota, in the following manner:

1. At any place, while under the influence of alcohol or drugs as defined in M.S.A. 169.121, which is hereby incorporated herein by reference.

2. At a rate of speed greater than 15 miles per hour.

3. At any place in a careless, reckless, or negligent manner or heedlessly in disregard of the rights or safety of others, or in a manner so as to endanger or be likely to endanger or cause injury or damage to any person or property.

4. Between the hours of 11:00 PM and 7:00 AM except upon designated snowmobile trails.

5. So as to tow any person or thing in a public street or highway except through use of a rigid tow bar attached to the rear of the snowmobile.

6. Within 100 feet of any fisherman, pedestrian, skating rink, or sliding area where the operation would conflict with use or endanger other persons or property.

Subdivision 8. Equipment Required. It is unlawful for any person to operate a snowmobile any place within the limits of the City of Medford, Minnesota, unless it is equipped with the following:

1. Standard mufflers which are properly attached and which reduce the noise of operation of the motor to the minimum necessary for operation. No person shall use a muffler cutout, by-pass, straight pipe or similar device on a snowmobile motor.

2. Brakes adequate to control the movement of and to stop and hold the snowmobile under any condition of operation.

3. A safety or so-called "deadman" throttle in operation condition. A safety or "deadman" throttle is defined as a device which, when pressure is removed from the engine accelerator or throttle, causes the motor to be disengaged.

4. When operated between the hours of one-half hour after sunset to one-half hour before sunrise or at times of reduced visibility, at least one clear lamp attached to the front, with sufficient intensity to reveal persons and vehicles at a distance of at least 100 feet ahead during the hours of darkness under normal atmospheric conditions. Such head lamp shall be so aimed that glaring rays are not projected into the eyes of an oncoming snowmobile operator. It shall also be equipped with at least one red tail lamp having a minimum candlepower of sufficient intensity to exhibit a red light plainly visible from a distance of 500 feet to the rear during hours of darkness under normal atmospheric conditions.

5. Reflective material at least 16 square inches on each side, forward of the handlebars, so as to reflect light at a ninety degree angle.

Subdivision 9. Parked Snowmobiles. Every person leaving a snowmobile on a public place shall lock the ignition, remove the key and take the same with him.

Subdivision 10. Use During Emergencies. Notwithstanding any prohibitions in this Section, a snowmobile may be operated on a public thoroughfare in an emergency during the period of time when, and at locations where, snow upon roadway renders travel by automobile impractical.

Subdivision 11. Animals. It is unlawful to intentionally drive, chase, run over or kill any animal with a snowmobile.

SECTION 9.06. REGULATION OF SPECIAL VEHICLES

Subdivision 1. Purpose and Intent.

A. The purpose of this chapter is to provide reasonable regulations for the use of special vehicles within the city.

B. This chapter is not intended to allow what the Minnesota Statutes prohibit or to prohibit what the Minnesota Statutes expressly allow.

C. It is intended to ensure the public safety and prevent a public nuisance.

Subdivision 2. Definitions.

The following terms have the meanings set forth herein.

1. **Driver**. A Driver is the person driving and having physical control over the Special Vehicle.

2. **Mini-Truck**. A Mini-Truck is as defined in Minn. Stat. § 169.011, Subd. 40a, a motor vehicle that has four wheels; is propelled by an electric motor with a rated power of 7,500 watts or less or an internal combustion engine with a piston displacement capacity of 660 cubic centimeters or less; has a total dry weight of 900 to 2,200 pounds; contains an enclosed cabin and a seat for the vehicle operator; commonly resembles a pickup truck or van, including a cargo area or bed located at the rear of the vehicle; and was not originally manufactured to meet federal motor vehicle safety standards required of motor vehicles in the Code of Federal Regulations, title 49, Subdivisions 571.101 to 571.404, and successor requirements. A mini-truck does not include: a neighborhood electric vehicle or a medium-speed electric vehicle; or a motor vehicle that meets or exceeds the regulations in the Code of Federal Regulations, title 49, Subdivision 571.500, and successor requirements.

3. **Motorized Golf Cart**. A Motorized Golf Cart is any passenger conveyance being driven with three or four wheels with three or four low-pressure tires that is limited in engine displacement of less than 800 cubic centimeters and total dry weight less than 800 pounds.

4. **ATV**. An ATV is an all-terrain vehicle, either Class 1 or Class 2, as those terms are defined in Minnesota Statutes Section 84.92, as amended.

5. **Special Vehicle**. A Special Vehicle is a Motorized Golf Cart, ATV, or a Mini-Truck.

Subdivision 3. Special Vehicles Allowed on Public Streets; Prohibited on Sidewalks and Bike Paths.

A. Special Vehicles shall be allowed on all public city streets in the City of Medford so long as the Driver meets all requirements of this Section.

B. Special Vehicles shall be prohibited on all sidewalks and bike paths located within the City of Medford, save and except that City of Medford personnel may operate Special Vehicles on sidewalks and bike paths in performance of their duties."

Amended this 23rd day of September, 2019 by the City Council of the City of Medford

Subdivision 4. Permit Requirements.

A. Permit Required. All Special Vehicles operated on public streets must have a permit as provided herein. A separate permit shall be required for each Special Vehicle a person

intends to operate on a public street. Issued permits shall be non-transferrable and non-refundable.

B. Application Contents. A separate application shall be required for each Special Vehicle for which a person seeks a permit. Every application for a permit shall be made on a form supplied by the city and shall contain all of the following information:

(a) The name and address of the applicant.

(b) Model name, make, year and number of the Special Vehicle.

(c) Current driver's license.

(d) Other information as the city may require.

C. Permit Fee. The permit fee shall be as set forth in the city's fee schedule adopted by the Master Fee Schedule set for in Chapter 2, Section 2.65.

D. Permit Term. Permits shall be granted for a period of three years and may be renewed.

E. Permit Criteria. No permit shall be granted or renewed unless the following conditions are met:

(a) The applicant must demonstrate that he or she currently holds a valid Minnesota driver's license.

(b) The applicant shall affirm that insurance coverage is in place covering the Special Vehicle in compliance with Minnesota law and that the insurance coverage shall continue so long as the Special Vehicle is operated on public city streets.

F. Sticker Displayed. Upon successful application for a permit, an applicant shall be issued a sticker for the Special Vehicle. The applicant shall be required to display the sticker on the Special Vehicle in a location that is in plain view on the vehicle.

G. Use of Special Vehicles by City. Authorized city staff may operate city owned Special Vehicles without obtaining a permit within the city on city streets, sidewalks, trails, rights-of-way, and public property when conducting city business.

Subdivision 5. Additional Requirements. The following additional requirements shall apply to use of Special Vehicles on city public streets.

A. Insurance coverage in compliance with Minnesota law shall be maintained on any Special Vehicle that is operated on public city streets.

B. Special Vehicles shall not be operated on state or federal highways within the city, except to cross at intersections.

C. Special Vehicles may only be operated on public streets from sunrise to sunset. In addition, Special Vehicles shall not be operated in inclement weather, smoke, fog or other conditions, or at any time when there is insufficient visibility to clearly see persons and vehicles on the road at a distance of 500 feet.

D. Motorized Motorized Golf Carts shall display the slow-moving vehicle emblem provided for in Minn. Stat. § 169.522, as it may be amended from time to time, when operated on city public streets.

E. Special Vehicles shall be equipped with a rear-view mirror to provide the driver with adequate vision from behind as required by Minn. Stat. § 169.70.

F. Every person operating a Special Vehicle under permit on public city streets has all the rights and duties applicable to the driver of any other vehicle under the provisions of Minn. Stat., Ch. 169, as it may be amended from time to time, except when these provisions cannot reasonably be applied to Special Vehicles and except as otherwise specifically provided in Minn. Stat. § 169.045(7), as it may be amended from time to time.

G. The City may suspend or revoke a permit granted hereunder upon a finding that the holder thereof has violated any of the provisions of this Section or Minn. Stat., Ch. 169, as it may be amended from time to time, or if there is evidence that the permit holder cannot safely operate the Special Vehicle on public city streets.

H. The number of occupants on the Special Vehicles shall not exceed the design occupant load.

I. Additional Mini-Truck Equipment Requirements. All Mini-Trucks operated under on public city streets shall be equipped with all of the following:

(a) At least two headlamps.

(b) At least two tail lamps.

(c) Front and rear turn-signal lamps.

(d) An exterior mirror mounted on the driver's side of the vehicle and either an exterior mirror mounted on the passenger's side of the vehicle or an interior mirror.

(e) A windshield.

(f) A seat belt for the driver and front passenger.

(g) A parking brake.

J. Additional ATV Equipment Requirements. All ATVs operated under on public city streets shall be equipped with all of the following:

(a) Working headlights.

(b) Working taillights.

(c) Brakes.

Subdivision 6. Penalty.

Any person convicted of violating any provision of this Section 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.

Subdivision 7. 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."

Passed and adopted this 23rd day of September, 2013, with the following vote: Aye 4; No 0; Absent 1.

This ordinance shall become effective from and after its passage and publication.

(Sections 9.07 through 9.98, inclusive, reserved for future expansion.)

SECTION 9.99. VIOLATION A MISDEMEANOR OR PETTY MISDEMEANOR. Every person who violates a section, subdivision, paragraph or provision of this Chapter when he performs an act thereby prohibited or declared unlawful, or fails to act when such failure is thereby prohibited or declared unlawful, and upon conviction thereof, shall be punished as follows:

Subdivision 1. Misdemeanor. Where the specific section, subdivision, paragraph or provision specifically makes violation a misdemeanor, he shall be punished as for a misdemeanor; where a violation is committed in a manner or under circumstances so as to endanger or be likely to endanger any person or property, he shall be punished as for a misdemeanor; where he stands convicted of violation of any provision of this Chapter, exclusive of violations relating to standing or parking of an unattended vehicle, within the immediate preceding 12-month period for a third or subsequent time, he shall be punished as for a misdemeanor.

Subdivision 2. Petty Misdemeanor. As to any violation not constituting a misdemeanor under the provisions of Subdivision 1 hereof, he shall be punished as for a petty misdemeanor.

Chapter 10

PARKING REGULATIONS

SECTION 10.01. REGULATION OF PARKING

Subdivision 1. DOUBLE PARKING. No vehicle shall be parked double on a public street except for loading and unloading purposes and for the purpose of receiving and discharging passengers and then for only such time as is reasonably necessary for that purpose and in a manner not to obstruct other vehicles from passing, and except as in this paragraph provided, no vehicle shall be left standing unattended at any time on any street or highway in this municipality unless such vehicle is lawfully parked thereon.

Subdivision 2. PARKING DURING STREET MAINTENANCE.

A. No person, except physicians on emergency calls, shall park any vehicle or suffer or permit it to remain parked during street maintenance under conditions set forth in the subdivisions which follow.

B. On any street, alley or public parking lot in this municipality contrary to the sign or marking in the block or lot adjacent to such vehicle, so as to prevent street maintenance crews from cleaning, repairing, surfacing, removal of snow or otherwise maintaining such street.

C. During a snow emergency, as hereinafter defined, on any even numbered day of the month on that side of the street adjacent to buildings whose street addresses are numbered with even numbers, and on any odd-numbered day of the month on that side of the street adjacent to buildings whose street addresses are numbered with odd numbers. For the purpose of this Section, each day shall be deemed to commence at 12 o'clock midnight and shall terminate at 5 o'clock p.m. Provided, however, that streets serving the business district which are posted pursuant to Subdivision 5 of this Section are excluded from the application of these snow emergency provisions.

D. A snow emergency is hereby declared to exist in this municipality by reason of heavy snowfall whenever snow falls during any 24 hours or less to a depth of 3 inches or more, in that such snowfall constitutes a serious public hazard, impairing transportation, the movement of food and fuel supplies, medical care, fire, health and police protection and vital municipal facilities. Such emergency is declared to continue for a period of 72 hours from the time it is announced or

until such earlier time as snow plowing operations have been declared completed. An emergency is hereby declared to commence when the proper city official, designated by the Council, causes the announcement thereof to be made by at least one radio station whose normal operating range covers the area within the corporate limits of this municipality.

E. No vehicle shall be parked or be permitted to remain on any street in or serving the business district of the City of Medford between the hours of 2:00 a.m. and 6:00 a.m. on any day, contrary to the signs ordered by the Council to be posted on such streets. Upon application to the City Council and upon a showing of special temporary need, the Council may grant a temporary special use permit temporarily exempting a person from the requirements of this subdivision. Signs in place effective upon the adoption of this Section shall be in effect until ordered changed.

Subdivision 3. PARKING LIMITED. No vehicle shall be parked for left unattended on any street, public parking lot or alley within the corporate limits of this municipality for 48 hours or more unless otherwise posted or unless the City Council, upon a showing of special temporary need, grants a temporary special use permit temporarily exempting a person from the requirements of this Section.

Subdivision 4. VEHICLES TOWED BY POLICE. Where any vehicle is parked or left unattended on any street, parking lot or alley contrary to the provisions of Subdivision 3 of this Section, any police officer of this municipality may cause such vehicle to be removed, or removed and stored, and the cost of such moving and storage shall be paid by the owner of such vehicle in addition to any fine for violation of this Section as hereinafter provided in Subdivision 8, provided, however, that the aggregate total fine plus towing and storage charge shall not exceed $300.00.

Subdivision 5. STORAGE ON LOTS PROHIBITED. It shall be unlawful for any person to use public parking lots in this municipality for storage. The word "storage" as used herein shall not be construed to mean the parking of only one motor vehicle by one person, but is intended to prohibit any person who owns, or has the care, custody and control of more than one vehicle, from using city public parking lots for parking of such vehicles thereby making such lots unavailable for casual parking purposes.

Subdivision 6. COMPLIANCE WITH SIGNS. No person who operates or controls any vehicle, or in whose name any vehicle is registered, shall cause, allow, permit or suffer such vehicle to be upon any street, avenue, alley or public parking lot, contrary to or for a longer period of time than is indicated by the markings or signs erected in or adjacent to such street, avenue, alley, or public parking lot, as are now or may hereafter be ordered by the Council.

Subdivision 7. PROHIBITION; STOPPING, PARKING. No person shall stop, stand, or park a vehicle, except when necessary to avoid conflict with other traffic, or in compliance with the directions of a Police Officer or traffic control device, in any of the following places:

1) On a sidewalk

2) In front of a public or private driveway

3) Within an intersection

4) Within ten feet of a fire hydrant

5) On a crosswalk

6) Within twenty feet of a crosswalk at an intersection

7) Within thirty feet upon the approach to any flashing beacon, stop sign, or traffic control signal, located at the side of a roadway

8) Within fifty feet of the nearest rail of a railroad crossing

9) Within twenty feet of the driveway entrance to any fire station

10) Along side or opposite any street excavation or obstruction when such stopping, standing, or parking would obstruct traffic

11) On the roadway side of any vehicle stopped or parked at the edge of a curb of a street

Subdivision 8. PARKING PRIVILEGES FOR PHYSICALLY HANDICAPPED. This Section is not intended to infringe upon the parking privileges accorded to the physically handicapped under Minnesota Statute 169.345.

Subdivision 9. PENALTY.

A. It is a petty offense for any person to do any act forbidden or fail to perform any act required by Subdivision 2 of this Section.

B. A person charged with a petty offense shall not be entitled to a jury trial but shall be tried by a judge without a jury. If convicted he shall be punished by a fine of not more than $100.00.

C. Any person violating parking restrictions contained in this Section may fully satisfy such violation by inserting the coin envelope used as a parking violation fee ticket, such sum of lawful money of the United States as is hereinafter set forth, within the time limit hereinafter provided, to-wit:

1) Within 72 hours of such violation the sum of $5.00, or

2) Within 14 days of such violation the sum of $10.00, or

3) Fifteen days or more after such violation, prior to issuance of warrant therefore on the 90th day, the sum of $20.00,

With payments so made to constitute a parking violation fee.

(Sections 10.02 through 10.98, inclusive, reserved for future expansion.)

SECTION 10.99. VIOLATION A MISDEMEANOR OR PETTY MISDEMEANOR. Every person who violates a section, subdivision, paragraph or provision of this Chapter when he performs an act thereby prohibited or declared unlawful, or fails to act when such failure is thereby prohibited or declared unlawful, and upon conviction thereof, shall be punished as follows:

Subdivision 1. Misdemeanor. Where the specific section, subdivision, paragraph or provision specifically makes violation a misdemeanor, he shall be punished as for a misdemeanor; where a violation is committed in a manner or under circumstances so as to endanger or be likely to endanger any person or property, he shall be punished as for a misdemeanor; where he stands convicted of violation of any provision of this Chapter, exclusive of violations relating to standing or parking of an unattended vehicle, within the immediate preceding 12-month period for a third or subsequent time, he shall be punished as for a misdemeanor.

Subdivision 2. Petty Misdemeanor. As to any violation not constituting a misdemeanor under the provisions of Subdivision 1 hereof, he shall be punished as for a petty misdemeanor.

Chapter 11

PUBLIC PROTECTION, CRIMES AND OFFENSES

SECTION 11.01. DISORDERLY CONDUCT.

Subdivision 1. Disturbing the Peace. It shall be unlawful for any person within the limits of the City of Medford to commit any rioting, quarreling, fighting, reveling, noise, obscenity, or any other disorderly conduct naturally tending to disturb the neighborhood or annoy other persons.

Subdivision 2. Assault or Provocation of Assault. It shall be unlawful for any person within the limits of the City of Medford to commit any assault and battery or to commit any act or use in reference to and in the presence of another, or in reference to or in the presence of any member of a family of another abusive or obscene language intended or naturally tending to provoke an assault or any breach of the peace.

Subdivision 3. Penalty. Any person who shall, within the City limits of the City of Medford, be guilty of any act herein declared unlawful or who shall violate any provision of this Section shall be guilty of a misdemeanor and upon conviction thereof shall be punished by a fine of not less than Five Dollars ($5.00) nor more than Fifty Dollars ($50.00) and cost of prosecution or by imprisonment for not to exceed sixty (60) days.

(Sections 11.02 through 11.09, inclusive, reserved for future expansion.)

SECTION 11.10. CURFEW.

Subdivision 1. Curfew Established. It shall be unlawful for any person under the age of 18 years to be on or present in any public street, avenue, alley, park or other public place or any playground or place open to the public, or place of amusement and entertainment or vacant lot, or any private premises other than those upon which his or her usual place of residence is located, without the knowledge, consent, and approval of the owner or person in charge of, or responsible for, said private property, in the City of Medford, between the hours of 12:00 midnight and 5:00 AM of the following day on Friday and Saturday nights, and on every other night, between the hours of 11:00 PM and 5:00 AM of the following morning, official city time, unless accompanied by his or her parent or guardian, or person having lawful control and custody of his or her person, or unless upon some emergency errand by written permission or direction of said minor's parent, guardian or person having legal custody of said minor. The fact that said child, unaccompanied by parent, guardian or other person having legal custody of said minor, is found upon any street, alley or public place or any other place as hereinafter set forth after 12:00 midnight or before 5:00 AM of the following day, shall be prima facie evidence that said child is there unlawfully and that no reasonable necessity or lawful excuse exists therefore.

Subdivision 2. Exceptions. The provisions of Subdivision I shall not apply to any such minor who is proceeding without loitering or idling directly to or from school, community, or family function or business, job or other gainful employment directed by his or her parent, guardian or adult person having authorized care and custody of such minor.

Subdivision 3. Parents or Guardians Responsible. It shall be unlawful for any parent, guardian or other person having the lawful care, custody or control of any person under the age of 18 years to allow or permit such person or person to violate the provisions of Subdivision I of this Section.

Subdivision 4. Business Establishments.

A. It shall be unlawful for any person, firm, or corporation in charge of any place of amusement, entertainment, or refreshment, or other place of business, to permit any minor under the age of 18 years to loiter, loaf, idle in such place during the hours prohibited by this Section.

B. This Section shall not be construed as permitting the presence at any time of any person under the age of 18 years in any place where his presence is now prohibited by any existing law or ordinance.

C. Whenever the owner or person in charge or in control of any place of amusement, entertainment, refreshment or other place of business shall find persons under the age of 18 years loitering, loafing or idling in such place of business, he shall immediately order such person to leave and if such person

refuses to leave the said place of business the operator shall immediately notify the Police Department and inform them of the violation.

Subdivision 5. Law Enforcement Authorized. Any lawfully designated police officer is authorized to arrest with or without warrant any person or persons violating the provisions of this Section, and shall notify as soon as reasonably possible, the parent, guardian or person having lawful custody of any minor so arrested.

SECTION 11.11. CONDUCT NEAR PUBLIC SCHOOLS.

Subdivision 1. Prohibited Conduct Near Public Schools. Conduct of person in, on or near public schools as defined by Minnesota Statutes, is hereby regulated as follows:

A. DEFACEMENT OF SCHOOL PROPERTY. No person shall mark with ink, paint, chalk or other substance, or post handbills on, or in any other manner deface or injure any school building or structure used or usable for school purposes within the City of Medford, or mark, deface or injure fences, trees, lawns, or fixtures appurtenant to or located on the site of such buildings, or post handbills on such fences, trees or fixtures, or place a sign anywhere on any such site.

B. BREACH OF PEACE ON SCHOOL PROPERTY. No person, on any school grounds adjacent to any school building or structure, shall engage in, or prepare, attempt, offer, or threaten to engage in, or assist or conspire with another to engage in or congregate because of any riot, brawl, tumultuous conduct, act of violence, or any other conduct which disturbs or tends to disturb the peace and quiet of another.

C. OFFENSIVE LANGUAGE AND CONDUCT. No person shall use offensive, obscene or abusive language or engage in boisterous or noisy conduct tending reasonably to arouse anger, alarm or resentment in others on any school grounds or in buildings or structures of any such schools.

D. IMPROPER CONDUCT WHILE SCHOOL IN SESSION. No person shall, in any school room or in any building or on the grounds adjacent to the same, disturb or interrupt the peace and good order of such school while in session. Any person not in immediate attendance in such school and being in such building or upon the premises belonging thereto who shall conduct or behave himself or herself improperly, or who upon the request of a teacher of such school or the person in charge thereof to leave said building or premises, shall neglect or refuse to do so, shall be in violation of this Section.

E. PERMISSION REQUIRED FOR RE-ENTRY. No person, having been ordered by a school official to leave a school and having left said premises, shall re-enter said school without the written permission of the School Principal or the school official who gave the order to leave the school.

F. LOITERING OR LURKING. No person shall loiter on any school grounds or in any school building or structure, nor lurk, lie in wait or be concealed with intent to do any mischief or to commit any crime or unlawful act thereon.

Subdivision 2. Validity. Sub-sections, clauses and provisions in portions of this Section are deemed to be severable and should any section, sub-section, clause, provision or portion of this Section be declared by a court of competent jurisdiction to be unconstitutional or invalid, the same shall not affect the validity of this Section as a whole or any part thereof other than the part so declared to unconstitutional or invalid.

(Sections 11.12 through 11.19, inclusive, reserved for future use.)

SECTION 11.20. PUBLIC NUISANCES.

Subdivision 1. Public Nuisance Defined. Whoever by his or her act or failure to perform a legal duty intentionally does any of the following is guilty of maintaining a public nuisance, which is a misdemeanor:

1. Maintains or permits a condition which unreasonably annoys, injures, or endangers the safety, health, morals, comfort, or response of any considerable number of members of the public; or

2. Interferes with, obstructs, or renders dangerous for passage, any public highway or right-of-way, or waters used by the public; or

3. Is guilty of any other act or omission declared by law or this Section to be a public nuisance and for which no sentence is specifically provided.

Subdivision 2. Public Nuisances Affecting Health. The following are hereby declared to be nuisances affecting health:

1. Exposed accumulation of decayed or unwholesome food or vegetable matter;

2. All diseased animals running at large;

3. All ponds or pools of stagnant water;

4. Carcasses of animals not buried or destroyed within 24 hours after death;

5. Accumulations of manure, refuse, trash, unsightly litter or other debris;

6. 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;

7. The pollution of any public well or cistern, stream or lake, canal or body of water by sewage, industrial waste, or other substances;

8. All weeds and grasses, whether or not defined by law as noxious, and other rank growths of vegetation upon private property, growing upon any property outside the traveled portion of any street or alley within the corporate limits of this

municipality to a height greater than six (6) inches, or which have gone or are about to go to seed. For purposes of this Section, the sidewalk and abutting boulevard shall not be considered a part of the traveled portion of a street or alley. The following areas and types of vegetation are exempted from this provision if managed in a manner so as not to become infested with weeds or to create a stagnant, foul-smelling condition:

a. Native wetland vegetation found in wetlands or drainage ponds, so long as the wetlands or ponds have an inlet and outlet to assure the water does not become stagnant.

b. Native vegetation found in natural areas or small landscaping areas.

c. Native vegetation managed by an educational institution or public agency for prairie land restoration.

9. Dense smoke, noxious fumes, gas and soot, or cinders, in unreasonable quantities;

10. Any offensive trade or business as defined by statute not operating under local license.

Subdivision 3. Public Nuisances Affecting Morals and Decency. The following are hereby declared to be nuisances affecting public morals and decency:

1. All unlicensed gambling devices, slot machines, and punch boards;

2. Betting, bookmaking, and all apparatus used in such occupations;

3. All houses kept for the purpose of prostitution or unlicensed gambling houses;

4. All places where intoxicating liquor is manufactured or disposed in of violation of law or where, in violation of law, people are permitted to resort for the purpose of drinking intoxicating liquor, or where intoxicating liquor is kept for sale or other disposition in violation of law, and all liquor and other property used for maintaining such a place.

Subdivision 4. Public Nuisances Affecting Peace and Safety. The following are declared to be nuisances affecting public peace and safety:

1. All snow, ice, dirt, and rubbish remaining on a public sidewalk more than twenty-four (24) hours after its deposit thereon, provided, however, that snow and ice removal in residential areas is required within forty-eight (48) hours;

2. All trees, hedges, billboards, or other obstructions which prevent people from having a clear view of all traffic approaching in intersection;

3. All wires and limbs of trees which are so close to the surface of a sidewalk or street as to constitute a danger to pedestrians or vehicles;

4. All noises prohibited by law, including and in addition;

   a. It shall be unlawful to operate a motor vehicle in violation of motor vehicle noise rules adopted by the pollution control agency. (Minnesota Statutes 169.693).

   b. It shall be unlawful for any truck to Dynamic Brake (Jake Brake) on any public highway, street, parking lot or ally within the City of Medford, except in an emergency.

   c. Unnecessarily loud or noisy vehicle operation. The non-emergency use or operation of any automobile, motorcycle, scooter, recreational vehicle, or other type of motor vehicle which is used in such manner as to create loud or unnecessary discharge of exhaust, grating, grinding, squealing of tire, rattling, or other noise so as to be likely to annoy, disturb, injure, or endanger the comfort, repose, health, peace or safety of a reasonable person of ordinary sensibilities in its vicinity.

5. Obstructions and excavations affecting the ordinary public use of streets, alleys, sidewalks, or public grounds except under such conditions as are permitted by this code or other applicable law;

6. Radio aerials or television antennae erected or maintained in a dangerous manner;

7. Any use of property abutting on a public street or sidewalk which causes large crowds of people to gather, obstructing traffic and the free use of the street or sidewalk;

8. All hanging signs, awnings, and other similar structures over streets and sidewalks, or so situated so as to endanger public safety, or not constructed and maintained as provided by ordinance;

9. Waste water cast upon or permitted to flow upon streets or other public properties. This provision does not prohibit water incident to noncommercial car washing;

10. Accumulations in the open of discarded or disused machinery, household appliances, lumber, assorted building materials, or other material;

11. Any well, hole, or similar excavation, or defective sidewalks or curbing which is left uncovered or in such other condition as to constitute a hazard to any child or other person coming on the premises where it is located;

12. Obstruction to the free flow of water in a natural waterway or a public street drain, gutter, or ditch with trash, grass clippings or leaves, or other materials;

13. The placing or throwing on any street, sidewalk, or other public property of any glass, tacks, nails, bottles or other substance which may injure any person or animal or damage any pneumatic tire when passing over such substance;

14. The depositing of garbage or refuse on a public right-of-way or on adjacent private property;

15. Automobile bodies and parts, or any incapacitated vehicle which is incapable of movement under its own power and is parked or stored outside for a period of not less than ten (10) days, or any unlicensed vehicle which does not have attached thereto a valid and current license plate issued by the proper State agency.

Subdivision 5. Duties of City Officers. The Street Department Manager shall enforce the provisions of this Section relating to nuisances affecting public safety. The police department shall enforce provisions relating to other nuisances and shall assist the other designated officer(s) in the enforcement of provisions relating to nuisances affecting public safety. Such officers shall have the power to inspect private premises as allowed by law and may obtain search warrants as necessary and take all reasonable precautions to prevent the commission and maintenance of public nuisances.

Subdivision 6. Abatement.

A. Notice. Written notice of violation; notice of time, date, place, and subject of any hearing before the City Council; notice of City Council order, and notice of motion for summary enforcement hearing shall be given as set forth in this subdivision.

1. Notice of violation. Written notice of violation shall be served by the officer charged with enforcement on the owner of record of the premises either in person or by certified or registered mail. If the owner of record is unknown, or the owner of record refuses to accept notice of violation, notice of violation shall be served by posting it on the premises.

2. Notice of City Council hearing. Written notice of any City Council hearing to determine or abate nuisance shall be served on the owner of record and either in person or by certified or registered mail. If the owner of record is unknown, or the owner of record refuses to accept notice of Council hearing, notice of Council hearing shall be served by posting it on the premises.

3. Notice of City Council Order. Except for those cases determined by the city to require summary enforcement, written notice of any City Council order shall be made as provided in Minn. Stat. 463.17 (Hazardous and Substandard Building Act).

4. Notice of motion for summary enforcement. Written notice of any motion for summary enforcement shall be made as provided for in Minn. Stat. 463.17 (Hazardous and Substandard Building Act).

B. Procedure. Whenever the officer charged with enforcement determines that a public nuisance is being maintained or exists on premises in the city, the officer shall notify in writing the owner of record of the premises of such fact and order

that such 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 enforcing officer shall report that fact forthwith to the Council. Thereafter, the Council may, after notice to the owner 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 Council, the city may seek injunctive relief or summary enforcement pursuant to Subdivision 6.C and 6.D.

C. Emergency Procedure: Summary Enforcement. In cases of emergency, where delay in abatement required to complete the notice and procedure requirements set forth in Subdivisions 1 and 2 above will permit a continuing nuisance to unreasonably endanger public health, safety, or welfare, the City Council may order summary enforcement and abate the nuisance. To proceed with summary enforcement, the officer charged with enforcement shall determine that a public nuisance exists or is being maintained on premises in the city and that delay in abatement of the nuisance will unreasonably endanger public health, safety, or welfare. The officer shall notify in writing the owner of the premises of the nature of the nuisance and of the city's intention to seek summary enforcement and the time and place of the Council meeting to consider the question of summary enforcement. The City Council shall determine whether or not the condition identified in the notice to the owner is a nuisance, whether public health, safety, or welfare will be unreasonably endangered by delay in abatement required to complete the procedure set forth in Subdivision 6.A. above, and may order that such nuisance be immediately terminated or abated. If the nuisance is not immediately terminated or abated, the City Council may order summary enforcement and abate the nuisance.

D. Immediate Abatement. Nothing in Subdivision 6 of this Section shall prevent the city, without notice or other process, from immediately abating any condition which poses an imminent and serious hazard to human life or safety.

E. Towing. Notwithstanding Subdivisions 1 through 4 of this Section, automobile bodies and parts, incapacitate vehicles, and unlicensed vehicles as referenced under Subdivision 4 (15) may be impounded by the city in accordance with the following procedures:

1. Automobile bodies and parts, incapacitate vehicles, and unlicensed vehicles as referenced under Subdivision 4 subpart 15 that have remained illegally on any public roadway may be impounded without notice after expiration of a period of 48 hours following ticketing of the vehicle.

2. Automobile bodies and parts, incapacitate vehicles, and unlicensed vehicles as referenced under Subdivision 4 subpart 15 that have remained illegally on private property for a period of more than seven days may be impounded upon five days written notice to the owner of record of the property.

3. When an impounded vehicle is taken into custody, the City shall give notice of the taking within five days. The notice shall (1) set forth the date and place of the taking, the year, make, model and serial number of the impounded motor vehicle if such information can be reasonably obtained and the place where the vehicle is being held, (2) inform the owner and any lienholders of their right to reclaim the vehicle, and (3) state that failure of the owner or lienholders to exercise their right to reclaim the vehicle and contents within fifteen days shall be deemed a waiver by them and all right, title, and interest in the vehicle and contents and a consent to the transfer of title to and disposal or sale of the vehicle and contents.

4. The Owner or lienholder of an impounded vehicle shall have a right to reclaim such vehicle from the City or impound lot operator upon payment of all towing and storage charges resulting from the operator taking it into custody within fifteen days after the date of the notice required by subparagraph 3.

5. If a vehicle is not reclaimed by an owner or lienholder within 15 days of the notice, the vehicle may be disposed of or sold at auction or sale in accordance with Minn. Stat. Sec 168B.08.

. Abatement of Weeds and Grass.

1. When the owner or occupant of property permits a weed or grass nuisance to exist in violation of this Section, the Weed Inspector shall direct City staff to serve notice by registered mail upon the owner of the property. The notice will order the owner to have such weeds or grass cut and removed within seven (7) days after receipt of the notice and also stating that in case of noncompliance such work may be done by the City at the expense of the owner and that if unpaid, the charge for such work shall be made a special assessment against the property.

2. If the owner fails to comply with the notice within seven (7) days after its receipt, or if no owner can be found, the City Weed Inspector may cause such weeds or grass to be removed. The City shall keep a record showing the cost of such work and said cost shall be assessed against the benefited property as a special assessment.

Subdivision 7. Recovery of Cost.

A. Personal Liability. The owner of premises on which a nuisance has been abated by the City shall be personally liable for the cost to the City of the abatement, including administrative costs. As soon as the work has been completed and the cost determined, the City Clerk or other official designated by the Council shall prepare a bill for the cost and mail it to the owner. Thereupon the amount shall be immediately due and payable at the office of the City Clerk.

B. Assessment. If the nuisance is a public health or safety hazard on private property, the accumulation of snow and ice on public sidewalks, the growth of weeds on private property or outside the traveled portion of streets, or unsound or insect-infected trees, the clerk shall, on or before December 31 next following abatement of the nuisance, list the total unpaid charges along with all other such charges as well as other charge for current services to be assessed under Minn. Stat. 429.101 against each separate lot or parcel to which the charges are attributable. The Council may then spread the charges against such property under that statute and other pertinent statutes for certification to the County Auditor and collection along with current taxes the following year or in annual installments, not exceeding ten (10) installments, as the Council may determine in each case.

C. The owner of the premises from which the impounded vehicle has been removed shall be personally liable for the cost to the City for abatement of the nuisance, including but not limited to the cost of impounding, storing, and disposing the vehicle, less any amounts recovered through sale of the vehicle. The costs shall be recovered by the City in accordance with Subdivision 7.

Subdivision 8. Criminal Prosecution: Penalty. A peace officer may issue a citation to any person who violates the provision of this Section. Criminal prosecution is in addition to and independent of the civil remedies provided in this Section. Any person convicted of violating any provision of this Section is guilty of a misdemeanor and shall be punished by a fine not to exceed

$700 or imprisonment for not more than 90 days, or both, plus the costs of prosecution in either case.

Subdivision 9. Separate Offense. Each day that a violation is permitted to exist shall constitute a separate offense.

SECTION 11.21. DISCHARGE OF FIREARMS. It shall be unlawful for any person within the City limits to discharge any gun, revolver, pistol, or fire arms of any kind that utilizes an explosive powder or substance to expel any pellets or other projectiles, or that is loaded with blank cartridges or any kind of explosive whatever, unless permission so to do has been previously granted by the City Council of the City of Medford. The following uses shall be excluded from said prohibitions:

1. Persons duly authorized to act as law enforcement officers, or members of the military forces of the United States or the State of Minnesota in the discharge of their duties.

2. Persons acting in self-defense when the use of firearms for that purpose would not be unlawful under the laws of the State of Minnesota.

SECTION 11.22. BURNING.

Subdivision 1. Definitions. Whenever used in this Section, words shall have meanings as follows:

A. Open fire or open burning shall mean any fire from which the products of combustion are emitted directly into the open atmosphere without passing through an adequate stack, duct or chimney.

B. Person shall mean any individual, natural person, firm, association, organization, partnership, business, trust, corporation, company, trustee, syndicate, club, institution, agency, or any Federal, State or local governmental agency or instrumentally or other entity recognized by law as the subject of rights and duties; and whenever acts prohibited herein are done or acts required herein are omitted by any one as employee or agent of another person shall include employers, supervisory personnel and principals.

C. Refuse and trash shall mean all putrescible and non-putrescrible solid wastes including, but not limited to, garbage, rubbish, trash, ashes, street cleanings, leaves, brush, sweepings, junk abandoned automobiles, and solid market and industrial waste, paper, wrappings, cardboard, tin cans, wood, glass, bedding, crockery, and all other waste materials which if burned would produce or emit air contaminance into the atmosphere.

Subdivision 2. Open Fire Refuse Burning Prohibited. No person shall cause, or allow the open burning of any refuse or trash.

Subdivision 3. Trash Burning Regulated. Any of the materials described in Subdivision 1 may be burned in the City in a multiple chamber gas fired incinerator of sufficient size and capacity approved by the Minnesota Pollution Control Agency.

Subdivision 4. Fire Places and Outdoor Cooking Fires. Indoor and outdoor fires may be used for cooking, warmth, or recreational purposes without permit, provided however that such fires shall not be used for purposes of refuse disposal and shall not violate any other Section of the City.

Subdivision 5. Special Permits. A special permit may be obtained from the Fire Chief of the City of Medford for burning trash or rubbish for good cause shown and by the payment of a permit fee as set by the Master Fee Schedule set forth in Chapter 2, Section 2.65.

Subdivision 6. Official Fires. Open fires may be set in performance of an official duty by a public officer if the fire is necessary for one or more of the following reasons or purposes:

A. For the prevention of a fire hazard which cannot be abated by other means.

B. For the instruction of public fire fighters or industrial employees under the supervision of the Medford Fire Chief.

C. For the protection of public health or welfare.

D. Disposal of dangerous materials if no alternate means of disposable is reasonable available.

Such fires may be set by such officers upon their own initiative if required as part of their official duties or upon application of interested parties.

Subdivision 7. Penalty. Any person violating any provision of this Section shall upon conviction thereof be subject to a fine of not to exceed $300.00 or imprisonment for a period not to exceed 90 days, or both, plus the costs of prosecution which may be added in either case.

SECTION 11.23. DOGS.

Subdivision 1. Definitions. As used in this Section, unless the context otherwise indicates, the following definitions apply:

a. Owner: Any person, persons, and firm, association or corporation owning, keeping, maintaining or harboring dogs.

b. Control: Any dog shall be deemed to be under control when on the premises of its owner, on a leash, or accompanied by its owner, if trained to commands.

c. Running at Large: Any dog not under control as hereinabove defined.

d. Kennel: Any shelter or enclosure used for the purpose of keeping, maintaining, breeding, training or raising four (4) or more dogs over six (6) months of age.

Subdivision 2. Regulations.

A. Running at Large Prohibited: No dog shall be permitted to run at large at any time within the corporate limits of the City of Medford. No dog of fierce, dangerous or vicious propensities, and no female dog in heat shall be allowed on the premises of one other than the owner of such dog at any time, unless on a leash. If any dog is found running at large in violation of this Section, such dog shall be taken up and impounded and shall not be released except upon approval of the City Clerk after payment of the fees hereinafter provided for in Subdivision 7; provided, however, that if any dangerous, fierce, or vicious dog so found running at large cannot be taken up and impounded, such dog my be slain by the dog catcher.

B. Dog pens and Premises Kept Clean: A dog owner shall keep any dog houses or enclosure on his premises clean, sanitary and free from dog odors and filth which tend to become or constitute a nuisance to one or more property owners situated nearby. Upon written petition to the Council or by written petition of any occupant or owner or part-owner of real estate upon which a dog house or dog enclosure is situated, the City Council in its discretion may call a public hearing to determine whether such dog house or enclosure is situated in such a manner as to constitute a nuisance to the petitioner and shall prescribe the manner of giving notice of any hearing thus called. At such hearing, the Council, if it finds the location of such dog house or enclosure to be situated, where it is a nuisance to petitioner, may by motion, prescribe where on the premises of the dog owner the dog house or enclosure should be situated and may prescribe the size and manner of construction required for such a dog house or enclosure.

Subdivision 3. License, Vaccination and Registration Required.

A. No dog owner shall keep, harbor, or maintain any dog over five months of age, within the corporate limits of the City of Medford, after the first day of February, 1968, unless a license therefore has first been secured. Licenses shall be issued by the City Hall staff for a license fee as set by the Master Fee Schedule set forth in Chapter 2, Section 2.65. Licenses shall be valid for the period of time that a dog is vaccinated against rabies in compliance with Subdivision 4. The owner shall state at the time application is made for such license and upon printed forms provided for such purpose his name and address, and the name, breed, color and sex of each dog owned or kept by him.

B. Every application for a license shall be accompanied by a certificate from a qualified veterinarian showing that the dog to be licensed has been given a vaccination against rabies in compliance with Subdivision 4.

C. The provisions of this subdivision I shall not be intended to apply to dogs whose owners are non-residents temporarily within the corporate limits of the City of Medford, not to dogs brought into the City for the purpose of participating in any dog show, not to "seeing-eye" dogs properly trained to assist blind person when such dogs are actually being used by blind person for such purposes.

Subdivision 4. Vaccination. No license shall be granted for a dog which has not been vaccinated against rabies as provided in this Section. Vaccinations shall be performed only by a doctor qualified to practice veterinary medicine in the State in which the dog is vaccinated. A veterinarian who vaccinates a dog to be licensed in the City of Medford shall complete in triplicate a certificate of vaccination. One copy shall be issued to the dog owner for affixing to the license application, one shall be sent to the Minnesota State Livestock Sanitary Board and one copy shall be retained in the veterinarian's file.

Subdivision 5. Date of Payment. It shall be the duty of each owner of a dog to pay the license fee imposed by Subdivision 2 to the City Clerk within 14 days of the date of rabies vaccination of the dog, or upon acquiring ownership or possession of any unlicensed dog or upon establishing residence in the City of Medford. The Clerk shall cause a notice of the necessity of paying such license fee to be printed in the official newspaper one time before the 1st day of February in each year.

Subdivision 6. Impounding.

A. Dogs found running at large in violation of this Section shall be impounded as soon as possible by the pound master or by his assistant, if any, or by a police officer, if the pound master or his assistant is not available, or by any person on whose premises the dog may be at large. Dogs found so running at large shall be so impounded regardless of whether they are licensed or not. If, after exercising reasonable efforts, the pound master or his assistant or a police officer is unable to capture a dog which is not wearing a dog license, or is unable to capture a vicious dog whether or not the vicious dog wears a license, then any policeman shall have the right to shoot such dog within the City limits having due regard for the safety of persons and property which might otherwise be injured by gunfire. The pound master upon receiving any dog shall make a complete registry entering the breed, color, and sex of such dog and whether licensed. If licensed he shall enter the name and address of the owner and the number of the license tag. Licensed dogs shall be separated from unlicensed dogs, if practicable.

A. Any person, not the pound master or a police officer of the City of Medford, impounding or seizing any dog so found running at large upon the premises of another, shall within twenty-four (24) hours thereafter notify the pound master of the City of Medford of said impounding, whose duty it shall be to call for such dog and impound it in the City Pound. Any person, not an officer of the City of Medford, seizing or picking up any dog running at large on their

B. premises or the premises occupied by them shall not keep the dog any longer than the twenty-four (24) hours without notifying the pound master or surrendering it to the owner. If the person who first takes such dog into custody, he or she shall inform the pound master of the name of the owner, and the address if known. The authority given to any person, not the pound master or a police officer of the City of Medford to impound or seize any dog so found running at large upon the premises of another, is discretionary, and in the execution thereof, said persons shall not be deemed to the agent or employee of the City of Medford, nor shall the City of Medford be held responsible or liable for the consequences of any persons so acting.

Subdivision 7. Notice to Owners and Redemption.

A. Immediately after the impounding of any licensed dog, the owner shall be notified or if the owner of the dog is unknown, written notice shall be posted for five (5) days at the City Council Chambers describing the dog and the place and time of the taking thereof. The owner of any dog so impounded may reclaim such dog upon payment of all costs and charges incurred by the City of Medford the impounding and maintenance of said dog, including charges for city employee time, and additional charges as follows:

1. $20.00 upon pickup by the City.

2. $5.00 per day after the first 24 hours while the dog is in custody.

3. All veterinarian expenses incurred for such dog under this Section.

B. Provided, however, that if any licensed dog is impounded more than one time in any one calendar year, the impounding fee for each additional impounding shall be increased as follows:

1. For the second impounding, $27.00 upon pickup by the City, and $7.00 per day after the first 24 hours while the dog is in custody.

2. For the third and each subsequent impounding, $35.00 upon pickup by the City and $10.00 per day after the first 24 hours while the dog is in custody.

3. All veterinarian expenses incurred for such dog under this Section.

C. Immediately after impounding any unlicensed dog, the owner shall be notified or if the owner of the dog is unknown, written notice shall be posted for five (5) days at the City Council Chambers describing the dog and the place and time of the taking thereof. The owner of any dog so impounded may reclaim such dog upon payment of the license fee or fees and of all costs and charges incurred by the City of Medford for the impounding and maintenance of said dog, including charges for city employee time, and additional charges as follows:

1. $40.00 upon pickup by the city.

2. $10.00 per day after the first 24 hours while the dog is in custody.

3. All veterinarian expenses incurred for such dog under this Section.

D. Provided however, that if any unlicensed dog is impounded more than one time in any one calendar year, the impounding for each additional impounding shall be increased as follows:

1. For the second impounding, $54.00 upon pickup by the City, and $14.00 per day after the first 24 hours while the dog is in custody.

2. For the third and each subsequent impounding, $70.00 upon pickup by the City, and $20.00 per day after the first 24 hours while the dog is in custody.

3. All veterinarian expenses incurred for such dog under this Section.

E. All charges and fees collected shall be remitted by the pound master and by the police to the City Clerk and accurate records shall be kept thereof.

Subdivision 8. Disposition of Unclaimed and Diseased Dogs. It shall be the duty of the pound master to keep all dogs so impounded for a period of five (5) days. Any dog which is not claimed as provided for in Subdivision 7 within three (3) days after impounding, may be sold for not less than the amount provided in Subdivision 7 to anyone desiring to purchase the dog. All sums received above the costs and tax shall be held by the City Clerk for the benefit of the owner and if not claimed in one year such funds shall be placed in the general funds of the City of Medford. Any dog which is not claimed by the owner or sold shall be disposed of by the pound master in a proper and humane manner.

Subdivision 9. Establishment of Pound and Designation of Pound Master. A qualified pound master shall be hired by the City Council of the City of Medford, who shall attend to the maintenance of said pound and be responsible for the enforcement of this Section.

Subdivision 10. Interference with Officers. It shall be unlawful for any unauthorized person to break open the pound or to attempt to do so or to take or let out any dogs there from or to take or to attempt to take from any pound master or officer any dog taken up by him in compliance with this Section or in any manner to interfere with or hinder such pound master or officer in the discharge of his duties under this Section.

Subdivision 11. Obligation to Prevent Nuisances. It shall be the obligation and responsibility of the owner or custodian of any dog in the City, whether permanently or temporarily therein, to prevent such dog from committing any act which constitutes a nuisance. For purposes hereof, the Council finds, declares and determines that it shall be deemed a nuisance for any dog to habitually or frequently bark, bay, howl or cry to the detriment of the peace and quietude of neighbors of its owner or custodian or the public in general, to frequent school grounds, parks or public beaches, to chase vehicles, to molest or annoy any person if such person is not on the property of the owner or custodian of such dog or to molest, defile or destroy any property, public or private. Failure on the part of the owner or custodian to prevent his dog from committing an act of nuisance shall be subject to the penalty hereinafter provided and the dog may be impounded in the same manner as provided in Subdivision 6.A. of this Section.

Subdivision 12. Rabies Notice. If a dog is believed to have rabies or has been bitten by a dog suspected of having rabies, such dog shall be confined by a leash or chain on the owner's premises and shall be placed under the observation of a veterinarian at the expense of the owner for a period of two weeks. The owner shall notify the pound master of the fact that his dog has been exposed to rabies and at his discretion the pound master is empowered to have such dog removed from the owner's premises to a veterinary hospital and there placed under observation for a period of two weeks at the expense of the owner.

It shall be unlawful for any person knowing or suspecting that a dog has rabies to allow such dog to be taken off his premises or beyond the limits of the City of Medford without the written permission of the pound master. Every owner, or other person, upon ascertaining a dog is rabid, shall immediately notify the pound master or policeman who shall either remove the dog to the pound or summarily destroy it.

Subdivision 13. Muzzling Proclamation. Whenever the prevalence of hydrophobia renders such action necessary to protect the public health and safety, the Mayor shall issue a proclamation ordering every person owning or keeping a dog to confine it securely on his premises unless it is muzzled so that it cannot bite. No person shall violate such proclamation, and any unmuzzled dog running at large during the time affixed in the proclamation shall be killed by the police without notice to the owner.

Subdivision 14. Kennels. No person, firm, association, or corporation shall maintain in this City a kennel without securing a license therefore from the City Council. This fee shall be $5.00 per year. This fee shall be in addition to the license fee prescribed in preceding sections for each dog kept in such kennel. This Section shall not apply to facilities maintained by the City of Medford or by qualified veterinarian, for the care and treatment of animals.

Subdivision 15. Penalty. Any owner found violating any provision of this Section shall be guilty of a misdemeanor.

Subdivision 16. Separability of Provisions. It is the intention of the City Council that each separate provision of this Section shall be deemed independent of all other provisions herein, and it is further the intention of the City Council that if any provisions of this Section be declared invalid, all other provision thereof shall remain valid and enforceable.

Subdivision 17. Enforcement. This Section shall be enforced by such law enforcement agencies as the City Council may from time to time designate. Such designated law enforcement agency and its personnel shall have all the powers heretofore granted to the pound master and police officers under this Section.

SECTION 11.25. CERTAIN CATS A PUBLIC NUISANCE.

Subdivision 1. Certain Cats Declared a Public Nuisance. No person shall own or possess any cat which destroys, damages or defiles property or which creates an offense by way of noise, odor or otherwise, or molests other animals or human beings, or is in heat and unconfined. Such cats are declared to be a public nuisance.

Subdivision 2. Filing of Complaint. Upon written complaint of any person stating the acts committed by any cat, the name and address of the person owning or harboring the cat, and the name and address of the person making the complaint, the City shall notify the person owning or harboring the cat of the complaint.

Subdivision 3. Abatement of Nuisance by Owner. Upon receipt of a notice from the city to an owner of a cat to abate a nuisance created by the owner's cat, the owner shall take all steps necessary to abate the nuisance.

Subdivision 4. Failure to Abate Nuisance. In the event that a nuisance is not abated by the owner upon receipt of a notice as set forth in Subdivision 3, or in the event or a repeat complaint regarding the same cat, the owner shall be subject to a civil fine in accordance with Section 1.20 of the Code.

Subdivision 5. Abatement by City. In the city's sole discretion, the city may abate a public nuisance caused by a cat, including impoundment of the cat, in accordance with Code Section 11.20, Subdivision 6. Nothing herein shall require the city to impound or otherwise abate the nuisance.

Subdivision 5. Misdemeanor. Every person who violates Subdivision 3 of this Section shall be punishable for a misdemeanor."

Passed and adopted this 28th day of July, 2014, with the following vote: Aye 5; No 0; Absent 0.

Section 11.25 shall become effective from and after its passage and publication.

(Sections 11.26 through 11.98, inclusive, reserved for future expansion.)

SECTION 11.99. VIOLATION A MISDEMEANOR. Every person who violates a section, subdivision, paragraph or provision of this Chapter when he performs an act thereby prohibited or declared unlawful, or fails to act when such failure is thereby prohibited or declared unlawful, and upon conviction thereof, shall be punished as for a misdemeanor except as otherwise stated in specific provisions hereof.

Chapter 20

LISTING OF UNCODED ORDINANCES IN EFFECT

Street/Alley Vacations
Franchise Agreements
- Alliant Energy – Signed August 27, 2007
- Jaguar Communications – Signed October 22, 2012
- Steele Waseca – Signed January 28, 2013
- Midcontinent Communications – Signed July 28, 2014
- CenterPoint Energy – Signed December 23, 2019

Annexations