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CEYLON

e CITY CODE

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CITY CODE FOR THE

CITY OF CEYLON

1999

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**CITY CODE FOR THE CITY OF CEYLON**

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**CHAPTER!**

GENERAL PROVISIONS

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CHAPTER 1

GENERAL PROVISIONS

Be it ordained by the City Council of the City of Ceylon: ADOPTION

This ordinance is a complete and comprehensive revision and compilation of the ordinances of Ceylon and shall be known and may be cited as the "Code of Ordinances of the City of Ceylon." All general ordinances passed by the Council prior to the adoption of this code and inconsistent therewith are hereby repealed.

AMENDMENTS

Any additions or amendments to this code are incorporated herein so that a reference to the Code of Ordinances of the City of Ceylon includes such additions and amendments.

NUMBERING

Each section number of this code shall consist of two component parts separated by a period, the figure before the period referring to the chapter number and the figure after the period referring to the section number within the chapter.

ORDINANCES

All general ordinances hereafter enacted shall contain before the enacting clause, a designation of the chapter and section numbers added, repealed, or amended and each paragraph thereof shall be numbered in conformity with this code.

REVISION

The City Council shall provide for the preparation of revised sheets of every page of this code in need of revision by reason of amendment or repeal at intervals not exceeding one year.

VALIDITY

Each section, paragraph, sentence, clause, and provision of this code is separable and if any provision is held unconstitutional or invalid for any reason, such decision shall not affect the remainder of this code.

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Sec. 1.07 PENDING SUITS

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The repeal of any ordinance by this chapter shall not affect or impair any act done or right vested or accrued, or any proceeding suit or prosecution, whether commenced or not, in any cause arising under a prior ordinance before such repeal takes effect.

Sec. 1.08 VIOLATIONS

Any person, firm or corporation violating any provisions of the Code of Ordinances of the City shall be guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine not to exceed $500.00, with costs or by imprisonment for not to exceed 90 days, excepting such inconsistent penalties as are specifically provided herein.

Sec. 1.09 INTERPRETATION

Provisions of this code shall be liberally construed to effect the well being of the

City and to promote good government at a minimum of expense. Sec. 1.10 DEFINITIONS

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intended, the following words, terms and phrases, for the purpose of every

Unless the language or context clearly indicates that a different meaning is

chapter, section, subdivision, paragraph and provision of this City Code, shall have the meanings and inclusions subjoined to them:

Subd. 1. City - the City of Ceylon, Minnesota acting by or through its duly authorized representative.

Subd. 2. Council and City Council - the City Council of the City of Ceylon, Minnesota.

Subd. 3. Person - includes all firms, partnerships, associations, corporations and natural persons.

Subd. 4. Clerk - the City Clerk of the City of Ceylon. Subd. 5. County - Martin County.

Subd. 6. Ordinances- the ordinances ofthe City of Ceylon.

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Subd. 7. Public way - any street, alley, sidewalk, boulevard, park, or other property under the ownership, control, or general usage of the public body.

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Sec. 1.11 EFFECTIVE DATE

This code and all other ordinances except as otherwise provided shall take effect upon passage and publication according to law.

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**CHAPTER2**

ADMINISTRATIVE SECTION

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CHAPTER2

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ADMINISTRATIVE SECTION

Sec. 2.01 AUTHORITY AND PURPOSE

Pursuant to authority granted by Statutes this Chapter of the City Code is enacted as an Administrative Code so as to set down for enforcement the administrative powers of the City by and through its chief administrative body, the Council.

Sec. 2.02 RULES OF COUNCIL PROCEDURE

The following rules of order and procedure shall govern the deliberations and meetings of the City Council and any committees thereof.

Subd. 1. The City Council shall have regular sessions on the first Tuesday of each month at 7:00 o'clock p.m. and if such Tuesday shall fall on a holiday, shall have its regular session at any other time the Council may deem

proper. All meetings shall be held in the City Hall or such place as may be designated by the Council.

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Subd. 2. Special meeting of the City Council may be called by the Mayor or any two councilmen in writing, filed with the City Clerk at least 24 hours prior to the time specified for such meeting. The City Clerk shall notify each member of the City Council of the time and purpose of such special meeting by causing a written notice thereof to be delivered to each

member personally if he can be found and, if he cannot be found, then by leaving a copy of such notice at the usual residence of such City Council member by handing the same to an adult resident of said residence. Special meetings may be held without such notice when all members of the City Council are present in person and consent in writing to the holding of said meeting, such written consent to be filed with the City Clerk prior to the beginning of the meeting.

Subd. 3. The Mayor, or in his absence, the Acting Mayor shall preside at all meetings of the Council. The Acting Mayor, when occupying the place of the Mayor shall have the same privileges as the other members.

Subd. 4. At all meetings ofthe Council, a majority of the Council members elected shall constitute a quorum to do business. In the absence of a quorum, a smaller number may adjourn from time to time.

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Subd. 5.

At the hour appointed for meeting, the members shall be called to order by the Mayor, and in his absence by the Acting Mayor, and in the absence of both, by the Clerk. In the absence of the Clerk, the Mayor shall appoint a secretary pro-tem. Upon the appearance of a quorum, the Council shall proceed to business which shall be conducted in the following order:

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1. Reading of the minutes of the last meeting, which if no correction be offered shall stand approved.

2. Reports of councilmen and officials.

3. Old Business.

4. New Business.

5. Motions and resolutions.

6. Auditing claims and petitions.

7. Adjournment.

Subd. 6.

Subd. 7.

Subd. 8.

Subd. 9. Subd. 10.

The Mayor shall preserve order and decorum and shall decide questions of order subject to an appeal to the Council. The Mayor may make motions, second motions, or speak on any questions, provided that upon demand of any one Council member, in order to do so, he shall vacate the chair and designate a trustee to preside temporarily.

Petitions and other papers addressed to the Council shall be read by the Clerk upon presentation of the same to the Council. All persons desiring to present new business before the Council shall inform the Clerk thereof at least 24 hours before said new business is to be heard. The Clerk may prepare an agenda of said new business for submission to the Council on or before the time of the next regular meeting.

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Minutes of the meeting shall be kept by the Clerk. They shall be signed by the Clerk and shall constitute an official record of the Council proceedings. Upon approval of the minutes at a subsequent meeting of the Council, the Mayor shall sign the minutes. Lack of such Mayor's

signature or Council approval shall not invalidate such minutes as official records.

In all points not covered by these rules, the Council shall be governed in its procedure by Robert's Rules of Order.

The foregoing rules are adopted to facilitate the transaction of council business. No ordinance passed by a majority of council members in the presence of a quorum shall be held invalid for failure to comply with these

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rules unless a member of the Council objects no later than the next regular meeting of the Council. Any rule except Sec. 2.02, Subd. 4, may be suspended by consent of four-fifths (4/5 ths) of the members present.

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Sec. 2.03 ELECTIONS AND TERMS OF OFFICE Subd. 1. ELECTION DATE

The City election shall be held in accordance with Chapter 205, Minnesota

Statutes Annotated.

Subd. 2. TERMS OF OFFICE

The terms of office of City Officers shall be in accordance with Section

412.02 ofthe Minnesota Statutes Annotated. Sec. 2.04 OFFICERS AND EMPLOYEES

Subd. 1. COMPENSATION

When not otherwise provided for by law, compensation of all officers and employees of the City shall be set by the Council. Compensation rates heretofore established shall remain until otherwise changed pursuant to statute.

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Subd. 2. OFFICERS APPOINTED

The following officers shall be appointed by the Council on the first meeting in January of each year except as otherwise indicated and shall hold office at the pleasure of the Council.

1. Acting Mayor.

2. Clerk-Treasurer

3. Health Officer

4. City Attorney

5. Such Council committees as are deemed appropriate for the efficient and orderly management of the City.

6. Such other officers and employees as shall be provided from time to time by ordinances or resolutions or as may be necessary to fulfill the objectives of the City and the City Code.

Sec. 2.05 POLICE DEPARTMENT

Subd. 1. ESTABLISHED

There is hereby established a Police Department in and for the City. The Chief of Police shall be the chief executive officer of the Police Department.

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Subd. 2.

Subd. 3.

Subd. 4.

Subd. 5.

Subd. 6.

DUTIES OF THE CHIEF OF POLICE

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The Chief of Police shall be responsible for the enforcement of the City Ordinances of the City and the State laws of the State of Minnesota pertaining to his duties and he shall also be held responsible for the conduct and performance of duties of all officers under him.

DUTIES OF POLICE OFFICERS

The City Police shall have the power and duty of arresting any person engaged in violating any ordinance of the City or any law of the State and any person for whom they hold a warrant charging a violation of any ordinance of the City or any law of the State. It shall also be the duty of the City Police to answer emergency calls and come to the aid of any individual whose person or property is in danger.

PROCESS SERVERS

All police officers of the City shall be authorized to serve process. Such police officers may charge for their services as such but all fees received for such service shall be paid in to the treasury of the City by forwarding such fees to the Clerk.

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TERM OF CHIEF OF POLICE

The Chief of Police shall be appointed for an indefinite term. At any time during his term, if he is proven guilty of misconduct or considered unqualified in other respects, he may be replaced by the City Council.

The City may enter into a Contract pursuant to the Joint Powers Act for the purpose of obtaining police service for the City.

Sec. 2.06

FIRE DEPARTMENT

Subd. 1.

Subd. 2.

FIRE DEPARTMENT ESTABLISHED

There is hereby established in the City a voluntary fire department which shall have the following officers: A Chief, an Assistant Chief, and a Fire Marshal.

DUTIES OF CHIEF

The Chief of the Fire Department shall have control over all of the fire fighting apparatus and shall be solely responsible for its care and condition. He shall make a report, semi-annually to the Council at its

meeting in March and September, as to the condition of the equipment and needs of the fire department. He may submit additional reports and recommendations at any meeting of the Council and he shall report each

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Subd. 3.

Subd. 4.

suspension by him of a member of the fire department at the first meeting of the Council following each suspension. He shall be responsible for the proper training and discipline of the members of the fire department and may suspend any member for refusal or neglect to obey orders pending final action by the Council on his discharge or retention.

RECORDS

The Chief shall keep in convenient form a complete record of all fires. Such record shall include the time of the alarm, location of fire, cause of fire (if known), type of building, name of owner and tenant, purpose for which occupied, value of building and contents, members of the department responding to the alarm, and such other information as he may deem advisable or as may be required from time to time by the Council or State Insurance Department.

PRACTICE DRILLS

It shall be the duty of the Chief, when the weather permits, to hold a monthly practice drill of at least one hour's duration for the Fire Department and to give the firemen instruction in approved methods of

fire fighting and fire prevention.

• Sec. 2.07

COMPENSATION OF MAYOR AND COUNCIL -(Amended November, 1992)

Subd. 1.

Subd. 2.

Subd. 3.

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The Mayor of the City of Ceylon shall be paid $50.00 for each "regular"

council meeting, $25.00 for each "special" meeting, and $40.00 per day plus expenses for out-of-town meetings.

Each member ofthe City Council shall be paid $45.00 for each "regular" council meeting, $25.00 for each "special meeting," and $40.00 per day plus expenses for out-of-town meetings.

This ordinance shall be effective after the next municipal election pursuant to Minnesota Statutes 415.11, Subd. 2.

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CHAPTER3

UTILITIES

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CHAPTER3

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UTILITIES

Sec. 3.01 RULES AND REGULATIONS RELATING TO MUNICIPAL SEWERAGE SYSTEM

Subd. 1. DEFINITIONS

Unless the language or context clearly indicates that a different meaning is intended, the following words, terms and phrases, as used in this Chapter shall have the following meanings and inclusions relating to the municipal sewerage system:

1. Sewerage system - includes all street, lateral, main and intersecting sewers and structures by which sewage or industrial wastes are collected, transported, treated and disposed of; provided, that this shall not include plumbing inside, or a part of a building or premises served, or service sewage from a building to the street lateral.

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2. Superintendent - the superintendent of the Municipal Sewerage

Works of the City or his authorized agent or representative.

3. Inspector- the person or persons duly authorized by the City to inspect and approve the installation of building sewers and their connection to the public sewer system.

4. Sewage- the water-created waste products from residences, public buildings, institutions, or other buildings or premises, including the excrement or other discharge from the bodies of human beings or animals, together with such ground water infiltration and surface water as may be present.

5. Sewer- a pipe or conduit for carrying sewage.

6. Public sewer - a sewer in which all owners of abutting properties have equal rights and is controlled by public authority.

7. Combined sewers "'" a sewer receiving both surface runoff and sewage.

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8. Sanitary sewer - a sewer which carries sewage and to which storm surface and ground waters are not intentionally admitted.

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9. Industrial wastes - a liquid waste from industrial processes as distinct from sanitary sewage.

10. Building drain - that part of the lowest horizontal piping of a drainage system which receives the discharge from soil, wastes, and other drainage pipes inside the walls of the building and conveys it to the building sewer.

11. Building sewer - the extension from the building drain to the public sewer or other place of disposal.

Subd. 2.

USE OF PUBLIC SEWERS REQUIRED

1. It shall be unlawful for any person to place, deposit, or permit to be deposited in an unsanitary manner upon public or private property within the City of Ceylon or in any area under the jurisdiction of said City, any human or animal excrement, garbage, or other objectionable waste which ordinarily would be regarded as sewage or industrial wastes.

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City or in any area under the jurisdiction of said City, any sanitary

2. It shall be unlawful to discharge to any natural outlet within said

sewage, industrial waste, or other polluted waters, except where suitable treatment has been provided in accordance with subsequent provisions of this ordinance.

3. Except as hereinafter provided, it shall be unlawful to construct or maintain any privy, privy vault, septic tank, cesspool, or other facilities intended or used for the disposal of sewage.

4. The owner of all houses, buildings, or properties used for human occupancy, employment, recreation or other purposes situated within the City and abutting any street, alley, or right-of-way in which there is now located or may in the future be located a public sewer or combined sewer of the City is hereby required, at his expense, to install suitable toilet facilities therein, and to connect such facilities directly with the proper public sewer in accordance with the provisions of this ordinance, within six months after date of official notice to do so, provided that said public sewer is within

one hundred (100) feet of the property line.

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• Subd. 3.

• Subd. 4.

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PUBLIC SEWAGE DISPOSAL

1. Where a public sanitary or combined sewer is not available under the provisions ofSubd. 2 (4), the building sewer shall be connected to a private sewage disposal system complying with all requirements of the State Board of Health.

2. At such times as a public sewer becomes available to a property served by a sewage disposal system as provided in Subd. 2 (4) a direct connection shall be made in the public sewer in compliance with this ordinance, and any septic tank, cesspools and similar private sewage disposal facilities shall be abandoned.

3. The owner shall operate and maintain the private disposal facilities in a sanitary manner at all times, at no expense to the City.

4. No statement contained in this article shall be construed to interfere with any additional requirements that may be imposed by the City Health Officer.

BUILDING SEWERS AND CONNECTIONS

1. No unauthorized person shall uncover, make any connections with opening into, use, alter, or disturb any public sewer or appurtenances thereof without first obtaining a written permit from the City Clerk. Before a permit may be issued for excavating for plumbing in any public street, way, or alley, the person applying

for such permit shall have executed unto the City of Ceylon, deposited with the City Clerk a corporate surety in the sum of

$5,000.00 conditioned that he will perform faithfully all work with

due care and skill, and in accordance with the laws, rules and regulations established under the authority or any ordinances of the City of Ceylon pertaining to plumbing. This bond shall state that the person will indemnify and save harmless the City of Ceylon

and the owner of the premises against all damages, costs, expenses,

outlays and claims of every nature and kind arising out of unskillfulness, or negligence on his part in connection with plumbing or excavation for plumbing as prescribed in this ordinance. Such bond shall remain in force and must be executed for a period of three (3) years except that on such expiration it shall remain in force as to all penalties, claims and demands that may have accrued thereunder prior to such expiration.

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2. There shall be two (2) classes of building sewer permits: (1) for residential and commercial service, and (2) for service to establishments producing industrial waste. In either case, the owner or his agent shall make application on a special form furnished by the said City. The permit applications shall be supplemented by any plans, specifications, or other information considered pertinent in the judgment of the inspector. A permit and inspection fee of five ($5.00) dollars for a residential or commercial building sewer permit and ten ($10.00) for an industrial building sewer permit shall be paid to the City Clerk at the time the application is filed.

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3. All costs and expenses incident to the installation and connection of the building sewer shall be borne by the owner. The owner or the person installing the building sewer for said owner shall indemnify said City from any loss or damage that may directly or indirectly be occasioned by said installation.

4. A separate and independent building sewer shall be provided for every building; except where one building stands at the rear of another on an interior lot and no private sewer is available or can

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be constructed to the rear building through an adjoining alley, court

yard, or driveway, the building sewer from the front building may be extended to the rear building and the whole considered as one building sewer. Other exceptions will be allowed only by special permission granted by the superintendent.

5. Old building sewer or portions thereof, may be used in connection with new buildings only when they are found on examination and test by the said inspector to meet all requirements of this ordinance.

6. The building sewer shall be constructed of either Vitrified Clay Sewer Pipe and Fittings meeting the current A.S.T.M. Specifications for Standard or Extra Strength Clay Sewer Pipe or Extra Heavy Case Iron Soil Pipe meeting the current A.S.T.M. Specifications or the Department of Commerce Commercial Standards for Extra Heavy Cast Iron Soil Pipe and Fittings. If installed in filled or unstable ground, the building sewer shall be of case iron pipe, except the vitrified clay pipe may be accepted if laid on a suitable improved bed or cradle as approved by the said Inspector.

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7. All joints and connections shall be made gas tight and water tight.

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Vitrified clay sewer pipe shall be fitted with factory made Resilient Compression Joints meeting the A.S.T.M. "specifications for Vitrified Clay Pipe Joints Having Resilient Properties." (Designation C425).

Before joining the pipe in the trench, the ball and spigot surfaces shall be wiped free of dirt or other foreign matter. A lubricant or sealer as recommended by the pipe manufacturer shall be applied to the ball and spigot mating surfaces just before they are joined together.

The spigot end shall be positioned into the ball end of the pipe previously laid and shall then be shoved home to compress the joint end to assure a tight fit between the interfaces.

Joints for cast iron soil pipe shall be made by inserting a roll of hemp or jute and thoroughly caulking it into place and then following with pure molten lead well caulked, not less than one inch deep. No paint, varnish, or putty will be allowed in the joints until they have been tested and approved.

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8. The size and slope of the building sewers shall be subject to the approval of the said Inspector, but in no event shall the diameter of the cast iron pipe be less than four inches, and clay pipe or asbestos cement less than four inches, and clay pipe less than six inches.

The slope of such 6 inch pipe shall not be less than one-eighth (1/8) inch per foot. A slope of one-fourth (114) inch per foot shall be used wherever practical.

9. Whenever possible the building sewer shall be brought to the building at an elevation below the basement floor. The depth shall be sufficient to afford protection from frost. All excavations required for the installation of a building sewer shall be open trench work unless otherwise approved by the said Inspector. Pipe laying and backfill shall be performed in accordance with ASIM specification (Designation C12) except that no backfill shall be placed until the work has been inspected by the Inspector or his representative.

10. In all buildings in which any building drain is too low to permit gravity flow to the public sewer, sanitary sewage carried by such drains shall be lifted by approved artificial means and discharged

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to the building sewer. No water operated sewage ejector shall be •

used.

11. The connection of the building sewer into the public shall be made at the "Y" branch designated for that property if such branch is available at a suitable location. Any connection not made at the designated "Y" branch in the main sewer shall be made only as directed by the said Inspector.

12. The connection between the building drain and the building sewer shall be made only with an approved adapter.

13. The applicant for the building sewer shall notify the said Inspector when the building sewer is ready for inspection and connection to the public sewer. The connection shall be made under the supervision of the said Inspector or his representative.

Subd. 5.

14. All excavations for building sewer installation shall be adequately guarded with barricades and light so as to protect the public from hazard.

Streets, sidewalks, parkways and other public property disturbed in the course of the work shall be restored in a manner satisfactory to the said City.

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USE OF THE PUBLIC SEWERS

1. No person shall discharge or cause to be discharged any storm water surface water, ground water, roof runoff, sub-surface drainage cooling water or unpolluted industrial process waters to any sanitary sewer.

2. No person shall discharge or cause to be discharged to any public sewer any harmful waters or wastes, or septic tanks, whether liquid, solid or gas, capable of causing obstruction to the flow in sewers, damage, or hazard to structures, equipment and personnel of the sewage works, or other interference with the proper operation of the sewage works.

3. The admission into the public sewers of any waters or waste having harmful or objectionable characteristics shall be subject to the review and approval of the superintendent, who may prescribe limits on the strength and character of these waters and wastes. Where necessary in the opinion of the superintendent, the owner

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Subd. 6.

Subd. 7.

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shall provide at his expense, such preliminary treatment as may be necessary to treat these wastes prior to discharge to the public sewer. Plans, specifications, and any other pertinent information relating to proposed preliminary treatment facilities shall be submitted for the approval of the said superintendent and of the State Board of Health and no construction of such facilities shall be commenced until said approval is obtained in writing. Where preliminary treatment facilities are provided for any waters or wastes, they shall be maintained continuously in satisfactory and effective operation by the owner at his expense.

4. When required by the superintendent, the owner of any property served by a building sewer carrying industrial wastes shall install and maintain at his expense a suitable control manhole in the building sewer to facilitate observation sampling and measurement of the wastes. All measurements, test, and analyses of the characteristics of waters and wastes shall be determined in accordance with Standard Methods for the Examination of Water and Sewage; and shall be determined at the control manhole or upon suitable samples taken at said control manhole. In the event that no special manhole has been required, the control manhole shall be considered to be the nearest downstream manhole in the public sewer to the point at which the building sewer is connected.

5. Grease, oil and sand interceptors shall be provided when, in the opinion of the said Inspector, they are necessary for the proper handling of liquid wastes containing grease in excessive amount, or any flammable wastes, sand, and other harmful ingredients,

except that such interceptors shall not be required for private living

quarters or dwelling units. Where installed, they shall be maintained by the owner, at his expense, in continuously efficient operation at all times.

PROTECTION FROM DAMAGE

No unauthorized person shall maliciously, willfully, or negligently break, damage, destroy, uncover, deface, or tamper with any structure, appurtenance, or equipment which is a part of the municipal sewage works. Any person violating this provision shall be subject to immediate arrest under charge of disorderly conduct.

POWERS AND AUTHORITY OF INSPECTORS

The superintendent, inspector, and other duly authorized employees of the

City bearing proper credentials and identification shall be permitted to

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enter upon all properties for the purpose of inspection, observation, •

measurement, sampling, and testing, in accordance with the provisions of this ordinance.

Subd. 8. The provisions of Chapter 3, Sec. 3.01 shall become effective upon completion of the municipal sewerage system.

Sec. 3.02 SOLID WASTE AND GARBAGE

Subd. 1. The purpose of this Chapter shall be to regulate and standardize the procedures relating to the storage, collection, and transportation of solid waste by any person and the issuance of a franchise for the collection and transportation of solid wastes within the City of Ceylon all for the protection of the environment and the general welfare of the community.

Subd. 2. DEFINITIONS

A. Solid Waste. Solid waste is garbage, refuse, rubbish, toxic, and hazardous wastes, and other discarded solid materials, except animal waste used as fertilizer including solid waste materials resulting from industrial, commercial, and agricultural operations, and from community activities. Solid waste does not include earthen fill, boulders, rocks, and other materials normally handled in construction operations, solids or dissolved material in domestic sewage or other significant pollutants in water resources, such as silt, water effluents, dissolved materials in irrigation return flows, or other common water pollutants.

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B. Garbage. Garbage is discarded material resulting from the handling, processing, storage, preparation, serving and consumption of food.

C. Open Burning. Open burning is burning any matter whereby the resultant combustion products are admitted directly to the open atmosphere without passing through an adequate stack, duct, or chimney.

D. Refuse. Refuse is putrescible and non-putrescible solid waste, including garbage, rubbish, ashes, incinerator ashes, incinerator residue, street cleanings, and markets and industrial solid waste, and including sewage treatment wastes which are in dry form.

E. Refuse Collection Service. A refuse collection service is a private operation engaged in solid waste collection and solid waste

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transportation.

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F. Rubbish. Rubbish is non-putrescible solid wastes, including ashes, consisting of both combustible and non-combustible wastes, such as paper, cardboard, tin cans, yard clipping, wood, glass, bedding, crockery or litter of any kind.

G. Solid Waste Storage. Solid waste storage is the holding of solid waste near the point of generation.

H. Toxic and Hazardous Wastes. Toxic and hazardous wastes are waste materials including, but not limited to, poisons, pesticides, herbicides, acids, caustics, pathological wastes, radioactive materials, flammable or explosive materials, and similar harmful chemicals and wastes which require special handling and must be disposed of in a manner to conserve the environment and protect the public health and safety.

I. Person. Person means any human being, any municipality, or other governmental or political subdivision or other public agency, any public or private corporation, any partnership, firm, association, or other organization, any receiver, trustee, assignee, agent, or other legal representative of any foregoing, or any other legal entity.

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Subd. 3.

GENERAL CONDITIONS

All solid wastes shall be stored, collected, transferred, transported, utilized, processed and disposed of, or reclaimed in a manner consistent with the requirements of this statute and the regulations adopted by any governmental agency of the State of Minnesota.

Subd. 4.

SOLID WASTE STORAGE

A. The owner and occupant of any premises, business establishment, or industry shall be responsible for the satisfactory storage of all solid waste accumulated at that premise, business establishment or industry.

B. Garbage and similar putrescible waste shall be stored in:

(1) Durable, rust-resistant, non-absorbent, water tight, rodent-proof, and easily cleanable containers, with

close-fitting fly-tight covers having adequate handles or

bales to facilitate handling, or

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(2) Other types of containers acceptable to the City and conforming to the intent of this Ordinance.

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C. Refuse shall be stored in durable containers or as otherwise provided in this ordinance. Where garbage and similar putrescible wastes are stored in combination with non-putrescible refuse, containers for the storage of the mixture shall meet the requirements for garbage containers.

D. Toxic or hazardous wastes shall be stored in the proper containers which are adequately labeled in a safe location and in compliance with the regulations of Federal, State and the City and their regulatory agencies.

E. All containers for the storage of solid waste shall be maintained in such a manner as to prevent the creation of a nuisance or menace to public health. Containers which are broken or otherwise fail to meet requirements in this regulation shall be replaced with acceptable containers.

F. Solid waste objects or materials too large or otherwise unsuitable for storage containers shall be stored in a pollution and

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nuisance-free manner and in compliance with the regulations of

Federal, State and the City and their regulatory agencies.

G. The owner and occupant of any premises, business establishment, or industry shall not allow the accumulation or storage of solid waste on said premises for a period longer than two weeks, nor permit the disposal of any solid waste except in accordance with this ordinance and any ordinance regulating solid waste disposal adopted by the Martin County Board of Commissioners.

Subd. 5.

COLLECTION AND TRANSPORTATION OF SOLID WASTE

A. The owner and occupant of any premises, business establishment, or industry and/or the refuse collection service shall be responsible for the satisfactory collection and transportation of all solid waste accumulated at a premise, business establishment, or industry to a solid waste disposal site or facility, for which a permit has been issued by the Minnesota Pollution Control Agency unless otherwise provided in this ordinance.

B. The vehicles or containers used for the collection and transportation of garbage and other putrescible wastes or refuse

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containing such materials, shall be covered, leak proof, durable and of easily cleanable construction. These shall be cleaned to prevent nuisances, pollution or insect breeding, and shall be maintained in good repair.

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c. Vehicles or containers used for the collection and transportation of any solid waste shall be loaded and moved in such manner that the contents will not fall, leak, or spill therefrom, and shall be covered when necessary to prevent blowing of materials. Where spillage does occur, the materials shall be picked up immediately by the collector or transporter and returned to the vehicle or container,

and the area properly cleaned.

D. Vehicles and containers used for the collection and transportation of toxic or hazardous wastes shall be durable, enclosed, and leakproof and shall be constructed, loaded, moved, and unloaded in a safe manner and in compliance with the regulations of Federal, State and the City Government and their regulatory agencies.

Subd. 6.

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OPEN BURNING RESTRICTIONS

A. REFUSE BURNING RESTRICTIONS

(1) No person shall dispose of refuse by open burning, or cause, suffer, allow or permit open burning of refuse. In areas where no refuse collection service is available on the effective date of this ordinance, as amended, open burning on residential premises, of refuse originating from dwelling units on premises shall not be in violation of this section until such refuse collection services becomes available, but no later than three years from the effective date of this ordinance, or at some earlier time as hereinafter provided.

(2) Except as hereafter provided in this paragraph where any township without regard to location, has a total population of less than 2,500 persons according to the most recent official state or federal census, finding of the Municipal Commission or estimate of the Metropolitan Council, persons dwelling within said township may dispose of refuse originating from dwelling units on residential premises within said township by open burning on said residential premises. However, persons dwelling within those portions of such townships having a population density in excess of 100 occupied dwelling units per square

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mile, as determined by the Director or by the township •

government with approval of the Director, shall be required to comply with all provisions of this regulation, including but not limited to subsections A (1) and (4). A dwelling shall be occupied for the purposes of this regulation if it is occupied as either a seasonal or a permanent dwelling.

Refuse originating from dwelling units shall include, for the purposes of this subsection, household rubbish, leaves and other natural matter, not including garbage and other putrescible solid wastes, which emanate from a dwelling unit. Refuse from agricultural operations, shall not be disposed of by open burning under this ordinance, except as provided in subsection D (5).

(3)

Without regard to location, where any township having a population in excess of 2,500 persons according to the most recent official state or federal census, finding of the Municipal Commission or estimate of the Metropolitan Council or any city, village, or borough, without respect to the total population of said city, village, or borough, has a population density of less than 100 occupied dwelling units per square mile in a portion of said city, village, borough,

or township, as determined by the municipal government

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with approval of the Director, persons, dwelling within said portion may dispose of refuse originating from dwelling units on residential premises by open burning on said residential premises upon application by said city, village, borough, or township and with the approval of the Director. Said portions must be in excess of 2 square miles of contiguous area. A dwelling shall be occupied for the purpose of this regulation if it is occupied as either a seasonal or permanent dwelling.

Refuse originating from dwelling units shall include, for the purpose of this subsection, household rubbish, leaves and other natural matter, not including garbage and other putrescible solid wastes, which emanate from a dwelling unit. Refuse from agricultural operations shall not be

disposed of by open burning under this ordinance, except as

provided in subsection D (5).

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(4) Within 3 months of the effective date of this ordinance as amended, it shall be the duty of each of the following units of local government to determine whether adequate refuse collection service is available within its jurisdiction or part thereof, and to report said determination to the Agency.

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(aa) All cities, villages, boroughs and townships in Anoka, Carver, Dakota, Hennepin, Ramsey, Scott, or Washington counties having populations in excess of 5,000 persons according to the most recent official state or federal census, finding of the Municipal Commission or estimate of the Metropolitan Council.

(bb) All cities, villages, boroughs and townships in Anoka, Carver, Dakota, Hennepin, Ramsey, Scott or Washington Counties having populations of less than 5,000 persons, as defined in subsection (aa), which are contiguous to cities, villages, boroughs,

or townships having populations in excess of 5,000

persons as defined in subsection (aa).

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(cc) All cities, villages, boroughs, and townships in counties other than those specified in subsection

(aa) having populations in excess of 10,000 persons, according to the most recent official state or federal census, or findings of the Municipal Commission.

(dd) All cities, villages, boroughs, and townships in counties other than those specified in subsection (aa) having populations ofless than 10,000 persons as defined in subsection (cc) above, which are contiguous to cities, villages, boroughs, or townships having populations in excess of 10,000 persons as defined in subsection (cc) above.

(i) Upon a determination that an adequate refuse collection service is available in a local government unit or portion thereof, open burning will thereafter be prohibited in the area in which service is so available. Where a determination is made that an adequate refuse collection service is not

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available, it shall be the duty of each •

governmental unit, within six months of such determination to provide an adequate refuse collection service. A refuse collection service shall be considered adequate if it meets the requirements of Minnesota Pollution Control Agency Regulation SW 3 and all other applicable standards and regulations of the Agency.

(ii) Determinations as to the availability or

non-availability of refuse collection services, as required in this ordinance, shall be reported in writing to the Agency within ten days after said determinations are made.

Said reports shall describe the number,

kinds, and ownership of refuse collection equipment available at the time of said determination, the incidence and nature of refuse collection service available at said time, and such other information as the Agency staff shall request.

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In the case of a governmental unit which originally determines that refuse collection service is not available, upon said governmental unit thereafter providing such refuse collection, as required in subsection (i) above, said governmental units shall report said provisions of service to the Agency within ten days after said provisions of service. Said report shall describe the number, kinds, and ownership of refuse collection equipment serving as the basis of the refuse collection service so provided, the incidence and nature of service so provided, and such other information as the Agency staff shall request.

Where a local governmental unit has reported information to the Agency relating to the availability or provisions of services as aforesaid, the Agency shall inform the

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local government unit submitting such information of the sufficiency or insufficiency of said information within 30 days of the receipt by the Agency staff of said information.

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(iii) All determinations made under these regulations are subject to Agency review.

(iv) Failure to comply with the foregoing provisions shall subject a governmental unit and its officials to all applicable administrative and judicial sanctions available to the Agency, including the provisions of M.S. 1967, Section 116.08

Subd. 1.

B. PROHIBITIONS OF SALVAGE OPERATIONS BY OPEN BURNING

(1) No person shall conduct, cause or permit the conduct of a salvage operation by open burning.

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(2) A salvage operation shall not constitute an installation within the meaning of APC 3.

C. RESTRICTION ON OPEN BURNING OF TREE LEAVES

The open burning of leaves is prohibited effective two months after refuse collection service or a general solid waste management

system is available. Until such time, burning of leaves is permitted only in containers meeting fire safety standards.

D. EXCEPTIONS

Exceptions here from may be allowed upon application and approval by the Director where accompanied by the recommendation of the local fire marshal or other responsible local official having jurisdiction thereof. Such burning shall not be permitted, however, if contrary to other applicable laws,

ordinances and regulations. Exemption to conduct open burning

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under the provisions of this ordinance does not excuse a person

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from the consequences, damages, or injuries which may result •

therefrom. In areas in which open burning is permitted pursuant to this ordinance, persons seeking a permit to conduct open burning under paragraph D subsections (2), (3) and (5) may obtain such a permit from a regular forest officer or a town fire warden pursuant to Minnesota Statutes, Sections 88.17 and 88.18, or a person designated by the County Board of Commissioners. The Director shall be notified of the name and address of such designated person before he may perform such duties. Such notification shall be effective for one year from the date of receipt by the Agency. Failure to comply with the provisions of paragraph D subsection

(5) of this regulation will constitute a violation of these regulations

and render the person subject to the legal remedies of the Agency, including but not limited to the termination of the right of said person to conduct open burning pursuant to paragraph D subsections (2), (3) and (5). The following are exceptions for which application may be made:

(l) Fires purposely set for the instruction and training of public and industrial fire-fighting personnel.

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(2) Fires set for the elimination of a fire hazard which cannot be abated by any other practicable means.

(3) Fires purposely set for forest or game management in accordance with practices recommended by the Minnesota Department of Conservation, the Minnesota Department of Agriculture and the United States Forest Service.

(4) The burning of hydrocarbons which must be wasted through the use of atmospheric flares.

(5) The burning of trees, brush, grass and other vegetable matter in the clearing of land, right of way maintenance operations and agricultural crop burning is permitted under the following conditions:

(aa) The prevailing winds at the time of burning must be away from any municipality.

(bb) The location of burning must not be within 1,000 feet of an occupied residence other than those

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located on the property on which the burning is conducted.

Oils, rubber or other similar materials which produce unreasonable amounts of air contaminants may not be burned.

The burning must not be conducted within 1,000 feet of any highway or public road and, in any event, must be controlled so that a traffic hazard is not created.

The burning must not be conducted within one mile of any, military, commercial, county, municipal, or private airport or landing strip.

An exception to the prohibition and conditions of paragraph D subsection (5) of this regulation may be granted by the Agency or its designated agent.

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Open fires for ground thawing for underground utility repair and construction are allowed under the following conditions:

(aa) Fires must be started with materials which do not generate appreciable smoke.

(bb)

(cc)

(dd)

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Fuel used must be coke of less than one percent sulfur content when the thawing site is within 500 feet of dwelling or occupied buildings. Coke of higher sulfur content may be used in remote areas except under conditions where an air pollution alert has been declared under provisions of Regulation APC 15.

The ambient air quality for sulfur dioxide and carbon monoxide must not be exceeded downwind of the thawing site.

Wherever possible, including but not limited to spot repairs, propane gas thawing torches or other devices causing minimal pollution shall be used.

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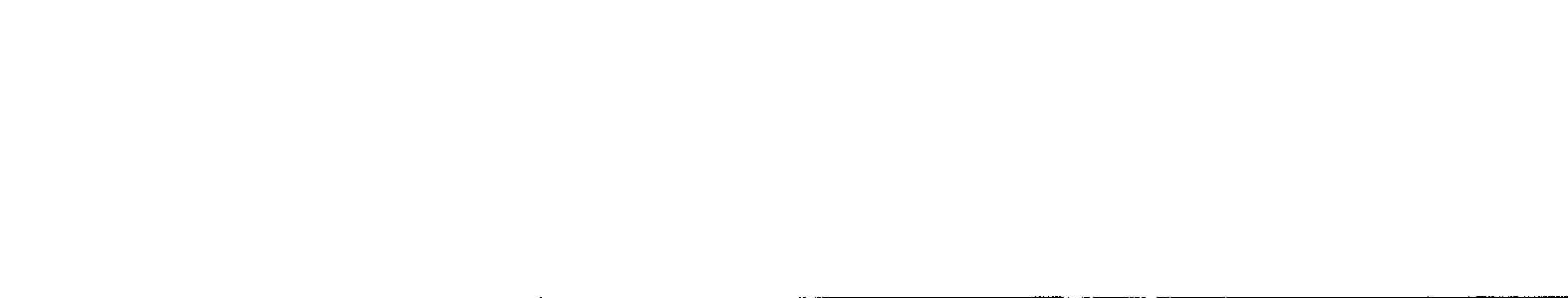
E. This regulation shall not be construed to allow open burning in those areas in which open burning is prohibited by other laws, regulations or ordinances.

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**CHAPTER4**

BUSINESS REGULATIONS

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Sec. 4.01

CHAPTER4

BUSINESS REGULATION

BUSINESS LICENSES

Subd. 1.

Subd. 2.

Subd. 3.

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Subd. 4.

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NOT TRANSFERABLE

No license issued by the City may be transferred from one person to another without permission of the Council. When the Council permits the transfer of a license, it may waive any residence requirement, but only for the required term of the license.

REVOCATION

Any license may be revoked by the Council for a violation of the section or chapter under which it is issued. However, the revocation action must follow any procedure provided in the section or chapter in question.

APPEAL

Any person who has made application and has been denied or not acted upon within thirty (30) days after the application may apply directly to the Council for a license. The application to the Council shall contain the same information required in the original application, plus any additional information that the Council may require or that the applicant may feel is pertinent. The Council may grant the license after hearing, if the requirements of this code are substantially complied with and in the opinion of the Council granting of the license would be in the best interest of the public.

CIGARETTES

1. License required. No person, firm or corporation shall directly or indirectly or by means of any device keep for retail sale, sell at retail, or otherwise dispose of any cigarette, cigarette paper, or cigarette wrapper at any place in the City unless a license therefor shall first have been obtained.

2. Application. Application for such license shall be made to the Clerk and may be granted in his discretion. Such application shall make full disclosure of all matters relating to the applicant's name, age, the business in connection with which the proposed license

will operate, and its location, and such other information as may be

required by the Council.

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3. Fees. The fee for every license shall be $10.00 per year, pro-rated.

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4. License shall be displayed. Every license shall be kept conspicuously posted at the location for which the license is issued and shall be exhibited to any person upon request.

5. Restrictions.

A. No license shall be issued except to a person of good moral character.

B. No person shall keep for sale, sell, or dispose of any cigarette containing opium, morphine, jimpson weed, bella donna, strychnia, cocaine, marijuana or any other deleterious or poisonous drug except nicotine.

Subd. 5.

PUBLIC DANCES

1. The state law governs. All dances held in this City hereafter shall be conducted in accordance with the provisions of Chapter 614 of Minnesota Statutes, 1971, Sections 624.42 to and including

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624.54, regulating the conduct of dances as heretofore, or hereafter amended. The definitions of terms in the first section of said act are hereby adopted, except that the term "public dance" shall be taken to apply to any place in which dancing may be or is carried on other than a private residence; and the term "public dance" shall be taken to apply to every dance held in a public dancing place, whether an admission fee is charged or not.

2. License required. No person shall conduct a public dance in this City, unless a license shall have been procured therefor from the Clerk.

3. Fee. The license fee shall be $40.00 per year, provided that any lodge or society not organized or maintained for profit may conduct public dances upon the payment of $10.00 per dance.

4. Application. Any person or persons desiring a permit to hold or conduct a public dance in the City shall make application therefor on blanks furnished by the Clerk. The application shall set forth the name and address of the person, persons, committee or organization which is to conduct the dance; time and place where such dance is to be held, and the area of the dance floor. The

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application shall also show affirmatively that each of the applicants

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is a person of good moral character and reputation in the community in which he lives and that none of the applicants has been convicted of a felony gross misdemeanor, or ofviolating any ordinance or law regulating dances any place in the United States. The City Clerk shall issue the license if in his opinion the public health or safety will not suffer therefrom. In the case the license be issued, the same shall be posted in a public place in the dance hall described therein during the time the dance is being given, and the persons named in the license shall be responsible under the law for the manner in which such dance is to be held and conducted.

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5. Police protection required. It shall be a condition of any permit issued under this section that the applicant shall provide at his own expense policing of the immediate and surrounding area of the building or area in or upon which said dance is held. The failure to provide such policing shall constitute grounds for the immediate revocation of the license.

Subd. 6.

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PEDDLERS

1. License Required. No solicitor, peddler, hauler of a transient vendor or merchandise, shall without having been requested or invited to do so by the owner or owners, occupant or occupants of such private residence of the City for the purpose of soliciting orders for the sale of goods, wares and merchandise, or for the purpose of disposing of or peddling or handling the same without first obtaining a license therefore.

2. Application. Before any license shall be issued to any person to vend, sell, hawk or peddle goods, the person desiring such license shall file a written application with the City Clerk. Said application shall show:

1. The name of the applicant and the persons associated with him in his business.

2. Type of business for which the license is desired.

3. The length of time for which said license is to be desired.

4. A general description of the thing or things to be sold.

5. The present place of business of the applicant.

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3. Issuance Fee. Every application for a license under this ordinance shall bear the written approval of City Chief of Police or Mayor after an investigation of the moral character of the applicant. When the applicant presents to the City Clerk an application in proper form for any business not prohibited by law, he shall pay a

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$50.00 fee to cover the cost of said application. The Clerk may

issue to said applicant a license to conduct, or to pursue, or carry on the business for which said license was required for the period requested, if in his opinion the public health, safety, or peace will not suffer therefrom, and the public will not be defrauded thereby.

The refusal or failure of a licensee to provide the police protection herein required shall constitute grounds for immediate revocation of the license and the immediate termination of all activities permitted thereunder.

Subd. 6A.

4. Consumer Frauds. Any peddler who is found guilty of a referral selling as defined in Minnesota Statutes Annotated Section 38.04 (6) or of any other consumer fraud shall have his license revoked.

STREET VENDORS (July 13, 1994)

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1. License Required. No street vendor shall occupy or use the public streets or sidewalks of the City for the purpose of selling goods, wares, food, beverage or merchandise without first obtaining a license therefor.

2. Application. Before any license shall be issued to any person to sell goods, wares, food, beverage or merchandise on the public streets or sidewalks of the City, the person desiring such license shall file a written application with the City Clerk. Said application shall show:

a. The name of the applicant and the persons associated with him in his business.

b. Type of business for which the business is desired. c. The length of time for which said license is to be

desired.

d. A general description of the thing or things to be sold.

e. The place of business of the applicant.

3. Issuance Fee. Every application for a license under this ordinance shall bear the written approval of the City, Chief of Police or

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Subd. 7.

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Mayor after an investigation of the moral character of the applicant. When the applicant presents to the City Clerk an application in proper form, he shall pay a $50 fee to cover the cost of said application. The Clerk may issue to said applicant a license to conduct or pursue or carry on the business of a street vendor for the period requested, if in his opinion the public health, safety or peace will not suffer therefrom, and the public will not be

defrauded thereby.

4. Other permits. All applicants shall present copies of all county and state food handling licenses or certificates to the City Clerk at the time the application is made.

FIREWORKS

License required. No person shall use or explode any fireworks as defined in Minnesota Statutes Annotated Section 624.20 (1964) without a license therefor.

2. Application. Every application for such a license shall be made in writing to the Clerk at least fifteen (15) days in advance of the date of the display. The application shall be promptly referred to the Fire Marshal, who shall make an investigation to determine whether the operator of the display is competent and whether the display is of such a character and is to be so located, discharged or fired that it will not be hazardous to property or endanger any person. The Fire Marshal shall report his findings of this investigation to the Clerk and if he reports that in his opinion the operator is competent and that the display as planned will conform to safety requirements, including the rules and regulations of the State Fire Marshal, the Clerk shall issue a license for the display.

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3. Fee. The license shall not be issued until a fee of$25.00 is paid for each day of display.

Subd. 8. PUBLIC GATHERINGS

1. Charging admission. No person shall advertise for conduct, or hold a public gathering for which an admission is charged, or for which a fixed donation is required to be paid, as a condition of admittance, without first obtaining from the City Clerk a permit for such gathering.

2. Fee. The permit fee shall be $25.00 for each gathering provided that for successive gatherings, each of which is a repetition of the original program, exhibition or such matter of the gathering one permit may be issued for more than one gathering if the dates of each said gathering is

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stated thereon. The permit fee for a charitable or nonprofit organization •

shall be $1.00, other provisions herein being applicable.

3. Application. Any person or persons desiring a permit to advertise or hold a public gathering shall make application therefor on blanks furnished by the Clerk. The application shall set forth the name (s) and address (es) of the person, persons, committee, organization, or other entity which is to conduct the public gathering, the time or times and place or places where such gathering is to be held; the purpose or nature of the gathering , and the type of program to be presented or conducted, including the names of persons or groups of persons who will conduct or present such program.

Subd. 9.

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CIRCUSES. THEATRICAL PERFORMANCES. AMUSEMENTS. SHOWS AND EXHIBITIONS

License required. No person shall hold, promote, advertise for, or otherwise engage in offering or opening to the public a circus, theatrical performance, amusement, show, or exhibition without first obtaining from the City Council a license therefor.

2. Fee. The license fee shall be the sum of$100.00 per year, or $5.00 per day for each day that the activity is conducted, offered, or held open for the public, whichever is lesser, provided that any local lodge, society, or charitable organization, none of which are organized or maintained for profit, may engage in activities regulated under this Section upon the

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payment of a fee of$25.00 per year, or $1.00 per day for each day that the activity is conducted, offered, or held open for the public.

3. Application. Any person or persons desiring to engage in activities regulated under this section shall make application for such license on blank furnished by the Clerk. The application shall set forth the name and address of the person ,persons, committee or organization which is to conduct the regulated activity; state the times and places where such activities are to be held or conducted, and state the nature of the activity for which the license is sought. The application shall also contain such other information as is reasonably requested by the City Clerk. In the

event the license is issued, the same shall be posted in a conspicuous place on the premises at which the activity is conducted.

4. Deposit required. As a condition for the issuance of a license, the applicant shall deposit with the Clerk, the sum of$100.00 dedicated to cleaning up and restoring the area utilized to its state existing prior to the commencement of the activity licensed. The licensee shall have a period oftwenty-four hours (24) following the termination of the activity within

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which to clean up and restore the area or premises. The Clerk or other authorized personnel of the City may examine the area to see if the conditions herein stated have been complied with. Upon compliance, the Clerk shall refund the deposit of $100.00. The refusal of or failure by the licensee to comply with the conditions of this section shall constitute a release of any claim to the deposited sum by the licensee, and said sum shall thereafter be forfeited to the City for the purpose of cleaning up and restoring the area or premises, any balance remaining thereafter shall be deemed liquidated damages forfeited to the City for failure to comply with this section.

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Sec. 4.02 STATE LAW ADOPTED (September, 20, 1995)

The Liquor Act, Minnesota Statutes Chapter 340A is adopted by reference as if set out at length in this section.

Sec. 4.03 RETAIL LICENSE

Subd. 1. REQUIRED. It is unlawful for any person, organization, corporation or club, except as wholesalers or manufacturers, to the extent authorized under State law, to directly or indirectly sell, or keep for sale, any intoxicating liquor without first having received a license to do so approved by the Council.

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Subd. 2. CLASSIFICATION. Intoxicating liquor licenses issued by the City shall be of the following kinds:

A. On-sale liquor license

B. Special Club license

C. Special "off-sale and on-sale" license

D. Off-sale liquor license

Subd. 3. APPLICATION: INVESTIGATION. INVESTIGATION FEE. ETC.

A. Application for Intoxicating Liquor Licenses shall be in the form prescribed by the Council and may contain any information that the Council may require.

B. All intoxicating liquor license applications shall be accompanied by the payment of a fee as determined by resolution ofthe Council to cover costs of investigation.

C. Changes in the corporate or association officers of a licensee, corporate charter of a licensee, articles of incorporation of a

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licensee, bylaws of a licensee or partnership agreement of a •

licensee shall be submitted to the City Clerk within 30 days after such changes are made. Notwithstanding the definition of interest in the case of a corporation, the licensee shall notify the City Clerk when a person not in the application acquires an interest which, together with that of his spouse, parent, brother, sister or child exceeds 5 percent and shall give all information about such person as required of a person pursuant to the provisions of this article.

D. At any time an additional investigation is required because of a change in the ownership or control of the corporation or because of an enlargement, alteration, or extension of the premises previously licensed, the liquor licensee shall pay an additional investigation

fee in an amount determined by resolution of the Council.

Subd. 4.

LICENSE FEES

A. Intoxicating liquor license fees shall be determined by resolution of the Council. When the license is for premise where the building is not ready for occupancy, the time fixed for computation ofthe license fee for the initial license, shall be the date the building is ready for occupancy.

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existing liquor license and the ownership, control and interest in

B. Where a new application is filed as a result of incorporation by an

the license are unchanged, no additional license fee will be required.

C. No part ofthe fee paid for any license shall be refunded except as authorized by State law or by the Council.

D. Until changed by resolution of the Council, license fees shall be as follows:

The annual fee for an "on-sale" license shall be $900.00. The annual fee for an "off-sale" license shall be $100.00. The annual fee for a special club license shall be $300.00. The annual fee for a special "on-sale-off-sale" license shall

be $1,200.00.

Subd. 5.

APPLICATION FOR LICENSE

A. Every application for a license to sell liquor shall be verified and

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filed with the City Clerk. It shall state the name of the applicant,

his age, representations as to his character with such references as

may be required, his citizenship, whether the application is for "on sales" or "off sales", the business in connection with which the proposed license will operate and its location, whether 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 require from time to time. In addition to containing such information, each application for a license shall be in the form prescribed by the liquor control commissioner. No person shall make a false statement in an application.

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B. A liability insurance policy shall be filed with the City Clerk prior to the time the actual license is issued. Such liability insurance policy shall be in the amount of $50,000.00 coverage for one person and $100,000.00 coverage for more than one person, and shall specifically provide for the payment by the insurance company on behalf of the insured all sums which the insured shall become obligated to pay be reason of liability imposed upon him by law for injuries or damages to person other than employees, including the liability imposed upon the insured by reason of

Section 340.95 Minnesota Statutes. Such liability insurance policy shall provide further that no cancellation for any cause can be

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made either by the insured or the insurance company without first giving ten days notice to the City, in writing, of intention to cancel the same, addressed to the City Clerk, which shall provide that no payment of any claim by the insurance company shall in any manner decrease the coverage provided for in respect to any other claim or claims brought against the insured or company thereafter. Such policy shall be conditioned that the insured shall pay the extent of the principal amount of the policy any damages for death or injury caused by or resulting from the violation of any law relating to the business for which such liquor license has been granted.

Subd. 6.

A.

CONDITIONS OF LICENSE

Every licensee shall be responsible for the conduct of his place of business and the condition of sobriety and order therein.

B. No liquor shall be sold to any minor. No license shall be granted to a minor and no minor shall be employed in any room

constituting the place in which intoxicating liquors are sold at retail "on-sale." The licensee shall not permit any minor to loiter or to remain in the room where intoxicating liquor is being sold or

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served unless accompanied by his parent or legal guardian.

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c. No license shall be issued to any person not a citizen of the United States, or to any person not of good moral character and repute, nor to any person who shall have been convicted of any willful violation of any law of the United States or the State of Minnesota, or of any of the local ordinances with regard to the manufacture, sale, distribution, or possession for sale or distribution of intoxicating liquor, not to any person whose license under this ordinance shall be revoked for any willful violation of such laws or ordinance.

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D. No license shall be granted for operation of any premises upon which taxes or assessments or other financial claims of the City are delinquent and unpaid.

E. All premises where any license hereunder is granted shall be open to inspection by any police or health officer of the City at any time during which the place so licensed shall be open to the public for business.

F. No license shall be granted within 300 feet of any school nor within 300 feet of any church. The measurement shall be made from building to building and not from the property lines.

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G. All persons, except licensee, his bona fide employees and law enforcing officers, shall be excluded from the bar within 30 minutes after the expiration of the time on any day when intoxicating liquor may be legally sold therein, and all doors into said bar shall then be closed and locked, and all persons, except said licensee, his bona fide employees, and law enforcing officers shall thereafter continuously be excluded therefrom until the time next thereafter when such liquor may again be legally sold therein.

H. No license shall be effective beyond the compact and contiguous space named in the license granted.

Subd. 7. REVOCATION

The Council may suspend or revoke any liquor license for violation of any provision or condition of this ordinance or any state law regulating the sale of intoxicating liquor and shall revoke such license if the licensee willfully violates any provision of Minnesota Statutes 340A. Except in the case of

a suspension pending a hearing on revocation, revocation or suspension by

the Council shall be preceded by written notice to the grantee and a public hearing. The notice shall give at least ten days notice of the time and place

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of the hearing and shall state the nature of the charges against the licensee. The Council may, without any advance notice, suspend any license pending a hearing on revocation for a period of not exceeding 30 days.

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**CHAPTERS**

PUBLIC WAYS AND HIGHWAY REGULATIONS

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CHAPTERS

PUBLIC WAYS AND HIGHWAY REGULATIONS

Sec 5.01

STREET AND HIGHWAY TRAFFIC REGULATION

Subd. 1.

Subd. 2.

The Highway Traffic Regulation Act of the State of Minnesota, being Minnesota Statutes, Chapter 169 as published by the State of Minnesota is hereby adopted and incorporated by reference as an Ordinance of the City and the provisions therein set forth shall be as much a part of this Ordinance as if they had been set forth in full herein.

The following Statutes of the State of Minnesota are hereby adopted and incorporated by reference as an Ordinance of the City and the provisions therein set forth shall be as much a part of this Ordinance as if they had been set forth in full herein.

Minnesota Statute 160.27

Minnesota Statute 171.02

Minnesota Statute 171.03

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Minnesota Statute 171.22

Minnesota Statute 171.23

Minnesota Statute 171.24

Minnesota Statute 171.32

(1)

Minnesota Statute 171.32 (2)

Subd. 3.

Subd. 4.

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UNCLASSIFIED VIOLATIONS

1. No person shall operate a vehicle on a public highway, street, parking lot, alley or other public property in such a manner as to cause the tires to squeal, the gears to grind, or the motor to backfire, except when an emergency creates the necessity for such operation;

2. 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.

One copy of the Minnesota Highway Traffic Regulation Act and the miscellaneous statutes set forth above as published by the State of

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Minnesota, as the Minnesota Motor Vehicle and Traffic Laws, shall be •

marked by the City Clerk as official copies and filed for use and examination by the public in the office of the City Clerk.

Subd. 5.

Subd. 6.

PENALTY

Any violation of the statutes adopted by reference in Section 1 is a violation of this Ordinance when it occurs within the City. Any person thus violating any provision of this Ordinance shall be guilty of such an offense and shall be punished by such penalty as is prescribed by such statutes, except where a different penalty is prescribed in this Ordinance.

PRESERVATION OF RIGHTS

Except as Provided by M.S.A. 169.89, Subd. 3., the repeal of any Ordinance or portion thereof by the preceding section shall not affect or impair any act done or right vested or accrued, or proceeding, suit or prosecution had or commenced shall remain in full force and effect to all intents and purposes as if such Ordinance or part thereof so repealed had remained in force. No offense committed and no liability, penalty or forfeiture either civilly or criminally incurred prior to the time when any such Ordinance or part thereof shall be repealed or altered by the City shall be discharged or effected by such repeal or alteration; but

prosecutions and suits for such offenses, liabilities, penalties, or forfeitures •

shall be instituted and proceeded within all respects as if such prior

Ordinance or part thereof had not been repealed or altered.

Sec. 5.02

REGULATION OF STREETS

Subd. 1.

Subd. 2.

RESTRICTION ON TURNS

The City Council by resolution may, whenever necessary, to preserve a free flow of traffic or to prevent accidents, designate any intersection as one where the turning of vehicles to the left or the right, or both, is to be restricted at all times or during specified hours. The City Engineer shall mark by appropriate signs any intersection so designated until the consent of the Commission of Highways to such designation is first obtained. No person shall turn a vehicle at any such intersection contrary to the directions on such signs.

U-TURNS

No person shall tum a vehicle so as to proceed in the opposite direction on any street in the business district or between any street intersection in the business district or at any intersection where traffic is regulated by a traffic control signal or at intersections where the Council shall have established no U-turn zones.

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• Subd. 3.

Subd4.

Subd 5.

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Subd. 6.

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THROUGH STREETS: ONE WAY STREETS

The Council by resolution may designate any street or portion of street as a through highway or a one-way roadway where necessary to preserve the free flow of traffic or to prevent accidents. The City Engineer shall post appropriate signs at the entrance to such street. No trunk highway shall be so designated unless the consent of the Commissioner of Highways to

such designation if first secured.

1. Every driver of a vehicle shall bring his vehicle to a full stop before entering any through street or stop intersection properly designated and posted as such.

TRUCK RESTRICTIONS

The City Council by resolution may designate streets on which travel by commercial vehicles in excess of 10,000 pounds gross weight is prohibited. The City Engineer shall erect appropriate signs on such streets. No person shall operate a vehicle on such posted streets in violation of the restrictions stated.

SEASONAL WEIGHT RESTRICTIONS

The City Engineer may prohibit the operation of vehicles upon any street under his jurisdiction or impose weight restrictions on vehicles (to be operated on) such street whenever the street, by reason of deterioration, rain, snow or other climatic conditions, will be seriously damaged or destroyed unless the use of vehicles on the street is prohibited or the permissible weights thereof reduced.

He shall erect and maintain signs plainly indicating the prohibition or restriction at each end of that portion of the street affected. No person shall operate a vehicle on a posted street in violation of the prohibition or restriction.

PARKING REGULATIONS

A. PARALLEL PARKING. Parallel parking shall be require on the following streets: Business district (main street)

B. No vehicle over 9,000 pounds gross weight shall park on the main street of Ceylon.

C. 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:

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(a) (b) (c) (d) (e) (f) (g)

(h) (f)

On a sidewalk

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In front of a public or private driveway

Within an intersection

Within 10 feet of a fire hydrant

On a crosswalk

Within 20 feet of a crosswalk at any intersections

Within 30 feet upon the approach of any flashing beacon, stop sign or traffic control signal located at the side of a roadway

Within 50 feet of the nearest rail of a railroad crossing

Within 20 feet of the distance to any fire station and the side of the street opposite the entrance to any fire station within 75 feet of said entrance when properly sign posted. Alongside or opposite any street excavation or obstruction when such stopping, standing or parking would obstruct

traffic.

(k) On the roadway side of any vehicle stopped or parked at the edge or curve of a street.

(1) Upon any bridge or other elevated structure upon any street

(m) Upon any place where official signs prohibit stopping

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(n) Upon the left half of any roadway

The City Council may, by resolution, designate certain areas where the

Subd. 7.

TIME LIMIT PARKING ZONES

right to park is limited during hours specified. The City Engineer shall mark by appropriate signs each zone so designated. During the hours specified on the sign, no person shall park a vehicle in any limited parking

zone for a longer period than is so specified.

Subd. 8.

IMPOUNDMENT

Any police officer may remove a vehicle from a street to a garage or other place of safety when the vehicle is left unattended and constitutes an obstruction to traffic or hinders snow removal or street improvement or maintenance operations or is in violation of any parking regulation. Such vehicle shall not be released until the fees for towing and storage are paid in addition to any fine imposed for violation of this ordinance.

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

violation.

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• Subd. 9.

Subd. 10.

ESTABLISHMENT OF SAFETY ZONES. LANES OF TRAFFIC. ETC. The City Council may order installation by the City Engineer of stop signs, yield signs, warning signs, signals, pavement markings or other devices to assist in the direction and control of traffic, to improve safe driving conditions at any intersection or dangerous location, and to warn pedestrians or drivers of motor vehicles of dangerous conditions or zones, lanes of traffic and stop intersections. No regulations may be established on a trunk highway unless the consent of the Commissioner of Highways is first secured.

EXHIBITION DRIVING PROHIBITED

No person shall tum, accelerate, or otherwise operate a motor vehicle within the City in a manner which causes unnecessary engine noise or backfire, squealing tires, skidding, sliding, swaying, throwing of sand or gravel, or in a manner simulating a race. Squealing or screeching sounds emitted by tires, or the throwing of sand or gravel by the tires is prima facie evidence of a violation of this section.

Sec. 5.03

PUBLIC WAYS

• Subd. 1.

Subd. 2.

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REFUSE

No person shall throw or deposit any glass, metal, garbage or other refuse upon any public way.

SIDEWALK REPAIR

It is the duty of the owner of the premises abutting any sidewalk to maintain such public sidewalk in such a condition as to permit the safe use of said sidewalk by the public.

1. Whenever any public sidewalk becomes broken, cracked, raised or otherwise disrepaired so as to constitute a hazard to the public passage, the City Clerk shall give notice in writing of such condition to the owner of the premises abutting the sidewalk.

2. If the owner of the premises fails to make such repair within thirty (30) days of being so notified, the City Council shall order the necessary repairs made.

3. The cost of such repairs shall constitute a lien against said

premises. If the cost of such repair is not paid to the City Treasurer by September 15th following the making of the repairs, the cost shall be certified to the County Auditor as a special assessment

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against said premises, to be collected in the same manner as any •

other special assessment.

Subd. 3.

Subd. 4.

BLOCKING SIDEWALKS OR INTERFERING WITH USE OF SAME It shall be unlawful for any person, firm, corporation or other entity to block or otherwise interfere with the use of any portion of a public sidewalk without first obtaining the written approval, therefore, from the City Council, except, that the City Council may designate certain days for public sales or promotions and on said designated days, merchants may utilize portions of the public sidewalk for the display and sale of goods.

EXCAVATIONS

1. Excavations prohibited. No person shall make any excavation in any public way without first having secured a permit therefor from the City Clerk. Application for such permit shall be made to the City Clerk upon forms prescribed by the Council.

2. Requirement of financial responsibility. Before the Clerk issues a permit to excavate, he may require the applicant to show financial responsibility or a certificate of insurance in an amount determined by Council resolution.

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3. Barricading and lighting. Any excavation in a public way must be guarded with substantial railings or their equivalent constructed and placed so as to bar all entrance to the excavation and all piles of materials must be shown by amber lights or flares.

4. Resurfacing. No person may excavate or dig in or upon any street or alley in the City unless he first has paid to the City Clerk a resurfacing fee. This fee shall be for the street repairs made necessary by such excavation or digging and shall be set by resolution of the Council. The City Clerk shall keep on file a record of such resolution for public inspection. This fee shall be in addition to any other permit otherwise required.

5. Excavating in or on private property. No person shall excavate or dig in or upon private property within the City at such a depth and/or at such location as he will strike, sever, dent, undermine or

otherwise disturb any lines, wires, pipe or other utility installation. Prior to any excavation on private property hereby regulated an inquiry shall be made of the City Clerk to determine the location and depth of utility lines, if any, existing in, on or under said private property.

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• Subd. 5.

Subd. 6.

• Subd. 7.

CERTAIN VEHICLES. EQUIPMENT AND ANIMALS PROHIBITED­ STREETS

It is unlawful to operate any vehicle or equipment of any type whatsoever

not equipped with pneumatic tires, a pneumatic tire being a tire in which compressed air is designed to support the load. A violation of this section shall constitute a misdemeanor.

DAMAGE TO ROADWAYS

Any person driving any vehicle, equipment, object, or contrivance upon any street, road, highway, or highway structure shall be liable for all damages which the surface or structure thereof may sustain as a result of any illegal operation, or driving or moving of such vehicle, equipment, object, or contrivance; or as a result of operating, driving, or moving any vehicle, equipment, object, or contrivance weighing in excess of the maximum weight permitted in this chapter. When such driver is not the owner of such vehicle, equipment, object or contrivance, but is so operating, driving, or moving the same with the express or implied permission of the owner, then the owner and the driver shall be jointly and severally liable for any such damage. Any person who, by his willful acts or failure to exercise due care, damages any road or street shall be liable for the amount thereof.

T IN ALLEYS

EQUIPMEN

Vehicles or equipment weighing in excess often, thousand (10,000)

pounds are prohibited in alleys, provided that garbage collection trucks and fuel oil trucks delivering fuel are exempted from this provision.

Subd. 8.

Subd. 9.

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PARKING

1. It shall be unlawful for anyone to park automobiles, motor vehicles, buses, trucks, trailers, housetrailers, or mobile homes

on a residential street or alley in the City for more than twenty-four (24) consecutive hours, without a special written permit from the Clerk of said City.

2. It shall be unlawful for anyone to park, keep, place, store, or permit the parking or storing of racing cars, stock cars, or junk cars on a public parking lot, street, or alley in the City.

FAlLURE TO REMOVE VEHICLE UNDER ORDER Notwithstanding any other provision herein, upon orders of any police officer of the City or any other political subdivision of the State of Minnesota, under conditions justifying such order, the owner or operator of any vehicle shall remove his vehicle from where it is parked

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immediately upon receiving said order. If said owner or operator fails to •

move said vehicle, the police officers may have the same removed at the expense of the owner or operator who shall be liable for the cost of removing said vehicle and the storage thereof.

Subd. 10.

ICE AND SNOW ON PUBLIC SIDEWALKS

1. ICE AND SNOW: A NUISANCE

All snow and ice remaining upon public sidewalks is hereby declared to constitute a public nuisance and shall be abated by the owner or tenant of the abutting private property within twelve (12) hours after such snow or ice has ceased to be deposited.

2. CITY TO REMOVE SNOW AND ICE

The City may cause to be removed from all public sidewalks, beginning twenty-four (24) hours after snow or ice has ceased to fall, all snow and ice which may be discovered thereon, and it shall keep a record ofthe cost of such removal and private property adjacent to which such accumulations were found and removed.

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3. COST OF REMOVAL TO BE ASSESSED

The Clerk shall, upon direction of the Council, and on receipt of the information provided for in the preceding subdivision, extend the cost of such removal of snow or ice as a special assessment against the lots or parcels of ground abutting on walks which were cleared, and such special assessment shall at the time of certifying taxes to the County Auditor be certified for collection as other special assessments are certified and collected.

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**CHAPTER6**

PUBLIC PROTECTION AND OFFENSE S

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CHAPTER6

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PUBLIC PROTECTION AND OFFENSES Sec. 6.01 MINNESOTA CRIMINAL CODE ADOPTED

Subd. 1. The following provisions of the Minnesota Criminal Code, being M.S.A.

Chapter 609 hereby adopted by reference and the provisions thereof thus incorporated shall be as much a part of this ordinance as if they had been set forth in full herein.

M.S.A. 609.22

M.S.A. 609.27

M.S.A. 609.34

M.S.A. 609.475

M.S.A. 609.485

M.S.A. 609.50

M.S.A. 609.505

M.S.A. 609.51

M.S.A. 609.52

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M.S.A. 609.53

M.S.A. 609.535

M.S.A. 609.545

M.S.A. 609.55

M.S.A. 609.565

M.S.A. 609.57

M.S.A. 609.575

M.S.A. 609.595

M.S.A. 609.60

M.S.A. 609.605

M.S.A. 609.615

M.S.A. 609.621

M.S.A. 609.655

M.S.A. 609.66

M.S.A. 609.675

M.S.A. 609.68

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M.S.A. 609.705

Assault Coercion Fornication

Impersonating an Office Escape from Custody Obstructing legal process Falsely reporting crime Simulating legal process

Theft where the value of the property or service is

$100.00 or less

Receiving stolen property Issuance of worthless checks Misusing credit card to secure service

Unauthorized use of motor vehicle except that the penalty is limited o a misdemeanor

Simple arson, except the penalty is limited to a misdemeanor

Attempted arson, limited to a misdemeanor

Negligent fires

Damage to property, except that the penalty is limited to a misdemeanor

Dangerous trespassing and other acts. Trespasses and other acts.

Defeating security on realty

Proof of concealment of property by obligator of secured property

Alteration or removal of identification number

Dangerous weapons

Exposure of unused refrigerator or container to children

Unlawful deposit of garbage litter

Unlawful assembly

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M.S.A. 609.715

M.S.A. 609.72

M.S.A. 609.725

M.S.A. 609.74

M.S.A. 609.755

M.S.A. 609.786

M.S.A. 609.75

Presence at an unlawful assembly

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Disorderly conduct

Vagrancy

Public nuisance

Acts of or relating to gambling Fraudulent long distance telephone calls Gambling ,

Subd. 2. One copy of the Criminal Code shall be marked by the City Clerk as an official copy and filed for use and examination by the public in the office of the City Clerk.

Sec. 6.02 TRESPASS

Subd. 1 It shall be unlawful for any person to enter upon the premises of another if he has been given oral or written notice not to, or if the premises are clearly marked with no trespassing signs posted so as to be in plain view along all routes of access to the premises, unless such entry is upon

official business of a government agency or public utility.

Sec. 6.03 POSSESSION OF FIREARMS

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age to handle or have in his possession or under his control, except while

Subd. 1 It shall be unlawful for any minor under the age of fourteen (14) years of

accompanied by or under the immediate charge of his parents or guardian, any firearm, air gun, B.B. gun of any kind for hunting or target practice or any other purposes, within the City. Any person aiding or knowingly permitting any such minor, as mentioned above, violate the same, shall be guilty of a misdemeanor.

Sec. 6.04 POINTING OF GUNS PROHIBITED

Subd. 1. No person shall, within the City, aim or point any firearm, air gun, B.B. gun, slingshot, or bow and arrow of any kind, whether loaded or not, at or towards another human being, except it being in defense of person or persons or property against one committing or attempting to commit a felony.

Sec. 6.05 DISCHARGE OF FIREARMS

Subd. 1. No person shall discharge any firearm, air gun, or B.B. gun of any kind within the City, except at a duly authorized shooting range while such range is supervised or while under reasonable apprehension of harm to

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protect person or property against anyone committing or attempting to commit a felony, or after permission to do so granted by the City Council, to protect property against damage by rodent, animals or destructive fowl.

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Sec. 6.06 CONCEALED WEAPONS

Subd. 1. No person shall carry or otherwise have in his immediate possession a firearm which is in any manner concealed from view, provided that this subsection shall not apply to persons authorized or otherwise legally permitted to do so.

Sec. 6.07 UNCLAIMED AND ABANDONED PROPERTY

All property, except abandoned motor vehicles, lawfully coming into the possession of the City and unclaimed by its owner, shall be disposed of as follows:

Subd. 1. The department of the City into whose possession property comes shall arrange for storage of the same. If municipal facilities for storage are unavailable or inadequate, arrangements for storage at privately owned facilities may be arranged.

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Subd. 2. The owner of the property may claim the same by exhibiting satisfactory proof of ownership and pay the City any storage or maintenance costs incurred by the City. A receipt for the property shall be obtained upon release to the owner.

Subd. 3. In the event that the property remains unclaimed in the possession of the City for a period of three months, the property shall thereafter be sold to the highest bidder at a public auction conducted by the Chief of Police of the City, or other authorized person. Such auction shall be held after two weeks published notice setting forth the time and place thereof and the property to be sold.

Subd. 4. Net proceeds from the sale of such property after deduction of storage

costs incurred, if any, shall be placed in the Treasury ofthe City, subject to the right of the former owner to payment of the sale price to him from the fund upon application and satisfactory proof of ownership within six months of the sale.

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Subd. 1.

DEFINITIONS •

Sec. 6.08

ABANDONED MOTOR VEHICLES

The following terms shall be given the meanings herein ascribed to them

unless otherwise specified:

A. Abandoned motor vehicles. This means a motor vehicle as defined in Minnesota Statutes, Section 169.01 that has remained for a period of more than 48 hours on public property illegally or

lacking vital component parts, or has remained for a period of more than 48 hours on private property without consent of the person in control of such property or has remained for a period of more than

48 hours on private property in an inoperable condition such that it has no substantial potential further use consistent with its usual functions unless it is kept in an enclosed garage or storage

building. A classic car or pioneer car, as defined in Minnesota Statutes, Section 168.10, shall not be considered an abandoned motor vehicle within the meaning of this ordinance.

Subd. 2.

Subd. 3.

B. Vital component parts. This means those parts of a motor vehicle that are essential to the mechanical functioning of the vehicle, including, but not limited to the motor driven train and wheels.

IMPOUNDING

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The City Police Department shall take into custody and impound any abandoned motor vehicle.

NOTICE T O OWNER OF IMPOUNDMENT. AFFECT

When an abandoned motor vehicle is taken into custody, the Police Department shall give notice of the taking within ten hours. The notice shall: set forth the date and place of the taking, the year, make, model and serial number of the abandoned motor vehicle and the place where the vehicle is being held; inform the owner and any lienholders of their right to reclaim the vehicle as provided herein, and; state that failure to reclaim the vehicle shall be deemed a waiver of them of all right, title and interest in and to the vehicle and a consent to the sale of the vehicle at a public

auction pursuant to this chapter. The notice shall be sent by certified mail

to the registered owner, if any, of the abandoned motor vehicle and to all readily identifiable lienholders of record. If it is impossible to determine with reasonable certainty the identity and address of the registered owner and all lienholders, the notice shall be published once in a newspaper of general circulation in the area where the motor vehicle was abandoned. Published notices may be grouped together for convenience and economy.

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• Subd. 4.

Subd. 5.

Subd. 6.

• Subd. 7.

RIGHT TO RECLAIM

The owner or any lienholder of an abandoned motor vehicle shall have a right to reclaim such vehicle from the City, upon payment of all towing and storage charges resulting from the taking the vehicle into custody

within 15 days after the date of the notice required in Section 6.08, Subd.3.

LIENS PROTECTED

Nothing in Section 6.08, Subd. 2 and Subd. 3 shall be construed to impair any lien of a garagekeeper under the laws of this State, or the right of a lienholder to foreclose. For the purposes of this section, "garagekeeper" is an operator of a parking facility, or an operator of an establishment for the servicing, repair, or maintenance of motor vehicles.

SALE OF ABANDONED MOTOR VEHICLES

An abandoned motor vehicle taken into custody and not reclaimed as permitted herein shall be sold to the highest bidder at public auction or sale, following two weeks published notice thereof. The purchaser shall be given a receipt which shall be sufficient title to dispose of the vehicle. The receipt shall also entitle the purchaser to register the vehicle and receive a certificate of title, free and clear of all liens and claims of ownership.

N VEHICLES EXEMPTED FROM ABOVE PROCEDURE

CERTAI

When an abandoned motor vehicle is more than seven model years of age is lacking a vital component part and does not display a license plate currently valid in Minnesota or any other state or foreign country, it shall immediately be eligible for sale at public auction, and shall not be subject to notification, reclamation, or title provisions set forth herein.

Subd. 8.

Subd. 9.

• Subd. 10.

DISPOSITION OF SALE PROCEEDS

From the proceeds of the sale of an abandoned motor vehicle, the City shall reimburse itself for the cost of towing, preserving, and storing the vehicle, and all notice and publication costs incurred pursuant to this ordinance. Any remainder from the proceeds of a sale shall be held for the owner of the vehicle or entitled lienholder for 90 days and then shall be deposited in the City Treasury.

DISPOSITION AFTER NO BID RECEIVED

Where no bid has been received for an abandoned motor vehicle, the City may dispose of it pursuant to contract under M.S.A. 168 B.10.

VIOLATION

Any person who abandons a motor vehicle on any public or private

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property without the consent of the person in control of such property, is •

guilty of a misdemeanor.

Sec. 6.09

CURFEW

Subd. 1.

Subd. 2. Subd. 3. Subd.4

HOURS

It shall be unlawful for any minor under the age of seventeen (17) years to loiter, idle, or be in or upon the public streets, highways, parks, playgrounds or other public grounds, public place, places of entertainment, or refreshment or any unsupervised place within the City between the

hours of 10:00 p.m. and 5:00 a.m. the following day except that minors 15

years of age and over may be in such places on Fridays, Saturdays, and during the months of June through August, but only until the hour of 12:00 midnight; provided, further, that the provisions of this section shall not apply to such minor accompanied by his or her parent, guardian or other person having the care and custody of said minor or when the minor is

upon some necessary errand by permission or direction of said parent, which permission shall be in writing and signed by such parent, guardian, or other adult having the care and custody of said minor.

PARENT OR GUARDIAN

It shall be unlawful for the parent, guardian, or other adult person having •

the care and custody of a minor under the age of seventeen (17) years to permit such minor to loiter, idle, or be in or upon the public grounds, street, highways, parks, playgrounds or other public grounds, public places, places of entertainment or refreshment or other unsupervised place within the City between the hours specified in Sec. 6.09 Subd. 1.

EXEMPTIONS

The Mayor may designate certain nights during the school year as "School Nights". The provisions ofthis ordinance shall not apply to any student under the age of Seventeen (17) years or to his or her parent, guardian, or other adult person having the care and custody of said minor who is lawfully going to, attending, or returning from any school function or any designated "School Night".

MISDEMEANOR

Any minor under the age of seventeen (17) years or any parent, guardian

or other adult person having the care and custody of a minor under the age of seventeen (17) years who shall violate the provisions of this ordinance shall upon conviction thereof be guilty of a misdemeanor and punished according to law.

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• Sec. 6.10

SNOWMOBILES AND ALL TERRAIN VEHICLES

Subd. 1.

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Subd. 2.

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DEFINITIONS

For the purpose of this Ordinance, 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. Snowmobiles - A self-propelled vehicle designed for travel on snow or ice steered by skis or runners.

3. All Terrain Vehicle- or ATV refers to "trail bikes", mini bikes and amphibious vehicles and similar devices other than snowmobiles used at least partially for travel on natural terrain but no "special Mobile equipment" defined in Minnesota Statutes 168.011, Subdivision 22

4. Owner - A person, other than a lienholder having the property in or title to snowmobile or ATV entitled to the use or possession thereof.

5. Operate- To ride in or on and control the operation of a snowmobile or ATV.

6. Operator - Every person who operates or is in actual physical control of a snowmobile or ATV.

7. Deadman Throttle or Safety Throttle - a device which when pressure is removed from the engine accelerator or throttle causes the motor to be disengaged from the driving mechanism.

8. Natural Terrain- Areas other than roadways or driveways (private or public), parking lots and other areas the surface of which has been intentionally modified for motor vehicle operation thereon.

USES OF SNOWMOBILES AND ATV's PERMITTED

Except as herein specifically permitted and authorized, it is unlawful for any person to operate a snowmobile or ATV not licensed as a motor vehicle within the limits of the City.

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1. On the portion of any right ofway of any public highway, street, road, trail or alley used for motor vehicle travel, except that a snowmobile may operate upon the most right hand lane of a municipal street or alley and may in passing or making a left turn operate on other lanes which are used for vehicle traffic in the same direction, for purposes of going to or returning from a

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non-highway area of permissible operation, by the most direct route. Snowmobiles may also be operated upon the ditch bottom

or the outside bank of trunk, county state-aid and county highways

where such highways are so configured within the corporate limits.

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 ofthe 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.

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6. At a speed in excess of ten (10) miles per hour.

7. Between the hours of 1:00 a.m. and 7:00a.m. of any day.

Subd. 3.

CROSSING OF STREETS OR HIGHWAYS. SNOWMOBILES

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 ninety (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.

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Subd. 4.

Subd. 5.

Subd. 6.

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Subd. 7.

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5. Ifthe crossing is made between the hours ofone-half('li) hour before sunrise or in conditions of reduced visibility, only if both front and rear lights are on.

TRAFFIC ORDINANCES APPLICABLE

City traffic ordinances shall apply to the operation of snowmobiles upon streets and highways, except for those relating to required equipment, those which by their nature have no application, and those inconsistent with the provisions herein.

YIELDING RIGHT OF WAY

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.

OPERATION: PERSONS UNDER 18

No person under fourteen (14) years of age shall operate on streets or the roadway surface of highways or make a direct crossing of a trunk, county state-aide highway, or city streets as the operator of a snowmobile. A person fourteen (14) years of age or older, but less than eighteen (18) years of age may operate a snowmobile on streets and highways as permitted under this ordinance 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.

USES SPECIFICALLY PROHIBITED

It is unlawful for any person to operate a snowmobile, ATV not licensed for highway use or ATV licensed for highway use when operating on natural terrain within the limits ofthe City.

1. At any place while under the influence of alcohol or drugs as defined in Minnesota Statutes 169.121 which is hereby incorporated herein by reference.

2. At a rate of speed greater than reasonable or proper under all surrounding circumstances.

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.

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4. During the hours from 11:00 p.m. to 7:00 a.m. of any day, closer than one hundred (100) feet to any dwelling which is usually occupied by one or more persons.

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5. So as to tow any person or thing except through use of a rigid tow bar attached to the rear of the snowmobile or ATV.

6. Within one hundred (100) feet of any fisherman, pedestrian,

skating rink or sliding area where the operation would conflict with use or endanger other persons or property.

Subd. 8.

EQUIPMENT REQUIRED

It is unlawful for any person to operate a snowmobile or ATV any place within the limits of the City 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 or ATV motor.

2. Brakes adequate to control the movement of and to stop and hold the snowmobile or ATV under any condition of operation.

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3. A safety or so-called "deadman" throttle in operating condition.

4. When operated between the hours of one-half (Y:z) before sunrise or at time 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 one hundred (100) feet ahead during the hours of darkness and under normal atmospheric conditions. Such headlamp shall be so aimed that glaring rays are not projected into the eyes of an oncoming snowmobile or ATV 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 five hundred (500) feet to the road during

hours of darkness under normal atmospheric conditions.

5. Reflective material at least sixteen (16) inches square on each side, forward of the handlebars or steering device of a snowmobile or ATV and at the highest practical point on any towed object, as to reflect light at a ninety (90) degrees angle.

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• Subd. 9.

Subd. 10.

Subd. 11.

IGNITION LOCK

Every person leaving a snowmobile or ATV on a public place or way shall lock the ignition, remove the key and take the same with him.

EMERGENCIES. OPERATION PERMITTED

Notwithstanding any prohibitions in this Ordinance, a snowmobile may be operated on a public thoroughfare in an emergency during the period of time and at locations where snow upon the roadway renders travel by automobile impractical.

USES PROHIBITED: ANIMALS

It is unlawful to intentionally drive, chase, run over or kill any animal with a snowmobile or ATV.

Sec. 6.11

PUBLIC CONSUMPTION OF ALCOHOLIC BEVERAGES

Subd. 1.

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It shall be unlawful to consume alcoholic beverages on public streets, sidewalks and alleys within the City of Ceylon.

Sec. 6.12

DUTCH ELM DISEASE

• Subd. 1.

DECLARATION OF POLICY

The City Council of Ceylon has determined that the health of the elm trees

within the municipal limits is threatened

by a fatal disease known as Dutch

Elm Disease. It has further determined that the loss of elm trees growing upon public and private property would substantially depreciate the value of property within the city and impair the safety, good order, general welfare and convenience of the public. It is declared to be the intention of the council to control and prevent the spread of this disease and this ordinance is enacted for that purpose.

Subd. 2.

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TREE INSPECTOR

1. Position Created. The position of Tree Inspector is hereby created within the Park Department of the City.

2. Duties of Tree Inspector. It is the duty of the tree inspector to coordinate, under the direction and control of the council, all activities of the municipality relating to the control and prevention of Dutch Elm Disease. He shall recommend to the council the details of a program for the control of Dutch Elm Disease, and perform the duties incident to such a program adopted by the council.

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Subd. 3.

Subd. 4.

Subd. 5.

DUTCH ELM DISEASE PROGRAM

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1. It is the intention of the Council of Ceylon, to conduct a program of plant pest control pursuant to all the powers of this municipal corporation including the authority granted by Minnesota Statutes

1961, Section 18.022, as amended. This program is directed

specifically at the control and elimination of Dutch Elm Disease fungus and elm bark beetles and is undertaken at the recommendation of the Commissioner of Agriculture. The Tree Inspector shall act as coordinator between the Commissioner of Agriculture and the council in the conduct of this program.

NUISANCES DECLARED

The following things are public nlltisances whenever they may be found within the city of Ceylon:

1. Any living or standing elm tree or part thereof infected to any degree with the Dutch Elm Disease fungus Ceratocystis Ulmi (Buisman) Moreau of which harbors any of the elm bark beetles Scolytus Multistriatus (Eichh) or Hylungopinus Rufipes (Marsh)

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2. Any dead elm tree or part thereof, including logs, branches, stumps, firewood, or other elm material from which the bark has not been removed and burned or sprayed with an effective elm bark beetle insecticide.

A. Abatement It is unlawful for any person to permit any public nuisance as defined in subdivision 4 to remain on

any premises owned or controlled by him within the City of

Ceylon. Such nuisances may be abated in the manner prescribed by this ordinance.

INSPECTION AND INVESTIGATION

1. Annual Inspection. The Tree Inspector shall inspect all premises and places within the city as often as practicable to determine whether any condition described in Section 5 of this ordinance exists thereon. He shall investigate all reported incidents of infestation by Dutch Elm fungus or elm bark beetles.

2. Entry of Private Premises. The Tree Inspector or his duly authorized agents may·enter upon private premises at any reasonable time for the purpose of carrying out any of the duties assigned him under this ordinance.

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Subd. 6.

Subd. 7.

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3. Diagnosis. The Tree Inspector shall, upon finding conditions indicating Dutch Elm infestation, immediately send appropriate specimens or samples to the Commissioner of Agriculture for analysis, or take such other steps for diagnosis as may be recommended by the Commissioner. Except as provided in Subdivision 7, no action to remove infected trees or wood shall be taken until positive diagnosis of the disease has been made.

ABATEMENT OF DUTCH ELM DISEASE NUISANCES

In abating the nuisances defined in Subdivision 4, the Tree Inspector shall cause the infected tree or wood to be sprayed, removed, burned, or otherwise effectively treated so as to destroy and prevent as fully as possible the spread of Dutch Elm Disease fungus and elm bark beetles. Such abatement procedures shall be carried out in accordance with current technical and expert opinions and plans as may be designated by the Commissioner of Agriculture.

PROCEDURE FOR REMOVAL OF INFECTED TREES AND WOOD

1. Whenever the Tree Inspector finds with reasonable certainty that the infestation defined in Subd. 4 exists in any tree or wood in any public or private place in the City he shall proceed as follows:

A. If the Tree Inspector finds that the danger of infestation of other elm trees is not imminent because of elm dormancy, he shall make a written report of his finding to the council

which shall proceed by (1) abating the nuisance as a public improvement under Minnesota Statutes Ch. 429 or (2) abating the nuisance as provided in no. 2 of this Section.

B. If the Tree Inspector finds that danger of infestation of other elm trees is imminent, he shall notify the abutting property owner by certified mail that the nuisance will be abated within a specified time, not less than 5 days from the date of mailing of such notice. The Tree Inspector shall immediately report such action to the council, and after the expiration of the time limited by the notice he may abate

the nuisance.

C. Upon receipt of the Tree Inspector's report required by Subd. 1, part 1, the council shall, by resolution, order the nuisance abated. Before action is taken on such resolution, the council shall publish notice of its intention to meet to consider taking action to abate the nuisance. This notice

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shall be mailed to affected property owners and published •

once no less than one week prior to such meeting. The notice shall state the time and place of the meeting, the streets affected, action proposed, the estimated cost of the abatement, and the proposed bases of assessment, if any, of costs. At such hearing, or adjournment thereof, the council shall hear property owners with reference to the scope and desirability of the proposed project. The council shall thereafter adopt a resolution confirming the original resolution with such modifications as it considers desirable and provide for the doing of the work by day labor or by contract.

D. The Tree Inspector shall keep a record of the costs of abatements done under this Section and shall report monthly to the city clerk all work done for which assessments are to be made stating and certifying the description of the land, lots, parcels involved and the amount chargeable to each.

E. On or before September 1 of each year the Clerk shall list the total unpaid charges for each abatement against each separate lot or parcel to which they are attributable under this ordinance. The Council may then spread the charges or any portion thereof against the property involved as a special assessment under Minnesota Statutes Sec. 429.101 and other pertinent statutes for certification to the County Auditor and collection the following year along with current taxes.

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Subd. 8.

SPRAYING ELM TREES

Whenever the Tree Inspector determines that any elm tree or elm wood within the city is infected with Dutch Elm fungus, he may spray or treat all nearby high value elm trees, with an effective elm bark beetle destroying concentrate or fungicide or both. Activities authorized by this Section shall be conducted in accordance with technical and expert opinions and plans

of the Commissioner of Agriculture and under the supervision of the

Commissioner and his agents whenever possible.

The notice provisions of Section 6.12 apply to spraying and treatment operations conducted under this Section.

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• Subd. 9.

Subd. 10.

TRANSPORTING ELM WOOD PROHIBITED

It is unlawful for any person to transport within the City any bark-bearing elm wood without having obtained a permit from the Tree Inspector. The Tree Inspector shall grant such permits only when the purposes of this ordinance will be served thereby.

INTERFERENCE PROHIBITED

It is unlawful for any person to prevent, delay, or interfere with the Tree

Inspector or his agents while they are engaged in the performance of duties imposed by this ordinance.

Sec. 6.13

KEEPING OF LIVESTOCK

Subd. 1.

Subd. 2.

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• Subd. 3.

It shall be unlawful for any person to keep or harbor any horses, sheep, goats, pigs, chickens, turkeys or other fowl within the platted portion of the City of Ceylon, or to permit the same to be kept upon the premises owned, occupied or controlled by him without first having obtained a permit to do so by the City Council.

Where it is deemed advisable to grant a permit, the following regulations must be complied with:

1. No stable, bam or building in which horses, cattle, sheep, goats, pigs, chickens, turkeys, or other fowl are kept may be located within 100 feet of human habitation.

2. Such stables, barns or other buildings shall be kept clean. Manure and droppings shall be removed with sufficient frequency to avoid nuisance from odors or from breeding of flies.

3. Manure and droppings shall be removed by hauling beyond the City limits unless used for fertilizer, in which case it shall be spread evenly on the ground and turned at once or as soon as the frost leaves the ground.

4. Wherever domestic animals or fowl of any kind are kept within the limits of the platted portion ofthe City, they shall be securely confined within an enclosure by the owner thereof and no domestic animals at any time shall be allowed to stray from or feed upon the streets or property abutting upon the streets or alleys of this City.

That any permit issued by the City Council hereunder shall be subject to revocation or violation of any term and conditions in connection with the

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issuance of such permit and other causes; that upon filing with the City • Council a written complaint against the holder of any such permit, hearing

of such a complaint shall be held before the City Council on notice to the complainant and the holder of such permit.

Sec. 6.14

KEEPING OF DOGS

Subd. 1. Subd. 2.

Subd. 3.

Subd. 4.

Subd. 5.

Subd. 6.

Subd. 7.

RUNNING AT LARGE PROHIBITED

No dog shall be permitted to run at large within the limits of the City.

LICENSE REQUIRED

It is unlawful for any owner, or other possessor of a dog to fail to obtain a proper City license therefore.

APPLICATION

Application for a dog license shall be made to the City Clerk upon a form supplied by the City containing a certificate by a veterinarian, duly licensed to practice veterinary medicine within the State of Minnesota,

which certificate shall state that the dog for which application for a license is made, is immunized against rabies for at least the period for which a license is applied.

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PERIOD AND FEE

All dog licenses shall expire on December 31 of each year. The fee for each dog license shall be $2.00 annually for each male or spayed female and $4.00 annually for each unspayed female, without proration.

TAG REQUIRED

All licensed dogs shall wear a collar and have a tag firmly affixed thereto evidencing such license for the current year.

DOG POUND

Any dog found in the city without a license, or running at large, shall be placed in a dog pound, and an accurate record of the time of such placement shall be kept on each dog. Every dog so placed in the dog pound shall be retained for a period of 2 days, and if unclaimed such dog shall be humanely destroyed and the carcass disposed of, unless it is requested by a licensed educational or scientific institution under the authority of Minnesota Statutes, Section 35.71.

RELEASE FROM DOG POUND

Dogs shall be released to their owners or persons previously in possession

of them as follows: •

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Subd. 8.

Subd. 9. Subd. 10.

A. If such dog is owned or possessed by a resident of the City, after purchase of a license as aforesaid, said payment of an impounding

fee of$10.00 and $2.50 maintenance cost for each day, or part thereof, that the dog was in the pound.

B. If such dog is owned or possessed by a person not a resident of the City, after immunization for rabies and payment of an impounding fee of$10.00 and $2.50 maintenance cost for each day, or part thereof, that the dog was in the pound.

DISTURBING THE PEACE

It is unlawful for any person, as owner or possessor of a dog, to suffer or permit such dog to disturb the peace and quiet of the neighborhood by barking, howling, whining, or making any loud or unusual noise.

It shall be the duty of any police officer and he is hereby authorized and directed to enforce the provisions of this ordinance.

Violation of this ordinance shall be punishable by a misdemeanor.

•Sec. 6. 15.

CONTROL OF GRASS AND WEEDS

Subd. 1.

GRASS AND WEEDS

is unlawful for any owner, occupant, or agent of any lot or parcel of land

It

in the City of Ceylon to allow any weeds or grass growing upon any such lot or parcel of land to grow to a greater height than six inches or to allow such weeds or grass to go to seed.

Subd. 2.

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If any such owner, occupant, or agent fails to comply with this height limitation and after notice given by the weed inspector, has not complied with such notice, the City shall cause such weeds or grass to be cut and the expense thus incurred shall be a lien on such real estate. The City Council shall certify to the County Auditor of Martin County Minnesota, a statement of the amount of the cost incurred by the City. Such amount together with interest, shall be entered as a special assessment against such lot or parcel of land and be collected in the same manner as real estate taxes.

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**CHAPTER 7**

SUBDIVISION REGULATION

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CHAPTER 7

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SUBDIVISION REGULATION Sec. 7.01 INTENT AND PURPOSE

All subdivisions of land hereafter submitted for approval shall fully comply, in all

respects, with the regulations set forth herein. It is the purpose of these regulations to:

Subd. 1 Encourage well planned, efficient, and attractive subdivisions by establishing adequate standards for design and construction.

Subd.2 Provide for the health and safety of residents by requiring the necessary services such as properly designed streets and adequate sewage and water service.

Subd. 3. Place the cost of improvements against those benefiting from their construction.

Subd. 4. Secure the rights of the public with respect to public lands and waters. Sec. 7.02 APPLICATION OF ORDINANCE

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The rules and regulations governing plats and subdivision of land contained herein shall apply within the community and other land as permitted by State Statutes. In the event of overlapping jurisdiction within the prescribed area, the extent of jurisdiction shall be determined and agreed upon between this community and the other municipality or municipalities concerned. Except in the case of re-subdivision, this Ordinance shall not apply to any lot or lots forming a part of a subdivision recorded in the office of the County Recorder prior to the effective date of this Ordinance, nor is it intended by this Ordinance to repeal, annul, or in any way impair or interfere with existing provisions of other laws or ordinances except those specifically repealed by, or in conflict with this ordinance, or with restrictive covenants running with the land. Where this Ordinance imposes a greater restriction upon the land than is imposed or required by such existing provisions of law, ordinance, contract or deed, the provisions of this Ordinance shall control.

Sec. 7.03 AMENDMENTS

The provisions of this Ordinance may be amended by the Ceylon City Council in accordance with the state enabling statutes.

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Sec. 7.04

Sec. 7.05

Sec. 7.06

VALIDITY

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Should a court of competent jurisdiction declare any part of this Ordinance to be invalid, such decision shall not affect the validity of the remainder.

ADMINISTRATION

This Ordinance shall be administered by the Ceylon City Council or any administrator which they may designate.

RULES AND DEFINITIONS

RULES

Subd. 1. Words used in the present tense include the past and future tense; the singular number includes the plural and the plural includes the singular; the word "shall" is mandatory, and the word "should" and "may" are permissive.

Subd. 2.

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In the event of conflicting provisions in the text of this regulation, the more restrictive shall apply.

Sec. 7.07

DEFINITIONS

For the purpose of these regulations, certain terms and words are hereby defined as follows:

Subd. 1. Subd. 2. Subd. 3.

Subd. 4. Subd. 5.

Subd. 6.

Attorney - the attorney employed by the community unless otherwise stated.

Block - the enclosed area within the perimeter of roads, property lines or boundaries of the subdivisions.

Boulevard- The portion of the street right-of-way between the curb line and the property line.

Butt Lot- A lot at the end of a block and located between two comer lots. Cluster Development - A subdivision development planned and

constructed so as to group housing units into relatively tight patterns while

providing a unified network of open space and wooded areas, and meeting the overall density regulations of this Ordinance and the zoning ordinance.

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Community - City of Ceylon.

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• Subd. 7.

Subd.8

Subd.9

Subd. 10

Subd. 11

Subd. 12

Subd. 13

• Subd. 14

Comprehensive Policies Plan- A comprehensive policies plan prepared by the community including a compilation of policy statements, goals, standards and maps indicating the general locations recommended for the various functional classes of land use and for the general physical development of the community and includes any plan or parts thereof.

Contour Map - A map on which irregularities of land surface are shown by lines connecting points of equal elevations. Contour interval is the vertical height between contour lines.

,CQpy\_- A print or reproduction made from a tracing.

Comer Lot - A lot bordered on at least two (2) sides by streets. County - Martin County, Minnesota.

County Board - The Martin County Board of Commissioners.

Development - The act of building structures and installing site improvements.

Double Frontage Lots - Lots which have a front line abutting on one street and a back or rear line abutting on another street.

Subd. 15

Drainage Course - A

water.

water course or indenture for the drainage of surface

Subd. 16



Subd. 17

Subd. 18

Subd. 19

Subd.20

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Easement - A grant by an owner of land for a specific use by persons other than the owner.

Engineer - The registered engineer employed by the community unless otherwise stated.

Final Plat - The final map, drawing or chart on which the subdivider's plan or subdivision is presented to the City Council for approval and which, if approved, will be submitted to the County Recorder.

Governing Body - City of Ceylon

Key Map - a map drawn to comparatively small scale which definitely shows the area proposed to be platted and the areas surrounding it to a given distance.

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Subd.21

Subd.22

Subd.23

Subd.24

Subd.25

Subd.26

Subd.27

Subd.28

Subd.29

Subd.30

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.

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Metes and Bounds Description - A description of real property which is not described by reference to a lot or block shown on a map, but is described by starting at a known point and describing the bearings and distances of the lines forming the boundaries of the property or delineates a fractional portion of a section, lot or area by described lines or portions thereof.

Minimum Subdivision Design Standards - The guides, principles and specifications for the preparation of subdivision plans indicating among other things, the minimum and maximum dimensions of the various elements set forth in the plan.

Natural Waterway - A natural passageway in the surface of the earth so situated and having such a topographical nature that surface water flows through it from other areas before reaching a final ponding area.

Owner - An individual, firm, association, syndicate, co-partnership, corporation, trust, or any other legal entity having sufficient proprietary interest in the land sought to be subdivided to commence and maintain proceedings to subdivide the same under these regulations.

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

Person - Any individual, firm, association, syndicate or partnership, corporation, trust, or any other legal entity.

Plat - A map or drawing which graphically delineates the boundary of land parcels for the purpose of identification and record of title. The plat is a recorded legal document and must conform to all Minnesota State Laws.

Preliminary Plat - The preliminary map, drawing or chart indicating the proposed layout of the subdivision to be submitted to the Planning Commission and City Council for consideration.

Private Street - A street serving as vehicular access to two (2) or more parcels of land which is not dedicated to the public but is owned by one or more private parties.

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• Subd.31

Subd.32

Subd.33

Subd.34

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Protective Covenants - Contracts entered into between private parties and constituting a restriction on the use of all private property within a subdivision for the benefit of the property owners, and to provide mutual protection against undesirable aspects of development which would tend to impair stability of values.

Right-of-way- The land covered by a public road or other land dedicated for public use or for certain private use such as land over which a power line passes.

Sketch Plan- A drawing showing the proposed subdivision of property. This plan is not necessarily drawn to scale and exact accuracy is not a requirement.

Streets and Alleys

a. Street - a public way for vehicular traffic, whether designated as a street, highway, thoroughfare, arterial parkway, throughway road, avenue, lane, place or however otherwise designated.

b. Collector Street - a street which carries traffic from local streets to arterials.

c. Cul-de-sac- a minor street with only one outlet and having a tum-around.

d. Service Street - a marginal access street, or otherwise designated, is a minor street which is parallel and adjacent to a thoroughfare and which provided access to abutting properties and protection from through traffic.

e. Local Street - a street of limited continuity used primarily for access to the abutting properties and the local need of a neighborhood.

f. Alley - a minor way which is used primarily for secondary vehicular service access to the back or the side of properties abutting on a street.

g. Arterial Street - a street or highway with access restrictions designed to carry large volumes of various sectors of the county and beyond.

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Subd.35

Subd.36

Subd.37

Subd.38

Subd.39

Subd.40

Street Width - The shortest distance between the lines delineating the right-of-way of a street.

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Subdivider - Any person commencing proceedings under the ordinance to effect a subdivision of land hereunder for himself or for another.

Subdivision - A subdivision is the dividing of any parcel of land into two or more parcels.

a. Platted Subdivision- if any resultant parcel is less than five (5) acres in area and less than three hundred (300) feet in width and the subdividing was done for the purpose of transfer of ownership to effectuate building development or if a new street or road is involved, regardless of the size of the parcel and/or its width, subsequent parcels must be platted in accordance with the terms and procedure of the City of Ceylon Subdivision Regulations.

b. Unplatted Subdivision - a subdivision of any parcel of land into two or more parts wherein all parts are at least five (5) acres and at least three hundred (300) feet in width and where no new road is involved. These do not require platting.

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Surveyor- The County Surveyor.

Tracing - A plat or map drawn on transparent paper or cloth which can be reproduced by using regular reproduction procedure.

Zoning Ordinance - A zoning ordinance or resolution controlling the use of land as adopted by the community or county.

Sec. 7.08

ADMINISTRATION

Before dividing any tract of land into two or more lots or parcels within the City of Ceylon the following procedures should be followed:

PRE-APPLICATION MEETING

Prior to the preparation of a preliminary plat the subdividers or owners may meet with the Ceylon Planning Commission, the Ceylon Zoning Administrator, and other appropriate officials in order to be made fully aware of all applicable ordinances, regulations and plans in the area to be subdivided. At this time or at subsequent informal meetings, the subdivider may submit a general sketch plan of

the proposed subdivision and preliminary proposals for the provision of water •

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supply and waste disposal. The sketch plan can be presented in simple form **but** should show that consideration has been given to the relationship of the proposed subdivision to existing community facilities that would serve it, to neighboring subdivisions and developments, and to the topography ofthe site.

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The subdivider is urged to avail himself of the advice and assistance of the local planning commission and county planning staff at this point in order to save time and effort, and to facilitate the approval ofthe preliminary plat.

Sec. 7.09 PRELIMINARY PLAT

Subd. 1. After the pre-application meeting, the subdividers or owners shall file with the City Clerk five copies of a preliminary plat and a cash fee to be established by the City Council. This fee will be used for expenses of the City in connection with the review of said plat.

Subd.2 The City Clerk shall refer one copy of the preliminary plat to the City Zoning Administrator, and two copies to the Ceylon Planning Commission for their review and report. The City Clerk may also refer

copies of the preliminary plat to the school district Regional Development

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Commission and other appropriate agencies for review and comment.

Subd. 3. Within forty-five (45) days after the plat was filed and after reports and certifications have been received as requested, the Ceylon Planning Commission shall hold a public hearing on the preliminary plat after

notice of the time and place thereof has been published once in the official newspaper at least ten days before the day of the hearing. This shall constitute the public hearing on the plat as required by state law. Within fifteen (15) days ofthe date ofthe public hearing, the Planning Commission shall make its report to the City Council.

Subd. 4. The Ceylon Planning Commission and the City Zoning Administrator may forward to the City Council a favorable conditional or unfavorable report and said reports shall contain a statement of findings and

recommendations.

Subd. 5. The City Council shall act to approve or disapprove. If the City Council disapproves the preliminary plat, the grounds for any such disapproval shall be set forth in the Minutes of the Board meeting and reported to the owners or subdividers.

Subd.6 The approval of a preliminary plat is an acceptance of the general layout as submitted, and indicates to the subdivider that he may proceed toward

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final plat in accordance with the terms of approval and provisions of the •

ordinance.

Subd. 7. During the intervening time between approval of the preliminary plat and the signing of the final plat, the subdivider must submit acceptable engineering plans for all required improvements.

Subd. 8. In the case of all subdivisions, the Planning Commission shall recommend denial of, and the City Council shall deny, approval of a preliminary or final plat if it makes any of the following findings:

a. That the proposed subdivision is in conflict with adopted applicable general and specific plans of the City.

b. That the design or improvement of the proposed subdivision is in conflict with any adopted component of the comprehensive plan of the City of Ceylon.

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

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d. That the site is not physically suitable for the proposed density of development.

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

f. That the design of the subdivision or the type of improvements is likely to cause serious public health problems.

g. That the design of the subdivision or the type of improvements will conflict with easements of record or with easements established by judgment of a court.

Sec. 7. 10 FINAL PLAT

Subd. 1 The owners or subdividers shall file five (5) copies of the finl plat with

the City Clerk. If this is not done within ninety (90) days, the preliminary plat will be considered void unless for good cause an extension is requested in writing by the subdivider and granted by the City Council.

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Subd. 2.

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Subd. 3.

Subd. 4.

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The owners or subdividers shall also submit at this time an up-to-date certified abstract or title or registered property report.

The final plat shall have incorporated all changes recommended by the Zoning Administrator, the County Engineer regarding county roads and the City Council as conditions to approval of the preliminary plat, but in all other respects it shall confirm to the preliminary plat as approved. It may constitute only that portion of the approved preliminary plat which the subdivider proposed to record and develop at that time, provided that such a portion conforms with all requirements of this ordinance.

The City Clerk shall refer one copy of the final plat to the Zoning Administrator and two copies of the final plat to the Planning Commission for its review and report. The report of these agencies and persons shall be submitted to the City Council within thirty (30) days of the date of submission of the plat and the City Council shall act on the final plat

within sixty (60) days of submission of the plat.

Upon approval of the final plat by the City Council the subdivider shall record such final plat with the Martin County Recorder, as provided for by that office, within ninety (90) days after the approval. Otherwise, the approval of the final plat shall be considered void. The subdivider shall within (30) days of recording, furnish the City Council with three black line prints and a reproducible print of the final plat showing evidence of

the recording.

Sec. 7.11

DATA FOR PRELIMINARY AND FINAL PLATS

Subd. 1.

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DATA FOR PRELIMINARY PLATS

a. Proposed name of subdivision, which shall not duplicate or be similar in pronunciation or spelling to the name of any plat heretofore recorded in the County.

b. Location by section, township, range, and by legal description. c. Name of municipality.

d. Names and addresses of the record owner and any agent having control ofthe land, subdivider, land surveyor, engineer, and designer of the plan.

e. Graphic scale not less than one (1) inch to one hundred (100) feet.

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f. North point.

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g. Key map including area within one-half (Y2) mile radius of plat. h. Date of preparation.

1. A current Abstract of Title or a Registered Property Certificate along with any unrecorded documents and an Opinion of Title by the Subdivider's attorney.

Subd. 2. EXISTING CONDITIONS

a. Boundary line of proposed subdivision, clearly indicated and to a close degree of accuracy.

b. Existing zoning classifications for land within and abutting the subdivision.

c. A general statement on the approximate acreage and dimensions of the lots.

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d. Location, right-of-way width, and names of existing or platted streets, or other public ways, parks and other public lands, permanent buildings and structures, easements and section and corporate lines within the plan and to a distance one hundred fifty (150) feet beyond shall also be indicated.

e. Boundary lines of adjoining unsubdivided or subdivided land, within one hundred fifty (150) feet, identified by name and ownership, including all contiguous land owned or controlled by the subdivider.

f. Topographic data, including contours at vertical intervals of two

(2) feet, water courses, marshes, rock outcrops, power transmission

poles and lines, and other significant features shall also be shown. For small subdivision under section 1102 which have a minor impact on an area the City may allow ten (10) feet contours from U.S.G.C. maps.

g. An accurate soil survey of the subdivision prepared by a qualified person. Soil percolation tests may also be required if conditions warrant it for areas that lack city sewers.

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Subd. 3.

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Subd. 4.

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h. A central water and sewer system feasibility study to be completed by a registered civil engineer, if a central water and sewer system

is determined to be feasible.

SUBDIVISION DESIGN FEATURES

a. Layout of proposed streets showing the right-of-way widths, centerline gradients, typical cross sections, and proposed names of streets. The name of any street heretofore used in the City or its environs shall not be used unless the proposed street is a logical extension of an already named street, in which event the same name shall be used.

b. Locations and widths of proposed alleys and pedestrian ways.

c. Layout, numbers and preliminary dimensions of lots and blocks. d. Minimum front and side street building setback lines.

e. When lots are located on a curve, the width of the lot at the building setback line.

f. Areas, other than streets, alleys, pedestrian ways and utility easements, intended to be dedicated or reserved for public use, including the size of such area or areas in acres.

OTHER INFORMATION

a. Statement of the proposed use of lots stating type of residential buildings with number of proposed dwelling units and type of business or industry, so as to reveal the effect of the development on traffic, fire hazards, and congestion of population.

b. Provision for surface water disposal, drainage and flood control.

c. If any zoning changes are contemplated, the proposed zoning plan for the areas.

d. Where the subdivider owns property adjacent to that which is

being proposed for the subdivision, the Planning Commission shall require that the subdivider submit a sketch plan of the remainder of the property so as to show the possible relationships between the proposed subdivision and the future subdivision. In any event, all subdivisions shall be shown to relate well with existing or potential adjacent subdivisions.

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e. Potential re-subdivision and use of excessively deep or wide (over

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200 feet) lots shall be indicated in a satisfactory manner.

f. A plan for soil erosion and sediment control both during construction and after development has been completed. The plan shall include gradients of waterways, design of velocity and erosion control measures, and landscaping of the erosion and sediment control system.

g. A vegetation preservation and protection plan that shows those trees proposed to be removed, those to remain, the types and locations of trees and other vegetation that are to be planted.

h. A water feasibility study shall also be required to determine if water is readily available.

1. Such other information as may be required by the Zoning

Administrator or the Planning Commission.

Sec. 7.12

DATA FOR FINAL PLAT

Minnesota State Statutes and these regulations.

Subd. 1.

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Subd. 2. Subd. 3.

Subd. 4. Subd. 5.

General - The plat shall be prepared by a land surveyor who is registered

in the State of Minnesota and shall comply with the provisions of

Surveying requirements of the final plat shall be under the regulation of a registered surveyor designated by the City.

The subdivider or owner shall provide a map showing location and size of existing sewers, water mains, culverts or other underground facilities within the preliminary plan area and to a distance of one hundred fifty (150) feet beyond. Such data as grades, invert elevations, and locations of catch basins, manholes, hydrants and street pavement width and type shall also be shown.

The subdivider or owner shall prepare a map showing all existing and proposed private restrictions.

Execution by all owners of any interest in the land and any holders of a mortgage therein of the certificate required by Minnesota Statutes and which certificate shall include an accurate legal description of any area to be dedicated for public use and shall include a dedication to the County of

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sufficient easements to accommodate utility services in such form as shall be approved by the County Attorney.

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Sec. 7.13 CERTIFICATIONS

The certifications shall conform to the requirements of Martin County. Sec. 7.14 GENERAL REQUIREMENTS

Subd. 1. The Planning Commission, in its review of the preliminary plat, will take into consideration the requirements of the community and the best use of the land being subdivided.

Subd. 2. The proposed subdivision shall conform to the Policies Plan adopted by the City of Ceylon.

Subd. 3. The arrangement, character, extent, width and location of all streets shall be considered in their relation to existing and planned streets, to reasonable circulation of traffic, to topographic conditions, to runoff of storm water, to public convenience and safety, and in their appropriate relation to the proposed uses of the land to be served by such streets. Wherever possible and necessary, the arrangement of streets in new subdivisions shall provide for the continuation of existing streets in adjoining areas. Where adjoining unsubdivided areas may be subdivided, the arrangement of streets in a new subdivision shall make provision for the proper projection of streets into adjoining areas by carrying the new streets to the boundaries of the new subdivision at appropriate locations.

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Sec. 7.15 STREETS

Subd. 1. Widths - Street right-of-way widths shall be as determined in the policies plan and official map, and where applicable, shall conform to county and state standards for trunk highways. If there is no such plan or standard, right-of-way widths shall conform to the following minimum dimensions:

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| --- | --- |
| Street | Right-of-Wax Width |
| Major Arterial | 250 feet |
| Minor Arterial | 100 feet |
| Collectors | 60-80 feet |
| Local | 60 feet |

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| --- | --- |
| Marginal Access | 40 feet |
| Cul-de-sac streets | 60 feet |
| Cul-de-sac | 60 feet |

Subd. 2.

Subd. 3. Subd. 4.

Subd. 5. Subd. 6. Subd. 7.

Subd. 8.

Subd. 9.

Street Intersections- Insofar as practical, streets shall intersect at right angles. In no case shall the angle formed by the intersection of two streets be less than 60 degrees. Intersections having more than four comers shall be prohibited. Adequate land for future intersection and interchange construction needs shall be dedicated.

Tangents - A tangent of at least three hundred (300) feet shall be introduced between reverse curves on arterial and collector streets.

Deflections - When connecting street lines deflect from each other at one point by more than ten (10) degrees they shall be connected by a curve with a radius adequate to ensure a slight distance of not less than five

hundred (500) feet for arterials, three hundred (300) feet for collectors, one

hundred (100) feet for all other streets.

The Planning Commission may allow greater or lesser sight distances at •

the recommendation of the engineer.

Street Jogs - Street Jogs with centerline offsets of less than 150 feet shall be avoided for local streets.

Local Streets - Minor Streets shall be laid out so that their use by through traffic is discouraged.

Cul-de-sac - The maximum length of a street terminating in a cul-de-sac shall be five hundred (500) feet, measured from the centerline of the street of origin to the end of the right of way.

Centerline Gradients- All centerline gradients shall be at least 0.5 percent and shall not exceed the following: arterials and collector streets - 5 percent, minor streets and marginal access streets - 8 percent.

Access to Arterial Streets - In the case where a proposed plat is adjacent to a limited access highway (arterial), there shall be no direct vehicular or pedestrian access from individual lots to such highways. As a general requirement access arterials shall be at intervals of not less than 'l4 mile

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and through existing and established cross roads where possible.

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• Subd. 10.

Subd. 11.

Subd. 12.

Subd. 13.

Platting of small tracts - In the platting of small tracts of land fronting on arterial streets where there is no convenient access to existing entrances and where access from such plat would be closer than *'l4* mile from an existing access point, a temporary entrance permit may be granted. Provision shall be made in such plats for the connection of roads to neighboring land. As the neighboring land is platted and developed, and access becomes possible at a preferred location, such temporary entrance permits shall become void.

Half Streets - Half streets shall be prohibited except where it will be practical to require the dedication of the other half when the adjoining property is subdivided, in which case the dedication of a half street may be permitted. The probable length of time elapsing before dedication of the remainder shall be considered in this decision.

Private Streets- Private streets may be permitted, however, they must conform to the same standards as public streets. All costs for private streets including maintenance shall be assessed back to property owners.

Hardship to Owners of Adjoining Property- The street arrangements shall

•Sec. 7.16

not be such as to cause hardship to owners of adjoining property in platting their own land and providing convenient access to it.

BLOCKS

Subd. 1.

Sec. 7.17.



Subd. 1. Subd. 2. Subd. 3.

• Subd. 4.

The length, width and acreage of blocks shall be sufficient to provide for convenient access, circulation, control and safety of street design. Blocks may be longer then 1300 feet or shorter than 300 feet only if the Zoning Administrator agrees that exceptions are warranted.

Size - The lot dimensions shall be such as to comply with the minimum lot areas specified in the zoning ordinance.

Side Lot Line - Side lines of lots shall be substantially at right angles to straight street lines or radial to curved street lines.

Lots shall be graded so as to provide drainage away from building locations.

Natural Features- In the subdividing of any land, due regard shall be shown for all natural features, such as tree growth, wetlands, steep slopes,

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water courses, historic spots, or similar conditions, and plans adjusted to •

preserve those which proposed development.

Subd. 5. Lot remnants - All remnants of lots below minimum size left over after subdividing of a larger tract must be added to adjacent lots rather than allowed to remain as unusable parcels.

Subd. 6. Double Frontage Lots - Double frontage (lots with frontage on two parallel streets) or reverse frontage shall not be permitted except where lots back

on an arterial or collector street. Such lots shall have an additional depth

of at least ten (10) feet in order to allow for screen planting along the back lot line.

Subd. 7. On large lots (1 acre or more) septic tanks and drainfields shall be located in such a way as to allow future subdivision of the land.

Sec. 7.18 ALLEYS

Subd. 1. Location Requirements - A public or private alley shall be provided in a block where commercially zoned property abuts a major thoroughfare or a major street. Alleys in residential areas other than those zoned for

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multiple use will not be permitted except by special permission of the

Planning Commission.

Subd. 2. Widths - Alleys, where permitted by the City Council, shall be at least eighteen (18) feet in width.

Subd. 3. Grades- All centerline gradients in alleys shall be at least 0.5 percent and shall not exceed 8 percent.

Sec. 7.19 SEWAGE DISPOSAL

For proposed plats in rural areas, the size and relative location of on-site soil absorption sewer systems shall be governed by the Sewage Disposal Standards as stated in Section 7 of the Zoning Ordinance.

Sec. 7.20 EROSION AND SEDIMENT CONTROL

The following guidelines shall be applied in the subdivision and construction of land areas:

Subd. 1. The development shall conform to the natural limitations presented by topography and soil so as to create the least potential for soil erosion.

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Subd. 2. 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.

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Subd. 3. 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.

Subd. 4. When soil is exposed, the exposure shall be for the shortest feasible period of time.

Subd. 5. Where the topsoil is removed, sufficient arable soil shall be set aside for respreading over the developed area. The soil shall be restored to a depth of four (4) inches and shall be of a quality at least equal to the soil quality prior to development.

Sec. 7.21 IMPROVEMENTS LISTED AND DESCRIBED

Prior to the approval of a final plat, the subdivider shall have agreed in the manner set forth below to install in conformity with construction plans approved by the City Engineer and in conformity with all applicable standards and ordinances, the following improvements on the site:

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Subd. 1. Monuments - Monuments of a permanent character, as required by M.S.A.

505.02 shall be placed at each comer or angle on the outside boundary of the subdivision; and pipes or steel rods shall be placed at each comer of each lot.

Subd. 2. Streets- The ful width of each street and alley shall be graded. All streets and alleys shall be an adequate sub-base and shall be improved with an

all-weather permanent surface in accordance with the design standards specified by the City. Except in areas where lot widths exceed one hundred (100) feet or topography or tree cover dictates otherwise, grading shall provide for easy installation of sidewalks at some future date.

Subd. 3. Paving - The City Council may require that all streets and alleys be improved with a concrete or bituminous surface. Paving shall be required if central sewer and water services are provided. If central sewer and water services will not be provided for at least ten (10) years, paving may be required. If central sewer and water services are to be provided within ten (10) years, paving should not be required until after the central sewer

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and water services are installed. The City may require a cash deposit to be

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used for paving the streets after central sewer and water services are •

provided. Streets to be paved shall be surfaced for five ton axle weight capacity.

Subd. 4. Subd. 5.

Subd. 6.

Subd. 7. Subd. 8.

Subd. 9.

Concrete Curb and Gutter - Concrete curb and gutter may be required for all paved streets.

Sidewalks - Sidewalks may be required along both sides of all streets in areas where residential density equals or exceeds three (3) dwelling units per net acre of residentially used land or in commercial areas.

Water Supply- Where a municipal water supply is available, within a reasonable distance, the subdivider may be required to provide a connection to the municipal system. The feasibility of this requirement shall be evaluated based on the cost of constructing the connection weighted against the cost of installing individual wells and the likelihood of an eventual municipal connection in the future.

Where a municipal connection is determined to be unfeasible, the subdivider shall either:

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a. Install a system providing each lot with an adequate supply of potable water or,

b. State on his final plat that purchasers of individual lots will be required to install their own approved wells.

Street Lighting - Street lighting of a type approved by the community may be required at all intersections within the subdivision.

Sewage Treatment and Disposal- If and when a community sewage treatment system is provided, all new subdivisions shall be required to hook up to the community sewer system.

All new private sewage treatment systems shall conform to the standards for septic tanks and drainfields set forth in Section 7 of the Ceylon Zoning Ordinance.

Drainage - A system that will adequately take care of the surface water runoff within the subdivision shall be provided. Storm sewers and

culverts shall be installed where necessary in conjunction with the grading of streets. Cross drains shall be provided to accommodate all natural

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water flow and shall be of sufficient length to permit full-width roadways

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and required side slopes. Drainage ditches shall be sodded to prevent erosiOn.

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Subd. 10. Street Signs. Street signs of standard design approved by the City Council shall be installed at each street intersection.

Subd. 11. Public Utilities - All utility lines for telephone and electrical service shall be placed in rear line easements when carried on overhead poles.

Sec. 7.22 PAYMENT FOR INSTALLATION OF IMPROVEMENTS General

The required improvements to be furnished and installed by the subdivider, which

are listed and described above, are to be furnished and installed at the sole

expense of the subdivider and at no expense to the public, provided, however, that in the case of an improvement, the cost of which would be general policy of the governing body be assessed only in part to the improved property and the remaining cost paid out of general tax levy. The City Council may make

provision for payment of a portion of the cost by the subdivider and the remaining portion of the cost by the City. If any improvement installed within the subdivision will be of substantial benefit to lands beyond the boundaries of the subdivision, the City Council may make provision for causing a portion of the

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cost of the improvement representing the benefit to such lands to be assessed

against the same; and in such case, the subdivider will be required only to pay for such portions of the whole cost of said improvements as will represent the benefit to the property within the subdivision.

Sec 7.23 REQUIRED AGREEMENT PROVIDING FOR PROPER INSTALLMENT OF IMPROVEMENTS

Prior to installation of any required improvements and prior to approval of the final plat, the subdivider shall enter into a contract in writing with the City requiring the subdivider to furnish and construct said improvements at his sole cost in accordance with the plans and specifications and usual contract conditions all approved by the City Council which shall include provisions for supervision of details of construction by the Zoning Administrator and grant to the

Administration the authority to correlate the work to be done under said contract by any subcontractor authorized to proceed thereunder and with any other work being done or contracted by the City in the vicinity. The agreement shall require the subdivider to make an escrow deposit or in lieu thereof to furnish the

• performance bond as specified in the following:

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The amount of the deposit and the penal amount of the bond shall equal the • Zoning Administrator's estimate of the total cost of the improvements to be

furnished under the contract, including the cost of inspection by the City. The

time for completion of work and the several parts thereof shall be determined by the City Council upon recommendation of the Administrator after consultation with the subdivider and shall be reasonable in relation to the work to be done, the season of the year, and proper correlation with construction activity in the subdivision.

Sec. 7.24 FINANCIAL CUARANTEE

The contract, as reference in Section 7.23, above, shall require the subdivider to make an escrow deposit or in lieu thereof furnish the performance bond as follows:

Subd. 1. Escrow Deposit- An escrow deposit shall be made with the City, including cost of inspection by the Zoning Administrator of all improvements to be furnished and installed by the subdivider pursuant to the contract and which have not been completed prior to the approval of the final plat; but the City shall be entitled to reimburse itself out of said

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deposit for any cost and expense incurred by the City for completion of the work in case of default of the subdivider under said contract and for any damages sustained by the City on account of any breach thereof. Upon completion of the work and termination of any liabilities to the City or the subdivider under said contract, the balance remaining of said deposit shall be refunded to the subdivider.

Subd. 2. Performance Bond - In lieu of making an escrow deposit above described, the subdivider may furnish the City with a public contract of performance bond, in the form prescribed by statute, with corporate surety in a penal sum equal to the total cost as estimated by the Zoning Administrator including cost of inspection of all improvements to be furnished and installed by the subdivider pursuant to the contract and which have not been completed prior to the approval of the final plat. The bond shall be approved by the City Attorney and filed with the Clerk.

Sec. 7.25 CONSTRUCTION PLANS

Construction plans for the required improvements, conforming in all respects to the standards of the City and the applicable ordinances, shall be prepared at the subdivider's expense by a Professional Engineer who is registered in the State of Minnesota; and said plans shall contain his seal. Such plans, together with the quantity of construction items, shall be submitted to the Administrator for his

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Sec 7.26

• Sec. 7.27

Sec. 7.28

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approval and for his estimate of total cost of the required improvements; upon approval they shall become a part of the contract required in Section 7.23. The tracings of the plans approved by the City, plus two prints, shall be furnished to the City to be filed by the City.

HARDSHIP

The City Council may grant a variance upon receiving a report from the Planning commission in any particular case where the subdivider can show by reason of exceptional topography or any other physical conditions that strict compliance with these regulations would cause exceptional and undue hardship provided such relief may be granted without detriment to the public welfare and without impairing the intent and purpose of these regulations. The Planning Commission may recommend variations from the requirements of this Ordinance in specific which, in its opinion, do not affect the comprehensive plan or the intent of this Ordinance. Any modifications thus recommended shall be entered in the minutes ofthe Planning Commission in setting forth the reasons which justify the modifications. The City Council may approve variances from these requirements in specific cases which in its opinion meets the above requirements and do not adversely affect the purposes of this Ordinance.

APPLICABILITY

Nothing herein shall be so construed as to direct or imply that these regulations apply only to residential subdivisions. All subdivisions, be they commercial, industrial, public land use, or otherwise, shall be a subdivision regardless of the proposed land use if falling within the definition of a subdivision as defined herein.

EASEMENTS

All easements for public purposes shall be provided at locations approved by the governing body. Said easements may be for utilities, drainage, floodplain protection, lakeshore access, walking trails, etc. However, all easements other than utility and drainage easements must be conveyed and recorded at the County Recorder prior to plat approval. No plat shall be approved that may for any reason be detrimental to local, county, or regional utility plan.

Oversizing of utilities to provide future service for more intense development of the land or to provide future service to other areas may be required.

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Sec. 7.29 LAND DIVISION General

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In any case where the division of a parcel of land into two or more lots or parcels for the purpose of transfer of ownership or building development does not come within the definition of subdivision as defined by this Ordinance, a description of such land division shall be filed with the Planning Commission which shall submit copies of such division to the Engineer.

No building permit shall be issued until said description has been received by the

Planning Commission.

SMALL SUBDIVISIONS

Where there are practical difficulties or unnecessary hardships in the way of carrying out the strict letter of the provisions of these regulations, the City Council, following consideration of the Planning Commission, shall have the power to vary the requirements established in harmony with the general purpose and intent thereof, so that the public health, safety, and general welfare may be secured and substantial justice done.

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certain requirements of these regulations may be waived if the City Council,

In particular, for small subdivisions of a minor nature in size or complexity,

following consideration by the Planning Commission, so determines and following compliance with procedures as follows:

(1) Simple Lot Split- When one parcel or lot of record is divided to result in two lots or parcels, the submission of topographic maps, soil tests and other data may be waived if approved by the Planning Commission. Transfer of title, or the process of subdividing may be by filing of a final plat, certificate of survey.

(2) Creation of 3 to 5 lots - When any parcel of land is divided to result in from three (3) to not more than five (5)lots, submission requirements such as soil tests and topography information shall be as required by the Planning Commission. Transfer of title or the process of subdivision may be by filing of a final plat or registered land survey. Additional information may, however be required by the Planning Commission or Zoning Administrator following review of the preliminary plan.

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• Sec. 7.30

Sec. 7.31

Sec. 7.32

Sec. 7.33

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Sec. 7.34

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REGISTERED LAND SURVEYS

The conditions of this ordinance shall apply to any tract of registered land, created in accordance with M.S. 508, providing said tract is less than five (5) acres in area or 300 feet in width.

CONVEYANCE BY METES AND BOUNDS

Land Parcels may be conveyed by metes and bounds property description; no building permit may be issued for any parcel that has not been submitted for approval by the City under the conditions of this ordinance, unless said parcel was a separate parcel of record on the date of adoption of this ordinance.

BUILDING PERMITS

No building permits will be issued for the construction of any building or structure on any lot in the subdivision as defined herein which has been approved for platting until all requirements of this ordinance have been fully complied with.

VIOLATION AND PENALTIES

Any firm, person or corporation who violates any ofthe provisions of these regulations, or who sells, leases or offers for sale or lease any lot, block or tract of land herewith regulated before all the requirements of these regulations have been complied with, shall be guilty of a misdemeanor, and upon conviction thereof be subject to fine and/or imprisonment. Each day that a violation is permitted to exist shall constitute a separate offense.

STATE BUILDING CODE

The Minnesota State Building Code, one copy of which is on file in the office of the City Clerk, has been adopted by Laws 1977, Chapter 381, as a uniform building code applicable throughout the state. Such code is hereby confirmed as the building code of the City of Ceylon and incorporated in this ordinance as completely as if set out in full. By this ordinance the city undertakes to provide for enforcement of the state building code in the city of Ceylon.

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CHAPTERS

ZONING

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CHAPTERS ZONING

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Sec. 8.01 TITLE

This Ordinance shall be known, cited and referred to as the Ceylon Zoning

Ordinance.

Sec. 8.02 INTENT AND PURPOSE

This ordinance is adopted for the purpose of:

Subd. 1. Protecting the public health, safety, morals, comfort, convenience and general welfare.

Subd. 2. Promoting orderly development of the residential, commercial, industrial, recreational and public areas.

Subd. 3. Conserving the natural and scenic beauty and attractiveness of the community.

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Subd. 4. Conserving and developing natural resources.

Subd. 5. Providing for the compatibility of different land uses and the most appropriate use ofland throughout the community.

Sec. 8.03 RULES

The language set forth in the text of this ordinance shall be interpreted in accordance with the following rules of construction:

Subd. 1. The singular number includes the plural and the plural the singular. Subd. 2. The present tense includes the past and future tenses, and the future the

present.

Subd. 3. The word "shall" is mandatory, and the word "may" is permissive. Subd. 4. The masculine gender includes the feminine and neuter genders.

Subd. 5. Whenever a word or term defined hereinafter appears in the text of this

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ordinance, its meaning shall be constructed as set forth in such definition.

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Subd. 6.

All measured distances expressed in feet shall be to the nearest tenth of a foot. In event of conflicting provisions, the more restrictive provisions shall apply.

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Sec. 8.04

DEFINITIONS

The following words and terms, whenever they occur in this ordinance, are defined as follows:

Subd. 1.

Subd. 2. Subd. 3.

Accessory Use of Structure- A use or structure or portion of a structure subordinate to and serving the principal use structure on the same lot and customarily incidental thereto.

Administrator - The duly appointed person charged with enforcement of this ordinance.

Agricultural Use- The use ofland for the growing and/or production of field crops, livestock, and livestock products for the production of income including but not limited to the following:

a. field crops including: barley, soy beans, com, hay, oats, potatoes, rye, sorghum, and sunflowers.

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b. livestock including: dairy and beef cattle, goats, horses, sheep, hogs, poultry, game birds and other animals including dogs, ponies, deer, rabbits, and mink.

c. livestock products including: milk, butter, cheese, eggs, meat, fur

and honey.

Subd. 4. Subd. 5.

Subd. 6.

Alley - A public right-of-way which affords a secondary means of access to abutting property.

Apartment - A room or suite of rooms with cooking facilities available 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 units in buildings with more than two dwelling units.

Auto or Motor Reduction Yard - A lot or yard where one or more unlicensed motor vehicles, or the remains thereof, are kept for the purpose of dismantling, wrecking, crushing, repairing, rebuilding, sale of parts,

sale as scrap, storage, or abandonment. (See also Junk Yard).

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• Subd. 7.

Subd. 8.

Subd. 9.

Subd. 10.

Subd. 11.

• Subd. 12.

Subd. 13.

Subd. 14. Subd. 15.

Subd. 16.

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Basement - A portion of a building located partly underground but having half or more of its floor-to-ceiling height below the average grade of the adjoining ground.

Boardinghouse (Rooming or Lodging House) - A building other than a motel or hotel where, for compensation and by prearrangement for definite periods, meals or lodgings are provided for three or more persons, but not to exceed twenty persons.

Building - Any structure having a roof which may provide shelter or enclosure of persons, animals, chattel, or property of any kind and when said structures are divided by party walls without openings, each portion of such building so separated shall be deemed a separate building.

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.

Building Height - The vertical distance to be measured from the grade of a building line to the top to the cornice or 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 upper most point on a round or other arch type roof to the mean distance of the highest gable on a pitched or hip roof.

Building Setback- The minimum horizontal distance between the building and a lot line.

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

Carport - An automobile shelter having one or more sides open.

Church - A building, together with its accessory buildings and uses, 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.

Comprehensive Plan or "Policies Plan" - A compilation of goals, policy statements, standards, programs and maps for guiding the physical, social and economic development, both public and private, of the municipality and its environs, as defined in the Minnesota Municipal Planning Act, and

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Subd. 17.

Subd. 18

Subd. 19.

Subd. 20.

Subd. 21.

Subd. 22. Subd. 23. Subd. 24. Subd. 25.

Subd. 26.

includes any unit or part of such plan separately adopted and any amendment to such plan or parts thereof.

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Community Water and Sewer Systems- Utilities systems serving a group of buildings, lot, or any area of the community, with the design and construction of such utility systems as approved by the community and the State of Minnesota.

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 abnormal traffic congestion.

Curb Level - The grade elevation established by the governing body of the curb in front of the center of the building. Where no curb level has been established the engineering staff shall determine a curb level or its equivalent for the purpose of this ordinance.

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 care or where fast service to the automobile occupants is a service offered

regardless of whether service is also provided within a building. •

Dwelling Unit - A residential building or portion thereof intended for occupancy by a single family but not including hotels, motels, boarding or rooming houses or tourist homes.

Dwelling Attached - A dwelling which is joined to another dwelling at one or more sides by a party wall or walls.

Dwelling Detached - A dwelling which is entirely surrounded by open space on the same lot.

Easement - A grant by a property owner for the use of a strip of land by the public or any person for any specific purpose or purposes.

Exterior Storage - (Includes Open Storage) - The storage of goods, materials, equipment, manufactured products and similar items not fully enclosed by a building.

Extraction Area - Any non-agricultural artificial excavation of earth exceeding fifty square feet of surface area or two feet in depth, excavated or made by the removal from the natural surface of the earth, or sod, soil,

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Subd. 27.

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Subd. 28.

Subd. 29.

• Subd.30

sand, gravel, stone or other natural matter, or made by turning, or breaking or undermining the surface of the earth.

Family - An individual, or two or more persons related by blood, marriage or adoption, living together as a single house keeping unit in a dwelling unit, exclusive of usual servants.

Feed Lot- The place of confined feeding oflivestock or other animals for food, fur, pleasure or resale purposes in yards, lots, pens, buildings, or other areas not normally used for pasture or crops and in which substantial

amounts of manure or related other wastes may originate by reason of such feeding of animals.

Floor Area - The sum of the gross horizontal areas of the several floors of the building or portion thereof devoted to a particular use, including accessory storage areas located within selling or working space and including any basement floor area devoted to retailing activities, to the production or processing of goods, or to business or professional offices. However, the floor area shall not include: basement floor area other than areas devoted to retailing activities, the production or processing of goods, or to business or professional offices.

r Area Ratio - The numerical value obtained through dividing the

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gross floor area of a building or buildings by the net area of the lot or parcel of land on which such building or buildings are located.

Subd. 31.

Subd. 32. Subd. 33.

Subd. 34. Subd. 35.

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Floor Plan - General - A graphic representation of the anticipated utilization of the floor area within a building or structure but not necessary as detailed as construction plans.

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

Garage. Private - An accessory building or accessory portion of the principal building which is intended for and used to store the private passenger vehicles of the family or families resident upon the premises.

Governing Body - Ceylon City Council.

Home Occupation - Any gainful occupation or profession engaged in by the occupant of a dwelling unit and not in an accessory building provided that no signs other than those normally utilized in a residential district are present, no stock in trade is stored on the premises over-the-counter retail

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sales are not involved, and entrance to the home occupation is gained from •

within the structure.

Such uses include professional offices, minor repair services, photo or art studios, dressmaking, barber shops, beauty shops, tourist homes, restaurants, or similar uses.

Subd. 36.

Subd. 37.

Subd. 38.

Subd. 39. Subd. 40.

Subd. 41.

Subd. 42.

Subd. 43.

Hotel- A building which provides a common entrance, lobby, halls, and stairway and in which twenty or more people are, for compensation lodged with or without meals.

Irrigation System - Any structure or equipment, mechanical, or otherwise, used to supply water to cultivated fields or supplement normal rainfall, including but not limited to wells, pumps, motors, pipes, culverts, gates, dams, ditches, tanks, ponds and reservoirs.

Junk Yard- An open area where waste, used, or second hand 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.

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Landscaping - Planting such as trees, grass, and shrubs.

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 accommodations shall be counted as one lodging room.

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.

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

or Registrar of Titles for Martin County, Minnesota, prior to the effective date of this Ordinance.

Lot Area - The area of a lot in a horizontal plane bounded by the lot lines.

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• Subd. 44.

Subd. 45. Subd. 46.

Subd. 47.

Subd. 48.

• Subd. 49.

Lot Comer - 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 degrees.

Lot Depth - The mean horizontal distance between the front lot line and the rear lot line of a lot.

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 of such public

right-of-way shall be the lot line for applying this ordinance.

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

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.

t Line Side - Any boundary of a lot which is not a front lot line or a rear

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lot line.

Subd. 50.

Subd. 51.

Subd. 52. Subd. 53.

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

Lot. Through - A lot which has a pair of opposite lot lines abutting two substantially parallel streets, and which is not a comer lot. On a through lot, both street lines shall be front lot lines for applying this ordinance.

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

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 without processing shall be mining. The only exclusion from this definition shall be removal of materials

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associated with construction of a building provided such removal is an •

approved item in the building permit.

Subd. 54.

Subd. 55.

Subd. 56.

Subd. 57.

Subd. 58. Subd. 59.

Subd. 60.

Subd. 61.

Subd. 62.

Mobile Home - A housing unit designed for transportation after fabrication on streets and highways on its own wheels or on flatbed or other trailers, and arriving at the site where it is to be occupied as a dwelling complete and ready for occupancy, except for minor and incidental unpacking and assembly operations, location on jacks or permanent foundations, connection to utilities and the like.

Mobile Home Stand - The part of an individual mobile home lot which has been reserved for placement of the mobile home, appurtenant structures, or additions.

Modular Home - A non-mobile housing unit that is basically fabricated at

a central factory and transported to a building site where final installations are made, permanently affixing the module to the site. A module home shall be congruous to a one family dwelling.

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.

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Multiple Residence(Apartment Building) - Three or more dwelling units in one structure.

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.

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

Official Map - The map established by the governing body, in accordance with State Statutes, showing streets, highways, parks and drainage, both existing and proposed.

Off-Street Loading Space- A space accessible from a street, alley, or driveway for the use oftrucks or other vehicles while loading or unloading

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Subd. 63.

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Subd. 64.

Subd. 65. Subd. 66. Subd. 67.

• Subd. 68.

merchandise or materials. Such space shall be of size as to accommodate one vehicle of the type typically used in the particular business.

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.

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.

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

Planning Commission - The Planning Commission of the City of Ceylon, except when otherwise designated.

Prefabricated Home - A non-mobile housing unit, the walls, floors and ceilings of which are constructed at a central factory and transported to a building site where final construction is completed, permanently affixing the unit to the site.

l Structure or Use - One which determines the predominant use as

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contrasted to accessory use or structure.

Subd.69

Subd. 70. Subd. 71.

Subd. 72.

Subd. 73.

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

Public Land - Land owned or operated by municipal, school district, county, state or other governmental units.

Recreation. Public - Includes all uses such as 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.

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

Recreation Equipment - Play apparatus such as swing sets and slides, sandboxes, poles for nets, unoccupied boats and trailers not exceeding twenty feet in length, picnic tables, lawn chairs, barbecue stands, and

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Subd. 74.

Subd. 75.

Subd. 76.

Subd. 77.

Subd. 78. Subd. 79. Subd. 80.

Subd. 81. Subd. 82. Subd. 83. Subd. 84.

Subd. 85.

similar equipment or structures but not including tree houses.

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Reclamation Land - The improvement of land by deposition of material to elevate the grade. Any parcel upon which 400 cubic yards or more of fill are deposited shall be considered as reclaimed land.

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

Sign- A display, illustration, structure or device which directs attention to an object, product, place, activity, person, institution, organization or business.

Sign. Advertising - A sign that directs attention to a business or profession or to a commodity, service or entertainment not sold or offered upon the premises, where such sign is located or to which it is attached.

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

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Street. Collector- A street which serves or is designed to serve as a trafficway for a neighborhood or as a feeder to a major road.

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.

Street. Local - A street intended to serve primarily as an access to abutting properties.

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

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

Sffir,y,- That portion of a building included between the surface of any

floor and the surface of the floor next above. A basement shall be counted as a story.

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Structure - Anything constructed, the use of which requires more or less

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Subd. 86.

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Subd. 87.

permanent location on the ground; or attached to something having a permanent location on the ground.

Structural Alteration - Any change, other than incidental repairs, which would prolong the life of the supporting members of a building, such as bearing walls, columns, beams, girders, or foundations.

Subdivision - A subdivision is the dividing of any parcel of land into two or more parcels.

a. Platted Subdivision- if any resultant parcel is less than five (5) acres and less than three hundred (300) feet in width and the subdividing was done for the purpose of transfer of ownership to effectuate building development or if a new street or road is involved, regardless of the size of the parcel and/or its width, subsequent parcels must be platted in accordance with the terms and procedure of the Ceylon Subdivision Regulations.

b. Unplatted Subdivision - A division of any parcel of land into two

or more parts wherein all parts are at least five (5) acres and at least three hundred (300) feet in width and where no new road is involved. These do not require platting.

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Subd. 88. - A single family building attached by party walls with other

Townhouse

single family buildings, and oriented so that all exits open to the outside.

Subd. 89.

Subd. 90. Subd. 91.

Subd. 92.

• Subd. 93.

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.

Use. Accessory- A use subordinate to and serving the principal use or structure on the same lot and customarily incidental thereto.

Use. Non-Conforming - Use of land, buildings or structures legally existing at the time of adoption of this ordinance which does not comply with all the regulations of this ordinance or any amendments hereto governing the zoning district in which such use is located.

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

Use. Principal - The main use of land or buildings as distinguished from

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subordinate or accessory uses. A "principal use" may be either permitted •

or conditional.

Subd. 94. Subd. 95.

Subd. 96.

Subd. 97.

Subd.98

Use. Conditional - See Conditional Use.

Variance - A modification or variation of the provisions of this ordinance where it is determined that by reason of special and unusual circumstances relating to a specific lot, that strict application of the ordinance would cause an undue or unnecessary hardship, or that strict conformity with the provisions of this ordinance would be unreasonable, impractical or unfeasible under the circumstances.

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 ordinance. The yard extends along the lot line at right angles to such lot line to a depth or width specified in the setback regulations for the zoning district in which such lot is located.

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.

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Yard. Side - The yard extending along the side lot line between the front and rear yards to a depth or width required by setback regulations for the

zoning district in which such lot is located.

Subd.99

Subd. 100. Subd. 101. Subd. 102.

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.

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

Zoning District - An area or areas within the limits of the City of Ceylon for which the regulations and requirements of governing use are uniform.

Neighborhood Business Trade- any retail trade engaged in by the occupant of a dwelling unit that does not alter the appearance of the structure and which occupation within the residence is conducted in a manner which does not cause the premises to differ from its residential character either by use of colors, materials, construction, lighting, advertising, signs or by the omission of sounds, odors, noises, vibrations,

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heat, glare or electrical disturbances. (July, 9, 1994) Sec. 8.05 APPLICATION OF THIS ORDINANCE

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

Subd. 2. Where the conditions imposed by any provision of this ordinance are either more restrictive or less restrictive than comparable conditions imposed by any other law, ordinance, statute, resolution, or regulation of any kind, the regulations which are more restrictive or which impose higher standards or requirements shall prevail.

Subd. 3. Except as in this ordinance specifically provided, no structure shall be erected, converted, enlarged, reconstructed or altered, and no structure or land shall be used, for any purpose nor in any manner which is not in conformity with this ordinance.

Sec. 8.06 SEPARABILITY

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It is hereby declared to the intention that the several provisions of this ordinance are separable in accordance with the following:

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

Subd. 2. If any court of competent jurisdiction shall adjudge invalid the application of any provision of this ordinance to a particular property, building, or structure, such judgment shall not affect other property, buildings or structures.

Sec. 8.07 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 Martin County Recorder or Registrar of Titles, on or before the date of adoption of this 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 Section; provided all setback requirements of this ordinance must be maintained; and provided it can be demonstrated that safe and adequate sewage treatment systems can be installed to serve such permanent dwelling.

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Sec. 8.08

NON-CONFORMING USES AND STRUCTURES

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Any structure or use existing upon the effective date of the adoption of this ordinance and which does not conform to the provisions of the ordinance may be continued for a certain period oftime subject to the following conditions:

Subd. 1. Subd. 2.

Subd. 3.

Subd. 4.

No such use shall be expanded or enlarged except in conformity with the provisions of this ordinance.

If a non-conforming use is discontinued for a period of one year, further use of the structures or property shall conform to this ordinance. The County Assessor shall notify the Zoning Administrator or Planning Commission in writing of all instances of non-conforming uses which have been discontinued for a period of twelve consecutive months.

If a non-conforming structure is destroyed by any cause, to an extent exceeding fifty percent of its fair market value as indicated by the records of the County Assessor, a future structure on the site shall conform to this ordinance.

Normal maintenance of a building or other structure containing or related to a lawful non-conforming use is permitted, including necessary

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non-structural repairs and incidental alterations which do not extend or

intensify the non-conforming use.

Sec. 8.09

Sec. 8.10

Sec. 8.11

ZONING COORDINATION

Any zoning district change on land adjacent to or across a public right-of-way from an adjoining community shall be referred to the Planning Commission, and the adjacent Community for review and comment prior to action by the City Council granting or denying the zoning district classification change. A period of at least thirty days shall be provided for receipt of comments such comments; shall be considered as advisory only.

ZONING AND THE POLICIES PLAN

Any change in zoning granted by the governing body shall automatically amend the Policies Plan in accordance with said zoning change.

ENFORCING OFFICER

The governing body of Ceylon shall appoint a Zoning Administrator whose term of office shall terminate at the pleasure of the governing body.

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•Sec. 8.12

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The Zoning Administrator shall enforce this ordinance and shall perform the following duties:

Issue occupancy building and other permits, and make and maintain records thereof.

Conduct inspections of buildings and use of land to determine compliance with the terms of this ordinance.

Maintain permanent and current records of this ordinance, including but not limited to; all maps, amendments, and special uses, variances, appeals and applications therefore.

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

Institute in the name of the City, any appropriate actions or proceedings against a violator as provided for.

Serve as an ex-officio non-voting member of the Planning Commission. APPEALS AND THE BOARD OF ADJUSTMENT AND APPEALS

The Ceylon City Council shall, through the passing of a resolution, provide for

the establishment of a Board of Adjustment and Appeals.

The Board of Adjustment and Appeals shall consist of three members one of whom shall be a member of the Planning Commission whose appointment, term of office, or removal from the board shall be provided in the resolution creating the Board of Adjustment and Appeals. No elected officer of the City nor any employee of the City shall serve as a member of the Board of Adjustment and Appeals. The members of the Board of Adjustment and Appeals shall serve without compensation, but may be paid their necessary expenses in attending the meetings of the Board and in the conduct of the business of the Board.

The Board of Adjustment and Appeals shall elect a chairman and vice-chairman from among its members and shall appoint a secretary who need not be a member of the board. It shall adopt rules for the transaction of its business and such rules may include provisions for the giving of oaths to witnesses and the filing of written briefs by the parties. The board shall provide a public record of its proceedings which shall include the minutes of its meeting, its findings, and the action taken on each matter heard by it, including the final order.

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The meetings of the Board of Adjustment and Appeals shall be held at the call of •

the chairman and at such other times as the board in its rules of procedure may specify.

The Board of Adjustment and Appeals shall act upon all questions as they may arise in the administration of this ordinance, including the interpretation of zoning maps, and it shall hear and decide appeals from and review any order, requirement, decision, or determination made by an administrative official

charged with enforcing the ordinance. Such appeal may be taken by any person,

firm or corporation aggrieved or by any officer, department, board or bureau of a town, municipality, county or state.

The Board of Adjustment and Appeals shall also have the power to grant variances to provisions of the Zoning Ordinance under certain conditions. The conditions for the issuance of a variance are as indicated in Section 5.06 of this ordinance. No use variances shall be issued by the Board of Adjustment and Appeals.

Sec. 8.13

Hearings of the Board of Adjustment and Appeals shall be held within such time and upon such notice to interested parties as is provided in 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.

The Board of Adjustment and Appeals 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 and to that end shall have all the powers of the officer from whom the appeal was taken and may issue or direct the issuance of a permit. The reasons for the Board's decision shall be stated. The decision of such board shall not be final and any person having an interest affected by such decision shall have the right to appeal to district court in the county in which the land is located on questions of law and fact.

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PLANNING COMMISSION

The Ceylon City Council shall through the passing of a resolution provide for the establishment of a Planning Commission. The Planning Advisory Commission may consist of 5 to 11 members and every attempt shall be made to obtain a cross section of the City in appointing members to the Commission.

The Planning Commission shall provide assistance to the Ceylon City Council and Zoning Administrator in the administration of this ordinance and the

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recommendation of the Planning Commission shall be advisory in nature. Specifically, the Planning Commission shall review, hold public hearings, and make recommendations to the City Council on all applications for zoning amendments and conditional use permits using the criteria in Sections 8.14 and

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8.15.

Sec. 8.14 ZONING AMENDMENTS

Subd. 1. CRITERIA FOR GRANTING ZONING AMENDMENTS

(1) The City Council may adopt amendments to the zoning ordinance and zoning map in relation both to land uses within a particular district or to the location of the district lines. 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 community as reflected in the policies plan or changes in conditions in the City.

Subd. 2. PROCEDURE

(1) An amendment to the text of the ordinance or zoning map may be initiated by the City Council, the Planning Commission or by application of a property owner. Any amendment not initiated by the planning commission shall be referred to the planning commission for review and may not be acted upon by the Council until it has received the planning commission recommendations. Individuals wishing to initiate an amendment to the zoning ordinance shall fill out a zoning amendment application form and submit it to the Zoning Administrator.

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(2) A public hearing on the rezoning application shall be held by the Planning Commission within thirty (30) days after the request for the zoning amendment has been received. Notice of said hearing shall be published in the official newspaper designated by the City Council at least ten (10) days prior to the public hearing. The City Clerk shall mail the same notice to the owners of the property within three hundred and fifty (350) feet of the outside of the land proposed to be rezoned. The notice shall include the description of the land and the proposed changes in zoning. The City Council may waive the mailed notice requirement for a city-wide amendment initiated by the Planning Commission or City Council. The Planning Commission shall make its report to the Ceylon City Council at its next regular meeting, following the hearing recommendation approval, disapproval or modified approval of the proposed amendment.

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(3) The Ceylon City Council must take action on the application within sixty days following referral by the Planning Commission. The person making the application shall be notified of the action taken. The Zoning Administrator shall maintain records of

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amendments to the text and zoning map or the ordinance.

(4) No application of a property owner for an amendment to the text of the ordinance or the zoning map shall be considered by the

Planning Commission within the one-year period following a denial of such request, except the Planning Commission may permit a new application, if in the opinion of the Planning Commission, new evidence or a change of circumstances warrant it.

Sec. 8.15 CONDITIONAL USE PERMITS

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| Subd. 1. | CRITERIA FOR GRANTING CONDITIONAL USE PERMITS |  |
|  | In granting a conditional use permit, the Ceylon City Council shall |  |
|  | consider the advice and recommendations of the Planning Commission |  |
|  | and the effect of the proposed use upon the health, safety, morals, and |  |
|  | general welfare of occupants or surrounding lands. Among other things,  the City Council shall make the following findings where applicable. | • |

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

(2) The use will be sufficiently compatible or separated by distance or screening from adjacent agricultural or 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 the zoning code and the purposes of the zoning district in which the applicant intends to locate the proposed use.

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(6) The use is not in conflict with the policies plan of the City.

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Subd. 2.

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Subd. 3.

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(7) The use will not cause traffic hazard or congestion.

(8) Existing businesses nearby will not be adversely affected because of curtailment of customer trade brought about by intrusion of noise, glare, or general unsightliness.

ADDITIONAL CONDITIONS

In permitting a new conditional use or the alteration of an existing conditional use, the City Council may impose, in addition to these standards and requirements expressly specified by this ordinance, additional conditions which the City 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:

(1) Increasing the required lot size or yard dimension. (2) Limiting the height, size or location of buildings.

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

(4) Increasing the street width.

(5) Increasing the number of required off-street parking spaces. (6) Limiting the number, size, location or lighting of signs.

(7) Requiring diking, fencing, screening, landscaping or other facilities to protect adjacent or nearby property.

(8) Designating sites for open space.

Any change involving structural alterations, enlargement, intensification of use, or similar change not specifically permitted by the conditional use permit issued shall require an amended conditional use permit and all procedures shall apply as if a new permit were being used. The Zoning Administrator shall maintain a record of all conditional use permits issued including information on the use, location, and conditions imposed by the City Council; time limits, review dates, and such other information as may be appropriate.

PROCEDURE

(1) The person applying for a conditional use permit shall fill out and

submit to the Zoning Administrator a conditional use application

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form.

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(2) The Zoning Administrator shall refer the application to the

Planning Commission for review.

(3) The Planning Commission shall hold a public hearing on the proposal. Notice of the public hearing shall be published in the official newspaper designated by the City at least ten (10) days prior to the hearing. Notice of the hearing shall also be mailed to owners of property located within three hundred and fifty (350) feet of the outside of the land to which the conditional use will be applicable. The notice shall include a description of the land and the proposed conditional use.

(4) The report of the Planning Commission shall be placed on the agenda of the Ceylon City Council at its next regular meeting following referral from the Planning Commission, but not later than sixty days after the applicant has submitted the application.

(5) The City Council must take action on the application within sixty (60) days after receiving the report of the Planning Commission. If it grants the conditional use permit, the City Council may impose

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conditions (including time limits) it considers necessary to protect the public health, safety and welfare and such conditions may include a time limit for the use to exist or operate.

(6) An amended conditional use permit application shall be administered in a manner similar to that required for a new special use permit. Amended special use permits shall include requests for changes in conditions, and as otherwise described in this

ordinance.

(7) No application for a conditional use permit shall be resubmitted for a period of six months from the date of said order of denial.

(8) If a time limit or periodic review is included as a condition by which a conditional use permit is granted, the conditional use permit may be reviewed at a public hearing with notice of said hearing published at least ten (10) days prior to the review; it shall be the responsibility of the zoning Administrator to schedule such public hearings and the owner of land having a conditional use permit shall not be required to pay a fee for said review. A public hearing for annual review of conditional use permit may be granted

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Sec. 8.16

at the discretion of the City Council.

(9) In the event that the applicant violates any of the conditions set forth in this permit, the City Council shall have the authority to revoke the conditional use permit.

VARIANCES

Subd. 1.

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Subd. 2.

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CRITERIA FOR GRANTING VARIANCES

A variance to the provisions of the Zoning ordinance may be issued to provide relief to the land owner in those zones where the ordinance imposes undue hardship or practical difficulties to the property owner in the use of this land. No use variances may be issued. A variance may be granted only in the event that the following circumstances exist:

(1) Exceptional or extraordinary circumstances apply to the property which do not apply generally to other properties in the same zone or vicinity and result from lot size or shape, topography or other circumstances over which the owners of property since enactment of this ordinance have had no control.

(2) That literal interpretation of the provisions of this ordinance would deprive the applicant of rights commonly enjoyed by other properties in the same district under the terms of this ordinance.

(3) That the special conditions or circumstances do not result from the actions of the applicant.

(4) That granting the variance requested will not confer on the applicant any special privilege that is denied by this ordinance to owners of other lands, structures or buildings in the same district; and

(5) The variance requested is the minimum variance which would alleviate the hardship.

(6) The variance would not be materially detrimental to the purposes of this ordinance or to property in the same zone.

PROCEDURE

(1) The person applying for a variance shall fill out and submit to the

Zoning Administrator a variance request form.

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(2) The Zoning Administrator shall refer the application to the Zoning

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Board of Adjustment and Appeals for review.

(3) The Zoning Board of Adjustment and Appeals shall hold a public hearing on the proposal. Notice of the public hearing shall be published in the official newspaper designated by the City Council at least ten (10) days prior to the hearing. Notice of the hearing shall also be mailed to owners of property located within three hundred and fifty (350) feet of the outside of the land to which the variance will be applicable. The notice shall include a description of the land and the proposed variance.

(4) The Zoning Board of Adjustment and Appeals must take action on the application within ninety (90) days after receiving the application. If it grants the variance, the Zoning Board may impose conditions (including time limits) it considers necessary to protect the public health, safety and welfare and such conditions may include a time limit for the use to exist or operate.

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Sec. 8.17

PERMITS

Subd. 1. BUILDING PERMITS

For the purpose of enforcing this ordinance, a building permit shall be required of all persons intending to erect, alter or move any building.

(1) Persons requesting a building permit shall fill out a building permit form available from the Zoning Administrator.

(2) Completed building permit forms and a fee as may be established by resolution of the City Council shall be submitted to the Zoning Administrator. If the proposed development conforms in all

respect to the Zoning Ordinance, a building permit shall be issued by the Zoning Administrator within a period of sixty (60) days.

(3) If the proposed development involves a zoning amendment, variance or conditional use permit the application, together with a building permit, shall be submitted either to the Planning Commission or Board of Adjustment and Appeals for review and appropriate action according to the procedures set forth in Sections

8.14, 8.15 and 8.16.

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• Sec. 8.18

ZONING DISTRICTS AND DISTRICT PROVISIONS

The zoning districts are so designed as to assist in carrying out the intents and purposes of the Policies Plan.

The zoning districts are based upon the Policies Plan which has the purpose of protecting the public health, safety, convenience, and general welfare.

For the purpose of this ordinance, the City of Ceylon is hereby divided into the following zoning districts:

Symbol

R-1

R-2

B-1

B-2

LI AG

Name Residential Residential General

Highway Business

Limited Industry

Agricultural

Sec. 8.19

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Sec. 8.20

ZONING MAP

The location and boundaries of the districts established by this ordinance is set forth on the Zoning Map which in hereby incorporated as part of this ordinance. It shall be the responsibility of the Zoning Administrator to maintain and update this map and the amendments to such map shall be recorded on such map within thirty (30) days after official adoption of zoning amendments.

RESIDENTIAL (R-1)

Subd. 1. PURPOSE

The major purpose of this district is to allow continued development of the older platted residential areas and also to allow an area for new construction of modest cost housing.

Subd. 2. PERMITTED USES

• Single-Family detached dwellings

• Parks and Recreation Areas

• Nurseries, excluding greenhouses

• Essential Services- Telephone, telegraph and power distribution poles and lines and necessary appurtenant equipment and structures such as transformers, unit substations and equipment houses.

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*ZONING MAP*

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*LEGEND*

Ag *AGRICULTURAL*

81 *GENERAL BUSINESS*

82 *HIGHWAY BUSINESS*

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Ll *LIM/TEO INDUSTRY*

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*• RESIDENTIAL* - *Lol 6000 SQ. Fr. T1$,090 Sa. FT.*

R2 *RESIDENTIAL* - *Lol l$,000 SO FT. Or MD,.*

Subd. 3. ACCESSORY USES

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• Open off-street parking space

• Garages

• Fences

• Gardening and other horticultural uses where no sale of products is

conducted on the site.

• Decorative landscape features such as statutes, rocks, reflective ponds and benches.

• Recreation equipment

Subd. 4. CONDITIONAL USES (Amended July 9, 1994)

• Fire and Police Stations

• Schools

• Community Center

• Churches and Cemeteries

• All Home Occupations

• Mobile Homes

• Funeral Homes

• Rest Homes

• Multi-Family Residences

• Neighborhood Business Trade

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Subd. 5. PERFORMANCE STANDARDS

(1) Height Regulations:

No building hereafter erected shall exceed two and one-half (2Yz)

stories or thirty-five (35) feet in height. (2) Front Yard Regulations:

(a) There shall be a front yard having a depth of not less than twenty-five (25) feet, except that in a block where two or more residences have been erected facing the same street, the setback for remaining lots in that block fronting on the same street shall be determined by the average setback of existing buildings.

(b) 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 comer lot. No accessory buildings shall project beyond the front yard of either road.

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(3) Side Yard Regulations:

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There shall be a minimum side yard of ten (10) feet. (4) Rear Yard Regulations:

There shall be a rear yard having a depth of not less than thirty (30)

feet.

(5) Lot Area Regulations:

The minimum lot size shall be 7,000 square feet.

(6) Lot Width and Depth Regulations:

The minimum lot width shall be fifty (50) feet and the minimum lot depth shall be one hundred forty (140) feet.

(7) General Regulations:

Additional requirements for parking, signs, sewage systems, and other regulations set forth in Sections 8.32, 8.40 and 8.54.

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Sec. 8.21 RESIDENTIAL (R-2)

PURPOSE

The purpose of this district is to allow new residential subdivision and development in the outlying areas of the community.

Subd. 1. PERMITTED USES Same as in R-1 District

Subd. 2. ACCESSORY USES Same as R-1 District

Subd. 3. CONDITIONAL USES Same as R-1 District

Subd. 4. PERFORMANCE STANDARDS (1) Height Regulations:

No building hereafter erected shall exceed two and one-half (2Y2)

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stories or thirty-five (35) feet in height.

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(2) Front Yard Regulations:

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(a) There shall be a minimum setback of any building of one hundred (100) feet from the centerline of a local, county or state highway except that in a block where two or more residences have been erected facing the same street, the setback for the remaining lots in that block fronting on the same street shall be determined by the average setback of existing buildings.

(b) 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 comer lot. No accessory buildings shall project beyond the front yard of either road.

(3) Side Yard Regulations:

There shall be a minimum side yard of twenty (20) feet. (4) Rear Yard Regulations:

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There shall be a rear yard having a depth of not less than forty (40)

feet.

(5) Lot Area Regulations:

The minimum lot size shall be 15,000 square feet. (6) Lot Width and Depth:

The minimum lot width shall be one hundred (100) feet and the minimum lot depth shall be one hundred fifty (150) feet.

(7) General Requirements:

Additional requirements for parking, signs, sewage systems and other regulations are set forth in Sections 8.32., 8.40 and 8.54.

Sec. 8.22 GENERAL BUSINESS DISTRICT (B-1)

Subd. 1. The purpose of the General Business District is to allow continued retail development and redevelopment of the downtown area.

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Subd. 2.

Subd. 3.

Subd. 4.

Subd. 5.

PERMITTED USES

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• Commercial Recreation

• Hospitals

• Hotel and Motel

• Offices and Medical Centers

• Retail Trade

• Government Buildings

• Wholesale Business

• Indoor recreation, such as movie theaters

• Restaurants, cafes and supper clubs

• Passenger Transportation Terminal

• Essential Services- Telephone, telegraph, and power distribution poles and lines and necessary appurtenant equipment and structures such as transformers, unit substations, and equipment houses.

ACCESSORY USES

• Landscaping

• Parking facilities

• Fences

• Any incidental repair, processing and storage necessary to conduct a principal use but not exceeding thirty percent of the floor space of the principal building.

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CONDITIONAL USES

• On and off sale liquor clubs and establishments.

• Freight transportation terminals.

• Single or multi-family dwelling units.

• Industry, such as a printing company, that requires direct contact with the public for sales.

• Drive-in business

• Automobile service station.

PERFORMANCE STANDARDS (1) Height Regulations:

No building shall hereafter be erected or structurally altered to exceed two and one-half (2Y2) stories or thirty-five (35) feet in height.

(2) Front Yard Regulations:

a. There shall be a minimum setback of any building of fifty

(50) feet from the centerline of a local, county or state

highway except that in a block where two or more

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residences have been erected facing the same street, the setback for the remaining lots in that block fronting on the same street shall be determined by the average setback of existing buildings.

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b. Where a lot is located at the intersection of two (2) or more roads or highway side of each comer lot, no building shall project beyond the front yard line of either road.

(3) Side Yard Regulations:

a. There shall be no minimum side yard requirements except that no building shall be located within fifty (50) feet of any side lot line abutting a lot in any residence or agricultural district.

(4) Lot Width and Depth:

a. The minimum lot width shall be twenty-five (25) feet.

b. There shall be a minimum rear yard of thirty-five (35) feet. c. No building shall be located within fifty (50) feet of any

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rear lot line abutting a lot in any residential or agricultural district and effective screening shall be provided to minimize nuisance to the residential buildings.

(5) Screening and Fencing:

The City may require the screening or fencing of industrial uses, to prevent visual blight, especially on side yards which face residential or agricultural districts.

(6) General Regulations:

Requirements for signs parking, shopping centers, and other regulations are set forth in Sections 8.32, 8.40 and 8.54.

Sec. 8.23 HIGHWAY BUSINESS DISTRICT (B-2) Subd. 1. PURPOSE

A Highway Business District is established to accommodate those types of

businesses that require an accessability to highways to successfully function. To minimize unmanageable strip development, B-2 Districts should only allow the type of businesses that absolutely require highway accessability.

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Subd. 2.

Subd. 3.

Subd. 4.

Subd. 5.

PERMITTED USES

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• Farm Implement Dealer

• Drive-In Movie Theater

• Drive-In Restaurant

• Recreation Equipment Sales

• Motels

• Auto Service Stations

• Seasonal Produce Stand

• Auto Sales Lot

• Essential Services- Telephone telegraph, and power and distribution poles and lines and necessary appurtenant equipment and structures such as transformers, unit substations, and equipment houses.

ACCESSORY USES

• Parking lots

• Any other incidental repair, processing and storage necessary to conduct a permitted principal use provided that said accessory use does not exceed thirty (30) percent ofthe floor space of the principal building.

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CONDITIONAL USES

• Other highway-oriented business activities of the same general character as listed in permitted uses.

• Commercial Recreation.

PERFORMANCE STANDARDS (1) Height Regulations:

No building shall hereafter be erected or structurally altered to exceed two and one-half (2Y2) stories or thirty five (35) feet in height.

(2) Front Yard Regulations:

a. There shall be a minimum setback of any building of one hundred (100) feet from the centerline of a local, county or state highway except that in a block where two or more buildings have been erected facing the same street, the setback for the remaining lots in that block, fronting on the same street shall be determined by the average setback of existing buildings.

b. Where a lot is located at the intersection of two or more roads or highways, there shall be a front yard setback on

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each road or highway side of each comer lot. No accessory buildings shall project beyond the front yard of either road.

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(3) Side Yard Regulations:

a. There shall be a side yard having a width of not less than twenty (20) feet on each side of a building.

b. Except that no building shall be located within fifty (50) feet of any side lot line abutting a lot in any residential or agricultural district and effective screening shall be provided to minimize nuisance to the residential building.

(4) Rear Yard Regulations:

a. There shall be a minimum rear yard ofthirty-five (35) feet.

b. No building shall be located within fifty (50) feet of any rear lot line abutting a lot in any residential or agricultural district and effective screening shall be provided to minimize nuisance to the residential buildings.

(5) Lot Width Regulations:

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Every lot shall have a width of not less than one hundred (100) feet abutting a public right-of-way.

(6) Screening and Fencing:

The City may require the screening or fencing of industrial uses, to prevent visual blight, especially on side yards which face

residential or agricultural districts.

(7) General Regulations:

Requirements for signs, parking, shopping centers, and other regulations are set forth in Sections 8.32, 8.40 and 8.54.

Sec. 8.24 LIMITED INDUSTRY (LI) Subd. 1. PURPOSE

A limited Industry District is intended to provide for industrial uses that

may suitably be located in areas of relatively close proximity to

non-industrial development. As such, industries that pose problems of air pollution, noise, vibrations, etc., will be restricted from LI Districts.

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Subd. 2.

Subd. 3.

Subd. 4.

PERMITTED USES

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All industry not stated as a conditional or prohibited use provided said industry can conform to prescribed performance standards.

• Transportation or freight terminal.

• Manufacturing establishments

• Wholesale business

• Warehouse

• Public utility buildings

• Public vehicle garage

• Auto repair garage

• Essential Services- Telephone, telegraph, and power distribution poles and lines and necessary appurtenant equipment and structures such as transformers, unit substations, and equipment houses.

ACCESSORY USES

• Anincidentalal repair, processing, or storage necessary to conduct a permitted principal use shall be permitted as an accessory use.

CONDITIONAL USES

• Junk or auto reduction yards •

• Restaurants

• Retail trade

• Research facilities

• Mining and extraction

Subd. 5.

Subd. 6.

PROHIBITED USES

• Distillation of bone, coal, tar, petroleum, grain or wood.

• Manufacturing or bulk storage of explosives.

• Fertilizer manufacturing, compost or storage processing of garbage, offal,dead animals, refuse, or rancid fats.

• Livestock feeding yards or slaughter houses, or processing plants.

• Any industry that creates an excessive odor, noise, or air environment pollution problem.

PERFORMANCE STANDARDS (l) Height Regulations:

No building shall hereafter be erected or structurally altered to exceed two and one half (2Y2) stories or thirty-five (35) feet in height.

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(2) Front Yard Regulations:

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a.

Required Setbacks from Road Centerline

Road Classification

150 feet State Highway

100 feet County Road

100 feet Local Streets

b. Where a lot is located at the intersection of two (2) or more roads or highway of each comer lot, no building shall project beyond the front yard line of either road.

(3) Side Yard Regulations:

a. There shall be a side yard having a width of not less than twenty (20) feet on each side of a building.

b. Except that no building shall be located within fifty (50) feet of any side lot line abutting a lot in any residential or agricultural district and effective screening shall be provided to minimize nuisance to residential buildings.

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(4) Rear Yard Regulations:

a. There shall be a minimum rear yard of thirty-five (35) feet.

b. No building shall be located within fifty (50) feet of any rear lot line abutting a lot in any residential or agricultural district and effective screening shall be provided to minimize nuisance to the residential buildings.

(5) Lot Width Regulations:

Every lot shall have a width of not less than one hundred (100) feet abutting a public right-of-way.

(6) Screening and Fencing:

The City may require the screening or fencing of industrial uses, to prevent visual blight, especially on side yards which face

residential or agricultural districts.

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Sec. 8.25

(7) General Regulations:

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Requirements for signs, parking, sanitary sewage disposal and other regulations are set forth in Sections 8.32, 8.40 and 8.54.

AGRICULTURAL DISTRICT (AG)

Subd. 1.

Subd. 2.

Subd. 3.

PURPOSE

The major purpose of this district is to encourage continued agricultural production in the existing outlying agricultural areas of the city and to encourage orderly growth and expansion in these areas.

PERMITTED USES

• Agricultural Land uses

• Farmstead residences

• Forestry and Nurseries

• Essential Services- Telephone, telegraph, and power distribution poles and lines and necessary appurtenant equipment and structures such as transformers, unit substations, and equipment.

• Historic sites and areas

• Single-Family Dwellings.

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ACCESSORY USES

• Any incidental machinery, structure or buildings necessary to the conduct of agricultural operations or other permitted uses.

Subd. 4.

CONDITIONED USES

• Mobile Homes

• Livestock feedlots

• Home occupations

• Agricultural Products and livestock processing plants

• Resorts

• Cemeteries

• Nursery and garden supplies

• Power plants and transmission lines

• Churches

• Schools

• Commercial recreation

• Mining, sand and gravel extraction

• Irrigation systems

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Subd. 5. PERFORMANCE STANDARDS

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(1) Height Regulations:

a. The maximum height of all buildings shall not exceed two and one-half (2Y2) stories or thirty five (35) feet.

b. This height limitation shall not apply to grain elevators, silos, windmills, elevator lags, cooling towers, water towers, chimneys and smokestacks, church spires, electric transmission lines or radio or television towers.

(2) Front Yard Regulations:

a.

Required Setback Distance

From Road Centerline

Road Classification

150 feet State Highway

100 feet

100 feet

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County Road

Local Streets

b. 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 comer lot. No accessory buildings shall project beyond the front yard of either road.

(3) Side Yard Regulations:

There shall be a side yard width of not less than twenty (20) feet on each side of the building.

(4) Rear Yard Regulations:

There shall be a rear yard having a depth of not less than forty (40)

feet.

(5) Lot Area Regulations:

a. For farmstead residences- none.

b. For non-farm dwellings -lY2 acres.

(6) Lot Width and Depth Regulations:

Every lot or plat of land on which one family dwelling is

• constructed shall have a minimum of not less than one hundred

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fifty (150) feet and a minimum depth of not less than two hundred • (200) feet.

(7) General Regulations:

Additional requirements for parking, signs, sewage systems and other regulations are set forth in Sections 8.32, 8.40 and 8.54.

Sec. 8.26

Sec. 8.27

PERFORMANCE STANDARDS

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. All future development in all districts shall be required to meet these standards. The standards shall also apply to existing development where so stated. The City Council shall be responsible for enforcing the standards.

Before any building permit is approved, the Zoning Administrator shall determine whether the proposed use will conform to the performance standards. The developer or land owners shall supply data necessary to demonstrate such

conformance. Such data may include description of equipment to be used, hours •

of operation, method of refuse disposal and type and location of exterior storage. EXTERIOR STORAGE

In residential districts, all materials and equipment shall be stored within a building or fully screened so as not to be visible from adjoining properties, except for the following: laundry drying and recreational equipment, construction and landscaping materials and equipment currently (within a period of thirty-six (36) hours) being used on the premises, agricultural equipment and materials if these are used or intended for use on the premises, and off-street parking of passenger automobiles and pick-up trucks. Boats and unoccupied trailers less than twenty (20) feet in length are permissible if stored in the rear yard more than ten (10) feet from the property line. Existing uses shall comply with this provision within twelve (12) months following enactment of this ordinance.

In all districts, the City Council may require a Conditional Use Permit for any exterior storage if it is demonstrated that such storage is a hazard to the public health, safety, convenience, morals, or has a depreciating effect upon nearby property values, or impairs scenic views or constitutes threat to living amenities.

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• Sec. 8.28

Sec. 8.29

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REFUSE

In all districts, all waste material, debris, refuse, or garbage shall be kept in an enclosed building or properly contained in a closed container designed for such purposes. The owner of vacant land shall be responsible for keeping such land free of refuse. Existing uses shall comply with this provision within six (6) months following enactment of this ordinance.

Passenger vehicles and trucks in an inoperative state shall not be parked in residential districts for a period exceeding seven (7) days; inoperative shall mean incapable of movement under their own power and in need of repairs or junk yard. All exterior storage not included as permitted by provisions of this ordinance shall be considered as refuse.

SCREENING

Screening shall be required in residential zones where (a) any off-street parking area contains more than four (4) parking spaces and is within thirty (30) feet of an adjoining residential zone, and (b) where the driveway to a parking area of more than six (6) parking spaces is within fifteen (15) feet of an adjoining residential use or zone.

Where any business (structure, parking or storage) is adjacent to property zoned or developed for residential use, that business or industry shall provide screening along the boundary of the residential property. Screening shall also be provided where a business, parking lot, or industry is across the street from a residential zone, but not on that side of a business or industry considered to be the front ( as determined by the Zoning Administrator).

All exterior storage shall be screened. The exceptions are: (1) merchandise being displayed for sale; (2) materials and equipment presently being used for construction on the premises; (3) merchandise located on service station pump islands.

The screening required in this section may consist of a fence, trees, shrubs and beams not less than five (5) feet high, but shall not extend within fifteen (15) feet of any street or driveway. The screening shall be placed along property lines or in case of screening along a street, fifteen (15) feet from the street right-of-way with landscaping between the screening and pavement. The screening shall block

direct vision. Planting of a type approved by the City Council may also be required in addition to or in lieu of fencing.

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Sec 8.30

Sec. 8.31

Sec. 8.32

LANDSCAPING MAINTENANCE

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In all districts, all structures requiring landscaping and fences shall be maintained so as not to be unsightly or present harmful health or safety conditions.

GLARE

In all districts, any lighting used to illuminate an off-street parking area, sign, or other structure, shall be arranged as to deflect light away from any adjoining residential zone or from the public streets. Direct of sky-reflected glare, where from floodlights or from high-temperature processes such as combustion or welding shall not be directed into any adjoining property. The source of lights 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 combustion 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 foot candles (meter reading) as measured from said property.

PARKING

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Off-street parking areas shall be improved with a durable and dustless

Subd. 1. SURFACING AND DRAINAGE

surface. Such areas shall be so graded and drained as to dispose of all surface water without damage to adjoining property. These requirements shall also apply to open sales lots. Durable and dustless surface may include crushed rock and similar treatment for parking accessory to one, two, three, and four unit residential structures; all other uses shall utilize asphalt, concrete, or other surface (water sealed) as approved by the Zoning Administrator.

Subd. 2. LOCATION

All accessory off-street parking facilities required herein shall be located as follows:

(1) Spaces accessory to one and two-family dwellings on the same lot as the principal use served.

(2) Spaces accessory to multiple-family dwellings on the same lot as the principal use served or within two hundred (200) feet of the

main entrance to the principal building served.

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Subd. 3.

• Subd. 4.

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(3) Spaces accessory to uses located in a business, within eight hundred (800) feet of a main entrance to the principal building served.

(4) There shall be no off-street parking space within five (5) feet of any street right-of-way.

(5) No off-street open parking area containing more than four (4) parking spaces shall be located closer than five (5) feet from an adjacent lot zoned or used for residential purposes.

GENERAL PROVISIONS

(1) Access drives may be placed adjacent to property lines except that drives consisting of crushed rock or other non-finished surfacing shall be no closer than one (1) foot to any side or rear lot line.

(2) Parking Spaces. Each parking space shall not be less than nine (9) feet wide and twenty (20) feet in length exclusive of an adequately designed system of access drives.

(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 for rent.

DESIGN AND MAINTENANCE OF OFF-STREET PARKING AREAS (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 twenty-two (22) feet in width and shall be so located as to cause the least interference with traffic movement.

(2) Signs. No signs shall be located in any parking area except as necessary for orderly operation of traffic movement and such signs shall not be a part of the permitted advertising space.

(3) Curbing and Landscaping. All open off-street parking area designed to have head-in parking along the property line shall provide a bumper curb not less than three (3) feet from the side property line or a guard of normal bumper height not less than one (1) foot from the side property line. When said area is for six (6) spaces or more, a curb or fence not over five (5) feet in height shall be erected along the front yard setback line and grass or planting shall occupy the space between the sidewalk and curb or fence.

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(4) Parking space for six (6) or more cars. When a required off-street parking space for six (6) cars or more is located adjacent to a residential district, a fence of adequate design, not over five (5) feet in height nor less than four (4) feet in height shall be erected along the residential district property line.

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(5) 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, accessways, landscaping and required fences.

(6) Determination of areas. A parking space shall not be less than three hundred (300) square feet per vehicle of standing and

maneuvermg area.

Subd. 5. Subd. 6. Subd. 7.

TRUCK PARKING IN RESIDENTIAL AREAS

No motor vehicle over two and one-half(2'ii) ton capacity bearing a commercial license and no commercially licensed trailer shall be parked or stored in a platted residential district except when loading, unloading, or rendering a service. Recreation vehicles and pickups are restricted by the

terms of this provision. •

OTHER PARKING IN RESIDENTIAL AREAS

Parking in residential areas (off-street and on-street) shall be limited to the use of the residents of those homes. Except for short-term parking (six (6) hours or less) and guest parking, the number of vehicles parked on or in front of a residential lot shall not exceed both the number of persons residing on the premises and having automobile driver's licenses.

OFF-STREET SPACES REQUIRED (ONE SPACE EQUALS 300

SQUARE FEET)

(1) One and Two family residences Two (2) spaces per dwelling unit

(2) Multiple Dwellings Two (2) spaces per dwelling unit

(3) Uses not specifically noted As determined by the City Council following review by the Planning Commission.

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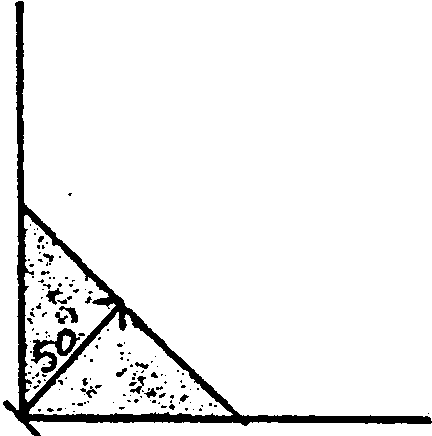
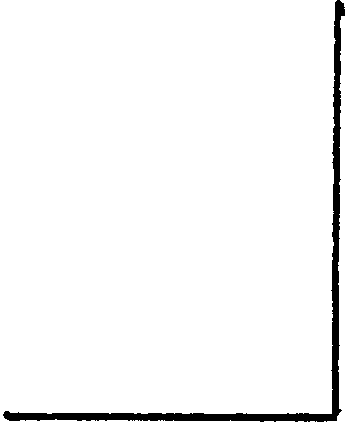
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• Sec. 8.33

TRAFFIC CONTROL

The traffic generated by any use shall be channelized and controlled in a manner that will avoid: (a) congestion on the public streets, (b) traffic hazards, and (c) excessive traffic through residential areas, particularly truck traffic. Internal traffic shall be so regulated as to ensure its safe and orderly flow. Traffic into and out of business areas shall in all cases be forward moving with no backing into streets. On corner lots, (including rural areas) nothing shall be placed or allowed to grow in such a manner as materially to impede vision between a height of two and one-half(2Y2) and ten (10) feet above the centerline grades ofthe intersecting streets to a distance such that a clear line of vision is possible of the intersecting street from a distance of fifty (50) feet from the intersection of the right-of-way lines.

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No obstruction in shaded area of clear sight triangle.

Sec. 8.34

SOIL EROSION AND SEDIMENT CONTROL

The following standards shall apply to all development and activity that necessitates the grading, stripping, cutting, filling or exposure of soils.

Subd. 1. GENERAL STANDARDS

(1) The development shall conform to the natural limitations presented by topography and soil so as to create the least potential for soil

erosiOn.

(2) 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.

(3) Land shall be developed in increments of workable size such that adequate erosion and siltation controls can be provided as

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construction progresses. The smallest practical area of land shall •

be exposed at any one period of time.

(4) The drainage system shall be constructed and operational as quickly as possible during construction.

(5) Whenever possible, natural vegetation shall be retained and protected.

(6) Where the topsoil is removed, sufficient arable soil shall be set aside for respreading over the developed area. The soil shall be restored to a depth of four (4) inches and shall be of a quality at least equal to the soil quality prior to development.

Sec. 8.35

Sec. 8.36

(7) When soil is exposed, the exposure shall be for the shortest

feasible period oftime. No exposure shall be planned to exceed 60 days. Said time period may be extended only if the Planning Department is satisfied that adequate measures have been established and will remain in place.

(8) The natural drainage system shall be used as far as is feasible for the 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 flows, erosion damage, and construction cost.

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EXPLOSIVES

No activities involving the storage, utilization or manufacture of materials or products such as TNT or dynamite which could decompose by detonation shall be permitted except as are specifically licensed by the City.

GUEST HOUSES

Guest houses, for purpose of this ordinance, shall be an accessory building detached from the principal building where accommodations for sleeping is

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provided but no kitchen facility provision is made. The use is for persons visiting

the occupants of this principal building. Guest houses shall be permitted in all

residential districts and shall be located the required depth of the rear yard or more from the principal building and shall conform to the side yard requirements for the principal building.

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Sec. 8.37 DRIVE-IN BUSINESS DEVELOPMENT STANDARDS

The following standards shall apply to drive-in businesses in all districts. Subd. 1. The entire area of any drive-in business shall have a drainage system

approved by the community engineer.

Subd. 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.

Subd. 3. A fence or screen 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 fence or screen shall be adequately maintained. The fence shall not be required in front of the setback line.

Subd. 4. GENERAL

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(1) Any drive-in business serving food or beverages may also provide, in addition to vehicular service areas, in-door 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 facilities.

(4) Each food or beverage drive-in business shall place refuse receptacles at all exits as well as one (1) refuse receptacle per ten (1) vehicle parking spaces within the parking area.

Subd. 5. LOCATIONS

(1) No drive-in business shall be located within two hundred (200) feet of a public or parochial school or church.

(2) No drive-in business shall be located such that it may increase traffic volumes on nearby residential streets.

(3) No drive-in shall be located on any street other than one designated as a thoroughfare or business service road in the Policies Plan.

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Subd. 6.

Subd. 7.

Subd. 8.

SITE PLAN

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(1) The site plan shall clearly indicate suitable storage containers for all waste material. All commercial refuse containers shall be screened.

(2) A landscaping 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.

(5) Electronic devices such as loudspeakers, automobile service order devices, drive-in theater car speakers and similar instruments shall not be located within four hundred (400) feet of any residentially zoned or used property, nor within two hundred (200) feet of any adjacent lot regardless of use or zoning district.

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(6) 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.

(7) No permanent or temporary signs visible from the public street shall be erected without specific approval in the permit.

(8) No plan shall be approved which will in any way constitute a hazard to vehicular or pedestrian circulation. No access drive shall be within fifty (50) feet of intersecting street curb lines.

In the case of a drive-in theater, a solid fence not less than eight (8) feet in height and extending at least to within two (2) feet of the ground shall be constructed around the property.

The lighting shall be designed so as to have no direct source of light visible from the public right-of-way or adjacent land in residential use.

Sec. 8.38

NUISANCES

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Subd. 1.

GENERAL NUISANCE (December 17, 1997)

It is unlawful for any person to park or store any unlicensed, unregistered

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Subd. 2.

Subd. 3.

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or inoperable vehicle, household furnishings or appliances on private or public property unless housed within a lawfully erected building or in a zone wherein junkyards are a permitted use. Any violation of his section is a nuisance. Parking one such vehicle on a private driveway is not a nuisance or a violation of this section unless the vehicle has been parked longer than three months.

ANIMALS

Any building in which farm animals are kept shall be a distance of one hundred (100) feet or more from any other occupied lot and any open or roofed enclosure in which animals are kept shall be a distance of two hundred (200) feet or more from any occupied residential lot. The governing body may order the owner of any animals to apply for a special use permit if it is deemed to be in the interest ofthe public health, safety, or general welfare. These regulations shall not apply to normal farm operations.

MISCELLANEOUS NUISANCES

(1) It shall be unlawful for any person to store or keep any vehicle of a type requiring a license to operate on the public highway, but without a current license attached thereto, whether such vehicle be dismantled or not, outside of an enclosed building in residential or agricultural districts.

(2) It shall be unlawful to create or maintain ajunkyard or vehicle dismantling yard except as provided herein.

(3) It shall be unlawful to create a nuisance affecting the health, peace or safety or any person.

(4) The following are declared to be nuisances affecting public health or safety:

a. The effluence from any cesspool, septic tank, drain field or human sewage disposal system, discharging upon the surface of the ground, or dumping the contents thereof at any place except as authorized.

b. The pollution of any public well or cistern, stream or lake, canal or body of water by sewage, industrial waste or other substances.

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c. Carcasses of animals not buried or destroyed or otherwise disposed of within 24 hours after death.

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d. The placing or throwing on any street, alley, road, highway, sidewalk, or other public property of any glass, tacks, nails, bottles or other nuisance which may injure any person or animal or damage any pneumatic tire when passing over the same.

e. The ownership, possession or control of any unused refrigerator or other container, with doors which fasten automatically when closed of sufficient size to retain any person to be exposed and accessible to the public without removing the doors, lids, hinges or latches or providing locks to prevent access by the public.

Sec. 8.39 AUTO SERVICE STATIONS

The following standards shall be applicable to auto and truck service stations in all districts.

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Subd. 1. A drainage system, subject to approval by the community engineer, shall be installed. The entire site other than that taken up by a structure or planting, shall be surfaced with concrete or other material approved by the City Council. Pump islands shall not be placed in the required yards. The area around the pump island to a distance of eight (8) feet on each side, shall be concrete. A box curb not less than six (6) inches above grade

shall separate the public right-of-way from the motor vehicle service areas, except at approved entrances and exits. No driveways at a property line shall be less than fifty (50) feet from the intersection of two (2) street

right-of-way lines. Each service station shall have at least two (2)

driveways with a minimum distance of one hundred seventy (170) feet between centerlines when located on the same street.

Subd. 2. No vehicles shall be parked on the premises other than those utilized by employees or awaiting service. No vehicle shall be parked or be waiting service longer than fifteen (15) days. Existing service stations shall comply with this requirement within forty-five (45) days of the effective date of this ordinance.

Subd. 3. Exterior storage besides vehicles shall be limited to service equipment and items offered for sale on pump islands; exterior storage of items offered

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for sale shall be within yard setback requirements and shall be located in

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Subd. 4.

Subd. 5.

containers such as the racks, metal trays and similar structures designed to display merchandise.

Existing service stations shall comply with this requirement within three

(3) months of the effective date of this ordinance.

All areas utilized for the storage, disposal, or burning of trash, debris, discarded parts, and similar items shall be fully screened. All structures and grounds shall be maintained in an orderly, clean, and safe manner. Existing service stations shall comply with this requirement within nine (9) months of the effective date of this ordinance.

Business activities not listed in the definition of service stations in this ordinance 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: (a) automatic car and truck wash; (b) rental of vehicles, equipment, or trailers; and (c) general retail sales.

Sec. 8.40

SEWAGE DISPOSAL STANDARDS

• Subd. 1.

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GENERAL PROVISIONS

(1) Raw sewage, septic tank effluent, or seepage from a soil absorption system shall not be discharged onto the ground surface, into abandoned wells, or bodies of surface water, or into any soil or rock formation, the structure of which is not conducive to purification of water by filtration, or into any well or other excavation in the ground which does not comply with the other requirements of this ordinance.

(2) Bulldozers, trucks, or other heavy machinery shall not be driven over the system after installation.

(3) In areas with a high ground water table the final disposal unit shall be a tile field. The bottom of the trenches shall be not less than four (4) feet above the highest known or calculated water table.

(4) The portions of any buried sewer shall be of adequate size and constructed of cast-iron, vitrified clay, cement-asbestos, concrete or other pipe material acceptable to the State Board of Health. No building drain or building sewer shall be less than four (4) inches in diameter.

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Subd. 2.

(5) The system shall consist of a building sewer, a septic tank, and a soil absorption unit. The soil absorption unit shall consist of a

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sub-surface disposal field. All sewage shall be treated in the septic

tank and the septic tank effluent shall be discharged to the disposal field.

SEPTIC TANK STANDARDS (1) Capacity

a. Residential Units

The liquid capacity of a septic tank serving a dwelling shall be based on the number of bedrooms contemplated in the dwelling served and shall conform to capacities given below:

TABLE 1

Number of Bedrooms Tank Liquid Capacities (Gallons)

1 or less 750

3

4

5 or 6

7, 8, or 9

1,000

1,250

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1,500

2,000

For ten (10) or more bedrooms the septic tank shall be sized as a non-residential unit.

b. Non-Residential Units

The liquid capacity of a septic tank serving an establishment other than a dwelling shall be sufficient to provide a sewage detention period of not less than 36 hours in the tank for flows less than 1,500 gallons per day, but in no instance shall the liquid capacity be less than 750 gallons. For flows greater than 1,500 gallons per day, the minimum liquid capacity shall equal 1,125 gallons plus 75 percent of the daily sewage flow rate.

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(2) Location

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a. The septic tank shall be placed so that access is convenient for the removal of liquids and accumulated solids.

b. The septic tank shall be placed on firm and settled soil capable of bearing the weight of the tank and its contents.

c. Septic tanks shall be set back the following distances from the features given below.

TABLE 2

Feature Minimum Setback

Distances (Feet)

Water Supply Well 75

Buried Pipe Distributing 10

Water Under Pressure

(3) Maintenance

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The owner of any septic tank or his agent shall annually measure the depth of scum and sludge accumulated in the tank and remove and dispose of sludge when necessary to keep the septic tank functioning.

(4) The liquid depth of any septic tank or compartment thereof shall be not less than thirty (30) inches. A liquid depth greater than six and one-half (6Yz) feet shall not be considered in determining liquid capacity.

(5) No tank or compartment thereof shall have an inside horizontal dimension less than twenty-four (24) inches.

(6) The space in the tank between the liquid surface and the top of the inlet and outlet baffles or submerged pipes shall not be less than twenty (20) percent of the total required liquid capacity, except that in horizontal cylindrical tanks this space shall be not less than fifteen (15) percent ofthe total required liquid capacity.

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Subd. 3.

(7) The inlet baffle or submerged pipe shall extend at least six (6) inches but not more than twenty (20) percent of the total liquid depth, to the nearest inch, below the liquid surface and at least one (1) inch above the crown of the inlet sewer.

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(8) The outlet baffle or submerged pipe and the baffles or submerged pipes between compartments shall extend below the liquid surface a distance equal to forty (40) percent, to the nearest inch, of the liquid depth except that the penetration of the indicated baffles or

submerged pipes for horizontal cylindrical tanks shall be thirty-five

(35) percent, to the nearest inch, ofthe total liquid depth. They also shall extend above the liquid surface to provide for scum storage. In no case shall they extend less than six (6) inches above the liquid surface.

(9) There shall be at least one inch between the underside of the top of the tank and the highest point of the inlet and outlet devices and partitions so as to provide the required ventilation of the system through the main building stack.

(10) The inlet invert shall be not less than three (3) inches above the outlet invert.

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(11) The tank shall be constructed of sound and durable material not subject to excessive corrosion or decay. Properly cured precast

and cast-in-place reinforced concrete tanks are acceptable. Precast tanks should have a minimum wall thickness of two and one-half (2Yz) inches and be adequately reinforced. Heavyweight concrete block tanks should be laid on a solid foundation and the blocks laid with a mortar joint. The interior of all concrete block tanks should be surfaced with Portland cement plaster. Precast slab covers should have a thickness of at least three (3) inches and be adequately reinforced. No metal tanks will be allowed.

DRAIN FIELD STANDARDS (1) General

Final treatment and disposal of sewage tank effluent shall be by means of soil treatment and disposal.

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(2) Location

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a. Construction of drainfields shall not be allowed on soils with a percolation rate slower than sixty (60) minutes per inch.

b. Bed construction shall be limited to areas having natural slopes ofless than six (6) percent.

c. Any soil treatment area other than seepage pits shall be set back the following distances from the features given below:

TABLE 3

Feature Setback Distance in Feet

Water supply well less than 50 ft. deep

and not encountering at least ten feet of impervious material

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Any other water supply well or buried water suction pipe

Buried pipe distributing water under pressure

Building

Property Lines

100

75

10

20

10

(3) Design and Construction

a. The bottom of trenches and beds shall be at least four (4)

feet above the watertable or bedrock.

b. The trenches shall be not less than eighteen (18) inches nor more than thirty-six (36) inches wide. Any trench wider than thirty-six (36) inches shall be considered a bed.

c. Trenches and beds shall be not more than one hundred

(100) feet in length.

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d. The bottom of the trench or bed excavation shall be level.

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e. The bottom and sides of the trench or bed excavation to the level of the filter material shall be scarified to remove smears left by the construction equipment and footprints. All loose material shall be removed from the excavation. The bottom of the excavation shall not be driven on or walked on after scarification.

f. When the soil percolation rate at the bottom of the trench or bed is slower than fifteen (15) minutes per inch, no vehicle or excavation equipment shall be allowed on the trench or bed area. Excavation shall be by back hoe or other means that allow the equipment wheels or tracks to remain on the surface soil.

g. There shall be a layer of at least six (6) but no more than twenty-four (24) inches of filter material in the bottom of the trenches and beds.

h. Where disposal trenches are constructed within ten (10) feet of trees six (6) inches or larger in diameter, or dense

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shrubbery, or where it can reasonably be anticipated that such vegetation will be present during the expected life of the system, at least twelve (12) inches of filter material shall be placed beneath the distribution pipe.

1. Distribution pipe used in trenches or beds for gravity flow distribution shall be at least four inches in diameter and constructed of sound and durable material not subject to corrosion or decay or to loss of strength under continuously wet conditions.

(1) Agricultural drain tile shall be in twelve (12) inch lengths and laid with one-fourth (lf4) inch open joints on grade boards. All open joints shall be

protected on top by strips of asphalt-treated building

paper at least ten (10) inches long and three (3) to six (6) inches wide or by other acceptable means.

(2) Perforated plastic pipe shall be laid with one (1) row of perforations on the bottom. Perforations shall be

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at least one-half (Y2) inch in diameter and spaced no farther than thirty-six (36) inches apart.

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(3) Other devices may be used to distribute sewage tank effluent over the soil treatment area upon approval

of the local administrator of the sanitary ordinance.

J. The distribution pipes shall be laid level or on a uniform slope away from the sewage tank of no more than four (4) inches per one hundred (100) feet.

k. The distribution pipes in beds shall be uniformly spaced no more than five (5) feet apart and not less than thirty (30) inches from the side walls of the bed.

1. The filter material shall completely encase the disposal pipes to a depth of at least one (1) inch.

m. The filter material shall be covered with untreated building paper or a two (2) inch layer of hay or straw or similar, approved permeable materials.

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n. The trenches or beds shall be backfilled with the excavated material and slightly crowned above finished grade to allow for settling. The backfill shall not be compacted to a

density greater than that of the original soil.

o. The minimum depth of cover over the distribution pipes shall be at least eight (8) inches.

p. The maximum depth of cover over the distribution pipes shall be no more than thirty-six (36) inches and preferably

twenty-four (24) inches.

Subd. 4.

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SEEPAGE PIT

Seepage pits shall only be allowed in areas where it can be proven that a seepage pit will function without the risk of failure or pollution of ground water. Standards for construction of a seepage pit shall be the same as those recommended in "Code Regulating Individual Sewage Disposal Systems" recommended by the Minnesota Department ofHealth in 1969. In no situation, however, shall seepage pits be allowed for sewage disposal in subdivisions ofland including five (5) or more homes.

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Sec. 8.41

Sec. 8.42

BULK STORAGE (LIQUID)

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All uses associated with the bulk storage of oil, gasoline, liquid fertilizer, chemicals, and similar liquids shall require a conditional use permit in order that the governing body may have assurance that fire, explosion, or water or soil contamination hazards are not present (that would be detrimental to the public health, safety, and general welfare). The City Council may require the development of diking around said tanks. Diking shall be suitably sealed, and shall hold a leakage capacity equal to one hundred fifteen (115) percent of the tank capacity. Any existing storage tank that, in the opinion of the governing body, constitutes a hazard to the public safety shall discontinue operations within five (5) years following enactment of this ordinance.

ACCESSORY BUILDING AND STRUCTURES

Subd. 1. IN RESIDENTIAL DISTRICTS

(1) No accessory buildings may be located within five (5) feet ofthe side lot line nor within eight (8) feet of the rear lot line.

(2) No accessory building shall be located nearer the front lot line than the principal building on the lot.

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building.

(3) No accessory building shall exceed the height of the principal

(4) An accessory building may be located within the rear yard setback provided that the lot is not a through lot and said accessory building does not occupy more than twenty-five (25) percent of a required rear yard.

Sec. 8.43

LAND RECLAMATION

Land reclamation may be permitted by conditional use permit in all districts. The permit shall include as a condition thereof a finished grade plan which will not adversely affect the adjacent land. The permit shall state the type of fill allowed. Application for a permit shall include a plan for fire control and general maintenance of the site. A plan for controls of vehicle ingress and egress, and shall include provisions that will be taken to minimize erosion and excessive dust conditions.

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• Sec. 8.44

Sec. 8.45

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DWELLING UNITS PROHIBITED

No basement, garage, tent, trailer, or accessory building shall be used as a permanent dwelling. The basement portion of finished home or apartment may be used for normal eating and sleeping purposes provided it is properly damp­ proofed, has suitable fire protection and exits, and is otherwise approved by the Building Inspector.

RELOCATING STRUCTURES

(1) Permit Required

Every licensed house mover shall, in each and every instance, before raising, holding up or moving any building, obtain a permit thereafter from the Zoning Administrator. An application for such permit shall designate the origin and destination of such building the route over which it is to be moved and shall state the time in which the moving of such building shall be issued. The permit shall also indicate the location of the lot on which the house is to be located, the dimensions of the lot and the proposed location of the structure on the lot along with setback distances. No

permit to move a building shall be issued unless and until the following

conditions are fully complied with and approved by the Zoning

Administrator:

(a) The building to be moved must comply in all respects with the

State Building Code and the Ceylon Zoning Ordinance.

(b) The lot on which the building is to be located must meet all the minimum dimensional requirements of the zoning district in which it is located.

(c) The building must be placed on the lot so as to meet all the front, side and rear-yard requirements as set forth in the zoning ordinance.

(2) Electrical Correction Requirements

In every case in which a permit shall be issued as herein provided, for the removal required or the displacement of any overhead electrical or other wires, it shall be the duty of the person, association, or corporation owning, operating or controlling such wires to remove or displace the same, so far as the same may be necessary to effect the removal thereof, shall be authorized by such permit.

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The person to whom said permit shall have been issued shall notify the •

person, association, or corporation owning, operating, or controlling said wire to remove or displace the same to facilitate the removal of said building, and shall at the same time exhibit to said person, association, or corporation the properly issued permit authorizing the removal of said wires sufficiently to allow the passage of said building along the street over which said wires are suspended.

Any expenses incurred or to be incurred in the moving, removing or displacing of such wire shall be paid for by the person who makes application for said permit.

(3) Application Procedure

The Zoning Administrator shall submit the application to the Planning Commission for approval and recommendations to the City Council at the next stated meeting of said commission. The Planning commission shall determine whether such application shall conform to the immediate surrounding community. The Planning Commission in its discretion shall call a public meeting of resident owners within a radius of 350 feet from subject property for owner's reviewal of the proposed application. The Planning Commission will determine the application on its merits and make its recommendation to the Council.

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The City Council shall take action to approve or disapprove the permit within 30 days after receiving the recommendations of the Planning Commission.

Sec.8.46

FARMING OPERATIONS

All farms in existence upon the effective date of this ordinance shall be a permitted use where the operator can conduct a farming operation. However, all regulations contained herein shall apply to all changes of the farming operation which will cause all or part of the area to become more intensively used or more urban in character. Setback and other regulations shall apply to farming operations just as they do to urban developments. Any structure exceeding five hundred ($500.00) in value to be erected on a farm shall require a building permit and conform to all requirements of the building code. The governing body may require any farm operation to secure a Conditional Use Permit to expand or intensify said operations in the event of the following:

(1) The farming operations are so intensive as to constitute an industrial type use consisting of the compounding, processing, and packaging of products for wholesale or retail trade and further that such operations may tend to

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Sec. 8.47

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Sec. 8.48

Sec. 8.49

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become a permanent industrial type operation that cannot be terminated as can a normal farming operation.

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 proceeding.

PLATTING

All buildings hereafter erected upon unplatted land shall be so placed that they will not obstruct proper street extensions or other features or proper subdivision and land planning.

PERMITTED ENCROACHMENTS

The following shall be considered as permitted encroachments on setback and height requirements except as hereinafter provided:

(1) In any yard: Posts, off-street open parking spaces, flues, belt course, leaders, sills, pilasters, lintels, cornices, eaves, gutters, awnings, open terraces, service station pump islands, open canopies, steps, chimneys, flag poles, ornamental features, open fire escapes, sidewalks, fences, and all other similar devices incidental and appurtenant to the principal structure except as hereinafter amended.

(2) In side and rear yards: Bays not to exceed a depth of three (3) feet or contain an area of more than thirty (30) square feet, fire escape not to exceed a width of three (3) feet. Balconies eight (8) feet above grade may extend into yards to within five (5) feet of a lot line provided said balconies do not extend over driveways. Breezeways, detached outdoor picnic shelters, open arbors, trellises, and detached outdoor living rooms may extend to within five (5) feet of a side or rear lot line except that no such structure shall exceed five hundred (500) square feet. Covered porches may extend twenty (20) feet into the rear yard but not closer then ten (10) feet from the rear lot line.

(3) Height limitations shall not apply to barns, silos, and other structures on farms; to church spires, belfries, cupolas and domes; monuments, chimneys and smokestacks; flag poles, public utility facilities; transmission towers of commercial and private radio broadcasting station;

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television antennae and parapet walls extending not more than four (4) feet •

above the limiting height of the building except as hereinafter provided.

(4) In no event shall off-street parking space, structures of any type, buildings, or other features cover more than seventy-five (75) percent of the lot area resulting in less than twenty-five (25) percent landscaped area in

residential districts.

Sec. 8.50

ACCESS DRIVES AND ACCESS

Subd. 1.

Subd. 2.

Subd. 3.

Access drives may not be placed closer than five (5) feet to any side or rear lot line. No access drive shall be closer than three (3) feet to any single or two family residence, no closer than five (5) feet to any multiple family building or commercial building. The number and types of access drives onto major streets may be controlled and limited in the interests of public safety and efficient traffic flow.

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.

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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 Administrator shall review all access drives (driveways) for compliance with accepted community access drive standards.

Subd. 4.

Subd. 5.

Driveway Standards. All driveways shall have a minimum width often (10) feet with a pavement strength capable of supporting emergency and fire vehicles.

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 governing body.

Sec. 8.51

LIVESTOCK FEEDLOTS

Subd. 1.

PERMITS

All proposed livestock feedlots shall require a separate permit to be submitted to the Zoning Administrator and to the Pollution Control

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Agency for review. The following information shall be submitted as part of this permit:

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(1) A map or aerial photo indicating dimensions of feedlot and showing all existing homes, buildings, lakes, ponds, water courses, wetlands, dry-runs, rock outcroppings, roads, wells, and general contour and north arrow.

(2) A description of the geological conditions, soil types and ground water elevations, including the high water table to a depth of ten (10) feet below the lowest elevation on the site.

(3) A plan indicating an operational procedure, the location and specifications of proposed animal waste treatment facilities, land used for the disposal of waste and the quantity and type of effluent to be discharged from the site.

• Subd. 2.

(4) Should the land indicated as a disposal site not be owned by the applicant, a lease submitted indicating that the applicant has the right to dispose of waste on said land shall accompany the application, the same showing the duration of the lease.

SET-BACK REQUIREMENTS

The following set-back requirements shall be used on all feedlots:

(1) No feedlot shall be located within one thousand (1,000) feet ofthe normal high water mark of any lake, pond, or flowage, or within three hundred (300) feet of a river or stream.

(2) No feedlot shall be located within the flood plain.

(3) Feedlots shall not be located within one thousand (1,000) feet of a public park.

(4) Feedlots shall not be located within one-half('l-2) mile often (10) or more homes.

Sec. 8.52

IRRIGATION SYSTEMS

Subd. 1

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PERMITS

All proposed irrigation systems shall require a conditional use permit from the City Council as well as a permit from the Department of Natural

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Resources (DNR). As part of the application for a conditional use permit •

from the City the applicant shall submit a permit from the DNR.

Sec. 8.53

CLUSTER DEVELOPMENT

Subd. 1.

Subd. 2.

Subd. 3.

Subd. 4.

Cluster Development, the placing of residential dwelling units into compact groupings, may be permitted in any residential or agricultural district following the completion and approval of a preliminary and final plat for a cluster development. The planning Commission and City Council shall find that the proposed development plan is in substantial compliance with the applicable standards of this ordinance.

A cluster development shall be defined in this ordinance as a residential development in which a number of single family dwelling units are grouped on smaller than usual or minimum lots, leaving some land undivided for common use by all residents of the development.

Common land may be preserved as agricultural land, open recreation space for recreational facilities or for preservation of natural or scenic resources.

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Except for minimum setbacks and height limitations for the district in which the development is proposed, altered dimensional standards may be allowed as exceptions to this ordinance for cluster development, provided that:

(1) In agricultural and residential districts of this ordinance, the number of dwelling units allowed shall now exceed the total number of dwelling units allowed if the development was based on the minimum lot size and density requirements for a single family residential subdivision.

(2) Open space shall be preserved. At least forty (40) percent of the site shall be kept in its natural state or utilized for recreation or agricultural purposes.

(3) In areas where public sewer and water are not available, adequate soil area shall be shown on the preliminary plat for two (2) individual septic drainfields for each dwelling unit or plans and tests which provide adequate space for one (1) central septic drainfield and one (1) reserve or back-up area.

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Sec. 8.54

SIGNS

(4) Complete plans and documents of the homeowners association are submitted which explain:

a. Ownership and membership requirements. b. Organization of the association.

c. Time at which the developer turns the association over to the homeowners.

d. Approximate monthly or yearly association fee for homeowners

e. Specific listing of items owned in common including such

items as roads, recreation facilities, parking, common open space grounds, and utilities.

(5) No cluster development lot shall be less than six thousand (6,000)

square feet in area.

Subd. 1.

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Subd. 2.

Subd. 3.

Subd. 4.

The purpose of this section is to protect, insure, maintain and regain the natural and scenic beauty and attractiveness of the roadside throughout the City of Ceylon. By the construction of public roads, the public has created views to which the public retains a right-of-view and it is the intent of

these standards to prevent the taking of that right. Signs are recognized as accessory uses and are permitted in all districts subject to the regulations of this ordinance.

No sign shall be allowed that is a hazard to the public health, safety, convenience, welfare, or that prevents ingress or egress from any door, window or fire escape; that tends to accumulate debris as a fire hazard, or that is attached to a standpipe or fire escape.

Signs shall not resemble, imitate or approximate the shape, size, form or color of railroad or traffic signs, signals or devices. No sign shall be placed so as to destruct or interfere with traffic visibility or traffic control.

Private signs are prohibited within the public right-of-way any street or easement. All signs on state and federal highways right-of-way shall conform to state and federal sign regulations.

Subd. 5.

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All future signs in the general business district shall be placed flush against the building and protruding signs shall be prohibited.

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Subd. 6. Signs Permitted. The following signs will be permitted in all districts subject to the specific standards indicated.

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(1) Signs Over Show Windows or Doors of a nonconforming business establishment announcing without display or elaboration only the name and occupation of the proprietor and not to exceed four (4) feet in height and ten (10) feet in length.

(2) Real Estate Signs not to exceed sixteen (16) square feet in area which advertise the sale, rental or lease of the premises upon which the sign is temporarily located.

(3) Name, Occu12ation, and Warning Signs not to exceed sixteen (16)

square feet in area located on the premises.

(4) Memorial Signs, tablets and names ofbuildings and date of

erection when cut into any masonry surface or when constructed of metal and affixed flat against a structure.

(5) Official Signs such as traffic control, parking restrictions, information and notices.

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(6) Political Signs are allowed in any district on private property with

the consent of the owner of the property. Such signs must be removed within seven (7) days following the date of the election or elections to which they applied.

(7) Construction Signs not exceeding thirty-two (32) square feet in area shall be allowed in all zoning districts during construction. Such signs shall be removed when the project is completed.

(8) Temporruy Signs or banners when authorized by the Ceylon City

Council.

All other signs shall require a Conditional Use Permit.

Subd. 7. Non-Conforming Signs - signs lawfully existing at the time of the adoption of this ordinance may be continued although the use, size, or location does not conform with the provisions of this ordinance. However, it shall be deemed a non-conforming use.

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• Subd. 8.

Subd. 9.

Subd. 10.

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Sign Maintenance

(1) Painting. The owner of any sign shall be required to have such sign properly painted at least once every two (2) years, if needed, including all parts and supports of the sign, unless such parts or supports are galvanized or otherwise treated to prevent rust.

(2) Area Around Sign. The owner, or lessee of any sign or the owner of the land on which the sign is located shall keep the grass, weeds or other growth cut and the area free from refuse between the sign and the street and also for a distance of six (6) feet behind and at the ends of said sign.

Obsolete Signs. Any sign which no longer advertises a bona fide business conducted or a product sold shall be taken down and removed by the owner, agent or person having the beneficial use of the building, or land upon which the sign may be found within ten (10) days after written notice from the zoning administrator.

Unsafe or Dangerous Signs - Any sign which becomes structurally unsafe or endangers the safety of a building or premises or endangers the public safety, shall be taken down and removed by the owner, agent or person having the beneficial use of the building, structure, or land upon which the sign is located within ten (10) days after written notification from the zoning administrator.

Sec. 8.55

MOBILE HOMES

Subd. 1. Subd. 2.

Subd. 3.

Subd.4

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Mobile homes shall only be allowed as conditional uses in the R-1 and

R-2 districts.

All mobile homes permitted under this ordinance shall meet or exceed the current Federal Mobile Home Construction and Safety Standards. The mobile home shall have a sanitary treatment and disposal system in compliance with this ordinance and the Minnesota State Pollution Control Agency and Health Department.

When the mobile home is utilized as an accessory dwelling unit to the principal unit, the placement of the mobile home is subject to the same zoning district dimensional setbacks as a principal dwelling unit.

Mobile homes utilized as dwelling units shall have ground anchors or tie downs as approved by the State of Minnesota Mobile Home Code.

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Subd. 1.

Multi-family residences shall be allowed as a conditional use in the R-1, •

Sec. 8.56

APARTMENTS AND OTHER MULTI-FAMILY USES

R-2 and B-1 Districts.

Subd. 2.

All requests for conditional use permit 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. (3) Fences and screening devices.

(4) Solid waste disposal provisions and facilities. (5) Storm drainage plans.

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(6) Fire fighting and other public safety facilities and provisions such as hydrant locations and fire lanes.

(7) A grading plan illustrating the proposed grade changes from the original topographic map. All site area, when fully developed,

shall be completely graded so as to adequately drain and dispose of

all surface water, storm water, and ground water in such manner as to preclude large scale erosion, unwanted ponding, and surface chemical run-off.

(8) A landscape plan., The -site, when fully developed, shall be landscaped according to a plan approved by the governing body. The landscaping plan shall specify the size, type, and location of all trees and shrubbery and the location of all seeded and sodded areas.

(9) 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.

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• Subd. 3.

Subd. 4.

• Subd. 5.

Subd. 6.

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Parking Requirements

(1) Two (2) parking spaces per unit shall be provided on the same site as the dwelling unit. Each space shall not be less than nine (9) feet side and twenty (20) feet in length, or as approved by the zoning administrator, and each space shall be served adequately with access drives.

(2) Parking spaces shall not be within twenty (20) feet of the side lot line, within the front yard, or within five (5) feet of the rear lot line.

(3) Bituminous or concrete driveways and parking areas with concrete or asphalt curbing shall be required.

Landscape Provisions

(1) The design shall make use of all land contained in the site. All of the site shall be related to the circulation, recreation, screening, building, storage, landscaping, etc. so that no portion of the site remains undeveloped.

(2) A minimum of twenty percent (20%) of the site shall be landscaped.

Screening

(1) Screening to a height of at least five (5) feet shall be required where; (a) any off-street parking area contains more than six (6) parking spaces and is within thirty (30) feet of an adjoining residential zone, and (b) where the driveway to a parking area of more than six (6) parking spaces is within fifteen (15) feet of an adjoining residential zone.

(2) All exterior storage shall be screened. The exterior storage screening required shall consist of a solid fence or wall not less than five (5) feet high, but shall not extend within fifteen (15) feet of any street, driveway, or lot line.

(3) Sidewalks shall be provided from parking areas, loading zones, and recreation areas to the entrances of the building.

Miscellaneous Standards

(1) Storage Space Requirements. All multiple family dwellings shall provide a minimum of ninety-six (96) cubic feet of miscellaneous storage space for each dwelling unit within the principal structure

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containing such unit. Such space shall be in addition to normal •

storage space provided in wardrobes, cabinets, and clothes or linen closets.

(2) Each multiple family development containing more than four (4) dwelling units shall include a play area, part of which shall be a paved surface.

(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, screening, building, storage, etc. so that no portion remains undeveloped.

Sec. 8.57

(4) Trash incinerators and garbage. Except with townhouses and multiple family dwellings of four (4) or more units, no exterior trash or garbage disposal or storage shall be permitted. In the case of row housing and multiple family dwellings of four (4) units or less, there shall be no exterior incineration and all storage shall be completely enclosed by walls and roof.

DRAINAGE

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results in surface water run-off causing unreasonable flooding, erosion or

Subd. 1.

No land shall be developed or altered and no use shall be permitted that

deposit of minerals on adjacent properties or water bodies. Such run-off shall be properly channeled into a storm drain, a natural water course or

drainage way, a ponding area, or other public facility.

Subd. 2.

Subd. 3.

The zoning administrator, upon inspection of any site which have created drainage problems or could create drainage problems with proposed new development, may require the owner of said site or contractor to complete a grading plan and apply for a grading permit.

The owner or contractor of any natural drainage improvement or alteration may be required by the zoning administrator to obtain recommendations from the Minnesota Department of Natural Resources, the District Conservationist (S.C.S.) the affected watershed district and the community engmeer.

Sec. 8.58

ENFORCEMENT - VIOLATION AND PENALTIES

The violation of any provision of this ordinance or the violation of the •

Subd. 1.

VIOLATIONS

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Subd. 2.

Subd. 3.

Subd. 4.

conditions or provisions of any permit issued pursuant to this ordinance shall be a misdemeanor, and upon conviction thereof, the violator shall be subject to a fine of not more than three hundred dollars ($300.00) or imprisonment for a term not to exceed ninety (90) days or both, plus in either case, the cost of prosecution.

PENALTIES

Unless otherwise provided, each act of violation and every day on which such violation occurs or continues constitutes a separate offense.

APPLICATION TO COMMUNITY PERSONNEL

The failure of any officer or employee of the community to perform any official duty imposed by this ordinance shall not subject the officer or employee to a penalty imposed for violation unless a penalty is specifically provided for such failure.

EQUITABLE RELEASE

In the event of a violation or the threatened violation of any provision of this ordinance, or any provision or condition of a permit issued pursuant to this ordinance, the community in addition to other remedies, may institute

• Sec. 8.59

appropriate actions or proceedings to prevent, restrain, correct or abate such violation or threatened violation.

SEPARABILITY. SUPREMACY AND EFFECTIVE DATE

Subd. 1.

Subd. 2.

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SEPARABILITY

Every section, provision, or part of this ordinance or any permit issued pursuant to this ordinance is declared separable from every other section, provision, or part thereof to the extent that if any section, provision, or part of this ordinance or any permit issued pursuant to this ordinance shall be held invalid by a court of competent jurisdiction, it shall not invalidate any other section, provision, or part thereof.

SUPREMACY

When any condition imposed by any provision of this ordinance on the use of land or buildings or on the bulk of buildings is either more restrictive or less restrictive than similar conditions imposed by any provision of any other community ordinance or regulation, the more restrictive Conditions shall prevail.

This ordinance is not intended to abrogate any easements, restrictions, covenants, relating to the use of land or imposed on lands within the community by private declaration or agreement, but where the provisions

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of this ordinance are more restrictive than any such easement, restriction, •

or covenant, or the provision of any private agreement, the provisions of this ordinance shall prevail.

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**CHAPTER9**

TAXING DISTRICTS

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CHAPTER9

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TAXING DISTRICTS

Sec. 9.01.

Sec. 9.02

Sec. 9.03.

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PURPOSE

It is the desire of the City of Ceylon to establish separate taxing districts for the purpose of all municipal taxes except those levied for payment of bonds and judgments and interest thereon. The separate districts shall be known as "rural service districts" and "urban service districts".

DEFINITIONS: (A) "Rural service districts" shall include only such unplatted lands as are rural in character and not developed for commercial, industrial, or urban residential purposes. (B) "Urban service districts" shall include all lands within the boundaries of the City which are not included in the rural service district.

The rural service district shall consist of the following parcels ofland:

|  |  |
| --- | --- |
| Description | Presently owned by: |
| Unpl. All W. RR NW - NW (With  Ex.) Sec. 25 & E. 34 -%acres ofN. 50.16 ofO.L. 1 26-101-32 | Rosina Tveidt, et al c/o Edna Swink, et al Ceylon, MN 56121 |
| Unpl. NE- NW- (Ex. Blk. 2 Andrews Addn. & tract 180' x 140' to V. Prust) (And Vac. St.) | Dagne Tveidt  c/o Marlen E. & J.M. Bents  Box 276  Ceylon, MN 56121 |
| Unpl. O.L. 6-15-17 (Ex. 30.5' x 99.35') & N.99.35' (Ex. W 30.5' of 18 & N 624' of 5 (& Vac. St.) | Lloyd R. Simon  BoxQ  Janesville, MN 56048 |
| Unpl. Out Lot 8, Tract D | Bruce W. & Norma H. Fuller  Ceylon, MN 56121 |
| Unpl. N. 938.5' ofE. 400' (ex. S.lOO' of E.  137' of tract & 37' x 56' in S.E. Corn.) 23-  101-32 | Wallace H. Schueler  Ceylon, MN 56121 |
| Tract of land in SE- SE- (Ex. Plat)  23-101-32 | Duane H. & J.P. Petschke  Ceylon, MN 56121 |

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Sec. 9.04.

Unpl. S 20 ac. OfNW- *Y4* 24-101-43 Martha Stelter, et al

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Ceylon, MN 56121

Unpl. S 4 ac. W ofRR NW- *Y4* NW- *Y4* Francis W. & Vera M. Smith

Sec. 25 & E *4-Yz* acr. Of S *5-Yz* acr. of Lot c/o Wallace H. Schueler

1, 26-101-32 Ceylon, MN 56121

Blks. 18 & 19 in SW- *Y4* 24-101-32 Orig. Harold Schweiss

Plat & Added lands by vac. proc. (Ex. Lts. Ceylon, MN 56121

N. 35') 7 & 8- 12 Blk. 18)

The ratio of benefits to land within the rural service district compared to land of like market value situated within the urban service district shall be 10%.

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