

THE MINNESOTA BASIC CODE OF ORDINANCES

2019 Edition
OFFICIAL COPY

By
The League of Minnesota Cities

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PREFACE TO THE MINNESOTA BASIC CODE OF ORDINANCES, 2019 EDITION

The Minnesota Basic Code of Ordinances

This League of Minnesota Cities/American Legal Publishing (LMC/ALP) Minnesota Basic Code of Ordinances (MBC) is an effort to provide a modern and comprehensive code of ordinances for smaller Minnesota cities without the expense of a customized code of ordinances. Its provisions are also useful to all Minnesota cities that wish to have models for the basic city ordinances on the subjects contained in the code. The code reflects current state statutes, case law and rules through December, 2018.

The MBC will be supplemented periodically to reflect legislative enactments and new case law and rules. The supplements will consist of new pages which will replace or be in addition to the pages contained in this edition. In addition, the supplements will contain new model ordinances that will be included into the MBC unless the city decides not to incorporate them into their code.

Authors and Editors

This Minnesota Basic Code of Ordinances is partly based on the *Model Ordinance Code for Minnesota Cities, Revised Edition 1980*, prepared by Orville C. Peterson, former Executive Director of the League of Minnesota Cities, and the *1989 Model Ordinance Code* prepared by Thomas L. Grundhoefer, former Staff Attorney and General Counsel for the League. The 2000 Minnesota Basic Code was prepared by Kent Sulem, who was the League's Codification Attorney, and by Special Counsel Duke Addicks, who also prepared the 2004 Minnesota Basic Code. The 2010 Minnesota Basic Code was prepared by Special Counsel Duke Addicks and Staff Attorney Rachel Carlson. The 2014 Minnesota Basic Code of Ordinances was prepared by Special Counsel Duke Addicks and Staff Attorney James Mongé. The 2019 Minnesota Basic Code of Ordinances was prepared by Staff Attorney Amber Eisenschenk.

All of the authors are licensed attorneys in the state of Minnesota.

The editorial review and formatting of the Minnesota Basic Code of Ordinances was done by the staff of American Legal Publishing Corporation.

Use of the Minnesota Basic Code of Ordinances

The code is intended to be used in four ways.

First, it can be adopted by reference by any Minnesota city. It would then replace the existing city ordinances. Ordinances on topics not contained in the MBC will continue in effect if listed in the ordinance adopting the Basic Code of Ordinances with the exception of franchises and annexation ordinances, which continue in effect without being listed. The code can be amended or supplemented by additional ordinances. Amendments should be codified and contained in Title XVII of the code. New ordinances on topics not contained in the MBC can be either included in Title XVII or kept in the city's ordinance book. Instructions concerning the adoption and amendment of the MBC are contained in the User's Guide.

Second, a customized MBC can be tailored to take into account those city ordinances a city might wish to incorporate directly into the MBC.

Third, when a city uses the League of Minnesota Cities and its consultant American Legal Publishing to codify its existing ordinances, various parts of the MBC may be used as the basis for any changes in already existing ordinances, or specific provisions can be included in the new city code.

Fourth, it can be used as a reference book by city attorneys and city staff who wish to have models of ordinances available which they can modify and recommend to their city for adoption, with appropriate acknowledgment to the city that the LMC/ALP'S MBC is being used. Use by non-attorneys as the basis for city ordinances is discouraged unless the draft is reviewed by a city attorney before adoption, as the drafting of ordinances is a legal matter and knowledge of the existing statutes and other laws upon which an ordinance is based is imperative.

Availability of the Code

In addition to this printed version of the MBC, which has been printed on recycled paper, the MBC is available on CD in a word processing format or in a search and retrieval format.

For ordering information, contact the publisher, American Legal Publishing Corporation, at 1-800-445-5588 or email rbollhauer@amlegal.com.

We hope the Minnesota Basic Code of Ordinances, as it is supplemented, will serve the needs of Minnesota Cities for many years.

<p>LEAGUE OF MINNESOTA CITIES</p> <p>Amber Eisenschenk Staff Attorney</p>	<p>AMERICAN LEGAL PUBLISHING</p> <p>Ray G. Bollhauer, Staff Attorney Vice-President, Client Relations</p>
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USER'S GUIDE TO THE MINNESOTA BASIC CODE OF ORDINANCES

INTRODUCTION TO THE MBC

The MBC User's Guide must be read before the adoption of the Minnesota Basic Code of Ordinances. The Minnesota Basic Code of Ordinances (MBC) is designed to be your City's comprehensive ordinance book. the MBC is current with all federal, state law and case law. The MBC can greatly simplify the work of both city staff and city council in ensuring the safety, welfare and prosperity of the City. This *MBC User's Guide* contains detailed information about how to both adopt and use the MBC.

ADOPTION OF THE MBC

Adopting the MBC is a multi-step process. This process is detailed here in the *MBC User's Guide* and supplemented by the flow chart at the end of this section and the checklist in Appendix I. ***Failure to follow these steps may have serious consequences for your City - potentially resulting in your ordinance being ruled invalid or unenforceable by a court of law.***

STEP ONE - DECIDE HOW MUCH MBC TO ADOPT

The MBC is designed to be a comprehensive ordinance book for statutory cities under 500 in population. Many portions of the MBC help the City meet requirements imposed by state and federal law. For example, Chapter 93 is designed to help the City manage right-of-way installations in a manner consistent with the MN Rules for Pipeline Safety. Other portions are not required by state or federal law, but deal with subjects of frequent concern to cities under 500 in population. For example, Chapter 92 helps a city address nuisances that detract from your City's health and welfare.

The MBC is designed to provide the right amount of regulation for cities under 500 in population, without burdening City staff with too much administrative red tape. ***As a result, adoption of the entire and complete MBC is recommended for all cities considering the MBC.***

While not recommended, some cities may choose to omit some chapters of the MBC. The decision to omit portions of the MBC should be discussed with the city attorney. The following list of the MBC chapters indicates chapters of the MBC that contain provisions designed to address requirements of state or federal law or regulation. These Chapters are indicated by a (*). The symbol (**) indicates sections of the MBC that are highly recommended, but not required by state law. Finally, some Chapters must be adopted if the city wishes to engage (or currently is engaged in certain activities), such as providing water and sewer. If the city provides water and sewer, it should consider those portions of the MBC pertaining to those subjects as required.

TITLE I: GENERAL PROVISIONS

- 10. General Provisions (*)

TITLE III: ADMINISTRATION

- 30. General Provisions (*)
- 31. Departments, Boards and Commissions (*)
- 32. Emergency Management (*)

TITLE V: PUBLIC WORKS

- 50. Garbage and Rubbish (** if the city regulates/provides collection*)
- 51. Sewer Regulations (** if the city provides sewer*)
- 52. Water Regulations (** if the city provides water*)
- 53. Storm Water Drainage Utility (** if the city has a storm water utility*)
- 54. Rates and Charges (** if the city has sewer or water utility*)

TITLE VII: TRAFFIC CODE

- 70. Traffic Regulations
- 71. Parking Regulations
- 72. Snowmobiles
- 73. Recreational Vehicles
- 74. Bicycles, Roller Blades, Roller Skates, Roller Skis and Skateboards

TITLE IX: GENERAL REGULATIONS

- 90. Abandoned Property
- 91. Animals (*)
- 92. Health and Safety; Nuisances (**)
- 93. Streets and Sidewalks (*)

TITLE XI: BUSINESS REGULATIONS

- 110. General Licensing Provisions (** if the city licenses liquor or has a municipal liquor store*)
- 111. Commercial Amusements
- 112. Liquor Regulations (** if the city licenses liquor or has a municipal liquor store*)
- 113. Peddlers and Solicitors
- 114. Reserved
- 115. Reserved
- 116. Regulating Lawful Gambling
- 117. Garage and Rummage Sales
- 118. Regulation of Public Dances and Special Events
- 119. Sexually Oriented Businesses (**)

TITLE XIII: GENERAL OFFENSES

130. General Offenses

TITLE XV: LAND USAGE

150. General Provisions (**)
151. Zoning (**)
152. Subdivision Control (**)
153. Anti-Blight Regulations (**)

STEP TWO - DECIDE WHAT TO DO WITH THE CITY'S OLD ORDINANCES

Adoption of the MBC, using the MBC Model Adopting Ordinance, *is designed to repeal and replace all previous ordinances of your City*. The MBC offers a fresh start with ordinances that are up-to-date under current state and federal law.

Before adopting the MBC the city should review its current ordinance book to determine:

- 1) Which old city ordinances cover the same subjects found in the MBC (for example, your old city ordinances will likely cover a process to abate public nuisances - and so does the MBC).
- 2) Which old city ordinances cover subjects not found in the MBC (for example, many older city ordinances contain provisions related to hitching horses in business districts - the MBC contains no ordinance on this subject.)

Subjects Covered Both in the MBC and the Current City Ordinances:

Ordinances that fall under category (1) - ordinances that are covered in both the old City ordinance and in the MBC should be repealed. ***Adoption of the MBC will automatically repeal these ordinances.*** Adoption of the MBC provision over older ordinance provisions is recommended and preferable because:

- MBC ordinances are current with applicable state, federal regulation and law and applicable case law. In contrast, older city ordinances may be out-of-date or archaic. As a result, they may create legal liability for the city or be ruled unenforceable by a court of law, because they do not comply with current legal standards.
- MBC ordinances are designed to be user friendly and easily enforceable. Older ordinances may be poorly drafted or use overly formal legalese that can be difficult to understand and enforce.

Subjects Not Covered in the MBC that are in the Current City Ordinances:

Ordinances that fall under category (2) - ordinances covering subjects not in the MBC should be seriously considered by council for repeal. It is most likely that these provisions are no longer

needed by the city (for example, an ordinance regulating the hitching of horses in the city business district). It is also possible that these provisions are outdated or archaic. *The adoption of the MBC will also automatically repeal these ordinances.* If the city wishes to retain these ordinances it must act to preserve these ordinances when adopting the MBC. *These ordinances must be listed in Section 3 of the MBC Model Adopting Ordinance.* The city must also codify these ordinances, as part of the MBC at Section XVII. This process is discussed in Appendix II. All ordinances that are retained should be reviewed by the City Attorney.

STEP THREE

USE THE MBC MODEL ADOPTION ORDINANCE TO ADOPT THE MBC

The MBC, and any supplement to it, must be adopted by ordinance before it is effective. A model Ordinance Adopting the Minnesota Basic Code of Ordinances for Statutory Cities can be found in Appendix III. The model ordinance is designed for use by statutory cities. Home rule charters may have different provisions for the adoption of the MBC by reference, and the attorney for a home rule charter city should draft the ordinance adopting the MBC for that city.

The MBC Model Adopting Ordinance must be adopted at a meeting of the City Council by a majority vote of the whole council. In general, no public hearing is required (except as noted below or as required by City Charter) prior to adoption of the MBC. Statutory and home rule charter cities are required, under Minn. Stat. § 415.19, to provide notice of most proposed ordinances and proposed amendments to ordinances at least ten days before the city council meeting at which the proposed ordinance or proposed amendment is scheduled for a final vote.

In addition, state law requires the city to take additional steps to adopt ordinances on specific subjects:

- **Zoning Ordinance Adoption: MBC Chapter 151**
Cities who adopt MBC Chapter 151 must comply with M.S. § 462.357 Subd 3. The City Council (or Planning Commission if one exists) must hold a public hearing on the zoning ordinance. Notice of the time, place and purpose of the public hearing must be published in the city's official newspaper at least ten days prior to the hearing.
- **Garbage and Rubbish Adoption: MBC Chapter 53**
Cities who have never previously regulated organized garbage collection (under the MBC or a previous city ordinance) must comply with the requirements of M.S. § 115A.94. Before implementing an ordinance, franchise, license, contract, or other means of organizing collection, the city must adopt a resolution establishing an organized collection options committee pursuant to M. S. § 115A.94 subd. 4a, to identify, examine, and evaluate various methods of organized collection. The governing body shall appoint the committee members. The organized collection options committee shall issue a report on the committee's research, findings, and any recommendations to the governing body of the city.

The governing body of the city shall consider the report or recommendations of the organized collections options committee. The governing body must give public notice and hold at least one public hearing before deciding whether to implement organized collection. Organized collection may not begin sooner than six months after the effective date of a decision by the governing body of the city to implement organized collection.

Pursuant to M. S. § 115A.94 subd. 4d, cities with more than one licensed collector shall notify the public and all licensed collectors in the community before establishing the organized collections options committee. The city must provide a 60-day period in which meetings and negotiations shall occur exclusively between licensed collectors and the city to develop a proposal in which interested licensed collectors, as members of an organization of collectors, collect solid waste from designated sections of the city. The proposal shall include identified city priorities, including issues related to zone creation, traffic, safety, environmental performance, service provided; and price, and shall reflect existing haulers maintaining their respective market share of business as determined by each hauler's average customer count during the six months prior to commencement of the 60-day negotiation period. If an existing hauler opts to be excluded from the proposal, the city may allocate customers proportionally based on market share to the participating collectors who choose to negotiate. If the city and licensed collectors agree to establish organized collection, the city is not required to form the organized collection options committee, but the city is still required to give public notice and hold at least one public hearing before implementing organized collection.

- **Liquor Licensing and Regulation Ordinance Adoption: MBC Chapter 112**
If the city has *never* before licensed liquor, the city should confirm that it is a "wet" city under M.S. § 340A.416. Adoption of the MBC alone will not convert a "dry" city into a "wet" city. If the city is "dry," residents of the city may have to vote on the issue in what is known as a local option election to authorize the city to issue intoxicating liquor licenses.

STEP FOUR

PUBLICATION REQUIREMENTS AFTER ADOPTING THE MBC

Once the City Council has voted to adopt the MBC by adoption of the Model MBC Adoption Ordinance, all normal publication requirements under M.S. § 412.191 must be met. *The entire MBC is not published, only the ordinance adopting the MBC.* The Model Adoption MBC Ordinance must be published within 45 days of passage. The MBC will become effective upon publication in statutory cities. Home rule charter cities may have a different effective date in their charter and should consult their City Attorney on this issue.

STEP FIVE

ADOPT THE MBC FEE SCHEDULE ORDINANCE

No fees or charges are specified in the MBC, unless a specific amount is required by law.

A city adopting the MBC must therefore adopt an Ordinance Establishing Fees and Charges. A model MBC Ordinance Establishing Fees and Charges is found at Appendix IV of this User's Guide. Until the model ordinance is adopted, the MBC provides that any fees and charges established by ordinances or resolution that are in effect when the MBC is adopted remain in effect.

The Ordinance Establishing Fees and Charges can be adopted at the same time as the ordinance adopting the MBC or at a later time. If you don't adopt at the same time, old fees remain in effect.

In addition, state law requires the city to take additional steps to adopt or increase fees on specific subjects:

- **Liquor Licensing Fees.**
The Ordinance Establishing Fees and Charges sets various liquor licensing fees. When *increasing* liquor licensing fees, M.S. § 340A.408 requires the city to hold a hearing and send mailed notice of the hearing to all effected liquor licensees. Notice must be sent at least 30 days before the date set for the hearing. If no increase in the fee occurs upon adoption of the Ordinance Establishing Fees and Charges, no notice need be sent.
- **Land Use Fees, Including Zoning and Subdivision Permit Fees.**
The Ordinance Establishing Fees and Charges sets various land use fees. When setting these fees the city must follow the procedures of M.S. § 462.353. The city must hold a public hearing on the proposed land use fee schedule for which at least ten days published notice has been provided.

STEP SIX

DECIDE TO ACTIVATE OPTIONAL SECTIONS OF THE ADOPTED MBC

The City should be aware that even after adopting the MBC Model Adopting Ordinance three sections do not take effect without further city action. These sections require further action to become active and enforceable regulations, if the city so chooses. The sections are as follows:

- **Peddlers and Solicitors, Chapter 113.**

This section of the MBC gives the city the option to license peddlers and solicitors. In order to begin licensing peddlers and solicitors the city must adopt a resolution activating the licensing provisions of this ordinance. A model resolution is found in Appendix V. No public hearing or publication is needed prior to adopting the resolution.

If the city does not wish to license peddlers and solicitors, the city does not need to activate this section. However, the MBC does still provide some regulation of peddlers and solicitors. MBC §113.08 and 113.09 are automatically in effect upon adoption of the whole MBC. These two sections prohibit nuisance type conduct by peddlers and allow city residents to exclude peddlers by posting a placard on their property.

- **Zoning, Subdivision, Anti-Blight Regulation; (Adult Use Zoning Regulation), Title XV.**

The Zoning, Subdivision and Anti-Blight Regulations are not "active" and enforceable until the city adopts a zoning map. The zoning map delineates the location of the zoning districts discussed in the zoning chapter. The zoning map must be adopted by ordinance after a public hearing held by the City Council (or Planning Commission if one exists). Notice of the time, place and purpose of the public hearing must be published in the city's official newspaper at least ten days prior to the hearing.

- **Supplemental Administrative Penalties, Chapter 10**

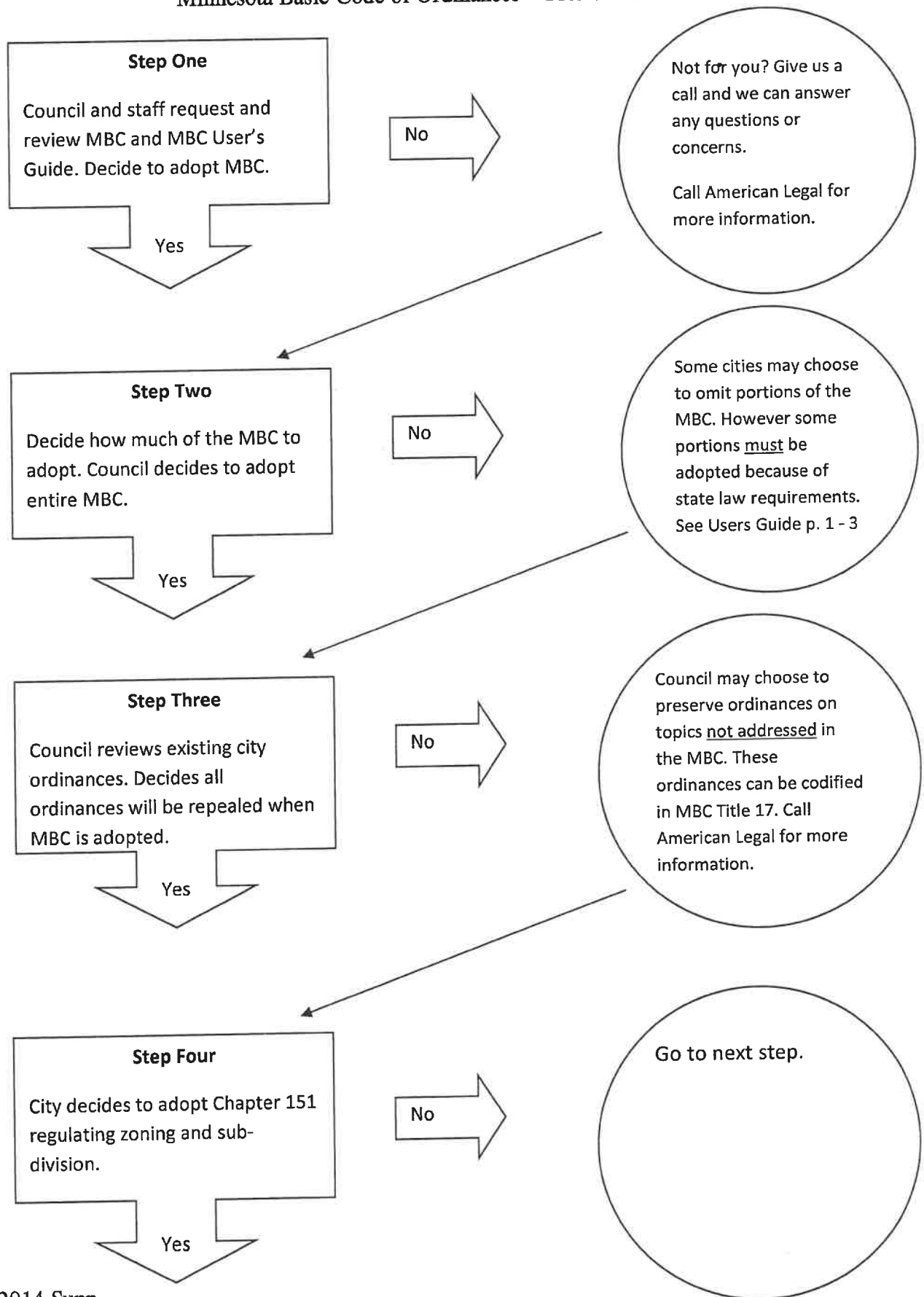
This section of the MBC allows the city to adopt a schedule of administrative penalties via resolution. Penalties must be consistent with the requirements of M.S. § 169.999. A model resolution can be found in Appendix VI

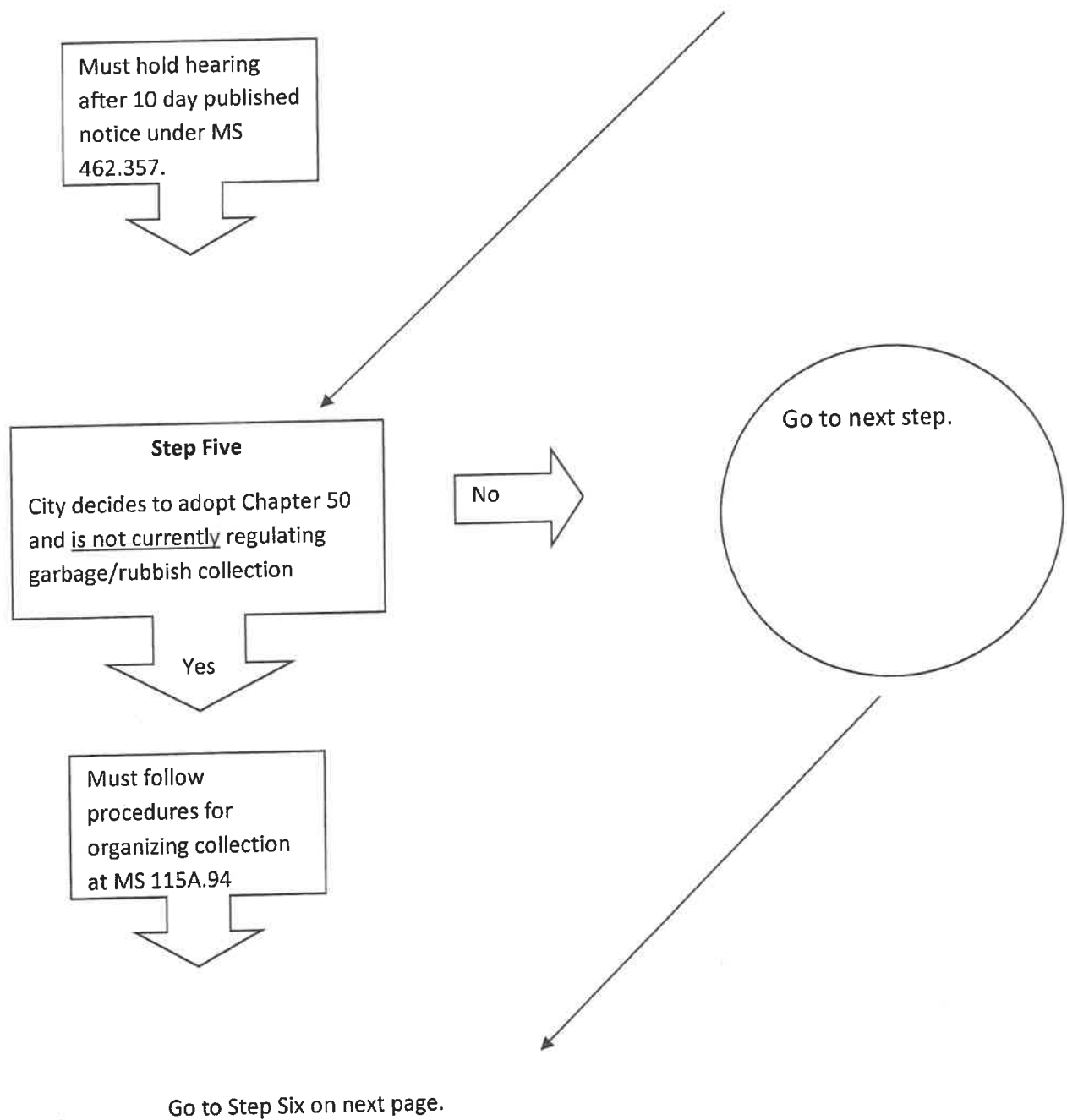
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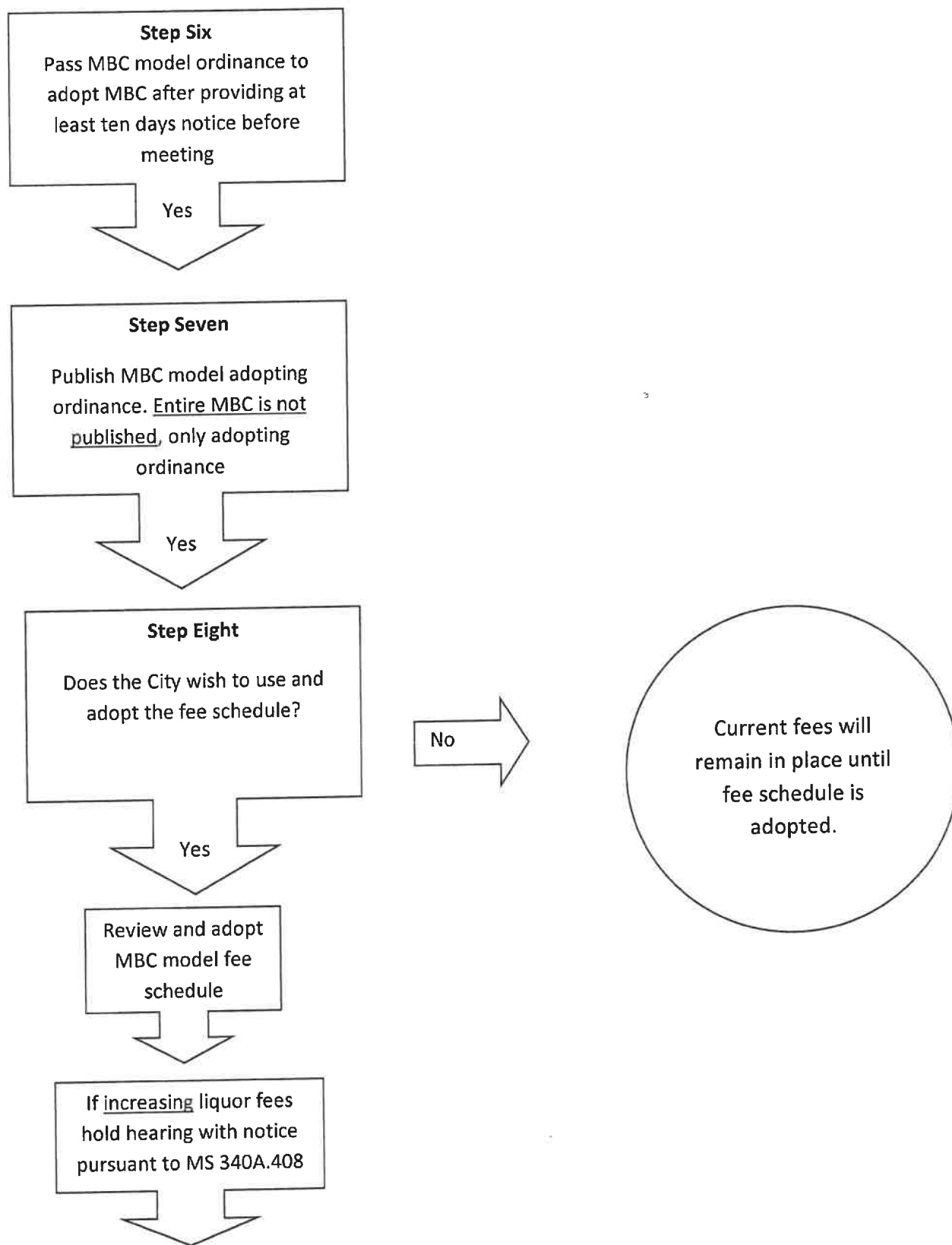
NOTIFY LMC CODIFICATION OF MBC ADOPTION

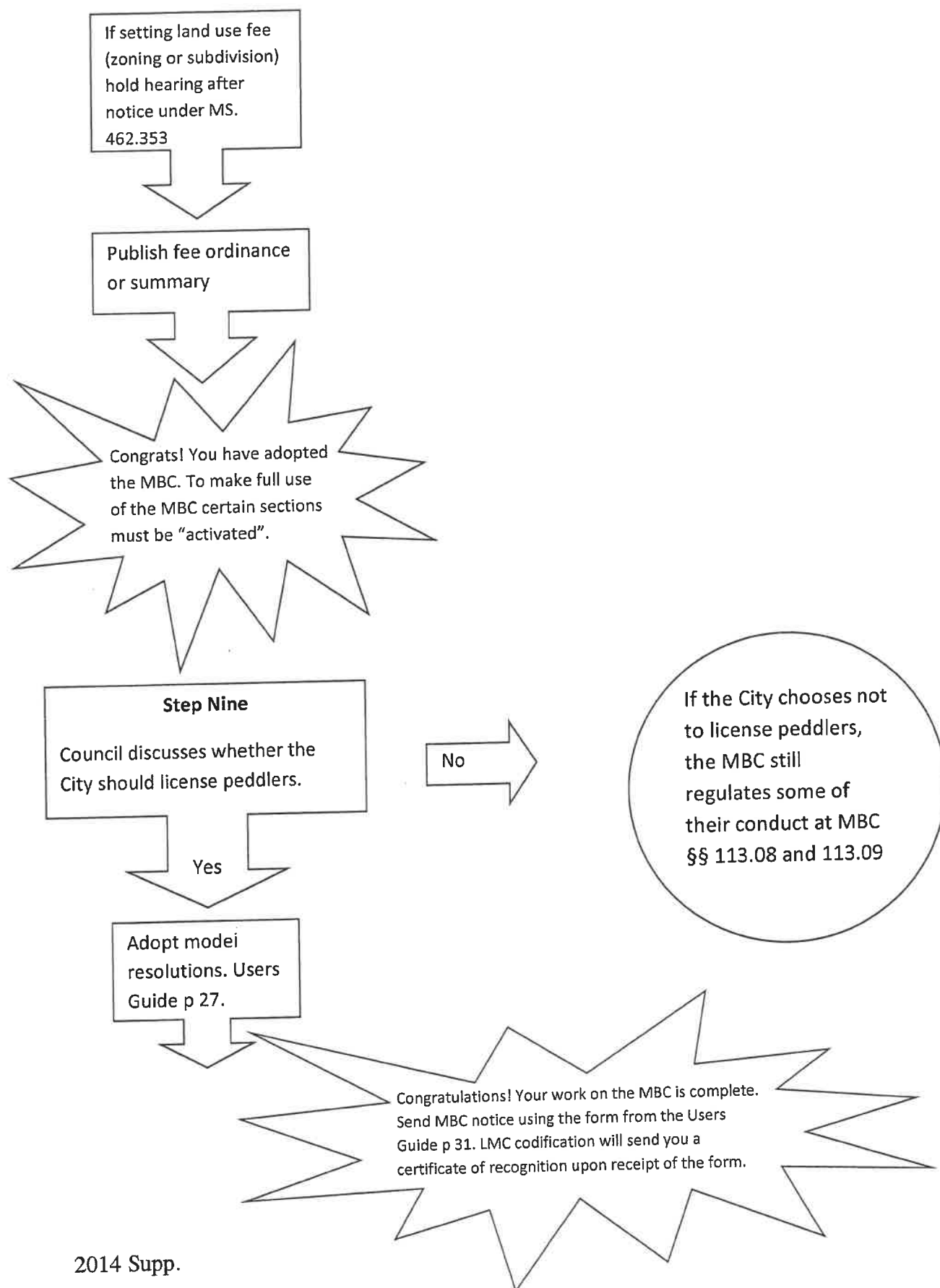
Appendix VII contains a form for notifying the LMC Codification Service of the successful adoption of the MBC. This form helps the Codification Service keep track of the many ways that cities utilize the MBC and helps us serve you better. In addition, the LMC Codification Service would like to recognize the City Council and City Staff for their hours of work in adopting the MBC. When LMC Codification receives a completed form, we send out a certificate of recognition that can be framed and proudly displayed in your City Hall.

The following pages contain a Flow Chart to assist in the adoption of the MBC.









Using the MBC

This section of the User's Guide discusses the organization and features of the MBC to assist City Council and staff in utilizing and understanding the MBC.

Arrangements and Numbering

The Minnesota Basic Code of Ordinances is divided into eight odd-numbered titles, each devoted to a particular topic of municipal law. The titles include the following topics: Title I - General Provisions; Title III - Administration; Title V - Public Works; Title VII - Traffic Code; Title IX - General Regulations; Title XI - Business Regulations; Title XIII - General Offenses Code; and Title XV - Land Usage.

Titles are divided into chapters, and all chapters are subdivided into sections. A citation to a specific section identifies the title, chapter and section number of the Basic Code of Ordinances provision being cited. For example, "72.11" refers to section 11 of Chapter 72 in Title VII. Title and chapter number appear to the left of the decimal: the title number precedes the first digit to the left of the decimal, and the chapter number constitutes all numerals to the left of the decimal. The section number appears to the right of the decimal. As another example, "138.05" indicates that the citation refers to section 05 of Chapter 138 in Title XIII.

Newly created sections subsequent to the original Basic Code of Ordinances may be indicated by three digits to the right of the decimal in the event that the law properly belongs between two consecutively numbered sections. For example, § 73.011 would follow § 73.01 and would precede § 73.02.

General Provisions

The purpose of this title is to create consistency throughout the code, and the provisions of Title I apply to all titles of the code. Thus, the general provisions of Title I will not be repeated throughout the code unless a variation of the provision applies to a particular code provision. Title I contains provisions concerning general definitions, rules of construction, the effect of amendment or repeal, the construction of section references, conflicting provisions, severability, reference to offices, errors and omissions, ordinances repealed, ordinances unaffected, ordinances saved, application to future ordinances, interpretation, amendments to the code, amendatory language, explanation of statutory references, preservation of penalties, offenses, rights and liabilities, and a general penalty.

General Penalty

Penalty provisions have been given a section number of .99. A general penalty has been provided at § 10.99. This general penalty will apply when no other penalty has been specifically provided for in another provision of this code.

Cross-references

“Cross-references” direct the user to subject matter related to certain Basic Code of Ordinances provisions contained within another section or chapter of the Basic Code of Ordinances.

Headers

The Minnesota Basic Code of Ordinances includes headers on each page. Headers on even-numbered pages will indicate the name of the title being consulted. Example: “Minnesota Basic Code of Ordinances - Traffic Code.” Headers on odd-numbered pages will indicate the name of the Chapter being consulted. Example: “Parking Regulations.”

Title and Chapter Analysis

A Table of Contents, giving the name of each chapter within the title and the respective chapter numbers, can be located on the first page of each title. A Chapter Analysis, giving section headings and the respective section numbers, can be located on the first page of each Chapter. Thus, if a user wants to search for a specific regulation regarding overnight parking, the user could bypass the general index and go directly to the Table of Contents at the beginning of Title VII. A quick scan down the Title's Table of Contents would identify Chapter 71 as “Parking Regulations.” The user could then go directly to Chapter 71 and scan the Chapter Analysis for the appropriate section heading.

References

The table entitled “References to Minnesota Statutes” and the “Table of Authorities” enables a user to trace those citations to Minnesota Statutes (cited as M.S. in the MBC) which appear throughout the MBC. These features enable a user to quickly and accurately determine if a statute is adopted by reference or otherwise cited in the MBC.

The table entitled "References to Minnesota Rules" and the "Table of Authorities" enable a user to locate all citations to Minnesota Rules (cited as Minn. Rules in the MBC) which appear throughout the MBC. These features enable a user to quickly and accurately determine if a rule is adopted by reference or otherwise cited in the MBC.

Copies of the statutes and rules referred to in the MBC should be kept in the City Clerk's office in order for the adoption by reference of them to be meaningful.

Index

The Index contains references to all Basic Code of Ordinances provisions currently in effect. Index references cite section numbers.

Adopting Additional Ordinance

Future ordinances that the city wishes to adopt after adoption of the MBC, on subjects not covered by the MBC should also be codified as part of Title XVII. The League of Minnesota Cities provides sample ordinances from other jurisdictions as well as model ordinances on a variety of subjects as a free service to its members. The League's codification attorney is also available for a fee to review, for legality and content, a city's ordinances or amendments. Before an ordinance is codified in Title XVII of the MBC, it should be reviewed by the League or by the city's own attorney.

Questions and Suggestions

Questions about the Minnesota Basic Code of Ordinances and its contents can be sent to the Research Department, League of Minnesota Cities, 145 University Ave. W., St. Paul, MN 55103-2044, or via email to research@lmc.org. Corrections or suggestions for improvement are solicited, along with suggestions for model ordinances which should be included in future supplements and editions.

Appendix I

Checklist

- ☐ Council discussed MBC and reviewed old city ordinance(s) on subjects not covered by MBC.
- ☐ Council decided to repeal old ordinance(s) by adopting MBC Model Adopting Ordinance.
- or*
- ☐ Council decided to preserve old *ordinance(s)/and*:
 - ☐ Council obtained legal review of old ordinance(s)
- and*
- ☐ Council contacted LMC Codification Service to have old ordinance(s) codified for inclusion in Title XVII
- and*
- ☐ Council listed old ordinance(s) in Section 3 of MBC Model Adopting Ordinance
- ☐ Adopted MBC Model Adoption Ordinance at Council Meeting.
 - ☐ Statutory and home rule charter cities are required, under Minn. Stat. § 415.19, to provide notice of most proposed ordinances and proposed amendments to ordinances at least ten days before the city council meeting at which the proposed ordinance or proposed amendment is scheduled for a final vote.
 - ☐ If also adopting MBC Chapter 151 held public hearing pursuant to M.S. § 462.357, Subd. 3 after published notice of the time, place and purpose of the public hearing ten days prior to the hearing.
 - ☐ If also adopting MBC Chapter 50 and have never previously regulated organized garbage collection, either (1) executed an agreement establishing organized collection after 60-day meeting and negotiation period with licensed collectors and given public notice and held at least one public hearing as required by M.S. § 115A.94 subd. 4d, or (2) established an organized collection options committee and implemented organized collection after public notice and at least one public hearing as required by M.S. § 115A.94 4a-c. Notice must be given to the public and all licensed collectors in the community. Organized collection must not begin sooner than six months after the effective date of the decision of the governing body of the city to implement organized collection.

- ☐ If adopting MBC Chapter 112 and the city has *never* before licensed liquor confirmed that it is a "wet" city under M.S. § 340A.416.
- ☐ Publication of MBC Model Adoption Ordinance (**NOT** the entire MBC) within 45 days of adoption. Affidavit of publication obtained from publisher and preserved with other city records.
- ☐ Adopted MBC Model Fee Schedule Ordinance.
 - ☐ Only if *increasing* liquor licensing fees, held hearing after 30 mailed notice to licensees (if any) pursuant to Liquor Licensing Fees M.S. § 340A.408. ***Hearing not necessary if fees remain the same.***
 - ☐ If setting Land Use Fees, Including Zoning and Subdivision Permit Fees, held hearing pursuant to M.S. § 462.353 for which at least 10 days published notice was provided.
- ☐ If city wants to license peddlers under MBC Chapter 113 adopted model resolution in Appendix V.
- ☐ If city wants to enforce zoning, subdivision, anti-blight regulations (Adult Use Zoning Regulation) in Title XV adopted a zoning map that delineates the location of the zoning districts discussed in the zoning chapter after a public hearing held by the City Council (or Planning Commission if one exists). Notice of the time, place and purpose of the public hearing must be published in the city's official newspaper at least 10 days prior to the hearing.
- ☐ If city wants to provide for administrative fines, adopted model resolution at Appendix VI.
- ☐ Notified LMC Codification Service of MBC Adoption using form at Appendix VII.

Appendix II

The Model Ordinance Adopting the Minnesota Basic Code of Ordinances found at Appendix III repeals all ordinances which were adopted by the city prior to the adoption of the MBC that *are not* listed in Section 3 of the Model Ordinance Adopting the MBC.

As a result, the city should review its current ordinances and determine if it wishes to retain any of these older ordinances. If the city wishes to retain (not repeal) these ordinances they must be codified as part of the MBC in section XVII and listed in Section 3 of the Model Ordinance Adopting the MBC.

Prior to codifying these ordinances, the city should obtain legal review of the ordinances. Legal review is essential because old or archaic ordinances may create liability for the city or may be ruled unenforceable by a court of law, because they do not meet current legal standards.

The League of Minnesota Cities Codification Service can review the city's existing ordinances for a fee to determine which should be continued and which should be repealed.

Appendix III

MODEL ORDINANCE ADOPTING THE MINNESOTA BASIC CODE OF ORDINANCES

This model ordinance is provided as a general guide in drafting an ordinance for statutory cities adopting the Minnesota Basic Code of Ordinances. This adopting ordinance is for sample purposes and your city attorney should tailor this sample ordinance to conform to any specific local requirements related to ordinance adoption. (An electronic version of this ordinance can be found on the League's website or by contacting American Legal Publishing.)

THE MBC AND ANY SUPPLEMENT TO IT MUST BE ADOPTED BY ORDINANCE BEFORE IT IS EFFECTIVE.

*An ordinance adopting the city code must be adopted at a meeting of the City Council in the same manner as an ordinance on a specific subject is adopted. All publication requirements must be met. **THE ENTIRE MBC IS NOT PUBLISHED, ONLY THE ORDINANCE ADOPTING THE MBC***

Published notice is not required for statutory cities to adopt the MBC. Some city charters, city by-laws or rules of procedure will require notice of the hearing to be published.

Once the ordinance adopting the code has been passed, it must be published in the manner required by law for statutory cities and by the city charter if a charter city. The ordinance, for statutory cities, takes effect on the date of publication.

ORDINANCE NO. ____
CITY OF _____
COUNTY OF _____
STATE OF MINNESOTA

AN ORDINANCE ENACTING THE CODE OF ORDINANCES FOR THE CITY OF
_____, MINNESOTA,
ADOPTING THE MINNESOTA BASIC CODE OF ORDINANCES, 2019 EDITION AND
AMENDING, RESTATING, REVISING, UPDATING, CODIFYING AND COMPILING
CERTAIN ORDINANCES OF THE CITY DEALING WITH THE SUBJECTS EMBRACED
IN THE CODE OF ORDINANCES, AND PROVIDING PENALTIES FOR THE
VIOLATION OF THE CODE OF ORDINANCES.

WHEREAS Minnesota Statutes Section 471.62 authorizes the city to adopt the Minnesota Basic Code of Ordinances by reference, and Sections 415.02 and 415.021 authorize the city to cause its ordinances to be codified and printed in a book,

NOW THEREFORE the City Council of the City of _____, Minnesota, ordains:

Section 1. The Minnesota Basic Code of Ordinances, 2019 Edition, together with amendments and supplements contained therein, is hereby adopted and shall constitute the "Code of Ordinances of the City of _____." This Code of Ordinances also adopts by reference certain statutes and administrative rules of the State of Minnesota as named in the Code of Ordinances. It is the intention of the City Council that, when adopting the Minnesota Basic Code of Ordinances, all future amendments and supplements are hereby adopted as if they had been in existence at the time this Ordinance was enacted, unless there is clear intention expressed in the Code to the contrary.

Section 2. The Code of Ordinances as adopted in Section 1 shall consist of the following titles and those existing city ordinances also listed in Section 3. *(The city may choose not to adopt some sections of the MBC by crossing them off or omitting them from the list below. However, please note that the decision to exclude MBC sections should be made only with the advice of the City Attorney. Certain MBC sections contain provisions mandated for cities by state law. These sections are marked with an (*) below and should not be crossed off or omitted from the list below. Other provisions are not mandated by state law, but are highly recommended for promoting the public health and welfare within the city. These highly recommended provisions are marked by a (***) below.)*

TITLE I: GENERAL PROVISIONS

- 10. General Provisions (*)

TITLE III: ADMINISTRATION

- 30. General Provisions (*)
- 31. Departments, Boards and Commissions (*)
- 32. Emergency Management (*)

TITLE V: PUBLIC WORKS

- 50. Garbage and Rubbish
- 51. Sewer Regulations
- 52. Water Regulations
- 53. Storm Water Drainage Utility
- 54. Rates and Charges

TITLE VII: TRAFFIC CODE

- 70. Traffic Regulations
- 71. Parking Regulations
- 72. Snowmobiles
- 73. Recreational Vehicles
- 74. Bicycles, Roller Blades, Roller Skates, Roller Skis and Skateboards

TITLE IX: GENERAL REGULATIONS

- 90. Abandoned Property
- 91. Animals (*)
- 92. Health and Safety; Nuisances (**)
- 93. Streets and Sidewalks (*)

TITLE XI: BUSINESS REGULATIONS

- 110. General Licensing Provisions
- 111. Commercial Amusements
- 112. Liquor Regulations
- 113. Peddlers and Solicitors
- 114. Reserved
- 115. Reserved
- 116. Regulating Lawful Gambling
- 117. Garage and Rummage Sales
- 118. Regulation of Public Dances and Special Events
- 119. Sexually Oriented Businesses (**)

TITLE XIII: GENERAL OFFENSES

- 130. General Offenses

TITLE XV: LAND USAGE

- 150. General Provisions (**)
- 151. Zoning (**)
- 152. Subdivision Control (**)
- 153. Anti-Blight Regulations (**)

TITLE XVII: GENERAL AND ADDITIONAL PROVISIONS

Section 3. All prior ordinances shall be deemed repealed from and after the effective date of this ordinance, except as they are listed in this section; provided, this repeal shall not affect any offense committed or penalty incurred or any right established prior to the effective date of this ordinance, nor shall this repeal affect the provisions of ordinances levying taxes, appropriating money, annexing or detaching territory, establishing franchises, or granting special rights to certain persons, authorizing public improvements, authorizing the issuance of bonds or borrowing of money, authorizing the purchase or sale of real or personal property, granting or accepting easements, plat or dedication of land to public use, vacating or setting the boundaries of streets or other public places; nor shall this repeal affect any other ordinance of a temporary or special nature or pertaining to subjects not contained in or covered by the Code of Ordinances. All fees and charges established in ordinances or resolutions adopted prior to the adoption of this city code shall remain in effect unless amended in this code or until an ordinance adopting a schedule of fees and charges is adopted or amended.

These are the prior ordinances that shall remain in effect:

(List ordinances here).

Section 4. This ordinance adopting the Code of Ordinances shall be a sufficient publication of any ordinance included in it and not previously published in the city's official newspaper. The Clerk of the city shall cause a substantial quantity of the Code of Ordinances to be printed for general distribution to the public at actual cost and shall furnish a copy of the Code of Ordinances to the County Law Library or its designated depository. The official copy of this Code of Ordinances shall be marked and kept in the office of the City Clerk.

Section 5. It is the intention of the City Council that, when adopting the Minnesota Basic Code of Ordinances and any supplements or additions to it, that all existing and future amendments to any state or federal rules and statutes adopted by reference or referenced in the Minnesota Basic Code of Ordinances and any supplements or additions to it are hereby adopted by reference or referenced as if they had been in existence at the time the Minnesota Basic Code of Ordinances and any supplements or additions to it was, are or may be in the future adopted, unless there is clear intention expressed in the Code to the contrary.

Section 6. It is the intention of the City Council that, when adopting the Minnesota Basic Code of Ordinances, all future supplements are hereby adopted as if they had been in existence at the time this code was enacted, unless there is clear intention expressed in the code to the contrary.

Section 7. The Code of Ordinances is declared to be prima facie evidence of the law of the city and shall be received in evidence as provided by Minnesota Statutes by the Courts of the State of Minnesota. A copy of the Code of Ordinances marked "Official Copy" shall be filed as part of the official records of the city in the office of City Clerk. The City Clerk shall provide a copy of the Code of Ordinances to any person who requests a copy and shall charge that person the cost to the city of the copy of the Code of Ordinances.

Section 8. This ordinance adopting the Code of Ordinances, and the Code itself, shall take effect upon publication of this ordinance in the city's official newspaper.

Section 9. Any amendments to a statute or rule adopted in this Code or any former code or ordinance which continues to be in effect, shall be included by reference as if the amended statute or rule had been in existence at the time the Code or ordinance was adopted.

PASSED BY THE CITY COUNCIL OF THE CITY OF _____, MINNESOTA
THIS ____ DAY OF _____.

APPROVED: _____ MAYOR

ATTEST: _____ CITY CLERK

Appendix IV

MODEL ORDINANCE ESTABLISHING FEES AND CHARGES

This model ordinance establishing fees and charges may be enacted by the City Council either at the time the Minnesota Basic Code of Ordinances is adopted or any time thereafter. It should be enacted in the same manner as any other city ordinance is adopted. (An electronic version of this ordinance can be found on the League's website or by contacting American Legal Publishing.)

ORDINANCE NO. ____
CITY OF _____
COUNTY OF _____
STATE OF MINNESOTA

AN ORDINANCE ADOPTING A SCHEDULE OF FEES AND CHARGES FOR VARIOUS SERVICES, LICENSES AND PERMITS FOR THE CITY OF _____, MINNESOTA

Whereas, the City Council of the City of _____ is adopting/has adopted the Minnesota Basic Code of Ordinances as it has been amended and supplemented to be its city code and that code permits the city to adopt by ordinance a schedule of fees and charges for various services, licenses and permits,

Now Therefore, the City Council of the City of _____, Minnesota, ordains:

Section 1. All fees and charges in effect as of the date of the adoption of the city code for the city shall remain in effect unless otherwise modified by the provisions of this ordinance. All citations below are to various sections of the city code unless otherwise indicated.

Section 2. The following are the fees and charges for the permits, licenses and services listed below which are referenced to the section of the city code which authorizes their establishment:

1. The fee for making service connections, pursuant to § 51.064(D), shall be _____
2. The sewer service rates and charges to users of the wastewater treatment facility pursuant to §§ 51.113 and 51.114 shall be as established by ordinance or resolution prior to the adoption of this code. If there is no pre-existing ordinance or resolution and the treatment works is primarily flow dependent and the biochemical oxygen demand (BOD), suspended solids, and other pollutant concentrations discharged by all users are approximately equal, then user charges are developed on the following volume basis: A users' charge for Operation and Maintenance per unit of time (CU) equals the total Operation and Maintenance Costs per unit of time (CT), divided by the total volume contribution from all users per unit of time (VT) times the volume contribution from a user per unit of time (VU) which can be expressed in the formula: $CU = CT / [VT (VU)]$. This volume basis formula can only be used if there are no quantity discounts to large volume users. If the volume contributed is not measured in this city and the water charge is based on a constant cost per unit of consumption, then the sewer user charge can be established based on a percentage of the charge for water usage. Sewer rates and charges may be changed by amendment to this ordinance from time to time pursuant to §§ 51.113(D) and 51.114.

3. The connection fee pursuant to §§ 51.113 and 51.114 shall be _____
4. The charge for not connecting to the municipal water system when it becomes available pursuant to § 52.06(B) shall be _____
5. The fee for a permit for the installation of an air conditioning system to the public water system pursuant to § 52.07(B) shall be _____
6. The rental charge for each day for use of a fire hydrant pursuant to § 52.08(A)(4) shall be _____
The fee for each 1,000 gallons of water used from a fire hydrant pursuant to § 52.08(A)(4) shall be _____
7. The fee which must be paid before water service may be turned on pursuant to § 52.27(D) shall be _____
8. The fee for the disconnection permit pursuant to § 52.29 shall be _____
9. The fee for the permit to connect to the existing water service leads pursuant to § 52.33(B)(1) shall be _____
10. The connection charge to contribute to the payment of the costs of the Public Water System Facilities pursuant to § 52.33(B)(3) shall be _____
11. The fee to be collected before service is recommenced pursuant to § 52.33(B)(4) shall be _____
12. The charge to a person who desires to connect to the water system and service a parcel that has not been assessed for the cost of water main and lateral construction pursuant to § 52.33(B)(5) shall be the amount that could have been assessed against the persons property at the time the prior assessments were made.
13. The charge for water meters pursuant to § 52.35(A)(1) shall be _____
14. The charge for testing a water meter pursuant to § 52.35(A)(4) shall be _____
15. The schedule of rates, fees and charges for permits or services pursuant to § 52.51 shall be _____
16. The rate due and payable for each user for water taken from the water system pursuant to § 52.53(A) shall be _____
17. The minimum rate pursuant to § 52.53(D), which shall begin to accrue after connection of the service pipe with the curb stop box, shall be _____
18. The fee for license for a person, firm or corporation to engage in the business of altering, repairing, installing or constructing municipal water connections within the city who is not a master plumber pursuant to § 52.70(C) shall be _____
19. The storm water drainage rate pursuant to § 53.03(B) shall be _____
20. The monthly charge for the collection, removal and disposal of garbage and trash from residences and businesses within the corporate limits of the city pursuant to § 54.01 shall be _____
21. The monthly charge for water pursuant to § 54.01 shall be _____
22. The monthly charge for sewer services pursuant to § 54.01 shall be _____
23. The charge for reinstating utility service and the turn-on charge pursuant to § 54.03(C), shall be _____

24. The charge for sewer access charge pursuant to § 51.113(H) shall be _____
25. The fee for a heavy load permit pursuant to § 70.02(E) shall be _____
26. The parade permit fee pursuant to § 70.22(D) shall be _____
27. The annual permit fee for motorized golf carts or mini trucks pursuant to § 73.08 shall be _____
28. The fee for a "release permit" pursuant to § 91.01 shall be _____
29. The fee for dog licenses pursuant to § 91.02(B)(1) and (2) shall be _____
30. The fee for duplicate dog tags pursuant to § 91.02(B)(3) shall be _____
31. The fee for dog licenses for a potentially dangerous dog pursuant to 91.11(D)(1)(b) shall be _____
32. The fee for dog licenses for a dangerous dog pursuant to § 91.11(D)(2)(b) shall be _____
33. The fee for a release pursuant to § 91.05(C) shall be _____
34. The fee for an open burning permit pursuant to § 92.64(B) shall be _____
35. The fee for a delay penalty pursuant to § 93.22(C) shall be _____
36. The fee for a permit application pursuant to § 93.23(B)(1) shall be _____
37. The fee for a franchise fee pursuant to § 93.23(B)(4) shall be _____
38. The fee for an excavation permit pursuant to § 93.25(A) shall be _____
39. The fee for an obstruction permit pursuant to § 93.25(B) shall be _____
40. The fee for a degradation fee pursuant to § 93.26(F) shall be _____
41. The fee for an annual license for bowling, billiards and pool pursuant to § 111.01 shall be _____
42. The fee for a license for circuses, carnivals, shows and other entertainment pursuant to § 111.02(A) shall be _____
43. The fee for a license to operate mechanical amusement devices pursuant to § 111.03 shall be _____
44. The fee for a license for public entertainment or exhibitions pursuant to § 111.05 shall be _____
45. The fee for liquor licenses pursuant to § 112.23(B) shall be (list here the various licenses the city ordinance permits for city issuance and the fees, i.e. 3.2 on-sale, culinary class license, etc.)
46. The fee for a license as a peddler or a transient merchant pursuant to § 113.03(D) shall be _____
47. The penalty for minors in possession of tobacco products pursuant to § 115.99(B)(3) shall be _____

48. The fee for a permit for a public dance pursuant to § 118.03 shall be _____
49. The fee for an investigation prior to the issuance of a license to operate a sexually oriented business pursuant to § 119.09(A) shall be _____
50. The fee for a special events permit pursuant to § 118.22 shall be _____
51. The fee for a license to operate a sexually oriented business pursuant to § 119.09(B) shall be _____
52. Fees sufficient to defray the costs incurred in reviewing, investigating, and administering applications for an amendment to the zoning code pursuant to § 151.63 shall be _____
53. The fee for costs incurred in reviewing, investigating and administering applications for a preliminary or final plat pursuant to § 152.13 shall be _____
54. The fee for park dedication pursuant to § 152.105(J) for R-1 Residential Districts shall be _____
55. The fee for park dedication pursuant to § 152.105(J) for R-2 Residential Districts shall be _____
56. The fee for park dedication pursuant to § 152.105(J) for C-1 Business Commercial Districts shall be _____
57. The fee for park dedication pursuant to § 152.105(J) for C-2 Business Commercial Districts shall be _____
58. The fee for park dedication pursuant to § 152.105(J) for Industrial Districts shall be _____
59. The fee for park dedication pursuant to § 152.105(J) for Rural Residential and Agriculture shall be _____

PASSED BY THE CITY COUNCIL OF THE CITY OF _____,
MINNESOTA THIS _____ DAY OF _____

APPROVED: _____ MAYOR

ATTEST: _____ CITY CLERK

Appendix V
RESOLUTION TO ADOPT THE PROVISIONS OF
MINNESOTA BASIC CODE OF ORDINANCES §§ 113.03 - 113.07
For regulation of Peddlers and Solicitors

WHEREAS, the City Council wishes to adopt the provisions of Minnesota Basic Code of Ordinances §§ 113.03 - 113.10, establishing a procedure for licensing peddlers and transient merchants; and

WHEREAS, the provisions of Minnesota Basic Code of Ordinances §§ 113.03 - 113.10 authorize the City Council, by a resolution adopted by a majority of its members to begin licensing transient merchants.

NOW THEREFORE, be it resolved by the City Council as follows:

The City Council hereby adopts the provisions of Minnesota Basic Code of Ordinances §§ 113.03 - 113.10.

EFFECTIVE DATE: The effective date of the resolution is the date of its passage by a majority of the members of the City Council. Passage of this resolution implements the provisions of City Code §§ 113.03 - 113.10.

Mayor: _____

Attest: _____
City Clerk

Appendix VI

RESOLUTION TO ADOPT THE PROVISIONS OF MINNESOTA BASIC CODE OF ORDINANCES § 10.98 AND A SCHEDULE OF OFFENSES AND VOLUNTARY ADMINISTRATIVE PENALTIES

WHEREAS, the City Council wishes to adopt the provisions of Minnesota Basic Code of Ordinances § 10.98, establishing a procedure for requesting the voluntary payment of administrative penalties for certain violations of the code; and

WHEREAS, the provisions of Minnesota Basic Code of Ordinances § 10.98 authorize the City Council, by a resolution adopted by a majority of its members, to identify administrative offenses and establish penalties for these offenses;

NOW THEREFORE, be it resolved by the City Council as follows:

The City Council hereby adopts the provisions of Minnesota Basic Code of Ordinances § 10.98 and adopts the following administrative penalties:

<i>Offense</i>	<i>Code Section</i>	<i>Amount of Administrative Penalty</i>
All offenses for which an administrative penalty may be established under this code, other than those specified below:		\$75.00

EFFECTIVE DATE: The effective date of the resolution is the date of its passage by a majority of the members of the City Council. Passage of this resolution implements the provisions of City Code § 10.98.

Mayor: _____

Attest: _____
City Clerk

Appendix VII

This form assists the codification service in tracking our MN Basic Code of Ordinances customers and improving our level of service. In recognition of your city's work in adopting the MN Basic Code of Ordinances, the codification service will send your city a Certificate of Recognition upon receipt of this completed form.

Please mail this form to the LMC Codification Service, 145 University Ave. St. Paul, 55103 or email to research@lmc.org.

City Name:

Date of Adoption of Basic Code of Ordinances:

Please Check All That Apply:

- ☐ City adopted the entire Basic Code of Ordinances.
- ☐ City did not adopt the entire Basic Code of Ordinances. City omitted the following Titles or Chapters (attach additional sheets if necessary):

- ☐ City repealed all prior existing ordinances.
- ☐ City retained one or some prior existing ordinances and codified them in Title XVII.

Optional Provisions:

- ☐ City passed resolution authorizing administrative fines under MBC § 10.98.
- ☐ City passed resolution licensing peddlers and solicitors under MBC Chapter 113.
- ☐ City adopted Ordinance Establishing Fees and Charges.
- ☐ City adopted zoning map under MBC Chapter 151.

Comments or Concerns related to the Basic Code of Ordinances adoption Process (please attach additional sheets if necessary):

2019 Supp.

