

City of Ramsey
Agenda
City Council Work Session
Tuesday, January 25, 2022

5:30 pm
Lake Itasca Room, 7550 Sunwood Drive NW

Remote Attendance available at www.cityoframsey.com/meetings. To maximize social distancing due to the COVID-19 Pandemic, those that can join remotely are encouraged to do so. Those joining remotely and requesting to speak are asked to use a webcam when speaking.

1. Call to Order

2. Topics for Discussion

1. Introduce Ordinance #21-20 Amending City Code Chapter 117, Sections 1 and 351 Regarding Home Occupations
2. Discussion regarding Resolution #22-005 to Prohibit State and Federal Actors from Mandating Medical Procedures Upon Citizens Through Coercion or Force; and Providing Other Matters Related to the Subject
3. Consider Loral I. Armstrong Delaney Central Park Flag Request
4. Review Current Legislative Session with Local Legislators
5. Update on Anoka County State Aid Highway 5/Nowthen Boulevard Corridor Study
6. Review 2022 Planning Session

3. Topics for Future Discussion

1. Review Future Topics/Calendar

4. Mayor/Council/Staff Input

5. Adjournment*

***Note: the City Council may motion to recess this Work Session meeting and reconvene after the regular City Council meeting if items on the agenda are not completed.**

CC Work Session

2. 1.

Meeting Date: 01/25/2022

Submitted For: Bria Raines, Community Development

By: Bria Raines, Community Development

Information

Title:

Introduce Ordinance #21-20 Amending City Code Chapter 117, Sections 1 and 351 Regarding Home Occupations

Purpose/Background:

Ordinance #22-06 (formerly #21-20) Amending City Code Chapter 117, Sections 1 and 351 Regarding Home Occupations. The revised sections regarding Home Occupations will address all business types conducted on a residential property.

This change is very minor and more administrative in nature.

Meetings

- November 18, 2021: A public hearing was held at the Planning Commission. Planning Commission members approved motion to introduce ordinance to City Council.
- December 14, 2021: Staff presented ordinance to City Council work session for feedback prior to introduction.
- January 11, 2022: Ordinance was presented to City Council at regular session for introduction. Council requested revisions to proposed Ordinance and item to be brought to January 25, 2022 City Council work session.
- January 25, 2022: Staff revised Ordinance based on Council input and presented revisions at City Council work session meeting.

Based on feedback from Council, Staff has included a section to cover minor (Level 1) home occupations that encourage the arts, modeled after the Fargo, North Dakota City Code, removal of redundancies, and addition of a table to create a easily readable code.

Research of peer communities and the Fargo city code home occupation section has been attached as well.

Notification:

This meeting does not require a public notice.

The Public Hearing Notice for the November 18, 2021 Planning Commission meeting, was advertised in the Anoka County Union-Herald, the City's Official Newsletter.

Observations/Alternatives:

The existing definition does not address all types of home occupations that are seen in the City of Ramsey. This revision to the Ramsey City Code will help Staff enforce standards for all types of home occupations.

Funding Source:

Staff is handling this as part of normal duties.

Recommendation:

The Planning Commission recommends that the City Council adopt Ordinance #22-06 (formerly #21-20) Amending City Code Chapter 117, Sections 1 and 351 Regarding Home Occupations.

Action:

There is no action for this case. Contingent on Council feedback, Ordinance #22-06 will be brought back to City Council on February 8, 2022.

Should changes be significant, staff will send public hearing notice for February 8, 2022 City Council regular session. As a public hearing was previously held on November 18, 2021, a second public hearing notice is not required; however, the intension of a second public hearing is to notify residents of changes to what was previously proposed at the first public hearing.

Attachments

Current Code

Revision to Section 117-1 (Full)

Revision to Section 117-351

Research of Peer City Codes

Fargo City Code

Resolution #22-06

Form Review

Inbox

Brian Hagen

Form Started By: Bria Raines

Final Approval Date: 01/20/2022

Reviewed By

Brian Hagen

Date

01/20/2022 10:55 AM

Started On: 01/13/2022 12:34 PM

Sec. 117-351. Home occupations.

Home occupations shall be allowed to exist in the residential zoning districts in accordance with certain criteria established to protect the peace, quiet, and domestic tranquility in all residential neighborhoods within the city, and in order to guarantee all residents freedom from excessive noise, excessive traffic, nuisance, fire hazard and other possible effects of said home occupation uses. It is the intent of this section that the property owner shall have a vested interest in the business, as the city does not desire to create business incubators for lease within the residential districts. Applications for a home occupation permit shall be processed administratively by the zoning administrator; or when circumstances necessitate, in accordance with the processing procedure established for conditional use permits in section 117-51. Home occupation permits may be suspended or revoked pursuant to the procedure established in section 117-51.

- (1) *Requirements.* Home occupations that operate under the following parameters shall be exempt from a permit. If a home occupation operates beyond the conditions below or if the home occupation creates conditions described in subsection (2), a permit shall be required.
 - a. The home occupation shall be clearly incidental and secondary to the residential use of the premises, and shall result in no incompatibility with or disturbance to the surrounding area.
 - b. The owner of the home occupation shall occupy the dwelling unit on the site of the home occupation.
 - c. Home occupation operations are restricted to the dwelling unit, attached or detached garages or accessory buildings. If the owner of a home occupation is conducting operations in a detached accessory building, said accessory building must be located on the same parcel as the owners dwelling unit, or a parcel immediately adjacent to the owner's dwelling, to which the owner also has fee title.
 - d. The area set aside for the home occupation in the dwelling unit shall not exceed 20 percent of the gross living area of the dwelling unit.
 - e. The area set aside for the home occupation in attached or detached accessory buildings or garages shall not exceed total accessory building space or height allowed on the site of the home occupation, as established in section 117-349.
 - f. A minimum of 400 square feet of garage or accessory building space shall be maintained as a primary residential garage for indoor parking of vehicles and equipment.
 - g. There shall not be any exterior evidence of the existence of said home occupation such as displays, exterior storage of home occupation equipment and vehicles, materials, supplies, inventory or merchandise, with the following exceptions:
 1. One motor vehicle affiliated with the home occupation, either meeting the definition of a commercial vehicle or any vehicle having lettering or advertising for said home occupation, shall be allowed to be stored or parked outside on the site of the home occupation in accordance with section 117-355.
 2. One piece of commercial equipment affiliated with the home occupation shall be allowed to be stored or parked on the site of the home occupation in accordance with section 117-355.
 - h. There shall be no interior signs or display which are visible from outside the dwelling unit or accessory building where the home occupation is operated nor any exterior business signs or displays unless otherwise permitted in article II, division 8 of this chapter, with the following exception:

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1. A sign not exceeding two square feet in size may be displayed if affixed flat against the wall of either the home or accessory building where the home occupation is being conducted. The sign shall be non-illuminated and shall not have dynamic display capabilities.
 - i. The home occupation shall not generate excessive vehicular traffic (customers, employees, deliveries, etc.) in the residential neighborhood. Excessive vehicular traffic for purposes of this section is defined as in excess of any combination of eight round-trip customer/client visits and/or deliveries per standard eight hour day and no more than one on the premises at any given time. For the purposes of this section, one customer/client visit shall be considered to include any number of persons arriving in a single vehicle. One round-trip visit per eligible employee shall also be allowed and is not counted toward the customer/client visits. An increase at a rate of 25 percent is permitted if the subject property has access from a county, state, or MSA street.
 - j. The home occupation does not serve as headquarters or as a dispatch center where employees come to the site and are then dispatched to other locations.
 - k. The receipt or shipment of deliveries shall be limited to those made by the USPS and/or an express shipping service that is characteristic of service to a residential neighborhood.
 - l. The home occupation shall not constitute a fire hazard to neighboring residences, or a nuisance to neighbors because of excessive traffic, light glare, noise, odors, vibration or other circumstances, as determined by the fire marshal or zoning administrator.
 - m. The home occupation shall not include operations relating to internal combustion engines, body shops, ammunition manufacturing, motor vehicle repairs or sale, or any other objectionable uses as determined by the zoning administrator.
 - n. The home occupation shall not change the fire rating of a structure nor require exterior alterations or modifications that change the residential character or appearance of the dwelling unit or accessory building to a commercial nature.
 - (2) *Administrative home occupation permit required.* Home occupations that include one or more of the following practices or operational methods shall require a home occupation permit that is subject to the review and approval of the zoning administrator.
 - a. The home occupation employs persons, which includes but is not limited to co-owners, partners, and employees), that do not live in the dwelling unit on the property but conduct work on the property.
 1. The owner of a home occupation on a parcel less than three acres in size may employ a maximum of one person that does not reside in the dwelling unit on the property but does conduct work on the property. The owner of a home occupation on a parcel three acres or greater in size may employ a maximum of three persons that do not reside in the dwelling unit on the property but do conduct work on the property.
 2. Off-street parking for the dwelling unit occupants and any nonresident employees is provided in accordance with section 117-355.
 - b. The home occupation involves operating methods that include transactions with the public (customers, clients, consultants, subcontractors, etc.) on the site of the home occupation. The number of persons permitted on the site at any given time shall be limited so as not to create a parking demand in excess of that which can be accommodated on driveway on the site of the home occupation.
 - c. Retail sales are conducted on the site. Retail sales at the site shall be limited to products that are ancillary to the home occupation and shall be displayed or stored indoors.

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- (3) *Conditional use.* Home occupations that propose to operate beyond the scope of the parameters in subsection (1) and/or (2) of this section shall be processed in accordance with the procedures established for conditional use permits in section 117-51, with the exception of recording the home occupation permit should it be approved by city council.
 - (4) *Nuisance prevention.* In order to guarantee that a home occupation, once authorized, will not become a nuisance to the neighbors or otherwise violate these guidelines, the city staff or city council may impose reasonable conditions necessary to protect the public health, safety, and welfare of residents of the city.
 - (5) *Inspections.* There may be one or more inspections each year by the zoning administrator or his designee of any property covered by a home occupation permit. In addition, the zoning administrator and/or his designee, shall have the right at any time, upon reasonable request, 48 hours' notice shall be considered reasonable, to enter and inspect the premises covered by said permit for safety and compliance purposes.
 - (6) *Term of home occupation permits.* Home occupation permits granted by this section shall be temporary in nature and shall be granted to a designated person who resides in the dwelling unit on the subject property. Permits are not transferable from person to person or from address to address, unless the transfer is in accordance with the provisions of subsection (7) of this section.
 - (7) *Death or move of permit holder; suspension or revocation; businesses existing before adoption of article provisions.*
 - a. Should a home occupation permit holder die or move to a new location, the existing permit shall be automatically terminated. Except that in the case of death, should a surviving spouse or child, residing at the same address or receiving title to the property desire to continue the home occupation, written notice to that effect shall be given to the zoning administrator and the council may authorize continuation of that permit without further hearing.
 - b. A home occupation permit, once granted, may be suspended or revoked prior to its original revocation date by the council for cause after hearing before the council. Citizen complaints seeking the revocation of such permit shall be filed with the zoning administrator. All such revocation hearings, publication, and notice requirements shall be the same as for conditional use permits in accordance with section 117-51.
 - c. Persons conducting a business from property zoned for residential use on the effective date of the ordinance from which this section is derived shall be required to obtain a home occupation permit as required herein. The business may continue pending final determination of the application. Should the zoning administrator or council deny the application for a home occupation permit the use shall immediately cease at such residential premises.

(Code 1978, § 9.11.04; Ord. No. 73-05, 5-21-1973; Ord. No. 03-30, 9-15-2003; Ord. No. 03-54, 1-19-2004; Ord. No. 08-14, § 2, 5-13-2008; Ord. No. 15-03, § 2, 2-24-2015)

Sec. 117-1. Definitions.

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Abandoned sign means a sign which no longer identifies or advertises a bona fide business, lesser, service, owner, product, or activity, and/or for which no legal owner can be found.

Abuse means any action that does not follow good arboricultural practices. The term "abuse" also includes damage inflicted upon roots by machinery, changing the natural grade above the root system or around the trunk, changing drainage patterns around the tree, destruction of the natural shape of the tree or any action which causes infection, infestation or decay.

Abutting means making contact with or separated only by public thoroughfare, railroad, public utility right-of-way or navigable waters.

Accessory farm building means an accessory building used to shelter farm animals (excluding household pets).

Accessory structure means any subordinate building located on the same lot as the principal building containing a use which is incidental to that of the principal building.

Accessory use means a use naturally and normally incidental to, subordinate to, and auxiliary to the principal permitted use of the premises.

Addition means a physical enlargement of an existing structure.

Address sign means identification numbers only, whether written or in numerical form.

Adult use — body painting studio means an establishment or business which provides the service of applying paint or other substance, whether transparent or non-transparent, to or on the body of a patron when such body is wholly or partially nude in terms of specified anatomical areas.

Adult use — bookstore means a building or portion of a building used for the barter, rental or sale of items consisting of printed matter, pictures, slides, records, audio tape, videotape, or motion picture film or any other audio or visual media if such building or portion of a building is not open to the public generally but only to one or more classes of the public excluding any minor by reason of age or if a substantial or significant portion of such items are distinguished or characterized by an emphasis on the depiction or description of specified sexual activities or specified anatomical areas.

Adult use — cabaret means a building or portion of a building used for providing dancing or other live entertainment, if such building or portion of a building excludes minors by reason of age or if such dancing or other live entertainment is distinguished or characterized by an emphasis on the presentation, display, depiction or description of specified sexual activities or specified anatomical areas.

Adult use — companionship establishment means a companionship establishment which excludes minors by reason of age, or which provides the service of engaging in or listening to conversation, talk or discussion between an employee of the establishment and a customer, if such service is distinguished or characterized by an emphasis on specified sexual activities or specified anatomical areas.

Adult use — conversation/rap parlor means a conversation/rap parlor which excludes minors by reason of age, or which provides the service of engaging in or listening to conversation, talk, or discussion, if such service is distinguished or characterized by an emphasis on specified sexual activities or specified anatomical areas.

Adult use — health/sport club means a health/sport club which excludes minors by reason of age, or if such club is distinguished or characterized by an emphasis on specified sexual activities or specified anatomical areas.

Adult use — hotel or motel means adult hotel or motel means a hotel or motel from which minors are specifically excluded from patronage and wherein material is presented which is distinguished or characterized by an emphasis on matter depicting, describing or relating to specified sexual activities or specified anatomical areas.

Adult use — massage parlor, health club means a massage parlor or health club which restricts minors by reason of age, and which provides the services of massage, if such service is distinguished or characterized by an emphasis on specified sexual activities or specified anatomical areas.

Adult use — mini-motion picture theater means a building or portion of a building with a capacity for less than 50 persons used for presenting material if such building or portion of a building as a prevailing practice excludes minors by reason of age, or if such material is distinguished or characterized by an emphasis on specified sexual activities or specified anatomical areas for observation by patrons therein.

Adult use — modeling studio means an establishment whose major business is the provision, to customers, of figure models who are so provided with the intent of providing sexual stimulation or sexual gratification to such customers and who engage in specified sexual activities or display specified anatomical areas while being observed, painted, painted upon, sketched, drawn, sculptured, photographed, or otherwise depicted by such customers.

Adult use — motion picture arcade means any place to which the public is permitted or invited wherein coin or slug-operated or electronically, electrically or mechanically controlled or operated still or motor picture machines, projectors or other image-producing devices are maintained to show images to five or fewer persons per machine at any one time, and where the images so displayed are distinguished or characterized by an emphasis on depicting or describing specified sexual activities or specified anatomical areas.

Adult use — motion picture theater means a building or portion of a building with a capacity of 50 or more persons used for presenting material if such building or portion of a building as a prevailing practice excludes minors by virtue of age or if such material is distinguished or characterized by an emphasis on specified sexual activities or specified anatomical areas for observation by patrons therein.

Adult use — novelty business means a business which has as a principal activity the sale of devices which stimulate human genitals or devices which are designed for sexual stimulation.

Adult use — sauna means a sauna which excludes minors by reason of age, or which provides a steam bath or heat bathing room used for the purpose of bathing, relaxation, or reducing, utilizing steam or hot air as a cleaning, relaxing or reducing agent, if the service provided by the sauna is distinguished or characterized by an emphasis on specified sexual activities or specified anatomical areas.

Adult use — steam room/bathhouse facility means a building or portion of a building used for providing a steam bath or heat bathing room used for the purpose of pleasure, bathing, relaxation, or reducing, utilizing steam or hot air as a cleaning, relaxing or reducing agent if such building or portion of a building restricts minors by reason of age if the service provided by the steam room/bathhouse facility is distinguished or characterized by an emphasis on specified sexual activities or specified anatomical areas.

Adult uses includes adult bookstores, adult motion picture theaters, adult motion picture rental, adult mini-motion picture theaters, adult massage parlors, adult steam room/bathhouse/sauna facilities, adult companionship establishments, adult rap/conversation parlors, adult health/sport clubs, adult cabarets, adult novelty businesses, adult motion picture arcades, adult modeling studios, adult hotels/motels, adult body painting studios, and other premises, enterprises, establishments, businesses or places open to some or all members of the public, at or in which there is an emphasis on the presentation, display, depiction or description of specified sexual activities or specified anatomical areas which are capable of being seen by members of the public.

(1) *Specified anatomical areas.*

- a. Less than completely and opaquely covered human genitals, pubic region, buttock, anus, or female breast below a point immediately above the top of the areola; and

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- b. Human male genitals in a discernibly turgid state, even if completely and opaquely covered.
- (2) *Specified sexual activities.* Actual or simulated sexual intercourse, oral copulation, anal intercourse, oral-anal copulation, bestiality, direct physical stimulation of unclothed genitals, flagellation or torture in the context of a sexual relationship, or the use of excretory functions in the context of a sexual relationship, and any of the following sexually oriented acts or conduct:
- a. Anilingus, buggery, coprophagy, coprophilia, cunnilingus, fellatio, necrophilia, pederasty, pedophilia, piquerism, sapphism, zooerasty;
 - b. Clearly depicted human genitals in the state of sexual stimulation, arousal or tumescence;
 - c. Use of human or animal ejaculation, sodomy, oral copulation, coitus, or masturbation;
 - d. Fondling or touching of nude human genitals, pubic region, buttocks, or female breast;
 - e. Situations involving a person, any of whom are nude, clad in undergarments or in sexually revealing costumes, and who are engaged in activities involving the flagellation, torture, fettering, binding or other physical restraint of any such persons;
 - f. Erotic or lewd touching, fondling or other sexually oriented contact with an animal by a human being;
 - g. Human excretion, urination, menstruation, vaginal or anal irrigation.

Adult uses — accessory means a use, business, or establishment having ten percent of its stock in trade or floor area allocated to, or 20 percent of its gross receipts derived from movie rentals or magazine sales.

Adult uses — principal means a use, business, or establishment having more than ten percent of its stock in trade or floor area allocated to, or more than 20 percent of its gross receipts derived from, any adult use.

Advertising device sign means a sign that has as its purpose to promote, advertise, or sell a product or service obtainable on the premises upon which the sign is located, and not to identify the premises.

Agricultural use means the use of land for the production of food or fiber, their storage on the area, and/or the raising thereon of domestic pets and domestic farm animals.

Agricultural uses means those uses commonly associated with the growing of produce on farms. These include: Field crop farming, pasture for hay, fruit growing, tree, plant, shrub or flower nursery without building, truck gardening, and livestock raising and feeding, but not including fur farms, commercial animal feedlots and kennels.

Alley means a public right-of-way primarily designed to serve as secondary access to the side or rear of those properties whose principal frontage is on a street.

Alter means to change the appearance or function.

Alternative energy system means a wind energy conversion system (WECS), a solar energy system, or a ground source heat pump system.

Amortization means the establishment of a time schedule over which the cost of an investment is depreciated.

Animals, domestic farm, means horses, cattle, sheep, ducks, chickens, geese, rabbits, pigeons, goats, hogs, bees, turkeys.

Animals, domestic pets, means dogs, cats, birds and other commonly known house pets.

Antenna means any structure or device used for the purpose of collecting or transmitting electromagnetic waves, including but not limited to directional antennas, such as panels, microwave dishes, and satellite dishes, and omni-directional antennas, such as whip antennas.

Apartment means a room or suite of rooms which is designed for, intended for, or occupied as a housekeeping unit and is equipped with cooking facilities.

Applicant means a person who is applying for a license, certification or permit as required by this chapter. The term "applicant" also means that person's agents, employees, and others acting under this person's direction.

Approval means written approval pursuant to a duly executed application for approval made on a form promulgated by the city.

Area identification sign means a freestanding or wall sign which identifies a single-family or multifamily residential subdivision, a commercial development or an industrial park or office park and which is located on the same parcel as the development it identifies.

Armstrong Boulevard Interchange Overlay District means a district for purposes of allowing additional signage in a specified area, described as all commercially zoned property located within 750 feet of the Centerline of Highway 10 and extending to the Centerline of Traprock Street and extending to the Centerline of Llama Street. Parcels located within The COR District are exempted from this overlay district, as sign regulations for that district are located in a separate section of City Code.

Ash means the incombustible material that remains after a fuel or solid waste is incinerated.

Attached townhouse means structures housing three or more dwelling units contiguous to each other only by the sharing of one or more common walls; such structures are of the back-to-back or row-house type as contrasted to multiple dwelling apartment structures.

Attraction board manual (changeable copy sign) means a sign on which the copy is changed manually.

Auto salvage. See *Vehicle wrecking yard*.

Awning means a hood or cover which projects from the wall of a building.

Banner means a sign made of fabric or non-rigid material with no enclosing framework.

Base flood elevation means the elevation of the "regional flood". The term "base flood elevation" is used in the flood insurance study.

Basement means any area of a structure, including crawl spaces, having its floor or base subgrade (below ground level) on all four sides, regardless of the depth of excavation below ground level.

Bay means cantilevered area of room.

Bench sign means a sign which is affixed to a bench.

Berm means an earthen mound designed to provide visual interest, screen undesirable views, and/or decrease noise.

Best management practices (BMPs) means erosion and sediment control and water quality management practices that are the most effective and practicable means of controlling, preventing, and minimizing degradation of surface water, including construction-phasing, minimizing the length of time soil areas are exposed, prohibitions, and other management practices published by state or designated area-wide planning agencies. (Refer to the current versions of the Minnesota Pollution Control Agency's publications, "Protecting Water Quality in Urban Areas," and, "Storm-Water and Wetlands: Planning and Evaluation Guidelines for Addressing Potential Impacts of Urban Storm-Water and Snow-Melt Runoff on Wetlands," the United States Environmental Protection Agency's, "Stormwater Management for Construction Activities: Developing Pollution Prevention Plans and Best Management Practices," and the state department of transportation's, "Erosion Control Design Manual" for suitable BMPs.)

Billboard means a sign which directs attention to a business, commodity, service, entertainment, or attraction sold, offered or existing elsewhere than upon the same lot or parcel where such sign is displayed.

Block means a tract of land bounded by streets, or a combination of streets, parks, cemeteries, railroad right-of-way, shorelines, waterways, or corporate boundary lines of the city.

Bluff means a topographic feature such as a hill, cliff, or embankment having the following characteristics (an area with an average slope of less than 18 percent over a distance for 50 feet or more shall not be considered part of the bluff):

- (1) Part or all of the feature is located in a shoreland area;
- (2) The slope rises at least 25 feet above the ordinary high water level of the water body;
- (3) The grade of the slope from the toe of the bluff to a point 25 feet or more above ordinary high water level average 30 percent or greater; and
- (4) The slope must drain toward the waterbody.

Bluff impact zone means a bluff and land located within 20 feet from the top of a bluff.

Bluff line means:

- (1) A line along the top of a slope connecting the points at which the slope of land becomes more than 12 percent. This applies to those slopes within the land use district which are beyond the setback provisions from the ordinary high water level; or
- (2) The line which generally follows the river bank where the slope changes from steep (more than 12 percent) to less than 12 percent).

Board means the board of adjustment established by this chapter.

Boathouse means a structure designed or used solely for the storage of boats or boating equipment.

Boulevard means that part of the property not covered by sidewalk or other paving, lying between the property line and the curblin of any street. In the absence of a curb, the curblin of a street shall be deemed to be the edge of that portion of the public right-of-way maintained and open to the use of the public for purposes of public travel.

Buffer means a protective vegetated zone located adjacent to a natural resource, such as a water of the state, that is subject to direct or indirect human alteration. The width of a buffer strip is the width along each bank of a stream. Therefore a 30-foot-wide stream with 100-foot buffer strips has a total width of 230 feet. Acceptable buffer vegetation includes preserving existing predevelopment vegetation and/or planting locally distributed native Minnesota trees, shrubs and grassy vegetation. Alteration of such areas is strictly limited. Buffer areas are designated with permanent signs. Refer to the Ramsey Tree Book and Minn. Rules ch. 6216 for a list of exotic, prohibited, regulated, unlisted and unregulated plant species. Buffer widths in the city are defined in the Wetland Buffer, Shoreland Protection and River Corridor ordinances found in this Code.

Buffer area means the outer area of a site where the site activity is screened, distanced, or muffled from adjacent land uses. At a minimum the buffer area must be consistent with the intent of Minn. Stats. § 473.823, subd. 3.

Buildable area means the area of a lot remaining after minimum yard, open space requirements have been met and after lowland, wetland, or steep slopes are taken into account.

Building means any structure, with the exception of enclosed trailers with or without axles, having a roof which may provide shelter, support, protection or enclosure of persons, animals or property of any kind.

Building height means a distance to be measured from the mean ground level to the highest point of a flat roof, or average height of the highest gable of a pitched or hip roof.

Building-integrated solar energy system means a solar energy system that is an integral part of a principal or accessory building, rather than a separate mechanical device, replacing or substituting for an architectural or

structural component of the building including, but not limited to, photovoltaic or hot water solar systems contained within roofing materials, windows, skylights and awnings.

Building line means:

- (1) The line measured across the width of the lot at the point where the principal structure is placed in accordance with setback provisions; or
- (2) A line parallel to a lot line or the ordinary high water level at the required setback beyond which a structure may not extend.

Business means any establishment, occupation, employment or enterprise where merchandise is manufactured, exhibited or sold, or where services are offered for compensation.

Business directory sign means a sign which identifies the names of the specific businesses located in a shopping center or business or industrial park and which is located on the parcel of the center so identified.

Business incubator/multitenant facility means a commercial or industrial development consisting of two or more separate units or suites sharing a common building and/or parking area.

Business sign means a sign relating in its subject matter to the parcel on which it is located, or to products, accommodations, services or activities on the parcel on which it is located.

Butt lot means a lot at the end of a block and located between two corner lots.

Caliper means the diameter, in inches, of the trunk of a tree taken six inches above the ground up to and including four-inch caliper size, and 12 inches above the ground for larger sizes.

Campground means an area accessible by vehicles and containing campsites or camping spots for tents and trailer camping.

Canopy means a permanent roof-like structure of rigid materials.

Canopy coverage means the horizontal extension of a tree's branches in all directions from its trunk.

Carport means an automobile shelter open on one or more sides, and shall be considered an accessory building.

Cellar means that portion of a building between floor and ceiling which is wholly or partly below grade and so located that the vertical distance from grade to the floor below is equal to or greater than the vertical distance from grade to ceiling.

Certified arborist means any person holding a valid and current arborist certification as issued by the International Society of Arboriculture (ISA).

Certified forester means any person holding a valid and current forester certification as issued by the Society of American Foresters (SAF).

CFR means the Code of Federal Regulations.

Church means 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.

City plan means a compilation of policy statements, goals, standards and maps for guiding the physical, social and economic development, both private and public, of the city and its environs.

City tree policy means a manual, developed and maintained by the city, which contains the standards and specifications for sound arboricultural practices, techniques and procedures which shall be applicable to all public trees in the city. This includes but is not limited to tree selection, planting, pruning, alteration, treatment, protection, and removal.

Clear-cutting means the removal of an entire stand of vegetation or trees.

Clearing means the removal of vegetation from a property, whether by cutting or other means.

Clinic means any establishment where human patients are examined and treated by doctors or dentists but not hospitalized overnight.

Closed loop ground source heat pump system means a system that circulates a heat transfer fluid, through pipes or coils buried beneath the land surface or anchored to the bottom of a body of water.

Club means any establishment operated for social, recreational or educational purposes but open only to members and not the general public.

Commercial use means the principal use of land or buildings for the sale, lease, rental, or trade of products, goods, and services.

Commercial wireless telecommunication services means licensed commercial wireless telecommunication services including cellular, personal communication services (PCS), specialized mobilized radio (SMR), enhanced specialized mobilized radio (ESMR), paging, and similar services that are marketed to the general public.

Communication antenna or tower, height, means the height of a freestanding communication antenna or tower is determined as the distance from ground level to the highest point on the tower, including the antenna.

Communication antenna or tower, roof- or wall-mounted height, means the height of a communication antenna that is mounted on a roof or wall shall be measured from the point where the base of the antenna and its supporting structure appends to the roof or wall to the highest point of the supporting structure, including the antenna.

Communication tower, guyed, means a tower that is supported, in whole or in part by wires and ground anchors.

Communication tower, lattice or self-support, means a tower that has three or four sides of open-framed steel supports.

Communication tower, monopole, means a tower consisting of a single pole, constructed without guyed wires and anchors.

Community forest means the collection of trees, shrubs, other vegetation and associated natural features that make up the city tree canopy and its growing zone.

Community forestry means the ecology of native and non-indigenous plantings creating a forest in the human living environment, and emphasizing the practice of wise professional planned management of all tree resources within an urban area. This would include trees in public streets, public areas, and on private property to provide for multiple use benefits for the general well-being of the entire community.

Community forestry program means all of those city resources, time and efforts directed toward the development and maintenance of a safe, healthy, aesthetically pleasing and fully stocked population of public trees.

Comprehensive plan means a computation of goals, policy statements, standards, programs and maps for guiding the physical, social, and economic development, both public and private, as defined in Minn. Stats. § 462.352, and includes any part of such plan separately adopted and any amendment to such plan or parts thereof.

Construction equipment trailer/field office means a mobile trailer or structure used for equipment storage or as a field office for contractors and subcontractors, which is not open to the general public.

Contaminated means containing a harmful quantity of any substance.

Contamination means the presence of or entry of any substance which may be deleterious to the public health and/or the quality of the water into the public storm water system, waters of the state, or waters of the United States.

Cosmetic cleaning means cleaning done for cosmetic purposes to the exterior of buildings, motorized vehicles, parking lots, recreational vehicles or similar activity. It does not include industrial cleaning, cleaning associated with manufacturing activities, hazardous or toxic waste cleaning, or any cleaning otherwise regulated under federal, state, or local laws.

Covenant means a contract between two individuals which constitutes a restriction of a particular use of land.

Coverage means that portion of a lot covered by principal and accessory use structures, and may include impervious surfaces if it is so indicated in the individual zoning districts.

Crown means the leaves and branches of a tree or shrub; the upper portion of a tree from the lowest branch on the trunk to the top.

Crown cover means the ratio between the amount of land shaded by the vertical protection of the branches and foliage area of standing trees to the total area of land, usually expressed as percentage.

Deck means a horizontal, unenclosed platform with or without attached railings, seats, trellises, or other features, attached or functionally related to a principal use or site and at any point extending more than three feet above ground.

Density means a number expressing the ratio of dwelling units to an acre of land.

Design standards means the specifications to landowners or subdividers for the preparation of subdivisions, preliminary and final, indicating among other things, the optimum, minimum or maximum dimensions of such items as rights-of-way, blocks, easements and lots.

Designated haul road means shall mean any public road or street which has been officially designated (as hereinafter provided) as a "haul road," and over which materials from any source are hauled, of the kinds and for the purposes listed in this definition, to points within geographic limits of the site or to points outside those limits if use of the material outside such limits is required.

- (1) Soil or other material for embankment construction;
- (2) Sand, gravel or other material for backfill;
- (3) Sand, gravel, or crushed rock for base or surfacing courses;
- (4) Aggregates for bituminous surfacing, including the hauling of bituminous mixtures from the mixing plant;
- (5) Aggregates for concrete base or pavement, including the hauling of concrete batches from batch plants; and
- (6) Bituminous materials and Portland cement for paving mixtures.

Designee means the person designated by the city to carry out specific duties outlined in this chapter.

Detached townhouse means a townhouse that does not share any common walls with the neighboring unit. Detached townhouses are also referred to as villas, cottage homes, or bungalows and are defined by their association-maintained status and commonly-held yards.

Developer means the owner of the land or person who is the applicant for alteration of the land and includes a person, firm, corporation, sole proprietorship, partnership, state agency, or political subdivision thereof engaged in a land disturbance activity.

Development means the construction, installation or alteration of any structure, the extraction, grading or filling, clearing or other alteration of terrestrial or aquatic vegetation, land or the course current or cross section of any water body or watercourse or the division of land into two or more parcels.

Development activity means any alteration of the natural environment that requires the approval of a development or site plan and issuance of a development permit. Development activity shall also include the thinning or removal of trees from any undeveloped land, including that carried out in conjunction with a forest management program, and the removal of trees incidental to the development of land or to the marketing of land for development.

Development agreement means an agreement between the subdivider and the city that clearly establishes the subdivider's responsibility regarding project phasing, the provision of public and private facilities, and improvements and any other mutually agreed to terms and requirements.

Development regulations means the adopted regulations provided for the subdivision and development of real property within the city, as amended from time to time by the city.

Diameter at breast height (DBH) means the diameter of a tree at a height of 54 inches above the ground.

Directional or instructional sign means a sign providing no advertising of any kind, which provides direction or instruction to guide persons to facilities intended to serve the public, including but not specifically limited to those signs identifying restrooms, public telephones, public walkways, affiliation with motor clubs, acceptance of designated credit cards, and other similar signs providing direction or instruction to persons using a facility but not including those signs accessory to parking areas.

Discharge means the conveyance, channeling, runoff, or drainage, of stormwater, including snowmelt, from a construction site.

Disposal facility has the meaning given it in Minn. Stats. § 115A.03, subd. 10.

District means:

- (1) A section of the city for which the regulations and provisions governing the use of buildings and lands are uniform for each class of use permitted therein; or
- (2) A specific zoning district as defined in the zoning ordinance.

Domestic sewage means sewage that might be generated by a dwelling; a toilet facility at an establishment open to the public; rental units, such as motels and resort cabins, or showers and toilet facilities for schools or campgrounds.

Domestic wastewater means any water generated by a use used for personal hygiene such as lavatories and related sinks. This definition shall apply only to sections 117-118 and 117-120.

Draining means the removal of surface water or groundwater from land.

Dripline means an imaginary vertical line which extends from the outermost branches of a tree's canopy to the ground.

Drive-in establishment means an establishment which provides a service or commodity to the occupants of a motor vehicle.

Driveway means an onsite prepared surface traffic lane, which shall be the traffic lane leading directly from a public street to the primary garage on the subject parcel; the width of which cannot exceed the primary garage width by more than 15 feet, or in the absence of a garage, a traffic lane to a parking pad that cannot exceed 20 feet in width. Driveway parking may not extend beyond the front of the primary garage without meeting the performance standards for side or rear yard parking. (Cannot exceed maximum width at roadway under zoning district bulk standards).

Duplex, triplex, and quad means a dwelling structure on a single lot, having two, three, and four units, respectively, being attached by common walls and each unit equipped with separate sleeping, cooking, eating, living, and sanitation facilities.

Dwelling site means a designated location for residential use by one or more persons using temporary or movable shelter, including camping and recreational vehicle sites.

Dwelling unit means:

- (1) A residential building or portion thereof intended for occupancy by one family including apartments but not including hotels, motels, nursing homes, seasonal cabins, boarding or roominghouses, tourist homes or trailers; or
- (2) Any structure or portion of a structure, or other shelter designed as short- or long-term living quarters for one or more persons, including rental or timeshare accommodations such as motel, hotel, and resort rooms and cabins.

Dwelling, attached, means a dwelling which is joined to another at one or more sides by a party wall.

Dwelling, detached, means a dwelling unit not attached to another dwelling or structure.

Dwelling, duplex, means a dwelling designed exclusively for occupancy by two families having separate kitchen, bathroom, and living spaces.

Dwelling, guest cottage or accessory apartment, means a structure used as a dwelling unit that may contain sleeping spaces and kitchen and bathroom facilities in addition to those provided in the primary dwelling unit on a lot.

Dwelling, manufactured home, means a structure, transportable in one or more sections, which in the traveling mode, is eight body feet or more in width and 40 body feet or more in length, or, when erected on site, is 320 or more square feet, and which is built on a permanent chassis and designated to be used as a dwelling with or without a permanent foundation when connected to the required utilities, and includes the plumbing, heating, air conditioning, and electrical systems contained therein; except that the term includes any structure which meets all the requirements and with respect to which the manufacturer voluntarily files a certification pursuant to Minn. Stats. §§ 327.31—327.36. The term "dwelling, manufactured home," does not include "recreational vehicle" as defined herein.

Dwelling, multiple (apartment or condominium), means a building designed with three or more dwelling units exclusively for occupancy by three or more families living independently of each other but sharing hallways and main entrances and exits.

Dwelling, single-family, means a dwelling unit designed exclusively for occupancy by one family.

Dwelling, townhouse, means structures that are designed for single household habitation, but have outdoor areas and/or indoor centers that are commonly owned and maintained by a homeowners' association. Townhouses have a minimum of one individual entrance/exit per unit.

Dwelling, twinhome or quad, means a building containing two or four attached dwelling units, side-by-side, that share common walls at the lot lines and that are on separate lots and do not utilize a homeowners' association.

Dynamic display means any characteristic of a sign that appears to have movement or that appears to change, caused by any method other than physically removing and replacing the sign or its components, whether the apparent movement or change is in the display, the sign structure itself, or any other component of the sign. This includes a display that incorporates a technology or method allowing the sign face to change the image without having to physically or mechanically replace the sign face or its components. This also includes any rotating, revolving, moving, flashing, blinking, or animated display and any display that incorporates rotating

panels, LED lights manipulated through digital input or any other method of technology that allows the sign face to present a series of images or displays.

Earth material means any rock, material, soil or fill and/or any combination thereof.

Easement means a grant by a property owner for use of a strip of land by the public or any person for any specific purpose, or purposes of construction and maintaining utilities and/or roadways.

Emergency landing means an unplanned and unanticipated landing of an aircraft made to prevent personal injury or loss of life.

Emergency work means work that is necessary to save life or property.

Energy dissipation refers to methods employed at pipe outlets to prevent erosion. Examples include, but are not limited to; aprons, rip-rap, splash pads, and gabions that are designed to prevent erosion.

Engineer means the city engineer.

Equal degree of encroachment means a method of determining the location of floodway boundaries so that floodplain lands on both sides of a stream are capable of conveying a proportionate share of flood flows.

Equipment, commercial use, means a variety of heavy machines, either specifically designed or used for commercial purposes, which perform specific construction or demolition functions, such as hoisting, excavating, hauling, grading, paving, drilling, or pile driving, under power. Trailers, either enclosed or flatbed, 6×12 or smaller are exempt unless they have a department of transportation certificate or number; trailers used for transport of recreational vehicles and not used for any commercial use are exempt.

A licensed, self-propelled vehicle which:

- (1) Has a gross vehicle weight rating (GVWR) OF 10,001 pounds or more and contains print or logos which advertise a business; or
- (2) Has external modifications to the structure or body, where external modifications are defined as both dealer and non-dealer modifications which result in pick-up trucks that do not have the traditional pick-up truck bed and side walls, and vans that have an expanded cargo area that is taller or wider than a passenger van, except those modified for use as either a recreational vehicle or to accommodate handicapped passengers and which are currently being utilized for this purpose. Motorized vehicles that have racks, storage boxes, or shells added to the traditional pick-up bed are exempt from this definition.

Equipment, private use, means any motorized or non-motorized apparatus whose primary use is for personal activities not related to generating revenue or profit.

Erosion means the wearing away of the ground surface as a result of the movement of wind, water and/or ice or any process that wears away the surface of the land by the action of water, wind, ice, or gravity. Erosion can be accelerated by the activities of people and nature.

Erosion and sediment practice specifications or practice means the management procedures, techniques, and methods to control soil erosion and sedimentation as officially adopted by either the city, county or local watershed group, whichever is more stringent.

Erosion control refers to methods employed to prevent erosion. Examples include soil stabilization practices, horizontal slope grading, temporary or permanent cover, and construction phasing.

Essential services means:

- (1) Underground or overhead gas, electrical, steam or water distribution systems, collection communication, supply, or disposal systems, including poles, wires, mains, drains, sewers, pipes,

conduits, cables, fire alarm boxes, traffic signals, hydrants and other similar equipment and accessories in conjunction therewith, but not including buildings or transmission services; or

- (2) The erection, construction, alteration or maintenance of underground or overhead gas, electrical, steam or water transmission or distribution systems, collection, communication, supply or disposal systems by public utilities, municipal or other governmental agencies.

Excavation means the mechanical removal of earth material below finish grade and shall be limited to only those areas needing soil correction, and shall not include the exporting of earth material from the work site.

Existing grade means the grade prior to grading.

Exposed soil areas means all areas of the construction site where the vegetation (trees, shrubs, brush, etc.) has been removed. This includes topsoil stockpile areas, borrow areas and disposal areas within the construction site. It does not include stockpiles or surcharge areas of sand, gravel, concrete or bituminous.

Exterior solid fuel-fired heating device means an external device designed for solid fuel combustion so that usable heat is derived for the interior of a building, and includes solid fuel-fired stoves, fireplaces, solid fuel-fired cooking stoves, and combination fuel furnaces or boilers which burn solid fuel. Solid fuel-fired heating devices do not include natural gas-fired fireplace logs.

External illumination means illumination of a sign which is affected by an artificial source of light which is not contained within the sign itself.

Extractive use means the use of land for surface or subsurface removal of sand, gravel, rock, industrial minerals, other nonmetallic minerals, and peat not regulated under Minn. Stats. §§ 93.44—93.51.

Farm means a tract of land used for agricultural uses which is under cultivation or is fenced and utilized as pasture.

Farm fence means an open type fence of posts and wire, which is permitted to accommodate agricultural activities and the raising of livestock and animals in certain zoning districts, and is not considered to be a structure with regard to floodplain regulations.

Farming means process of operating a farm for the growing and harvesting of crops which shall include those necessary accessory buildings, related to operating a farm, and the keeping of domestic farm animals.

Fence means any partition, structure, wall or gate erected as a dividing marker, barrier or enclosure.

Fill means a deposit of earth material placed by artificial means so as to elevate the grade of a work site.

Filling means the act of depositing any rock, soil, gravel, sand or any other material.

Filter strips means a vegetated section of land designed to treat runoff as overland sheet flow. They may be designed in any natural vegetated form from a grassy meadow to a small forest. Their dense vegetated cover facilitates pollutant removal and infiltration.

Final stabilization means that all soil disturbing activities at the site have been completed, and that a uniform perennial vegetative cover with a density of 75 percent of the cover for unpaved areas and areas not covered by permanent structures has been established or equivalent permanent stabilization measures have been employed. Acceptable vegetative cover practices can be found in the current version of the state department of transportation's publication, "Supplemental Specifications to the (Year) Standard Specifications for Construction." Simply sowing grass seed is not considered stabilization.

Finish grade means the final grade of the work site which conforms to the approved plan.

Flashing or scrolling signs or lights means a sign or lighting, other than a manual changeable copy sign, including dynamic display, which contains an intermittent or sequential flashing light source used primarily to attract attention.

Flood means a temporary increase in the flow or stage of a stream or in the stage of a wetland or lake that results in the inundation of normally dry areas.

Flood frequency means the frequency for which it is expected that a specific flood stage or discharge may be equaled or exceeded.

Flood fringe means that portion of the floodplain outside of the floodway. The term "flood fringe" is synonymous with the term "floodway fringe" used in the flood insurance study for the city.

Floodplain means:

- (1) The beds proper and the areas adjoining a wetland, lake or watercourse which have been, or hereafter may be, covered by the regional flood; or
- (2) Lands adjacent to rivers, lakes, creeks, drainageways, marshes and other lowland areas which are subject to inundation by runoff from the 100-year regional storm or the 100-year snow-snow-melt runoff event.

Floodproofing means a combination of structural provisions, changes, or adjustments to properties and structures subject to flooding, primarily for the reduction or elimination of flood damages.

Floodway means the channel of the watercourse and those portions of the adjoining floodplain which are reasonably required to carry and discharge the regional flood.

Floor area means the sum of the gross horizontal areas of the several floors of a building or buildings measured from the exterior faces of exterior walls or from the centerline of party walls.

Floor area ratio means the total floor area on a zoning lot divided by the total site area of the lot or parcel being developed.

Forest land conversion means the clear-cutting of forested lands to prepare for a new land use other than reestablishment of a subsequent forest stand.

Forestry means the use and management, including logging, of a forest, woodland or plantation, and related research and educational activities, including the construction, alteration or maintenance of woodroads, skidways, landings, and fences.

Garage, primary residential, means a garage attached to the principal building or dwelling, or a detached garage where an attached garage does not exist, intended for the storage of vehicles and items accessory to the principal use of the property. Primary residential garages, attached or detached, shall be considered accessory structures.

Governmental sign means a sign which is erected by a governmental unit.

Grade means the vertical rise or drop from any fixed horizontal line or point.

Grading means:

- (1) Changing the natural or existing topography of land; or
- (2) The placement, removal or movement of earth by use of mechanical equipment on a property.

Ground sign means a sign supported by structures or supports or upon the ground and not attached or dependent for support from any building.

Ground source heat pump system means a system that uses the relatively constant temperature of the earth or a body of water to provide heating in the winter and cooling in the summer. System components include open or closed loops of pipe, coils, or plates; fluid that absorbs and transfers heat; and a heat pump unit that processes heat for use or disperses heat for cooling; and an air distribution system.

Grubbing means removal of all structures, vegetation, utilities, facilities, and other material from a site.

Hardship means:

- (1) The property in question cannot be put to reasonable use under the conditions allowed by the official controls; the plight of the landowner is due to circumstances unique to their property, not created by the landowner; and then if granted, will not alter the essential character of the locality. Economic considerations alone shall not constitute a hardship if a reasonable use for the property exists under the terms of the official controls; or
- (2) As used in connection with a variance under this section, means the property in question cannot be put to a reasonable use under the conditions allowed by this section. Economic considerations alone shall not constitute a hardship if any reasonable use for the property exists under the terms of this section.

Harmful quantity means the amount of any substance that will cause pollution of waters of the city, state or nation that will cause lethal or sub-lethal adverse effects on the representative, sensitive aquatic monitoring organisms residing in waters.

Hazard or nuisance tree means any tree with an infectious disease or insect problem; dead or dying trees; a tree or limb that obstruct street lights, traffic signs, the free passage of pedestrians or vehicles; a tree that poses a threat to safety.

Hazardous waste.

- (1) The term "hazardous waste" means any refuse, sludge, or other waste material or combinations of refuse, sludge or other waste materials in solid, semisolid, liquid, or contained gaseous form which because of its quantity, concentration, or chemical, physical, or infectious characteristics may:
 - a. Cause or significantly contribute to an increase in mortality or an increase in serious irreversible, or incapacitating reversible illness; or
 - b. Pose a substantial present or potential hazard to human health or the environment when improperly treated, stored, transported, or disposed of, or otherwise managed.

Categories of hazardous waste materials include, but are not limited to: explosives, flammables, oxidizers, poisons, irritants, and corrosives.

- (2) The term "hazardous waste" does not include source, special nuclear, or by-product material as defined by the Atomic Energy Act of 1954, as amended.

Hazardous waste incinerator means an enclosed device using controlled flame combustion, a purpose of which is to thermally break down hazardous waste and that neither meets the criteria for classification as a boiler nor is listed or can be classified as an industrial boiler.

Hedge means a row of closely planted shrubs or low growing trees forming a fence or boundary.

Height of a communication antenna or tower means the height of a freestanding communication antenna or tower is determined as the distance from ground level to the highest point on the tower, including the antenna.

Height of a roof- or wall-mounted antenna or tower means the height of a communication antenna that is mounted on a roof or wall shall be measured from the point where the base of the antenna and its supporting structure appends to the roof or wall to the highest point of the supporting structure, including the antenna.

Helicopter means an aircraft supported in the air by rotors.

Heliport means an area of land that is used or intended to be used for the landing and takeoff of helicopters, and includes its buildings and facilities.

Home occupation means any business or commercial activity that is conducted or petitioned to be conducted ~~from the principal or an accessory structure~~ on the property that is zoned for residential use, ~~by persons residing on the property.~~

Homeowners' association (HOA) means an organization comprising neighbors concerned with managing the common areas of a subdivision, governed by a board, that create a set of bylaws, in addition to city regulation, to govern themselves. These boards own and maintain commonly-held land within a townhouse or single-family development, and are responsible for private street maintenance, snow removal, landscaping, and/or building maintenance. Each homeowners' association varies in its scope and responsibilities. The homeowners' association is responsible for enforcing any covenants, conditions, and restrictions that apply to the property.

Horse boarding, commercial, means the housing or keeping of horses for profit. Horse boarding will be considered to be commercial when horse care is offered to the general public through any form of advertising.

Horse boarding, noncommercial, means the housing or keeping of horses for friends, neighbors, and relatives when the charge for such boarding is limited to the actual costs incurred and the person providing the service has not attempted to solicit business through any form of advertising.

Hydric soils means soils that are saturated, flooded, or ponded long enough during the growing season to develop anaerobic conditions in the upper part.

Hydrophytic vegetation means macrophytic (large enough to be observed by the naked eye) plant life growing in water, soil or on a substrate that is at least periodically deficient in oxygen as a result of excessive water content.

Illicit discharge means any direct or indirect non-stormwater discharge to the storm sewer system except as exempted in section 117-414(b)(2).

Illuminated sign means any sign which is illuminated by an artificial light source.

Impervious surface means:

- (1) A constructed hard surface that either prevents or retards the entry of water into the soil, and causes water to run off the surface in greater quantities and at an increased rate of flow than existed prior to development. Examples include rooftops, sidewalks, patios, driveways, parking lots, storage areas, and concrete, asphalt, or gravel roads; or
- (2) A properly maintained artificial surface through which water cannot easily penetrate or a constructed hard surface that either prevents or retards the entry of water into the soil, and causes water to run off the surface in greater quantities and at an increased rate of flow than existed prior to development. Examples include rooftops, sidewalks, patios, driveways, parking lots, storage areas, and concrete, asphalt, or gravel roads.

Improvements means the construction or installation of public or private utilities, including but not limited to, potable water, sanitary sewer systems, storm sewers, roads and other thoroughfares, sidewalks, curbs and gutters, paving barricades, trees and other plantings, lighting, fuel or energy and the transmission thereof, transportation systems or facilities connected therewith and communication systems which are necessary, desirable or convenient in the maintenance of the health, safety and the general welfare.

Incinerator means any furnace or other device used in the process of burning solid waste, hazardous waste, medical waste or special waste for the purpose of reducing the volume of the waste by removing combustible material.

Industrial solid waste.

- (1) The term "industrial solid waste" means all solid waste generated from an industrial or manufacturing process and solid waste generated from non-manufacturing process and solid waste generated from non-manufacturing activities such as service and commercial establishments.
- (2) The term "industrial solid waste" does not include office materials, restaurant and food preparation waste, discarded machinery, demolition debris, or household refuse.

Industrial solid waste land disposal facility means a site used to dispose of industrial solid waste in or on the land.

Industrial use means the use of land or buildings for the production, manufacture, warehousing, storage, or transfer of goods, products, commodities, or other wholesale items.

Institution means any building housing any civic, philanthropic, educational, public, religious or public service organization.

Intensive vegetation clearing means the complete removal of trees or shrubs in a contiguous patch, strip, row, or block.

Junkyard means land or buildings where waste, discarded or salvaged materials are bought, sold, stored, exchanged, cleared, packaged, disassembled or handled.

Key means a designed compacted fill placed in a trench excavated in earth material beneath the toe of a proposed fill slope.

Land disposal facility means any tract or parcel of land, including any constructed facility, at which solid waste is disposed of in or on the land.

Land disturbance activity means any land change that may result in soil erosion from water or wind and the movement of sediments into or upon waters or lands within this government's jurisdiction, including clearing and grubbing, grading, excavating, transporting and filling of land. Within the context of this rule, land disturbance activity does not mean:

- (1) Minor land disturbance activities such as home gardens and an individual's home landscaping, repairs, and maintenance work.
- (2) Construction, installation, and maintenance of electric, telephone, and cable television, utility lines or individual service connection to these utilities, which result in creating under 500 square feet of exposed soil.
- (3) Tilling, planting, or harvesting of agricultural, horticultural, or silvicultural crops.
- (4) Installation of fence, sign, telephone, and electric poles and other kinds of posts or poles which result in creating under 500 square feet of exposed soil.
- (5) Emergency work to protect life, limb, or property and emergency repairs, unless the land disturbing activity would have otherwise required an approved erosion and sediment control plan, except for the emergency. If such a plan would have been required, then the disturbed land area shall be shaped and stabilized in accordance with the city's requirements as soon as possible.

Land pollution means the presence in or on the land of any waste or waste byproduct in such quantity, of such nature and duration, and under such condition as would affect any waters of the state, create air contaminants, cause air pollution or contaminate soils at the site making the site unacceptable for further use.

Land reclamation means the process of the reestablishment of acceptable topography (i.e., slopes), vegetative cover, soil stability and the establishment of safe conditions appropriate to the subsequent use of the land.

Landfill activity means the process of land disposal, including but not limited to dumping of waste or processed waste, excavating cover material, storage and servicing of equipment, placing cover material, or stockpiling of materials for landfill requirements.

Landfill activity area means the area where landfill activity takes place.

Landmark tree means any tree which is determined by the city council to be of unique and intrinsic value to the general public. This could be the result of its size, age, historic association or ecological value or any tree

designated a Minnesota State Champion, United States Champion or World Champion by the American Forestry Association. The city shall keep a record of all specimen trees so designated and their location.

Landscape plan means the design and specifications for the placement of any live plant materials such as trees, shrubs, ground cover and grasses as well as humanmade structures such as walls, fences, and berms. This also includes the retention of existing vegetation for the purposes of enhancing property value and aesthetics, protecting the community's environment, and minimizing negative impacts on visual order of the community.

Landscaping means the use of natural plant materials including but not limited to, ground covers, shrubs, and trees (deciduous and evergreen). Landscaping also involves the placement, preservation, and maintenance of such plant materials and includes such elements as fences, walls, lighting, and earth mounding.

Large tree means any tree expected to reach a height in excess of 30 feet at maturity.

Leachate means liquid that has percolated through solid or processed waste and has extracted, dissolved, or suspended materials from it.

License fee means the annual charge for a permit as required herein. The term "license," "conditional use permit" and "permit" as used herein may be used interchangeably.

Light manufacturing means the processing and fabrication of certain materials and products where no process involved will produce noise, vibrations, air pollution, fire hazard or noxious emission which will disturb or endanger neighboring properties.

Litter means slightly decomposed organic material on the floor of a wooded area.

Lot means a parcel of land designated by plat, metes and bounds, registered land survey, auditors plot, or other accepted means and separated from other parcels or portions by said description for the purpose of sale, lease, or separation.

Lot, depth of, means a mean horizontal distance between the front and rear lot lines measured in the mean direction of the side lot lines.

Lot, frontage, means the front of a lot shall be, for purposes of complying with this Code, that boundary abutting a public right-of-way having the least width.

Lot, interior, means a lot, other than a corner lot, including through lots.

Lot, minimum area of, means the surface of a lot computed exclusive of any portion of the right-of-way of any public street or thoroughfare for all commercial and industrial lots and all residential lots. In the event of more than one street frontage, the measurement will be taken at the street where driveway access is gained unless otherwise approved by the city.

Lot, through, means a lot fronting on two parallel streets.

Lot line means a property boundary line of any lot held in single or separate ownership; except that where any portion of the lot extends into the abutting street or alley, the lot line shall be deemed to be the street or alley right-of-way.

Lot of record means any lot which individually, or as part of a subdivision, was a separate parcel of record on April 28, 1972.

Lot width means the uniform width measured at the property line abutting the street at the minimum building setback line of the underlying zoning district. In the case of a lot abutting a cul-de-sac, the lot width is the width measured at right angles to the depth at the building setback requirement.

Lowest floor means the lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, used solely for parking of vehicles, building access, or storage in an area other than a basement area, is not considered a building's lowest floor.

Mansard means a sloped roof or roof-like facade architecturally comparable to a building wall.

Marquee means a permanent roof-like structure of rigid materials supported by and extending from the facade of a building.

Medical waste means all segregated, non-recycled wastes other than kitchen or office wastes produced by hospitals, clinics, doctors' and dentists' offices, funeral homes, veterinary clinics, and other medical and research facilities. These wastes include infectious wastes as defined by Minn. Rules pt. 7035.0300, subpt. 48, or other relevant rule or statute defining infectious wastes, pathological waste, and laboratory wastes.

Mining means all or any part of the process involved in the extraction of sand, gravel, rock, soil or other material from the ground by removing the overburden and extracting directly from the material thereby exposed.

Mining operation means the removal of stone, sand and gravel, coal, salt, iron, copper, nickel, petroleum or other material from the land for commercial, industrial, or governmental purposes.

Mixed municipal solid waste has the meaning given it in Minn. Stats. § 115A.03, subd. 21.

Mixed municipal solid waste land disposal facility means a site used for the disposal of mixed municipal solid waste.

Mobile commercial cosmetic cleaning means power washing, steam cleaning and any other mobile cosmetic cleaning operation of vehicles and/or exterior surfaces engaged for commercial purposes.

Mobile home park means any premises which has facilities to accommodate two or more occupied mobile homes.

Model home means a dwelling in a developing subdivision, located on a legal lot of record, that is limited to temporary use as a sales office for the subdivision and to provide an example of the dwellings which have been built or which are proposed to be built within the same subdivision.

Moderately are soils having percolation rates of 30 minutes per inch to 60 minutes per inch.

Motel/motor hotel means a building or group of detached, semi-detached or attached buildings containing guestrooms or units, each of which has a separate entrance directly from the outside of the building or corridor, 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 transient guests.

Motion sign means any sign which revolves, rotates or has any moving parts.

Motor freight terminal (truck terminal) means a building in which freight brought by a motor truck is assembled and sorted for routing in intrastate and interstate shipment.

Motor fuel station means a place where gasoline is stored only in underground tanks, kerosene or motor oil and lubricants or grease, for operation of automobiles, are retailed directly to the public on premises and including minor accessories and services for automobiles but not including automobile major repairs and rebuilding.

Motor vehicle, commercial use, means any device designed to be self-propelled that is eligible for legal operation on the public roads and highways and whose primary use is to facilitate the generation of revenue. This shall not include standard passenger automobiles, pick-up trucks and vans displaying company logos and/or advertisements.

Motor vehicle, private use, means any device which is designed to be self-propelled, and not deriving its power from overhead wires. This shall also include standard passenger automobiles, pickup trucks and vans displaying company logos and/or advertisements.

MS4 permit means the Minnesota Pollution Control Agency (MPCA) permit issued to the City of Ramsey for monitoring and maintaining water quality in its MS4. The Environmental Protection Agency (EPA) has promulgated the National Pollution Discharge Elimination System (NPDES), Phase II storm water rules. The MPCA has delegated

the responsibility to administer the National Pollution Discharge Elimination System, Phase II storm water permit system to MS4 communities.

Municipal forestry program shall be synonymous with "City Tree Planting Program" and shall include, but not be limited to:

- (1) Tree planting, maintenance, removal and replacement;
- (2) Leaf collection and disposal;
- (3) Community relations activities including information on tree plantings, seedling distributions, and Arbor Day observations; and
- (4) Any enforcement of city ordinances relating to the city's tree planting program.

Municipal separate storm sewer system (MS4) means the system of conveyances, including sidewalks, municipal streets, driveways, curb and gutter, ditches, channels, retention basins, catch basins or similar storm water inlets, and/or any other conveyance delivering water to the public storm sewer collection and delivery system.

Nameplate/identification sign means a sign which bears the name and/or address of the occupants of the building.

Native species means any species of plant considered to be indigenous to the county sand plain.

Natural area means an area that does not include noxious weeds that is purposely left to grow in a natural state and contains vegetation that can maintain itself in a stable condition.

Natural drainage system means all land surface areas which by nature of their contour configuration, collect, store and channel surface water runoff.

Natural obstruction means any rock, tree, gravel or analogous natural matter that is an obstruction and has been located within a water body, watercourse, or wetland by a non-human cause.

NOI means notice of intent.

Nonconforming sign, illegal, means a sign which unlawfully existed prior to the adoption of the ordinance from which this chapter is derived.

Nonconforming sign, legal, means a sign which lawfully existed prior to the adoption of the ordinance from which this chapter is derived, but does not conform to the newly enacted requirements of this chapter.

Nonconforming use means any use of land established before the effective date of the ordinance from which this chapter is derived which does not conform to the use restrictions of a particular zoning district. This should not be confused with substandard dimensions of a conforming use.

Nonconforming use, illegal, means a building, structure, premises, or use which at the time of its establishment did not comply or conform with the applicable conditions or provisions of this Code which were in effect at such date, and which continues such noncompliance and nonconformance with the present Code.

Nonconforming use, legal, means a building, structure, premises, or use which at the time of its establishment was in compliance and conformance with the applicable conditions and provisions of this Code which were in effect at such date, but which does not now comply or conform to conditions and provisions of the current Code.

Non-domestic sewage (process wastewater) means sewage discharges generated from such uses as restaurants, laundromats, barbershops and beauty shops, carwashes, and other types of commercial or industrial establishments.

Normal high-water mark means a continuous mark of reference at an elevation where land and water meet for some period of record; is commonly that point where the natural vegetation changes from predominantly aquatic to predominantly terrestrial.

Notice of intent (NOI) means a written notice to the Minnesota Pollution Control Agency that the city plans on meeting the MS4 permit requirements.

NPDES means National Pollutant Discharge Elimination System (NPDES) as established pursuant to 33 USC 1342(b) to regulate discharges of Pollutants to the waters of the United States.

NPDES permit means an NPDES stormwater discharge permit that is issued by the Minnesota Pollution Control Agency (MPCA) to regulate discharges of pollutants to waters of the United States, whether the permit is applicable to an individual, group or general area-wide basis.

Nuisance or public nuisance. See chapter 10, Animals, for specific definition.

Nursing home, rest home or convalescent home means a building having accommodations where care is provided for two or more invalids, infirmed, aged, convalescent, or physically disabled persons that are not of the immediate family; but not including hospitals, clinics, sanitariums or similar institutions.

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

Official map means a map adopted in accordance with the ordinance from which this chapter is derived showing existing streets, proposed future streets and the area needed for widening of existing streets of the city. An official map may also show the location of existing and future land and facilities within the city. An official map may cover the entire city or any portion of the city.

Off-street loading space means a space accessible from the street, alley or way, in a building or on the lot for the use of trucks while loading or unloading merchandise or materials. Such space shall be of such size as to accommodate one truck of the type typically used in the particular business and shall be exclusive of general public and employee parking spaces.

On site means any location within the boundaries of a site.

One hundred-year floodplain means lands inundated by the regional flood.

Opacity means the degree to which a structure, use or view is screened from adjacent properties.

Open sales lot means any open land used or occupied for the purpose of buying, selling and/or renting merchandise and for the storing of same prior to sale.

Open space means an area set aside for the preservation of natural open spaces to counteract the effects of urban congestion and monotony.

Open space recreation uses means recreation use particularly oriented to and utilizing the outdoor character of any area; including hiking and riding trails, primitive campsites, campgrounds, waysides, parks and recreational areas.

Operable motor vehicle means a vehicle that can be presented in a self-propelled condition within seven days of the city's request for such action.

Operator means any person, any partnership, limited partnership or corporation, or any association of persons, engaged in surface mining operations and issued a permit therefor pursuant to this Code or the pilot of an aircraft.

Ordinary high-water mark means either of the following:

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- (1) The boundary of public waters and wetlands, and shall be an elevation delineating the highest water level which has been maintained for a sufficient period of time to leave evidence upon the landscape, commonly that point where the natural vegetation changes from predominantly aquatic to predominantly terrestrial. For watercourses, the ordinary high-water level is the elevation of the top of the bank of the channel. For reservoirs and flowages, the ordinary high-water level is the operating elevation of the normal summer pool.
 - (2) Generally the boundary elevation where the vegetation changes from predominately aquatic (where "aquatic" broadly means that the vegetation can survive moist conditions) to terrestrial. This elevation delineates the highest water level, which has been maintained for a sufficient period of time to leave evidence upon the landscape, commonly that point where the natural vegetation changes from predominantly aquatic to predominantly terrestrial. Water often reaches this elevation in spring. For rivers and streams the ordinary high water mark is usually the top of the bank. It is less well defined for lakes and wetlands. The definition in Minn. Stats. § 103G.005, subd. 14 provides that the "... "Ordinary high water level" means the boundary of water basins, watercourses, public waters, and public waters wetlands, and:
 - a. The ordinary high water level is an elevation delineating the highest water level that has been maintained for a sufficient period of time to leave evidence upon the landscape, commonly the point where the natural vegetation changes from predominantly aquatic to predominantly terrestrial;
 - b. For watercourses, the ordinary high water level is the elevation of the top of the bank of the channel; and
 - c. For reservoirs and flowages, the ordinary high water level is the operating elevation of the normal summer pool. The term "ordinary high water mark" is further defined in Minn. Rules pt. 6120.2500, subpt. 11. Ordinary high-water marks are determined by the state department of natural resources' area hydrologist.

Organic matter means decayed plant materials that are no longer identifiable or recognizable as the original plant and have been biologically transformed into a humus-like material.

Outlot means a parcel that is not a developable piece of property unless re-platted in accordance with city ordinances.

Owner means any person, firm or corporation, or any other legal entity, or a combination of any of them, having sufficient legal proprietary interest in the land sought to be subdivided to commence and maintain proceedings to subdivide the same under this chapter.

Parcel means an individual lot or tract of land.

Park includes any city public spaces designated for recreation and/or conservation.

Parking pad means any on-site area used for storage or parking of motor vehicles, equipment, or items listed in section 117-355, Residential off-street parking. A parking pad does not include a driveway as defined by City Code. A parking pad shall have a prepared surface as required by this chapter. The parking pad area shall not exceed those area restrictions as prescribed by this chapter.

Parking node means a parking area with two or more parking spaces that are usually for common parking in medium and high density developments. Examples include private parking lots for tenant/visitors of apartments and parking areas along private streets for townhomes.

Parking space means an area, enclosed in the main building, in an accessory building, or unenclosed, sufficient in size to store one automobile, which has adequate access to a public street or alley and permitting satisfactory ingress and egress of an automobile.

Parking surface, residential, means the entire area under a vehicle or piece of equipment plus a one-foot extended perimeter.

Passive solar energy system means a system that captures solar light or heat without transforming it to another form of energy or transferring the energy via a heat exchanger.

Paved surface means a constructed hard, smooth surface made of asphalt, concrete or other pavement material. Examples include, but are not limited to, roads, sidewalks, driveways and parking lots.

Pedestrian way means a public or private right-of-way within or across a block to provide access for pedestrians and which may be used for utilities.

Pennants means attention-getting devices which resemble flags and are of non-permanent paper, cloth or plastic-like consistency.

Permanent cover means final stabilization. Examples include grass, gravel, asphalt, and concrete.

Permanent sign means any sign which is not defined as a temporary sign.

Permitted use means a use which may be lawfully established in a particular district, provided it conforms with all requirements, regulations, and performance standards (if any) of such districts.

Person means an individual, firm, partnership, association, corporation or organization of any kind.

Personal use heliport means restricted to use by one person.

Pervious surface means a surface that permits the entry of water into the soil. Examples include lawns, planting beds and paving brick surfaces designed to infiltrate water into the underlying soils.

Pest means any injurious plant, animal, disease, insect or other organism that harms trees or other woody vegetation or humans.

Photovoltaic system means a solar energy system that converts solar energy directly into electricity.

Planned cluster development means a pattern of subdivision development which places dwelling units into compact groupings while providing a commonly owned or dedicated open space.

Planting means vegetative installations and related improvements, retained or introduced for the purpose of beautifying or enhancing property, buffering adjoining uses, control soil erosion, etc.

Plat, final, means a drawing or map of a subdivision which meets all of the requirements of the city and is in such form as meets the requirements under the state law for purposes of recording.

Plat, major, means the subdivision of parcels that exceed three parcels and/or requires the construction of public streets or utilities. A major plat requires sketch plan review by the planning commission, preliminary plat review by the planning commission and city council and final plat review by the city council.

Plat, minor, means a subdivision of three or less parcels and does not require the construction of public streets or utilities.

Plat, preliminary, means the initial drawing indicating the proposed layout of the subdivisions to be submitted hereunder in compliance with the regulations, including required supporting data.

Point source means any discernible, confined, and discrete conveyance, including but not limited to, any pipe, ditch, channel, tunnel, conduit, well, discrete fissure, container, rolling stock, concentrated animal feeding operation, landfill leachate collection system, vessel or other floating craft from which pollutants are or may be discharged. This term does not include return flows from irrigated agriculture or agricultural storm water runoff.

Political sign means a temporary sign used in connection with any local, state or national election or referendum.

Pollutant means:

- (1) Toxic or hazardous substances, wastes or contaminants (including, without limitation, asbestos, urea formaldehyde, the group of organic compounds known as polychlorinated biphenyls, petroleum products including gasoline, fuel oil, crude oil and various constituents of such products, and any hazardous substance as defined in Comprehensive Environmental Response, Compensation and Liability Act of 1980 ("CERCLA"), 42 USC 9601—9657, as amended);
- (2) Substances that would require a permit for their discharge into any water source or system or the air under the Federal Water Pollution Control Act, 33 USC 1251 et seq., or the Clean Air Act, 42 USC 7401 et seq.;
- (3) Hazardous substances, pollutants or contaminants defined in Minn. Stats. ch. 115B;
- (4) Litter, yard waste, garbage, liquid and solid wastes, fertilizers, pesticides, herbicides, paints, solvents, automotive fluids, wastes and residues that result from constructing a building or structure; and
- (5) As in any other similar state law or ordinance.

Pollution means the alteration of the physical, thermal, chemical, or biological quality of, or the contamination of, any waters of the state or the MS4, that renders the water harmful, detrimental, or injurious to humans, animal life, vegetation, or property, or to the public health, safety, or welfare, or impairs the usefulness or the public enjoyment of the water for any lawful or reasonable purpose.

Portable sign means any sign designed to be removed and not permanently affixed to the ground or a structure or a building.

Primitive campsites means an area that consists of individual remote campsites accessible only by foot or water.

Principal use or structure means all uses or structures that are not accessory uses or structures.

Private use heliport means for use by multiple persons at the invitation of the owner (an example would be a heliport at a hospital).

Projecting sign means any sign, all or any part of which extends beyond the surface of the building or wall by more than 16 inches.

Property line means the boundary between two distinct properties.

Property owner means the person owning such property as shown by the county auditor's plat of the City of Ramsey, Minnesota.

Protected waters means any public waters as defined in Minn. Stats. § 103G.005. However, no lake, pond or flowage of less than ten acres in size and no river or stream having a total drainage area less than two square miles shall be regulated for the purposes of these regulations.

Protective covenants means contracts made between private parties as to the manner in which land may be used, with the view to protecting and preserving the physical and economic integrity of a given area.

Pruning means the judicious removal of plant parts to increase usefulness, beauty, or vigor.

Pruning standard means the standard established by the International Society of Arboriculture for use in the pruning of plant material located on public property.

Public area means property within the city limits, and:

- (1) Owned by the city in fee simple absolute; or
- (2) Implied or expressly dedicated to the public for present or future use for purposes of vehicular or pedestrian traffic, or for public easements.

Public event means any event that is authorized by the city, whether funded in part, total or not at all by the city.

Public sewer means municipal sanitary sewerage facilities connected to an interceptor sewer or sewage treatment facility provided by the Metropolitan Waste Control Commission.

Public tree means all trees now, or hereafter, growing along any street, in any park, or any other public place.

Public use heliport means unrestricted and open to the public.

Public uses means uses owned or operated by municipal, school districts, county, state or other governmental units.

Public waters means any waters as defined in Minn. Stats. § 103G.005, subds. 15 and 15a.

Raising means the removal of lower branches or the removal of smaller branches from larger branches to increase the clearance height of the limbs over streets, alleys, or buildings.

Rapidly are soils having percolation of less than 30 minutes per inch.

Reach means a hydraulic engineering term to describe a longitudinal segment of a stream or river influenced by a natural or manmade obstruction. In an urban area, the segment of a stream or river between two consecutive bridge crossings would most typically constitute a reach.

Recreation field or building means an area of land, water, or any building in which amusement, recreation or athletic sports are provided for public or semi-public use, whether temporary or permanent, except a theater, whether provision is made for the accommodation of an assembly or not. A golf course, arena, baseball park, stadium, circus or gymnasium is a recreation field or building for the purpose of this Code.

Recreational vehicle means a vehicle that is built on a single chassis, is 400 square feet or less when measured at the largest horizontal projection, is designed to be self-propelled or permanently towable by a light duty truck, and is designed primarily not for use as a permanent dwelling but as a temporary living quarters for recreational, camping, travel, or seasonal use. For the purposes of subdivision III (floodplain overlay districts), the term recreational vehicle is synonymous with the term 'travel trailer/travel vehicle'.

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

Regulatory flood protection elevation means an elevation no lower than one foot above the elevation of the regional flood plus any increases in flood elevation caused by encroachments on the floodplain that result from designation of a floodway.

Release means any spilling, leaking, pumping, pouring, emitting, emptying, discharging, injecting, escaping, leaching, dumping, or disposing into groundwater, subsurface soils, surface soils, the municipal separate storm sewer system (MS4) or the waters of the state.

Replacement planting means the replacement of trees and landscape materials into the minimum required landscape areas, as determined by the zoning ordinance, conditions of zoning approval, or the provisions of this chapter.

Required public improvements means those improvements in any proposed subdivision, including streets, water and sewer systems and stormwater drainage systems, which are required in connection with the approval of any plat or other subdivision.

Residential planned unit development means a use where the nature of residency is non-transient and the major or primary focus of the development is not service-oriented. For example, residential apartments, manufactured home parks, time-share condominiums, townhouses, cooperatives, and full fee ownership

residences would be considered as residential planned unit developments. To qualify as a residential planned unit development, a development must contain at least five dwelling units or sites.

Restaurant (Class I) means traditional restaurant where food is served by a waiter or waitress to a customer and consumed while seated at a counter or table. Food is served on non-disposable containers.

Restaurant (Class II) means fast food restaurants in which a majority of the customers are served food at a counter and take it to a table to eat at or may take food outside to consume in a vehicle or off the premises.

Retention basin means a temporary or permanent natural or man made structure, facility or basin that provides a permanent pool of water for storage of stormwater where water is allowed to empty through infiltration or evaporation, including but not limited to wet or NURP ponds.

Right-of-way means the area within the limits of a street, alley, pedestrian way, thoroughfare or easement.

Roof sign means any sign erected upon the roof of a structure to which it is affixed.

Roofline means the top line of the coping; or, when the building has a pitched roof, as the intersection of the outside wall with the roof.

Rough grade means the stage at which the grade approximately conforms to the approved plan.

Runoff means any liquid that drains over land from any part of a facility.

Runoff coefficient means the average annual fraction of total precipitation that is not infiltrated into or otherwise retained by the soil, concrete, asphalt or other surface upon which it falls that will appear at the conveyance as runoff.

Screening means a method of reducing the impact of noise and visual intrusions with less offensive or more harmonious elements, such as plants, berms, fences or any appropriate combination thereof.

- (1) *75-percent screening*: Screening would be required on all common lot lines at 100 percent, excluding from along roadway, except on a corner lot, in which case the secondary frontage would still require screening. This means, screening is required on three sides of the vehicle at 100 percent.
- (2) *50-percent screening*: Screening would be required on lot lines adjoining subject property along the length of the vehicle/equipment at 100 percent. This means screening is required on at least two sides of the vehicle at 100 percent.

Sediment means the product of an erosion process; solid material both mineral and organic, that is in suspension, is being transported, or has been moved by water, air, or ice, and has come to rest on the earth's surface either above or below water level.

Sediment control means the methods employed to prevent sediment from leaving the development site. Sediment control practices include silt fences, sediment traps, earth dikes, drainage swales, check dams, subsurface drains, pipe slope drains, storm drain inlet protection, and temporary or permanent sedimentation basins.

Sedimentation means the process or action of depositing sediment caused by erosion.

Selective cutting means the removal of single scattered trees.

Semi-public use means the use of land by a private, nonprofit organization to provide a public service that is ordinarily open to some persons outside the regular constituency of the organization.

Sensitive resource management means the preservation and management of areas unsuitable for development in their natural state due to constraints such as shallow soils over groundwater or bedrock, highly erosive or expansive soils, steep slopes, susceptibility to flooding, or occurrence of flora or fauna in need of special protection.

Setback means the minimum horizontal distance between a use and lot line or other distinguished area. Distances are to be measured from ground level except as provided hereinafter.

Sewage disposal regulations means the regulations found in chapter 113, article II, and any subsequent amendments.

Sewage treatment system means:

- (1) Any system for the collection, treatment and dispersion of sewage including but not limited to septic tanks, soil absorption systems and drain fields; or
- (2) Septic tank and soil absorption system or other individual or cluster type sewage treatment system as described and regulated in this chapter.

Sewer system means the pipelines or conduits, pumping stations, and force main, and all other construction, devices, appliances, or appurtenances used for conducting sewage or industrial waste or other wastes to a point of ultimate disposal.

Shopping center means a commercial development consisting of three or more separate commercial establishments sharing a common building, entranceway or parking area.

Shore impact zone means land located between the ordinary high water level of a public water and a line parallel to it at a setback of 50 percent of the structure setback.

Shoreland means the land within the following distances from public waters: 1,000 feet from the ordinary high water level of a lake, pond, or flowage; and 300 feet from a river or stream, or the landward extent of a floodplain designated by ordinance on a river or stream, whichever is greater. The limits of shorelands may be reduced whenever the waters involved are bounded by topographic divides which extend landward from the waters for lesser distances and when approved by the commissioner.

Sign means any letter, word or symbol, device, poster, picture, statuary, reading matter, or representation in the nature of an advertisement, announcement, message or visual communication, whether painted, posted, printed, affixed or constructed, which is displayed outdoors for informational or communicative purposes.

Sign area means that area within the marginal lines of the surface which bears the advertisement, or in the case of messages, figures or symbols attached directly to any part of a building, that area which is included in the smallest geometric shape which can be made to circumscribe the message, figure or symbol displayed thereon. The stipulated maximum sign area for a free standing or ground sign refers to a single facing.

Sign, advertising, means a sign which directs attention to a business, commodity, service, activity or entertainment not necessarily conducted, sold or offered upon the premises where such sign is located.

Significant historic site means any archaeological site, standing structure, or other property that meets the criteria for eligibility to the National Register of Historic Places or is listed in the State Register of Historic Sites, or is determined to be an unplatted cemetery that falls under the provisions of Minn. Stats. § 307.08. A historic site meets these criteria if it is presently listed on either register or if it is determined to meet the qualifications for listing after review by the state archaeologist or the director of the Minnesota Historical Society. All unplatted cemeteries are automatically considered to be significant historic sites.

Slope means the degree of deviation of a surface from the horizontal, usually expressed in percent, degrees, or ratio.

Slowly are soils having percolation rates in excess of 60 minutes per inch.

Soil means either:

- (1) Naturally occurring superficial deposits overlying bedrock.

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- (2) The unconsolidated mineral and organic material on the immediate surface of the earth. For the purposes of this chapter stockpiles of sand, gravel, aggregate, concrete or bituminous materials are not considered "soil" stockpiles.

Soil absorption system means a system constructed in conformance to the city's sewage disposal regulations in chapter 113 for the purpose of the disposal of septic tank effluent by soil absorption.

Soil permeability means the quality of the soil that permits water or air to pass through it; it is expressed as the time in minutes required to pass one inch of water through a saturated cross section of soil; it is determined by field test procedures outlined in the city's sewage disposal regulations in chapter 113.

Soil permeability — moderately are soils having percolation rates of 30 minutes per inch to 60 minutes per inch.

Soil permeability — rapidly are soils having percolation of less than 30 minutes per inch.

Soil permeability — slowly are soils having percolation rates in excess of 60 minutes per inch.

Soil survey means the systemized study of soils, including the study of morphological soil characteristics, soil behavior and the classification of soils into defined types and other classification units, soil mapping to show the boundaries of soils and their geographic distribution and the prediction of their behavior for specific uses or management systems as defined by Standard Soil Survey, USDA.

Soils.

- (1) *Class I lands* are lands on which the water table remains greater than six feet below the surface through the year, and:
 - a. The soil is moderately permeable with slopes not exceeding 12 percent.
 - b. The soil is rapidly permeable with slopes not exceeding 18 percent.
- (2) *Class II lands* are lands on which the water table remains at two to six feet below the ground surface throughout the year, and:
 - a. Soils are moderately permeable with slopes ranging between 12 percent and 18 percent.
 - b. Soils are slowly permeable with slopes not exceeding 12 percent.
- (3) *Class III lands* are lands on which the water table remains greater than six feet below the surface throughout the year; and:
 - a. Soils are moderately permeable and slopes exceed 18 percent;
 - b. Soils are rapidly permeable and slopes exceed 18 percent;
 - c. Soils are slowly permeable and slopes exceed 12 percent.
- (4) *Class IV lands* are lands on which the water table does not remain greater than six feet below the surface throughout the year or lands considered to be floodplain and subject to flooding.
- (5) *Class V lands* are lands which have steep slopes, over 12 percent.

Solar access means that access between the solar energy collector and the sun which must be free of obstructions that shade the collector to an extent which precludes the effective operation.

Solar energy means radiant energy that is direct, diffused, and reflected energy received from the sun.

Solar energy system means a device or structural design feature, a substantial purpose of which is to provide daylight for interior lighting or provide for the collection, storage and distribution of solar energy for space heating or cooling, electricity generation or water heating.

Solid waste means garbage, refuse, sludge from a water supply treatment plant or air contaminant treatment facility, and other discarded waste materials and sludges, in solid, semi-solid, liquid, or contained gaseous form, resulting from industrial, commercial, mining and agricultural operations, and from community activities, but does not include hazardous waste; animal waste used as fertilizer; earthen fill, boulders, rock; sewage sludge; solid or dissolved material in domestic sewage or other common pollutants in water resources, such as silt, dissolved or suspended solids in industrial waste water effluents or discharges which are point sources subject to permits under § 402 of the Federal Water Pollution Control Act, as amended, dissolved materials in irrigation return flows; or source, special nuclear, or by-product material as defined by the Atomic Energy Act of 1954, as amended.

Solid waste land disposal facility means a facility used to dispose of solid waste in or on the land.

Solid waste management facility means a facility for the storage, collection, transportation, processing or reuse, conversion or disposal of solid waste.

Special flood hazard area is a term used for flood insurance purposes synonymous with "one hundred-year floodplain."

Special waste means any waste material not considered hazardous or solid waste which has been determined by the Minnesota Pollution Control Agency or Environmental Protection Agency to require special handling or treatment prior to disposal.

Stabilized means the exposed ground surface after it has been covered by sod, erosion control blanket, rip-rap, or other material that prevents erosion from occurring. Simply sowing grass seed is not considered stabilization.

Standard use means any use of shorelands existing prior to the date of enactment of the ordinance from which this chapter is derived which is permitted within the applicable zoning district but does not meet the minimum lot area and length or water frontage, structure setbacks, or other dimensional standards of this Code.

Steep slope means land where agricultural activity or development is either not recommended or described as poorly suited due to slope steepness and the site's soil characteristics, as mapped and described in available county soil surveys or other technical reports, unless appropriate design and construction techniques and farming practices are used in accordance with the provisions of this chapter. Where specific information is not available, steep slopes are lands having average slopes over 12 percent, as measured over horizontal distances of 50 feet or more, that are not bluffs.

Stormwater, under Minn. Rules pt. 7077.0105, subpt. 41b, "means precipitation runoff, stormwater runoff, snow melt runoff, and any other surface runoff and drainage." (According to the Federal Code of Regulations under 40 CFR 122.26[b][13], "Stormwater means stormwater runoff, snow melt runoff and surface and drainage."). Stormwater does not include construction site dewatering.

Storm water pollution control plan(also known as storm water pollution prevention plan) means a joint stormwater and erosion and sediment plan that is a document containing the requirements of article II, division 6, subdivision II of this chapter, that when implemented will decrease soil erosion on a parcel of land and off-site nonpoint pollution.

Story means that portion of a building including beneath the upper surface of a floor and upper surface of floor next above, except that the topmost story shall be that portion of a building included between the upper surface of the topmost floor and the ceiling or roof above. If the finished floor level directly above a basement or cellar, or unused underfloor space is more than six feet above grade as defined herein for more than 50 percent of the total perimeter or is more than 12 feet above grade as defined herein at any point, such basement, cellar, or unused underfloor space shall be considered a story.

Street frontage means the proximity of a parcel of land to one or more streets. An interior lot has one street frontage and a corner lot has two such frontages.

Street frontage/lot width means the measurement of distance of an entire property width, as measured at the property line or the front yard setback line.

Street trees means trees, shrubs, bushes, and all other woody vegetation on land lying between property lines on either side of all streets, avenues, or ways within the city.

Streets.

- (1) *Street* means a public right-of-way affording primary access by pedestrians and vehicles abutting properties, whether designated as a street, highway, thoroughfare, parkway, road, avenue or however otherwise designated.
- (2) *Collector street* means a street which carries traffic from minor streets to arterials. It includes the principal entrance streets of a residential development and streets for circulation within such a development.
- (3) *Cul-de-sac* means a street with only one outlet and having an appropriate terminal for the safe and convenient reversal of traffic movement.
- (4) *Minor street* means a street used primarily for access to the abutting properties and the local needs of a neighborhood.
- (5) *Service street, lane or road* means a street which is adjacent to a thoroughfare and which provides access to abutting properties and protection from through traffic.
- (6) *Street width* means the shortest distance between the lot lines delineating the right-of-way of a street.
- (7) *Minor arterial* means a street primarily designated to carry large volumes of traffic and serves as an intra-thoroughfare between various districts of the city.
- (8) *Major arterial* means a thoroughfare (inter-community travel) which is a major vehicle transportation corridor throughout the region.
- (9) *Urban streets* means those streets located within the 2000 Urban Area and the Urban Reserve Area.
- (10) *Rural streets* means those streets located outside the 2000 Urban Area and the Urban Reserve Area.

Structure means either:

- (1) Anything which is built, constructed or erected; an edifice or building of any kind; or any piece of work artificially built up and/or composed of parts joined together in some definite manner whether temporary or permanent in character, including towers, poles and other supporting appurtenances.
- (2) Anything manufactured, constructed or erected which is normally attached to or positioned on land, including portable structures, earthen structures, roads, parking lots, and paved storage areas.
- (3) Any building, sign, or appurtenance thereto, except aerial or underground utility lines, such as sewer, electrical, telephone, telegraph, or gas lines, including towers, poles, and other supporting appurtenances, and fences used to control livestock or delineate boundaries.

Structure, principal, means anything that houses or facilitates the principal use of a property.

Subdivider means a person, firm or corporation having sufficient proprietary interest in land in order to subdivide the same under this chapter.

Subdivision means improved or unimproved land or lands which are divided for the purpose of ready sale or lease, or divided successively within a five-year period for the purpose of sale or lease, into three or more lots or parcels of less than five acres each, contiguous in area and which are under common ownership or control.

Substandard use means any use within the land use district existing prior to the date of enactment of the ordinance from which this chapter is derived which is permitted within the applicable land use district but does not

meet the minimum lot area, length of water frontage, structure setbacks or other dimensional standards of this chapter.

Substantial damage means damage of any origin sustained by a structure where the cost of restoring the structure to its before damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred.

Substantial improvement means within any consecutive 365-day period, any reconstruction, rehabilitation (including normal maintenance and repair), repair after damage, addition, or other improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure before the "start of construction", as defined in 44 Code of Federal Regulations 59.1, of the improvement. This term includes structures that have incurred Substantial Damage, regardless of the actual repair work performed. The term does not, however, include either:

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

Surface water-oriented commercial use means the use of land for commercial purposes, where access to and use of a surface water feature is an integral part of the normal conductance of business. Marinas, resorts, and restaurants with transient docking facilities are examples of such use.

SWPPP means storm water pollution prevention plan.

Temporary protection means short-term methods employed to prevent erosion. Examples of such protection include; mulch, erosion control blankets, wood chips, and erosion netting.

Temporary real estate office means a structure with or without a foundation or footings, used only as a temporary real estate office, which is open to the general public.

Temporary sign means a sign which is erected or displayed for a limited period of time and not affixed to a Minnesota State Building Code approved structure.

Toe of the bluff means the lower point of a 50-foot segment with an average slope exceeding 18 percent.

Top of the bluff means the higher point of a 50-foot segment with an average slope exceeding 18 percent.

Topping means cutting back a tree to buds, stubs, or laterals not large enough to assume the terminal role.

Topsoil means black dirt composed of unconsolidated material, largely undecomposed organic matter that is a suitable foundation for vegetative growth. The composition of topsoil should contain no more than 35 percent sand content.

Tower means any ground or roof-mounted pole, spire, structure, or combination thereof, including supporting lines, cables, wires, braces, and masts, intended primarily for the purpose of mounting an antenna, meteorological device, or similar apparatus above grade.

Tree means any woody plant that has at least one trunk whose diameter four feet above ground is four inches or greater.

Tree diameter, wherever this term is used in reference to the measurement of a tree, means a tree's trunk as measured 4.5 feet (54 inches) above the ground.

Tree owner means the owner of the real property upon which 51 percent or more of the trunk is located at ground level.

Tree preservation plan means a plan identifying and showing the location, type, size and health of trees, stating the ultimate disposition of the trees, showing the type, size and location of any trees to be planted and setting forth measures to protect trees before, during and after construction.

Tree protection area means any portion of a site wherein are located existing trees which are proposed to be retained in order to comply with the requirements of this chapter. The tree protection area shall include no less than the total area beneath the tree canopy as defined by the dripline of the tree or group of trees collectively.

Tree service means any person, firm, or corporation engaged in the business of cutting, trimming, pruning, spraying, injecting chemicals, or removing trees or shrubs for compensation.

Trees, shrubs, and natural vegetation means all vegetation, woody or otherwise, except grass and flowers less than 24 inches in height.

Urban means of, relating to, characteristic of, constituting a city.

Usable open space means a required ground area or terrace area on a lot which is graded, developed, landscaped and equipped and intended and maintained for either active or passive recreation or both, available and accessible to and useable by all persons occupying a dwelling unit or rooming unit on the lot and their guests. Such areas shall be grassed and landscaped or covered only for a recreational purpose. Roofs, driveways, parking areas and drainage or ponding areas shall not constitute useable open space.

Use, principal, means 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, and shall include the performance of such activity as defined by the performance standards of this chapter.

Vegetated or grassed swales means a vegetated earthen channel that conveys stormwater, while treating the stormwater by biofiltration. Such swales remove pollutants by both filtration and infiltration.

Vegetation means the sum total of plant life in some area; or a plant community with distinguishable characteristics.

Vehicle repair, major, means general repair, rebuilding or reconditioning engines, motor vehicles or trailers, collision service, including body, frame or fender straightening or repair, overall painting or paint job.

Vehicle repair, minor, means minor repairs, replacement of parts and motor services to passenger automobiles and trucks not exceeding 9,000 pounds gross weight, but not including any operation specified under *Vehicle repair, major*.

Vehicle wrecking yard means any place where vehicle not in running condition and/or not licensed, or parts thereof, are stored in the open or any land used for wrecking or storing of such motor vehicles or parts thereof, and including any commercial salvaging and scavenging of any other goods, articles or merchandise.

Wall sign means any sign which is affixed to a wall of any building. This definition includes individual letter signs and signs on mansards.

Water body means a body of water (lake, pond) in a depression of land or expanded part of a river, or an enclosed basin that holds water and is surrounded by land.

Water table means:

- (1) The surface of the groundwater at which the pressure is atmospheric. Generally, this is the top of the saturated zone; or
- (2) The uppermost part of the soil that is wholly saturated with water.

Watercourse means a channel or depression through which water flows, such as rivers, streams, ditches or creeks and may flow year-round or intermittently.

Water-oriented accessory structure or facility means a small, above ground building or other improvement, except stairways, fences, docks, and retaining walls, which, because of the relationship of its use to a surface water feature, reasonably needs to be located closer to public waters than the normal structure setback. Examples of such structures and facilities include boathouses, gazebos, screen houses, fish houses, pump houses, and detached decks.

Waters of the state, as defined in Minn. Stats. § 115.01, subd. 22, means all streams, lakes, ponds, marshes, watercourses, waterways, wells, springs, reservoirs, aquifers, irrigation systems, drainage systems and all other bodies or accumulations of water, surface or underground, natural or artificial, public or private, which are contained within, flow through, or border upon the state or any portion thereof." Disposal systems or treatment works operated under permit or certificate of compliance of the Minnesota Pollution Control Agency are not "waters of the state."

Watershed means the area drained by the natural and artificial drainage system, bounded peripherally by a bridge or stretch of high land dividing drainage area.

Wet detention facility means a permanent manmade structure for the temporary storage of runoff that contains a permanent pool of water.

Wetlands means either:

- (1) An area where water stands near, at or above the soil surface during a significant portion of most years, saturating the soil and supporting a predominantly aquatic form of vegetation and which may have the following characteristics:
 - a. Vegetation belonging to the marsh (emergent aquatic), bog, fen, sedge meadow, shrubland, southern lowland forest (lowland hardwood) and northern lowland forest (conifer swamp) communities. (These communities correspond roughly to wetland types 1, 2, 3, 4, 6, 7 and 8 described by the United States Fish and Wildlife Service, Circular 39, "Wetlands of the U.S., 1956").
 - b. Mineral soils with gley horizons or organic soils belonging to the Histosol order (peat and mulch).
 - c. Soil which is water logged or covered with water at least three months of the year.
 - d. Swamps, bogs, marches, potholes, wet meadows and sloughs are wetlands, and property may be shallow waterbodies, the waters of which are stagnant or actuated by very feeble currents and may at times be sufficiently dry to permit tillage but would require drainage to be made arable.

The edge of a wetland is commonly that point where the natural vegetation changes from aquatic to predominantly terrestrial.

- (2) Those areas that are inundated or saturated by surface water or groundwater at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs, and similar areas. Constructed wetlands designed for wastewater treatment are not waters of the state. Wetlands must have the following attributes:
 - a. A predominance of hydric soils;
 - b. Inundated or saturated by surface water or groundwater at a frequency and duration sufficient to support a prevalence of hydrophytic vegetation typically adapted for life in a saturated soil condition; and
 - c. Under normal circumstances support a prevalence of such vegetation."

The National Wetlands Inventory Maps distributed by the U.S. Department of the Interior Fish and Wildlife Service and Maps of Protected Waters distributed by the state department of natural resources are incorporated by reference in this definition.

- (3) Wetland as defined in Minn. Stats. § 103G.005, subd. 19.

The wetland inventory performed by the city as part of article II, division 4, subdivision VI of this chapter is also incorporated by reference. Field delineation and a report are required prior to any construction.

Wind energy conversion system (WECS) means any device such as a wind charger, wind mill, or wind turbine and associated facilities that converts wind energy to electrical energy. This equipment includes any base, blade, foundation, generator, nacelle, rotor, tower, transformer, vane, wire, inverter, or other component used in the system.

- (1) *WECS, blade.* A component of a WECS mounted to the rotor, causing the rotor to rotate under wind conditions.
- (2) *WECS, medium-scale.* A WECS with a height between 101 feet and 200 feet tall, including the blade.
- (2) *WECS, micro-scale.* A WECS mounted to an existing Structure.
- (3) *WECS, small-scale.* A WECS with a height no greater than 50 feet tall, including the blade.
- (4) *WECS, utility-scale.* A WECS with a height greater than 200 feet, including the blade.

Window sign means a sign installed inside a window, or any sign placed within a building for the purpose of being visible from the public right-of-way. This does not include merchandise on display.

Woodland means a group of trees at least one-half acre in area and with a crown cover of 50 percent or greater.

Work site means any lot or parcel of land under the same ownership, where grading is performed or permitted.

Xeriscape means an integrated approach to landscape water conservation. Xeriscape means dryscape or low water use landscaping. Xeriscapes are designed through wise planning, plant and construction materials selection, and proper installation to provide beautiful, water efficient, low maintenance landscapes.

Yard means an open space on the lot which is unoccupied and unobstructed from its lowest level to the sky. A yard extends along a lot line at right angles to such lot line to a depth or width specified in the yard regulations for the zoning district in which such lot is located.

Yard, front, means that area extending along the full length of a front lot line between side lot lines and to the depth required in the yard regulations for the district in which it is located. In the case of a corner lot abutting one or more major roads, both yards shall be considered front yards. A major road is any road that is of a collector designation or greater.

Yard, rear, means a yard extending across the full width of the lot and lying between the rear line of the lot and the nearest line of the principal building.

Yard, side, means a yard between the side line of the lot and the nearest line of the principal building and extending from the front line of the structure to the rear property line.

Zoning administrator means the community development department.

Zoning amendment means a change of the zoning map or zoning text authorized by the city, either in the allowed use within a district, or in the boundaries of a district.

Zoning buffer means a buffer, as defined and required by the zoning ordinance or as a condition of zoning approval for a specific property.

Zoning district means an area within the limits of the city for which the regulations and requirements governing use are uniform.

Zoning district, overlay, means a zoning district containing regulations superimposed upon other zoning district regulations and may supersede the underlying zoning district if more restrictive than the underlying zoning district regulations.

Zoning district, underlying, means all zoning districts except overlay zoning districts.

Zoning map means the map incorporated into this chapter as a part thereof, designating the zoning districts.

Zoning ordinance means the zoning ordinance of the city, as amended from time to time by the city.

(Code 1978, §§ 9.02.01, 9.11.03, subd. 1, 9.11.06, 9.11.12, subd. 3, 9.11.14, 9.12.02, 9.13.02, 9.14.03, 9.15.01, 9.16.01, 9.21.03, 9.22.02, subd. 8, 9.23.03, subd. 5, 9.24.01, subd. 4, 9.25.02, subd. 3, 9.27.03, 9.30.32, subd. 2, 9.50.02, subd. 2; Ord. No. 73-05, 5-21-1973; Ord. No. 75-05, 6-22-1975; Ord. No. 75-08, 6-27-1975; Ord. No. 79-04, 4-9-1979; Ord. No. 79-13, 10-29-1979; Ord. No. 79-15, 2-25-1980; Ord. No. 81-04, 8-18-1981; Ord. No. 82-02, 3-21-1982; Ord. No. 82-12, 8-30-1982; Ord. No. 85-02, 8-12-1985; Ord. No. 86-2, 8-25-1986; Ord. No. 87-9, 1-11-1988; Ord. No. 89-26, 11-13-1989; Ord. No. 90-05, 3-27-1990; Ord. No. 92-07, 7-13-1992; Ord. No. 93-06, 4-23-1993; Ord. No. 94-02, 2-28-1994; Ord. No. 96-22, 1-13-1997; Ord. No. 97-08, 7-14-1997; Ord. No. 97-09, 7-28-1997; Ord. No. 99-05, 5-31-1999; Ord. No. 99-17, 12-23-1999; Ord. No. 01-15, 7-30-2001; Ord. No. 02-28, 9-30-2002; Ord. No. 03-20, 8-25-2003; Ord. No. 03-21, 8-25-2003; Ord. No. 03-30, 9-15-2003; Ord. No. 03-31, 9-15-2003; Ord. No. 03-33, 9-15-2003; Ord. No. 03-39, 9-29-2003; Ord. No. 04-15, 6-1-2004; Ord. No. 04-35, 10-25-2004; Ord. No. 04-43, 12-27-2004; Ord. No. 05-01, 2-14-2005; Ord. No. 04-32, 5-30-2005; Ord. No. 05-32, 1-16-2006; Ord. No. 06-24, § 2, 8-8-2006; Ord. No. 06-25, § 2, 8-8-2006; Ord. No. 06-32, § 1, 11-28-2006; Ord. No. 08-07, § 2, 2-12-2008; Ord. No. 08-25, § 2, 8-12-2008; Ord. No. 09-04, § 2, 2-24-2009; Ord. No. 09-06, § 2, 2-24-2009; Ord. No. 09-12, § 2, 9-8-2009; Ord. No. 10-01, § 2, 1-12-2010; Ord. No. 10-05, § 1, 4-13-2010; Ord. No. 13-01, § 2, 2-26-2013; Ord. No. 13-15, § 2, 8-27-2013; Ord. No. 14-04, § 2, 5-27-2014; Ord. No. 15-15, § 2, 11-24-2015; Ord. No. 19-03, § 2, 3-12-2019)

Sec. 117-1. – Definitions.

Home occupation means any business or commercial activity that is conducted or petitioned to be conducted ~~from the principal structure or an accessory structure~~ on the property that is zoned for residential use, ~~by persons residing on the property.~~

Home occupation, arts means artists, crafts people, writers, professional consultants personal care and grooming services, piano teachers, beauticians, and similar occupations.

City Code Section 117-351 shall be replaced in its entirety as follows:

1. Home occupations shall be allowed to exist in the residential zoning districts in accordance with certain criteria established to protect the peace, quiet, and domestic tranquility in all residential neighborhoods It is the intent of this section that the property owner shall have a vested interest in the business, as the city does not desire to create business incubators for lease within the residential districts.
2. Home Occupation Permits (HOP) shall be processed in accordance with the processing procedure established for conditional use permits in section 117-51, with the exception of recording the home occupation permit, should it be approved by City Council.
3. Home occupation permits may be suspended or revoked pursuant to the procedure established in Section 117-51.
4. There shall be two levels of home occupations, Level I and Level II, as laid out in the table below:

	Level I	Level II
Permit	No Permit Required	Home Occupation Permit Required
Intent	Clearly incidental and secondary to the residential use of the premises.	Occupations non-typical in most residential settings, but may be approved with conditions based on neighborhood characteristics. All occupations that do not meet all criteria to be considered a level I occupation, and all occupations that have received a verified code enforcement complaint. The City Council has the sole discretion on granting Home Occupation Permits based on each application and its compatibility with the adjacent community and intent of the residential zoning district.
Zoning Districts Allowed	R-1, R-2, and R-3	R-1 only
Occupations	Arts occupations; telecommuters with an office indoors; fully online sales operations	Any occupation that operates beyond the confines of a Level I HOP, and any occupation deemed non-standard for a Level I occupation by the Zoning Administrator. Examples include but are not limited to: contractors, landscaping, lawn care, snow removal.

Customers	No customers may come to the site unless considered an arts occupation.	Any customers onsite, unless considered an arts occupation.	
Employees	One non-resident employee, or zero non-resident employees for art occupation.	Any additional employees beyond what's allowed in Level I	
		Lots less than 5 acres: A maximum of two non-resident employees may be approved with HOP	Lots greater than 5 acres: A maximum of three non-resident employees may be approved with HOP
Traffic	8 trips per day, or 12 trips if an art occupation	Any additional traffic beyond what is allowed in Level I.	
Commercial Vehicles	One piece, affiliated with the home occupation, allowed to be stored/parked on the site of the home occupation in accordance with section 117-355.	Any additional vehicles beyond those allowed in Level I.	
Retail Sales Onsite	None allowed, unless arts occupation.	Any retail sales onsite.	
For the purposes of these regulations, if the home occupation meets any one (1) criteria in the Level II column, it shall automatically be processed as a Level II Home Occupation Permit.			

5. For all Home Occupations (both Level I and Level II):

- a. *Ownership.* Home occupation operations are restricted to the property where the owner of the home occupation resides and has title or holds rental lease. When the owner of a home occupation is conducting operations in a detached accessory building, said accessory building must be located on the same parcel as the owners dwelling unit, or a parcel immediately adjacent to the owner's dwelling, to which the owner also has fee title.
- b. *Accessory buildings.* The area set aside for the home occupation in attached or detached accessory buildings or garages shall not exceed total accessory building space or height allowed on the site of the home occupation, as established in section 117-349.
- c. *Parking space reserved.* At least 200 square feet of indoor garage/parking space reserved for personal vehicles/equipment.
- d. *Signage.* A sign not exceeding two square feet in size may be displayed if affixed flat against the wall of either the home or accessory building where the home occupation is being conducted. The sign shall be non-illuminated and shall not have dynamic display capabilities.
- e. *Exterior.* There shall be no other exterior evidence of the existence of said home occupation, unless otherwise permitted in this section, nor shall the home occupation require exterior alterations that change the residential character to a commercial nature.
- f. *Parking onsite.* The number of persons permitted on the site at any given time shall be limited so as not to create a parking demand in excess of that which can be accommodated on driveway(s) and/or parking pads on the site of the home occupation.

- g. *Incompatible uses.* No home occupation shall include operations relating to internal combustion engines, ammunition manufacturing, or motor vehicle sales.
- h. *Dispatch centers.* No home occupation shall serve as headquarters or as a dispatch center where employees come to the site and are then dispatched to other locations. This includes transporting of materials, stored equipment, and/or employees from the premises to a job site or any business-related location.
- i. *Retail sales.* If retail sales are conducted on the site, sales shall be limited to products that are ancillary to the home occupation and shall be displayed or stored indoors.
- j. *Nuisance prevention.* In order to guarantee that a home occupation, once authorized, will not become a nuisance to the neighbors or otherwise violate these guidelines, the city staff or city council may impose reasonable conditions necessary to protect the public health, safety, and welfare of residents of the city.
- k. *Inspections.* The Zoning administrator or their designee, shall have the right, upon reasonable request, 48 hours' notice shall be considered reasonable, to enter and inspect the premises covered by said permit for safety and compliance purposes, or code enforcement complaints.
- l. *Term of home occupation permits.* Home occupation permits granted by this section shall be temporary in nature and shall be granted to a designated person who resides in the dwelling unit on the subject property. Home Occupation permits shall run with the applicant, not the property. Permits are not transferable from person to person or from address to address, unless the transfer is in accordance with the provisions of subsection (6) of this section.

6. *Death or move of permit holder; suspension or revocation; businesses existing before adoption of article provisions.*

- a) Should a home occupation permit holder die or move to a new location, the existing permit shall be automatically terminated. Except that in the case of death, should a surviving spouse or child, residing at the same address or receiving title to the property desire to continue the home occupation, written notice to that effect shall be given to the zoning administrator and the council may authorize continuation of that permit without further hearing.
- b) A home occupation permit, once granted, may be suspended or revoked prior to its original revocation date by the council for cause after hearing before the council. Citizen complaints seeking the revocation of such permit shall be filed with the zoning administrator. All such revocation hearings, publication, and notice requirements shall be the same as for conditional use permits in accordance with section 117-51.
- c) Persons conducting a business from property zoned for residential use on the effective date of the ordinance from which this section is derived shall be required to obtain a home occupation permit as required herein. The business may continue pending final determination of the application. Should the zoning administrator or council deny the application for a home occupation permit the use shall immediately cease at such residential premises.

Home Occupation Ordinance (21-20) Research
Research for Home Occupation Amendment in the City of Ramsey
By: Bria Raines

This research is an analysis of peer community codes regarding the definition and standards of a home occupation. Staff discovered that the City's existing definition of a home occupation does not reference secondary uses on residential properties that occurs outside of structures. The following home occupation definition and ordinances recommendations were made from analyzing peer city Codes.

Definition Recommendation

Recent code enforcement cases, have identified that the Ramsey City Code does not have a definition that encumbers all home occupations that are seen on Ramsey properties. The purpose of revising the Home Occupation definition is to clarify that all business or commercial activities on a residential property is a home occupation.

The existing Ramsey City Code defines a home occupation in Section 117-1, stating a "Home occupation means any business or commercial activity that is conducted or petitioned to be conducted from the principal or an accessory structure on the property that is zoned for residential use, by persons residing on the property".

The definition in the proposed ordinance determines that a home occupation can occur anywhere on the property, are required to be operated by a resident of the property, and that the home occupation is secondary to the primary residential use. These criteria have not changed, but is meant to be clearly defined in the revised definition.

City Codes Comparison Chart

<u>City</u>	<u>Prohibited Uses</u>	<u>Maximum Floor Area</u>	<u>HOP, CUP, or IUP</u>	<u>Nonresident Employees</u>
Andover*	Prohibited uses are no explicitly listed	20% of gross floor area	Admin HOP	1
		800 square feet	CUP	Not defined
Anoka*	Retail, auto repair and painting, including repair of engines, motor vehicles, motorcycles, and heavy equipment.	25% of gross floor area	Admin HOP	1
			IUP	1
Blaine*	Use of mechanical equipment other than domestic or hobby	20% of gross floor area	Admin HOP	0
			CUP	Not defined
Coon Rapids	repair of internal combustion engines of more than 12 horsepower, body shops; machine shops; welding; ammunition manufacturing; flea markets; motor vehicle repair, maintenance, service or sale; firearm sales; tattoo parlors or other objectionable uses	25% of gross living area or 400 square feet; whichever is smaller	IUP	0
Dayton	Prohibited uses are no explicitly listed	25% of home floor area (excluding garage)	Admin HOP	0
		30% of home floor area (excluding garage)	IUP	2
Elk River	Involves the use of hazardous materials or activities, and/or any of the following: body shops, machine shops, ammunition manufacturing, flea markets, motor vehicle repairs within the Urban Service District, motor vehicle sales, escort businesses, sexually oriented land uses, gun repair and/or sales, or other	Not Defined	HOP	1

	objectionable uses as determined by the city council.			
Minneapolis	<ul style="list-style-type: none"> • Motor vehicle repair, service or painting, or any repair or servicing of vehicles or equipment with internal combustion engines. • A barber shop or beauty salon designed to serve more than one (1) client at a time. • The sale, lease, trade or other transfer of firearms or ammunition by a firearms dealer. Firearms dealers existing on or before October 7, 1995, and in all other respects in conformance with the provisions of this ordinance, shall be permitted to continue as nonconforming uses in accordance with the provisions of Chapter 531, Nonconforming Uses and Structures. • Sexually oriented uses, as defined in Chapter 549, Downtown Districts. • Headquarters or dispatch centers where persons come to the site and are dispatched to other locations. • Uses allowed in the Commercial or any industrial district. 	Not Defined	HOP	1
Nowthen		Wholly interior	HOP	0

	Prohibited uses are no explicitly listed	Outside storage with setback and screening requirements	IUP	Gravel road access: 1 FT or 2 PT Bituminous road access: 2 FT or 4 PT
Oak Grove	Prohibited uses are no explicitly listed	50% of the total floor area	HOP	0
			IUP	3
Ramsey	Internal combustion engines, body shops, repair, dispatch centers	20% of gross area (min. 400 sq. ft. garage space for residence)	HOP	1 < 3 Acres 3 > 3 Acres
		Not defined	CUP	Not defined

* Cities with multiple types of Permits for a Home Occupation are listed in order of conformity.
Ex. Andover's HOP is a lower level than the CUP which is meant for the nonconforming uses that are not permitted in the City's HOP.

Home Occupation Research by City

[Andover](#) (Title 12, Chapter 9: -8-5: Home Occupation)

Definition: Any gainful occupation or profession clearly secondary to the main use of the dwelling as a residence that is conducted entirely within the dwelling or as allowed by Conditional Use Permit and which meets the requirements of Chapter 10 of this title.

- **Permitted Home Occupations:** Permitted home occupations include, and are limited to: art or photo studio, dressmaking, secretarial services, professional offices, repair services, or teaching services limited to three (3) students at any one time and similar uses.
 - **Number of Employees:** “one person on site in addition to family members”
 - **Amount of Building Space Used:** shall not exceed 20% of the dwelling’s livable floor area.
 - **Dwelling Changes:** prohibited, except those customarily found in a dwelling
 - **Vehicles:** in accordance with performance standards
 - **Signs:** in accordance with signs chapter
 - No effects of light, noise, odor, or vibration on adjacent or neighboring properties
- **Conditional Use Home Occupation:** located in accessory structures or detached garage and/or require exterior storage
 - Cabinet making, woodworking, repair services, and similar uses.
 - **Lot size:** three (3) acres or greater
 - **Amount of Area Used:** combined accessory structure and outdoor storage square footage shall not exceed eight hundred (800) square feet.
 - Shall be fenced and screened from being visible “at any time of the year from road right-of-way, public properties and surrounding properties”.
- **Special Use Home Occupation:** Nonconforming home occupations.

[Anoka](#) (Section 78-237. – Special requirements for residence districts.

Definition: Home occupation means any occupation or profession carried on by a member of the family residing on the premises, provided that the use is clearly incidental and secondary to the use of the dwelling for dwelling purposes, does not change the character of the dwelling, and does not utilize more than 25 percent of the building's gross floor area.

- **Permitted home occupations**
 - Home Occupation is prohibited in accessory structures.
 - **Number of Employees:** “one person on site in addition to family members”
 - **Amount of Building Space used:** No more than 25% of gross living area
 - **Dwelling Changes:** prohibited, except those customarily found in a dwelling
 - **Vehicles:** No on-street parking related to the occupation.
 - **Signs:** in accordance with signs chapter
 - No effects of light, noise, odor, or vibration on adjacent or neighboring properties
 - No outdoor storage
 - No more than one client or customer at the dwelling at one time.
- **Interim Use Permit Required**
 - **Number of Employees:** Maximum one outside employee.
 - **Vehicles:** Maximum one outdoor commercial type vehicle identified for business.

- Ceramic classes with kiln up to 6 cubic feet, domestic animal grooming, similar in character to permitted home occupations
- **Prohibited Home Occupations**
 - Antique shops, boutiques, dress shops, gift shops, photo studios, processing labs, portrait studios, restaurants, coffee shops, tearooms, medical offices (including massage therapy), animal hospitals or kennels, dancing schools and studios, dispatching of transfer and moving vans at the site, furniture repair and refinishing, palm reading or fortune telling, preparation of food for sale (unless specifically permitted in this section), radio or television or appliance repair shops, raising of animals for sale, shops for contractors and tradesmen, sign painting, boarding houses and lodgings, tattoo businesses, tanning salons, and any occupation that requires a federal firearms license (unless continued lawful nonconforming).
 - Auto repair and painting, including repair of engines, motor vehicles, motorcycles, and heavy equipment.

[Blaine](#) (Section 33.10- Home Occupations.)

Definition: A home occupation is defined as any business, occupation, profession, or commercial activity that is conducted or petitioned to be conducted from property that is zoned for residential use. General farming and gardening activities are not considered home occupations and are not regulated by this ordinance.

- **Permitted Home Occupations**
 - **Number of Employees:** No persons not residing on the premises
 - **Amount of Building Space Used:** Shall not exceed 20% of total floor area
 - **Vehicle:** Motor vehicle used for home occupation must be stored indoors. No exterior evidence, outside storage storage, or accessory structure storage/use for the home occupation.
 - **Sign:** One 2.5 square foot sign
 - **Customers:** Fewer than four (4) customers entering daily.
 - Shall not constitute as a nuisance to neighboring properties.
- **Conditional Use Permit**
 - All home occupations that do not conform to the standards provided.
- **Prohibited Home Occupations:** Use of mechanical equipment other than domestic or hobby

[Coon Rapids](#) (Section 11-304.2 – Home Occupation Permits)

Definition: A gainful occupation engaged in on residential property by a resident of that property. Home Based Retail Sales is not considered a home occupation. Neither are the activities of a foster parent, a live-in child care provider, a live-in domestic worker or attendant, or similar caregiver be considered a home occupation.

- **Permitted Home Occupations**
 - Valid for two (2) years before required to resubmit application
 - Shall not constitute as a nuisance to neighboring properties.
 - **Number of Employees:** No one who does not reside at the property

- **Amount of Building Space Used:** No more than 25% of gross living area or 400 square feet; whichever is smaller.
- **Dwelling changes:** prohibited, except those customarily found in a dwelling
- **Vehicle:** No larger than 26,00 pounds gross vehicle weight
- **Sign:** No outdoor storage or signage, no evidence of home occupation.
- **Hours of Operation:** 9am to 8pm, not to exceed 30 hours a week
- Storage of hazardous or flammable materials in excess of consumer quantities
- **Prohibited Home Occupations**
 - “repair of internal combustion engines of more than 12 horsepower, body shops; machine shops; welding; ammunition manufacturing; flea markets; motor vehicle repair, maintenance, service or sale; firearm sales; tattoo parlors or other objectionable uses as determined by the City Council. Machine shops are defined as places where raw metal is fabricated, using machines that operate on more than 110 volts of current.”

Dayton (Section 1001.36. Accessory Dwelling Units):

Home businesses shall fall into 2 categories.

(1) Administrative Home Occupations are those Home Occupations that have no effect on the surrounding neighborhood. This accessory use may be allowed with an administrative permit in all agricultural and residential neighborhoods when the occupation conforms to the standards of Subdivisions 3 and 4(1) below.

(2) Home Extended Businesses are those Home Occupations that typically involve more significant element of commercial-type activity that may have a minimal effect on the surrounding neighbors. This accessory use may be allowed if the use meets all the criteria of Subdivisions 3 and 4(2) below, and requires the issuance of an interim use permit. The Council may require compliance with any reasonable conditions, restrictions or limitations necessary to protect the residential or agricultural character of the area.

- **Permitted Home Occupations (Administrative)**
 - The application shall reside at the dwelling where the home occupation is located
 - Shall not constitute as a nuisance to neighboring properties.
 - No more than eight (8) trips in an standard eight (8) hour day
 - **Amount of Building Space Used:** No more than 25% of floor area of the home (excluding the garage)
 - **Customers:** No direct sale of goods to the consumer, no more than one customer or client visit at any given time.
 - **Dwelling Changes:** prohibited, except those customarily found in a dwelling
 - **Sign:** No exterior evidence of the home occupation except a sign not to exceed two (2) square feet in area
 - **Hours of Operation:** Shall not be conducted from 10pm to 7am unless no on-street parking is required, during which time no vehicles or machinery shall be idling or running outdoors.
 - **Parking:** All parking associated with the home occupation shall occur onsite.
- **Interim Use Permit (Home extended Business) –** Requires Planning Commission and City Council review

- **Amount of Building Space Used:** No more than 30% of floor area of the home (excluding the garage)
- **Number of Employees:** No more than two (2) nonresident employees
- **Outdoor Storage:** No outdoor storage if under 2.5 acres; allowed over 2.5 acres with significant screening and shall not exceed 20% of the lot.
- **Accessory or Detached Garage:** One (1) shall be used provided there is still a garage space to park a vehicle.

[Elk River](#) (Sec. 30-801. – Home Occupations)

Definitions:

- i. Home occupation, **conditional** means any gainful occupation or profession, not meeting the criteria of subsection 30-801(c), customarily conducted entirely within a dwelling principally by members of a family residing therein, which use is clearly incidental and secondary to the use of the dwelling for residential purposes and does not change the character thereof. Conditional home occupations require a public hearing pursuant to the procedures and standards for a conditional use permit.
- ii. Home occupation, **permitted** means any gainful occupation or profession, meeting the criteria of subsection 30-801(c), customarily conducted entirely within a dwelling principally by members of a family residing therein, which use is clearly incidental and secondary to the use of the dwelling for residential purposes and does not change the character thereof. Permitted home occupations are processed administratively following the set of criteria in subsection 30-801(c).
 - **Permitted Home Occupations:**
 - The owner shall reside at the dwelling where the home occupation is located
 - Shall not constitute as a nuisance to neighboring properties.
 - **Amount of Building Space Used:** No limit listed.
 - **Numbers of Employees:** Maximum one (1) nonresident employee
 - **Dwelling changes:** prohibited, except those customarily found in a dwelling
 - **Vehicles:** Shall not create excessive parking beyond what the existing driveway can accommodate.
 - **Sign:** No exterior evidence of the home occupation
 - **Hours of Operation:** Shall have no outside employee or clients between 9pm and 7am.
 - **Deliveries:** Shall not be serviced by vehicles larger than 26,00 pounds gross vehicle weight
 - **Prohibited Home Occupations:**
 - “Constitute a fire hazard to neighboring residences, adversely affect neighboring property values, or constitute a nuisance or otherwise be detrimental to the neighbors”.
 - Involve the use of hazardous materials or activities.
 - Involve any of the following: body shops, machine shops, ammunition manufacturing, flea markets, motor vehicle repairs within the Urban Service District, motor vehicle sales, escort businesses, sexually oriented land uses, gun repair and/or sales, or other objectionable uses as determined by the city council.

[Minneapolis](#) (537.110. – Allowed uses and structures.):

Definition: An occupation or profession carried on by a member of the household residing on the premises, conducted as a customary, incidental and accessory use of a dwelling. Also referred to as live-work.

- **Permitted Home Occupations:**

- The application shall reside at the dwelling where the home occupation is located
- Shall not constitute as a nuisance to neighboring properties.
- The home occupation must be entirely enclosed, unless growing food or crops outdoors.
- **Amount of Building Space Used:** No limit listed.
- **Number of Employees:** No more than one (1) nonresident employees
- **Customers:** No more than five (5) customers per day
- **Dwelling Changes:** prohibited, except those customarily found in a dwelling. No interior alterations removing the kitchen, living room, bed rooms and/or bathrooms is allowed.
- **Signs:** one (1) non-illuminated, flat wall, identification sign not to exceed one (1) square foot in area. On a corner zoning lot, two (2) such signs, one (1) facing each street, shall be allowed.
- **No retail or sales of items accessory to the home occupation.** (i.e. hair supplies for hair salon home occupation)
- **Hours of Operation:** 8am to 8pm
- **Deliveries:** Limited to between 9am and 6pm and shall only occur in single rear axle straight trucks or smaller vehicles normally used to service residential neighborhoods.

- **Prohibited Home Occupations:**

- Motor vehicle repair, service or painting, or any repair or servicing of vehicles or equipment with internal combustion engines (such as snowmobiles, lawnmowers, chain saws and other small engines).
- A barber shop or beauty salon designed to serve more than one (1) client at a time.
- The sale, lease, trade or other transfer of firearms or ammunition by a firearms dealer. Firearms dealers existing on or before October 7, 1995, and in all other respects in conformance with the provisions of this ordinance, shall be permitted to continue as nonconforming uses in accordance with the provisions of [Chapter 531](#), Nonconforming Uses and Structures.
- Sexually oriented uses, as defined in [Chapter 549](#), Downtown Districts.
- Headquarters or dispatch centers where persons come to the site and are dispatched to other locations.
- Uses allowed in the C4 General Commercial District or any industrial district.

[Nowthen](#) (Section 11-4-3: Home Occupations)

Definition: Home occupations are defined and described either as Permitted Home Occupation under subpart A of this section, or as Extended Home Occupations under subpart B. The Permitted Home occupations are permitted within all zoning districts so long as all requirements

are met. There are no variances from requirements for Permitted Home Occupations. Extended Home Occupations are only permitted as Interim Uses. Any home occupation that does not fully comply with Permitted Home Occupation requirements shall be reviewed as an Extended Home Occupation.

- **Permitted Home Occupation**
 - Shall not constitute as a nuisance to neighboring properties.
 - No retail is allowed on the premises.
 - **Number of Employees:** No outside employees, other than residents of the dwelling.
 - **Amount of Building Space Used:** The Home Occupation shall be wholly within the principle structure, no accessory dwellings.
 - **Signs:** one sign, without lights or illumination, and of maximum six (6) square foot size. There shall be no exterior display or evidence, except sign.
 - A home occupation shall not create an increase in vehicular traffic within the neighborhood.
- **Interim Use Permit** (Extended Home Business) – length determined by City Council
 - Shall not constitute as a nuisance to neighboring properties and shall not create an increase in vehicular traffic within the neighborhood.
 - **Number of Employees:** No more than one (1) full-time employee or two (2) part-time employees. If property is fully accessed on bituminous road, two (2) full-time employees or four (4) part-time employees are allowed.
 - **Amount of Building Space Used:** The home occupation is allowed in the principle or accessory structures. Outdoor storage shall be setback one hundred (100) feet from a property line or one hundred twenty (12) feet from any current or potential abutting property residence; and screened by opaque fencing.
 - **Signs:** one sign, without lights or illumination and of maximum six (6) square foot size.
 - **Storage:** The leasing or rental of space for storing boats, vehicles, etc.
 - Sales accessory to the home occupation (i.e. hair care products in a hair salon home occupation).

[Oak Grove](#) (Section 109-195. – Home Occupations.)

Definition: any gainful occupation or profession conducted on a lot zoned for residential or agricultural use; engaged in only by the occupant of a dwelling that is located on the lot; for which no signs other than those normally utilized in a residential district are present, limited stock in trade is stored on the premises, and over-the-counter retail sales are not involved.

- **Permitted Home Occupations**
 - Shall not constitute as a nuisance to neighboring properties.
 - **Number of Employees:** No outside employees, other than residents of the dwelling.
 - **Amount of Building Space Used:** No restriction to size, but is restricted to the principle structure where the dwelling occurs. Shall not be more than 50% of the total floor area.
 - **Customers:** No more than eight (8) or fewer customers daily.
 - **Signs:** One (1) sign per dwelling, which shall comply with sign ordinance.

- **Vehicles:** No exterior evidence or garage storage of items related to the home occupation, except one (1) light commercial vehicle not to exceed twenty-eight (28) feet in length or a gross vehicle weight rating of 16,000 pounds.
- **Interim Use Permit** – Home Occupations that do not conform to permitted standards
 - On-site sales, wholesale or retail, shall not be the primary objective of the business. Limited on-site sales may be permitted, provided that the effect on traffic levels shall not be judged unacceptable by the city council. Upon report of objectionable traffic, the city council may restrict or rescind on-site sales approval.
 - A public hearing is required at a planning commission and authorization from the City Council; an IUP is valid for two (2) years after a public hearing, and then can be renewed for periods of one (1) to five (5) years administratively.
 - **Number of Employees:** No more than three (3) nonresident employees.
 - **Signs:** Shall comply with sign ordinance.
 - Storage or sales of hazardous substances as defined in Minn. Stats. § 182.651, subd. 14, bulk chemicals, or petroleum products shall be specifically prohibited unless done so in compliance with the requirements of the county community health and environmental services department. Requirements may include additional licensing. Storage of agricultural chemicals as allowed by state statutes is not prohibited.

[Ramsey](#) (Section 117-351 – Home occupations.)

Definition: Home occupation means any business or commercial activity that is conducted or petitioned to be conducted from the principal or an accessory structure on the property that is zoned for residential use, by persons residing on the property.

- **Permitted Home Occupations**
 - The home occupation shall not constitute a public nuisance affecting neighboring properties or the character of the neighborhood
 - **Number of Employees:** One (1) nonresident employee for properties less than three (3) acres, and a maximum three (3) nonresident employees if property is over three (3) acres.
 - **Amount of Building Space Used:** shall not exceed 20% of the gross living area of the dwelling unit. A minimum 400 square feet of garage or accessory space must be maintained for the primary residential use.
 - **Dwelling Changes:** prohibited, except those customarily found in a dwelling
 - **Vehicles:** One vehicle associated with the home occupation in accordance with off-street parking ordinances
 - **Signs:** No exterior evidence of the home occupation, except a sign no larger than two (2) square feet in area
- **Conditional Use Permit** – Home Occupations operating outside of the permitted uses.
- **Prohibited Home Occupations**
 - The home occupation shall not include operations relating to internal combustion engines, body shops, ammunition manufacturing, motor vehicle repairs or sale, or any other objectionable uses as determined by the zoning administrator.
 - Headquarters or dispatch centers where persons come to the site and are dispatched to other locations.

§20-0403 Accessory Uses

C.Home Occupations

Many types of work can be conducted at home with little or no effect on the surrounding neighborhood. The home occupation regulations of this section are intended to permit residents to engage in home occupations, while ensuring that home occupations will not be a detriment to the character and livability of the surrounding neighborhood. The regulations require that home occupations (an accessory use) remain subordinate to the allowed principal use (household living) and that the residential viability of the dwelling unit is maintained.

1.Types of Home Occupations

There are two types of home occupations - Major Home Occupations and Minor Home Occupations. Both types are considered an accessory use to an allowed household living use. Unless otherwise expressly stated, the regulations of this Land Development Code apply to both types of home occupations.

2.Minor Home Occupations - Defined

A Minor Home Occupation is one in which residents use up to 25 percent of the floor area of their home as a place of work, but in which no employees come to the site. Minor Home Occupations allow up to four customers per day, with a maximum of 12 customers per week, only between the hours of 7:00 a.m. and 9:00 p.m. No more than one customer is permitted on the site at any given time. Examples include, but are not limited to, artists, crafts people, writers, professional consultants personal care and grooming services, and employees of off-site businesses who work from their home. In addition, tutors, such as piano or other music teachers, who provide lessons to no more than 60 students per week and do not have non-resident employees coming to the site, shall be deemed minor home occupations. In addition, dog grooming services that would qualify as a Minor Home Occupation as a result of percentage of floor area of the home, customer activity and hours of operation may be allowed after it has been reviewed and approved in accordance with Conditional Use Review procedures of Sec. 20-0909. Unless otherwise expressly stated, any Conditional Use Permit for such dog grooming service granted pursuant to Section 20-0909 shall automatically terminate upon sale or transfer of the property. For purposes of calculating floor area of a minor or major home occupation in which the home occupation occupies a garage that is attached or detached from the primary home structure, the sum of the home and garage square footage shall be included in the total square footage from which the 25 percent maximum floor area is computed.

3.Major Home Occupations - Defined

A Major Home Occupation is one in which residents use up to 25 percent of the floor area of their home as a place of work and that has a nonresident employee and/or customers coming to the site. Examples are counseling, tutoring, and hair cutting and styling.

4.Allowed Uses

The home occupation regulations of this Land Development Code establish performance standards for accessory home occupations rather than defining a list of allowed home occupations. Uses that comply with all of the standards of this section will be allowed as home occupations unless they are specifically prohibited.

5.Prohibited Uses

a.Vehicle and Large Equipment Repair

Any type of repair or assembly of vehicles or equipment with internal combustion engines (such as autos, motorcycles, scooters, snowmobiles, outboard marine engines, lawn

mowers, chain saws, and other small engines) or of large appliances (such as washing machines, dryers, and refrigerators) or any other work related to automobiles and their parts is prohibited.

b. Dispatch Centers

Dispatch centers, where employees come to the site to be dispatched to other locations, are not allowed as home occupations.

c. Mortuaries

Mortuaries are not allowed as home occupations.

d. Animal Care, Grooming, or Boarding Facilities

Animal care or boarding facilities are not allowed as home occupations. This includes animal hospitals, kennels, stables and all other types of animal boarding and care facilities. Dog grooming services are also included as prohibited animal care or boarding facilities; however, to the extent such services would otherwise qualify as a Minor Home Occupation, dog grooming services may be allowed upon application as provided in paragraph 2, regarding Minor Home Occupations, above. In no event may dog grooming be allowed as a Major Home Occupation.

e. Firearms and Ammunition Sales

The sale of firearms and/or ammunition, and the production of ammunition for sale or resale are prohibited as home occupations.

f. Adult Entertainment Center Uses

Entertainment or sale of goods defined as adult bookstore, adult cinema, adult entertainment facility, or adult entertainment center as defined in Sec. 20-1202 are not allowed as a home occupation.

6. Signs

No more than one sign shall be allowed on the site of a home occupation. The maximum size of the sign shall be one square foot. It may not be illuminated, and it must be attached to the dwelling unit.

7. Outdoor Activities

All activities and storage areas must be conducted in completely enclosed structures.

8. Exterior Appearance

There may be no change in the exterior appearance of the dwelling unit that houses the home occupation or the site upon which it is conducted that will make the dwelling appear less residential in nature or function. Examples of such prohibited alterations include construction of parking lots, paving of required setbacks, or adding commercial-like exterior lighting. There may be no visible evidence of the conduct of a home occupation when viewed from the street right-of-way or from an adjacent lot.

9. Operational Impacts

No home occupation or equipment used in conjunction with a home occupation may cause odor, vibration, noise, electrical interference or fluctuation in voltage that is perceptible beyond the lot line of the lot upon which the home occupation is conducted. No hazardous substances may be used or stored in conjunction with a home occupation.

10. Trucks and Vehicles

No truck or van with a payload rating of more than 1 ton may be parked at the site of a home occupation, and no more than one truck or van with a payload rating of less than 1 ton is allowed at the site of a home occupation.

11.Deliveries

Deliveries or pick-ups of supplies or products associated with business activities are allowed only between 8 a.m. and 6 p.m. Vehicles used for delivery and pick-up are limited to those normally servicing residential neighborhoods.

12.Major Home Occupations

The following regulations apply only to Major Home Occupations.

a.Conditional Use Permits

No Major Home Occupation is allowed unless it has been reviewed and approved in accordance with Conditional Use Review procedures of Sec. 20-0909. Unless otherwise expressly stated, any Conditional Use Permit for such Major Home Occupation granted pursuant to Section 20-0909 shall automatically terminate upon sale or transfer of the property.

b.Employees

A maximum of one nonresident employee is allowed with a Major Home Occupation provided no customers come to the site. Major Home Occupations that have customers coming to the site are not allowed to have nonresident employees. For the purpose of this provision, the term "nonresident employee" includes an employee, business partner, co-owner, or other person affiliated with the home occupation, who does not live at the site, but who visits the site as part of the home occupation.

c.Customers

Customers may visit the site only during the hours of 7 a.m. to 9 p.m., and no more than 12 customers or clients may visit the site in any single day.

d.Number

No more than one Major Home Occupation may be conducted on a single site. A Minor Home Occupation may be conducted on the site of a Major Home Occupation.

Source: 2985 (1999), 3008 (1999), 3062 (1999), 4039 (2000), 4164 (2001), 4180 (2001), 4224 (2002), 4239 (2002), 4299 (2003), 4337 (2003), 4695 (2009), 4704 (2009), 5091 (2017), 5092 (2017), 5179 (2018).

ORDINANCE #22-06

**CITY OF RAMSEY
ANOKA COUNTY
STATE OF MINNESOTA**

AN AMENDMENT TO SECTION 117 WHICH IS KNOWN AS THE ZONING SECTION OF THE CITY CODE OF RAMSEY, MINNESOTA.

AN ORDINANCE AMENDING SECTION 117-1 (DEFINITIONS) AND SECTION 117-351 (HOME OCCUPATIONS) OF THE CITY CODE OF RAMSEY, MINNESOTA.

The City of Ramsey ordains:

SECTION 1. AUTHORITY

This ordinance is adopted pursuant to and under the authority of the City Charter of the City of Ramsey.

SECTION 2. AMENDMENT TO CITY CODE SECTION 117-1

The current City Code Section 117-1 is revised as follows (additions indicated by underline, deletions indicated by strikethrough):

Sec. 117-1. – Definitions.

Home occupation means any business or commercial activity that is conducted or petitioned to be conducted ~~from the principal structure or an accessory structure~~ on the property that is zoned for residential use, ~~by persons residing on the property.~~

Home occupation, arts means artists, crafts people, writers, professional consultants personal care and grooming services, piano teachers, beauticians, and similar occupations.

SECTION 3. AMENDMENT TO CITY CODE SECTION 117-351

The current City Code Section 117-351 shall be replaced in its entirety as follows:

1. Home occupations shall be allowed to exist in the residential zoning districts in accordance with certain criteria established to protect the peace, quiet, and domestic tranquility in all residential neighborhoods. It is the intent of this section that the property owner shall have a vested interest in the business, as the city does not desire to create business incubators for lease within the residential districts.
2. Home Occupation Permits (HOP) shall be processed in accordance with the processing procedure established for conditional use permits in section 117-51, with the exception of recording the home occupation permit, should it be approved by City Council.

3. Home occupation permits may be suspended or revoked pursuant to the procedure established in Section 117-51.
4. There shall be two levels of home occupations, Level I and Level II, as laid out in the table below:

	Level I	Level II	
Permit	No Permit Required	Home Occupation Permit Required	
Intent	Clearly incidental and secondary to the residential use of the premises.	Occupations non-typical in most residential settings, but may be approved with conditions based on neighborhood characteristics. All occupations that do not meet all criteria to be considered a level I occupation, and all occupations that have received a verified code enforcement complaint. The City Council has the sole discretion on granting Home Occupation Permits based on each application and its compatibility with the adjacent community and intent of the residential zoning district.	
Zoning Districts Allowed	R-1, R-2, and R-3	R-1 only	
Occupations	Arts occupations; telecommuters with an office indoors; fully online sales operations	Any occupation that operates beyond the confines of a Level I HOP, and any occupation deemed non-standard for a Level I occupation by the Zoning Administrator. Examples include but are not limited to: contractors, landscaping, lawn care, snow removal.	
Customers	No customers may come to the site unless considered an arts occupation.	Any customers onsite, unless considered an arts occupation.	
Employees	One non-resident employee, or zero non-resident employees for art occupation.	Any additional employees beyond what's allowed in Level I	
		Lots less than 5 acres: A maximum of two non-resident employees may be approved with HOP	Lots greater than 5 acres: A maximum of three non-resident employees may be approved with HOP
Traffic	8 trips per day, or 12 trips if an art occupation	Any additional traffic beyond what is allowed in Level I.	

Commercial Vehicles	One piece, affiliated with the home occupation, allowed to be stored/parked on the site of the home occupation in accordance with section 117-355.	Any additional vehicles beyond those allowed in Level I.
Retail Sales Onsite	None allowed, unless arts occupation.	Any retail sales onsite.
For the purposes of these regulations, if the home occupation meets any one (1) criteria in the Level II column, it shall automatically be processed as a Level II Home Occupation Permit.		

5. For all Home Occupations (both Level I and Level II):

- a. *Ownership.* Home occupation operations are restricted to the property where the owner of the home occupation resides and has title or holds rental lease. When the owner of a home occupation is conducting operations in a detached accessory building, said accessory building must be located on the same parcel as the owners dwelling unit, or a parcel immediately adjacent to the owner's dwelling, to which the owner also has fee title.
- b. *Accessory buildings.* The area set aside for the home occupation in attached or detached accessory buildings or garages shall not exceed total accessory building space or height allowed on the site of the home occupation, as established in section 117-349.
- c. *Parking space reserved.* At least 200 square feet of indoor garage/parking space reserved for personal vehicles/equipment.
- d. *Signage.* A sign not exceeding two square feet in size may be displayed if affixed flat against the wall of either the home or accessory building where the home occupation is being conducted. The sign shall be non-illuminated and shall not have dynamic display capabilities.
- e. *Exterior.* There shall be no other exterior evidence of the existence of said home occupation, unless otherwise permitted in this section, nor shall the home occupation require exterior alterations that change the residential character to a commercial nature.
- f. *Parking onsite.* The number of persons permitted on the site at any given time shall be limited so as not to create a parking demand in excess of that which can be accommodated on driveway(s) and/or parking pads on the site of the home occupation.
- g. *Incompatible uses.* No home occupation shall include operations relating to internal combustion engines, ammunition manufacturing, or motor vehicle sales.
- h. *Dispatch centers.* No home occupation shall serve as headquarters or as a dispatch center where employees come to the site and are then dispatched to other locations.

This includes transporting of materials, stored equipment, and/or employees from the premises to a job site or any business-related location.

- i. *Retail sales.* If retail sales are conducted on the site, sales shall be limited to products that are ancillary to the home occupation and shall be displayed or stored indoors.
- j. *Nuisance prevention.* In order to guarantee that a home occupation, once authorized, will not become a nuisance to the neighbors or otherwise violate these guidelines, the city staff or city council may impose reasonable conditions necessary to protect the public health, safety, and welfare of residents of the city.
- k. *Inspections.* The Zoning administrator or their designee, shall have the right, upon reasonable request, 48 hours' notice shall be considered reasonable, to enter and inspect the premises covered by said permit for safety and compliance purposes, or code enforcement complaints.
- l. *Term of home occupation permits.* Home occupation permits granted by this section shall be temporary in nature and shall be granted to a designated person who resides in the dwelling unit on the subject property. Home Occupation permits shall run with the applicant, not the property. Permits are not transferable from person to person or from address to address, unless the transfer is in accordance with the provisions of subsection (6) of this section.

6. *Death or move of permit holder; suspension or revocation; businesses existing before adoption of article provisions.*

- a) Should a home occupation permit holder die or move to a new location, the existing permit shall be automatically terminated. Except that in the case of death, should a surviving spouse or child, residing at the same address or receiving title to the property desire to continue the home occupation, written notice to that effect shall be given to the zoning administrator and the council may authorize continuation of that permit without further hearing.
- b) A home occupation permit, once granted, may be suspended or revoked prior to its original revocation date by the council for cause after hearing before the council. Citizen complaints seeking the revocation of such permit shall be filed with the zoning administrator. All such revocation hearings, publication, and notice requirements shall be the same as for conditional use permits in accordance with section 117-51.
- c) Persons conducting a business from property zoned for residential use on the effective date of the ordinance from which this section is derived shall be required to obtain a home occupation permit as required herein. The business may continue pending final determination of the application. Should the zoning administrator or council deny the application for a home occupation permit the use shall immediately cease at such residential premises.

SECTION 4. EFFECTIVE DATE

This ordinance becomes effective 30 days after its passage and publication, subject to City Charter Section 5.04.

SECTION 5. SUMMARY

The following official summary of Ordinance #22-06 has been approved by the City Council of the City of Ramsey as clearly informing the public of the intent and effect of the Ordinance.

Ordinance #22-06 amends Chapter 117, Sections 1 (Definitions) and 351 (Home Occupations) to revise the existing City of Ramsey Zoning Code. The revised sections regarding Home Occupations will address all business types conducted on a residential property.

PASSED by the City Council of the City of Ramsey, Minnesota the 22nd day of February, 2022.

Mayor

ATTEST:

City Clerk

Introduction date:

Posting dates:

Adoption date:

Publication date:

Effective date:

Meeting Date: 01/25/2022

Information

Title:

Discussion regarding Resolution #22-005 to Prohibit State and Federal Actors from Mandating Medical Procedures Upon Citizens Through Coercion or Force; and Providing Other Matters Related to the Subject

Purpose/Background:

This item was tabled at the January 11, 2022 work session. Discussion was related to whether the City's position is best suited in resolution or ordinance form, whether the position is for vaccines specific to the COVID-19 pandemic or broader to vaccines in general, and the timing given the Supreme Court's review of OSHA guidelines for employers with 100 or more employees.

City Attorney Knaak suggested the Mayor and Councilmembers send their feedback on the item to him, and he would prepare further language for consideration.

Timeframe:

Funding Source:

Responsible Party(ies):

Outcome:

Dependent on discussion.

Attachments

Res 22 005

Ramsey Vax Choice Ord

Form Review

Inbox	Reviewed By	Date
Kurt Ulrich	Kathy Schmitz	01/20/2022 04:21 PM
Form Started By: Brian Hagen		Started On: 01/20/2022 02:26 PM
Final Approval Date: 01/20/2022		

Councilmember introduced the following resolution and moved for its adoption:

RESOLUTION #22-005

RESOLUTION ESTABLISHING THE POLICY OF THE CITY OF RAMSEY SUPPORTING THE HEALTH AND SAFETY OF ITS CITIZENS AND EMPLOYEES DURING THE COVID 19 PANDEMIC WHILE OPPOSING ANY FORM OF COERCION OR FORCE IN VACCINATION OR SIMILAR HEALTH PROCEDURES IN RESPONSE TO THE COVID19 PANDEMIC IN THE CITY

WHEREAS, the City of Ramsey is a Minnesota Charter City with responsibility for the health, safety and welfare of all of its citizens and employees; and

WHEREAS, the City of Ramsey is well aware that over the past two years, an international pandemic of what is commonly known as the Covid 19 virus has resulted in millions of deaths throughout the world and countless long-term negative effects and ongoing symptoms and difficulties for individuals; and

WHEREAS, the pandemic has prompted governments and organizations to expedite and accelerate approval processes for vaccines and medications for the purpose of fighting the pandemic; and

WHEREAS, the pandemic has prompted both the Federal and State governments to seek means to compel inoculation as well as requiring other pandemic-related standards and procedures; and

WHEREAS, the absence of the standard process for approvals of vaccines and other medications has raised reasonable doubts and concerns among many citizens about possible adverse effects or consequences; and

WHEREAS, the City of Ramsey recognizes the fundamental legal right of any individual to refuse any medical procedures, medicines, or vaccinations; and

WHEREAS, the City of Ramsey wishes to state categorically its formal position that any personal decision regarding medical care related to the Covid 19 pandemic is exactly that, a personal decision and the City shall not engage in any practice which would in any way discriminate against individuals making such choices, including access to employment or public facilities; and

WHEREAS, the City of Ramsey wishes to declare that it will provide an equal level of service to everyone working, contracting, living and visiting the City of Ramsey without regard to their inoculation status and believes that doing so protects the overall health, safety and welfare of its citizens; and

WHEREAS, the City of Ramsey wishes to implement the intention of this resolution by requiring its staff to conform policies to this stated declaration recognizing the individual rights of its citizens in the face of this pandemic.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF RAMSEY, ANOKA COUNTY, STATE OF MINNESOTA, as follows:

- 1) That it is the stated policy of the City of Ramsey to oppose any government mandate requiring a Covid19 vaccination by an individual who would otherwise choose not to do so.
- 2) That it is the stated position and policy of the City of Ramsey that vaccination for Covid 19 is a personal medical decision which every citizen has the right to accept or refuse without precipitating adverse consequences in access to public services or facilities within the City.
- 3) That it is the stated position and policy of the City of Ramsey that any individual choice regarding the decision whether or not to be vaccinated for Covid 19 shall never serve as the basis of any decision or action by the City to provide municipal services, municipal facility access or employment by the City to those same individuals within the City of Ramsey.
- 4) That it is the stated position and policy of the City of Ramsey that all State and Federal representatives of the City be advised of this action and, further, that the City opposes any attempted imposition of such vaccination mandates or similar restrictions on the liberties of individuals within the City of Ramsey at any time in the future.

The motion for the adoption of the foregoing resolution was duly seconded by Councilmember , and upon vote being taken thereon, the following voted in favor thereof:

and the following voted against the same:

and the following abstained:

and the following were absent:

Whereupon said resolution was declared duly passed and adopted by the Ramsey City Council this the ___ day of _____, 2022.

Mayor

ATTEST:

City Clerk

ORDINANCE 22-__

CITY OF RAMSEY

ANOKA COUNTY

STATE OF MINNESOTA

AN AMENDMENT TO SECTION 34 OF THE RAMSEY CITY CODE RELATED TO ENFORCEMENT OF PUBLIC HEALTH, ADDING TWO NEW PROVISIONS THERETO REGARDING TO THE PROTECTION OF INDIVIDUAL CHOICES OF MEDICAL TREATMENTS

The City of Ramsey ordains:

SECTION 1. AUTHORITY

This Ordinance is adopted pursuant to the authority of the City Charter of the City of Ramsey.

SECTION 2. AMENDMENT TO CITY CODE SECTION 34 BY CREATING AND INSERTING THEREIN TWO ADDITIONAL PROVISIONS:

The Current City Code, Section 34, is amended by adding two addition provisions as follows:

“ARTICLE III. OFFENSES INVOLVING PUBLIC HEALTH

...

DIVISION FOUR. Discrimination For Personal Health Decisions During Pandemic Prohibited

Sec. 34-110 Findings.

It is found that the pandemic that occurred throughout the world, nation and city beginning in 2020 has created significant legal pressures to require vaccination or other medical procedures or require conduct or behavior on the part of individuals irrespective of the choices or rights those individuals who may oppose such requirements or mandates. Moreover, the City of Ramsey expressly recognizes the right of any individual to refuse medical treatment. The City of Ramsey finds that imposing any requirement of vaccination or similar invasive medical procedure or treatment violates the civil rights of any individual opposing said vaccination or invasive medical procedure. Further, the City finds that any negative action it or its employees or agents might take to deny employment, public services offered by or through the City, or any approval of any matter requiring approval of the city, based on an individual’s decision to

accept or not accept medical treatment, including vaccination, violates that individuals personal rights and is contrary to the basic liberties guaranteed to its citizens under the law.

Section 34-111 Illegal Discrimination Against Individual Medical Treatment Decisions

It is unlawful for the City, or its employees or agents, in considering any decision regarding employment, access to public facilities, or contracting, to base such a decision upon the vaccination status of any individual who has chosen not to be vaccinated or to undergo any medical procedure or treatment without that individual's consent.

It is unlawful for the City, or its employees or agents to force disclosure of any decision regarding the vaccination status of any individual who has chosen not to be vaccinated or to undergo any medical procedure or treatment without that individual's consent."

SECTION 3. EFFECTIVE DATE

This ordinance becomes effective 30 days after its passage and publication, subject to City Charter Section 5.04.

PASSED by the City Council of the City of Ramsey, Minnesota, the ____ day of January 2022.

Mayor

ATTEST:

City Clerk

Meeting Date: 01/25/2022

Information

Title:

Consider Loral I. Armstrong Delaney Central Park Flag Request

Purpose/Background:

In October 2021 a Ramsey resident, Mr. Patrick Surma, appeared before the Council and requested that the City consider installing a large ("Perkins style") flag in the Loral I. Armstrong Delaney Central Park. Subsequently, he provided a cashiers check in the amount of \$100 to the City to support this project.

The purpose of this meeting is to determine the Council's level of interest in pursuing this project. Staff received a quote from a flag company (solicited by the resident) that provided a quote of \$16,305 for a 70 -ft flag pole with a 15X25 foot flag.

If approved to move forward, staff would work with residents to identify a specific location and funds for the project. Staff concerns for maintenance and upkeep will be addressed.

In recent years, the City worked with the Anoka Ramsey Athletic Association to move a flag pole from a redevelopment site (Sunfish Express) to Alpine Park and conducted a dedication ceremony.

Timeframe:

10 minute discussion.

Funding Source:

Funding would need to be identified and could come from City/Park capital funding sources or a combination of city funds and private donations (e.g., city match of dollars raised by residents). It is recommended that this project be funded all or in part through private donations.

Responsible Party(ies):

Kurt Ulrich, City Administrator

Outcome:

Direction based on discussion.

Attachments

flag quote

Surma Request

Form Review

Inbox

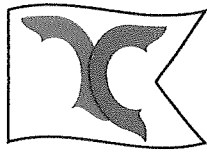
Kurt Ulrich (Originator)
Form Started By: Kurt Ulrich
Final Approval Date: 01/19/2022

Reviewed By

Kurt Ulrich

Date

01/19/2022 03:07 PM
Started On: 01/19/2022 10:49 AM



Twin Cities Flag Source

www.tcflag.com - Anoka, MN - 763-753-1185

Quote

Quote prepared for:

The City of Ramsey
Attn: Kurt Ulrich
7550 Sunwood Drive NW
Ramsey, MN 55303

October 13, 2021

Dear Kurt,

It is my understanding that there is interest to have a large flagpole and flag installed at Central Park, 7925 161st Ave. NW, Ramsey, MN 55303.

Here is a description and cost for the standard height used for Perkins Restaurants, as a reference.

Qty 1- 70' (77' total length) x 12" base x 4" top x .250" wall aluminum flagpole, clear anodized finish or other anodized bronze finish, cable halyard system with winch, installed \$15,900.00 each

Installation includes:

- Excavation for flagpole foundation
- Concrete for Foundation
- Delivery of flagpole
- Assembly and final setting of flagpole

Qty 1- 15x25 USA Flag \$405

Total \$16,305.00

Please let me know if you have any questions, or if there is any other information I can provide.

Thank you,

Jason White

jason@tcflag.com

Cell 612-232-1265

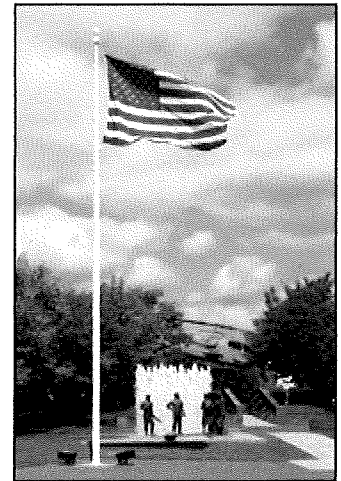
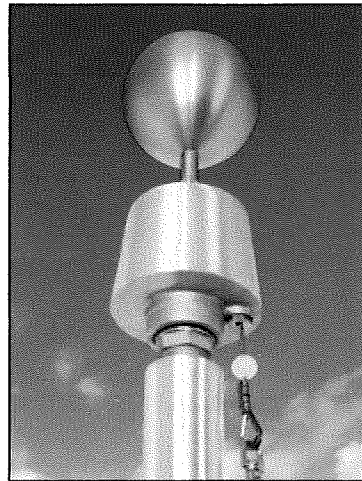
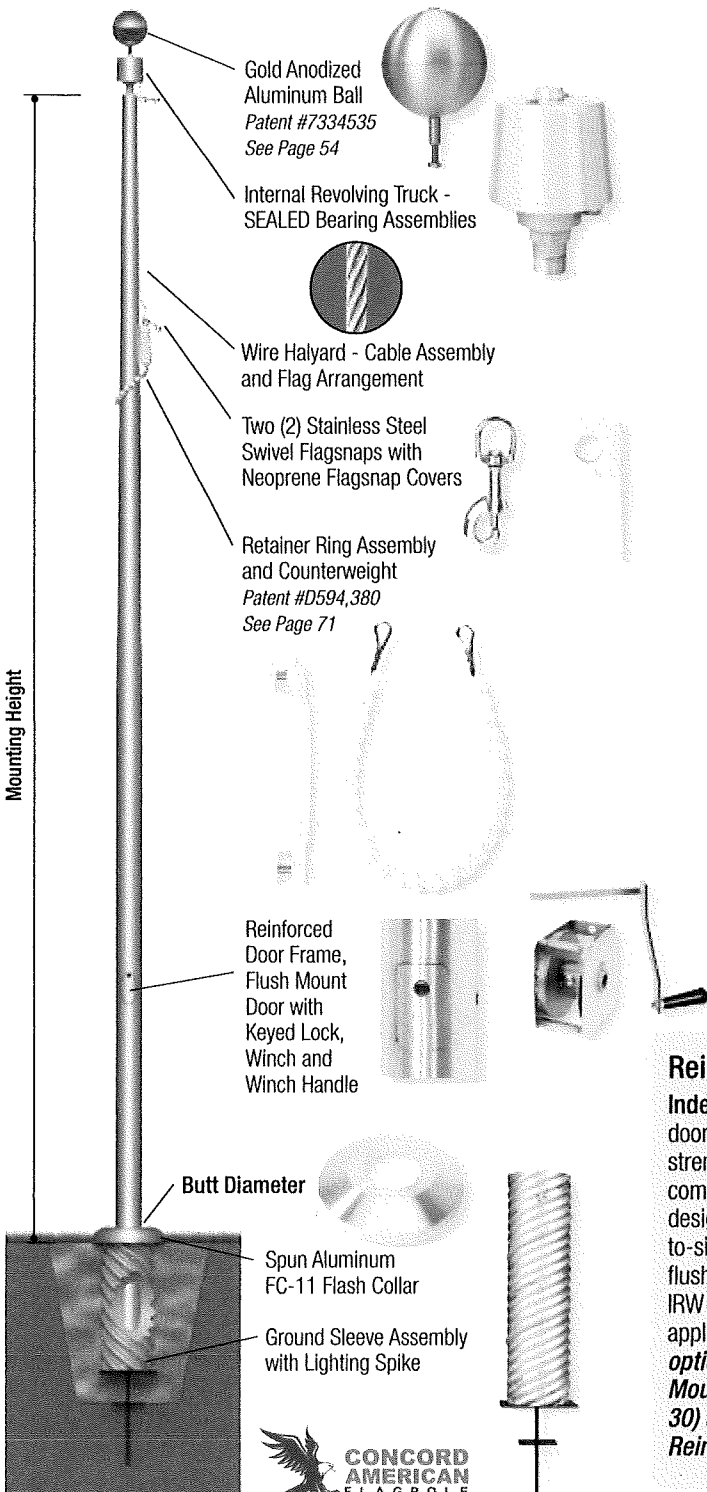
**Twin Cities Flag Source, Inc., 3240 199th Ave. NW, Anoka, MN 55303
Ph. 763-753-1185, Fax 763-753-1134**

Independence Series - IRW

Internal Reinforced with Winch - Wire Halyard

The **Independence Series** from Concord American Flagpole is the perfect choice when your project calls for a commercial grade flagpole utilizing a heavy-duty Internal Halyard Winch and Wire Cable system. Offered in heights of **20' to 80'**, the reinforced welded door frame delivers exceptional strength, combining security with superior aesthetics achieved from a lockable flush mount door.

STANDARD FLAGPOLE ACCESSORIES - 6" to 8" BUTT DIAMETERS



Standard Specifications

- Patented, Heavy-Duty Gold Anodized Aluminum Ball
- Cast Aluminum Revolving Truck with SEALED Stainless Steel Bearing Assemblies, Aluminum Spindle, Cast Brass Exit Bushing and Removable Hood
- Complete Internal Halyard Assembly
 - Wire Halyard Cable Assembly
 - Flag Arrangement (8' x 12' and Larger Flags Include Heavy-Duty Shock Spring Assembly)
 - Two (2) Stainless Steel Swivel Flagnaps
 - Two (2) Neoprene Flagnap Covers
 - Patented, Plastic Coated Counterweight
 - Beaded Retainer Ring Assembly
- Stainless Steel Winch Assembly with Removable Hand Crank
- Reinforced Door Frame
- Flush Mount Access Door with Lock and Keys
- Spun Aluminum FC-11 Flash Collar
- Galvanized 16-Gauge Corrugated Steel Ground Sleeve with Steel Grounding Spike

Standard Upgrades - 10" and 12" Butt Diameters

- Heavy-Duty Dual SEALED Bearing Truck
- Two (2) Heavy-Duty Stainless Steel Flagnaps with Covers
- Heavy-Duty Cast Aluminum FC-11 Flash Collar
- Heavy-Duty 5/8" Ball Stem

Reinforced Welded Door Frame

Independence Flagpoles are engineered with an inset reinforced aluminum door frame welded into the precision cut door opening, providing additional strength and higher max wind speeds from each butt diameter/wall thickness combination. The efficiency of this design produces maximum strength-to-size ratios while providing a smooth, flush fitting door, making Independence IRW flagpoles the ideal choice in many applications. *For additional Winch option flagpoles, see Titan IWW Flush Mount Hinged Door Design (Page 30) and Sovereignty ISW Raised Reinforced Door Frame (Page 32).*



066112 10/21/21 1903844 505256

A DECLARATION OF LOSS FORM MUST BE COMPLETED BEFORE ANY OFFICIAL CHECK OF THIS BANK WILL BE REPLACED OR REFUNDED. NO ACTION CAN BE TAKEN UNTIL THE 90TH DAY FOLLOWING THE ISSUE DATE OF THE CHECK.

FLAG POLE FOR CENTRAL PARK CASHIER'S CHECK

AUTHORIZED SIGNATURE
[Handwritten Signature]

\$100.00

\$

EXACTLY **100 AND 00/100 DOLLARS

CITY OF RAMSEY

PAY TO THE ORDER OF

REMITTER: PATRICK SURMA

DATE 10/21/21

Security Features Included. Details on back.

066112

First Bank
Elk River
812 Main Street
Elk River, MN 55330
(763) 241-3637 • www.elkriverbank

MISTER kurt...
- GOOD DAY to you my friend. This comes to you out of brotherhood.
- THANKYOU for your help in making this happen.
ONE CONDITION though
ANY compromises in size & qerth is not acceptable AND DONATION will need to be Re-funded.
- P.S. ANY body else that wants to DONATE could be requested thru the Ramsey Resident... when installed one Awesome/ mass Pledge would be Good.

Meeting Date: 01/25/2022

By: Kurt Ulrich, Administrative Services

Information

Title:

Review Current Legislative Session with Local Legislators

Purpose/Background:

The purpose of this case is to review and discuss City priorities with our state Legislators. The City typically holds a similar meeting each year at the beginning of the year.

Senator Jim Abeler, Representative John Heinrich, and Representative Peggy Scott have all accepted an invitation to attend this work session. Some will likely attend remotely. Due to scheduling conflicts, it was indicated that this agenda item discussion will start at 6:00pm.

Time Frame/Observations/Alternatives:

The City had mixed success in 2021 legislative priorities and overall outcomes were good:

- The City's top priority for full funding for the US Highway 10 project in Ramsey was achieved.
- The extension of the project deadline for Tax Increment Financing (TIF) District 14 (The COR) was approved
- Adjustments to Fire Relief Association pertaining to dissolution of Joint Powers Agreement (JPA) with City of Nowthen were approved.
- The sales tax exemption for the Public Works Campus was not approved.
- The sales tax exemption and funding for a water treatment plant in Ramsey was not approved.

Options for 2022 legislation include:

- Sales Tax Exemption for the Water Treatment Facility
- State Funding for Water Treatment Plant
- Funding for continued study of Ramsey/Dayton Mississippi River bridge project.
- Local Government Aid formula revision
- Metro Mobility Service Area
- Closed landfill legislation to allow economic development
- Statewide licensure of massage therapy
- Other matters of interest: (proposed for discussion by individual Council members)
 - Lifting of Hospital moratorium (see attached article)
 - Amend remote open meeting law requirement (MS13D.02) that requires notification of a remote place accessible to the public
 - Exemption of residential gardens from water emergency restrictions
("In the event the governor declares by executive order a critical water deficiency, pursuant to Minnesota Statutes section 103G.291 implementing mandatory emergency water conservation measures and mandatory restrictions upon nonessential water use is enforced and outdoor irrigation is prohibited, gardens created by Minnesota residents for the cultivation of vegetables, fruits, herbs and flowers for food and medicinal purposes will not be subject to water restrictions, nor shall they be limited to reclaimed water.")

Additional discussion on broader policy priorities (e.g., Local Government Aid, Metropolitan Council Governance, Executive authority, etc.) may also of interest and discussed by the Council.

Funding Source:

N/A

Recommendation:

Based on discussion.

Outcome/Action:

No action requested at this time. The purpose of this case is to review and discuss City priorities with our state Legislators. A case will be brought forward to the Council in February to formally adopt a legislative platform for 2022.

Attachments

Legislative 2021 2022

Lifting Hospital Moratorium

Form Review**Inbox**

Kurt Ulrich (Originator)

Kurt Ulrich (Originator)

Form Started By: Kurt Ulrich

Final Approval Date: 01/24/2022

Reviewed By

Kurt Ulrich

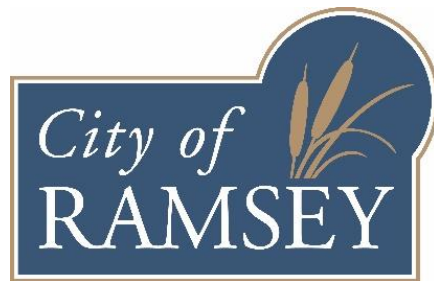
Kurt Ulrich

Date

01/19/2022 03:07 PM

01/24/2022 10:44 AM

Started On: 01/19/2022 11:20 AM



**2021 City of Ramsey Legislative Outcomes
and 2022 Legislative Considerations**

Top Priority: U.S. Highway 10 Ramsey Gateway Project

The City of Ramsey is coordinating with Anoka County for a state funding request that will bring this project to full funding. The Ramsey Gateway Highway 10 Project includes two grade-separated interchanges in the city of Ramsey at Ramsey Boulevard and Sunfish Lake Boulevard that will replace existing signalized intersections. Grade separation of the BNSF Railway and a new frontage road between Ramsey Boulevard and Sunfish Lake Boulevard are also part of this design project.

Project goals include:

- Safely accommodating all users including motor vehicles, freight, rail, transit, pedestrians, and bicyclists
- Providing efficient mobility and access for all modes of travel
- Developing a financially responsible design that minimizes right-of-way and environmental resource impacts
- Securing additional funding for full project construction
- We are currently in the second phase of the project, which is preliminary design.

Schedule

Key milestones of the project:

Public Open Houses – Winter 2020, Spring/Summer 2021, Winter 2022, Winter 2023

Preliminary Design – June 2020 to August 2021

Final Design – September 2021 to Jan 2023

Right of Way Acquisition Process – January 2021 to January 2023

Construction begins – 2023

Outcome

- Project is considered fully funded and will begin construction in 2023.
- City will continue efforts to lower local contribution (currently \$4M) and preserve more of the City's Public Improvement Revolving (PIR) Fund for local city improvements.

High Priority: Legislation to Extend Project Deadline (5 Year Rule) for Tax Increment Financing (TIF) District 14 (The COR)

A bill was introduced in the 2020 Legislative Session and was not heard due to (COVID-related) time constraints. The proposed legislation extends the deadline to approve projects funded by the TIF District. Typically, regardless of the duration of the district itself, projects must be approved within the first 5 years of the District. This includes incentives for qualifying private development activity as well as public improvements. Of key importance to this district is improvements to Bunker Lake Boulevard. Under a Joint Powers Agreement, the City is responsible for some improvements to Bunker Lake Boulevard (Anoka County took on initial improvements to Ramsey Boulevard and Sunfish Lake Boulevard). The second priority is making the NW quadrant of The COR 'shovel ready'. A significant amount of fill is necessary to make this land developable. Other, smaller improvements could also be funded by this account/district.

Outcome

Relative bills passed in the 2021 session:

- Five-year rule for redevelopment districts. Section 3 amends Minn. Stat. § 469.1763, subd. 3 to extend the five-year rule by three years for a total of eight years for redevelopment districts that were certified after Dec. 31, 2017, and before June 30, 2020. The five-year rule basically requires development activity for a TIF district to be finished within a five-year period that begins with certification of the district's original tax capacity. Effective for districts for which the request for certification was made after Dec. 31, 2017.
- Six-year rule. Section 4 amends Minn. Stat. § 469.1763, subd 4 to make a corresponding change to the six-year rule for those districts whose five-year rule was extended under section 3. Under the six-year rule, tax increment may only be spent in the sixth and subsequent years of a district to pay bonds issued during the first five years of the district, to pay contracts that financed improvements, to reimburse the developer for costs it paid to make improvements in the district during the first five years to decertify the district. Effective July 2, 2021.

High Priority: Sales Tax Exemption for Public Works Campus

A bill was introduced in the 2020 Legislative Session and was not heard due to (COVID-related) time constraints. The purchase of materials for the nearly \$17.3 million Public Works Campus are not exempt from the state sales tax without this legislation. The bill would exempt purchases made for the project, including those made in calendar year 2020 and 2021. This bill has been re-introduced in the 2021 session.

Outcome

- Bills were introduced in the House and the Senate and hearing held.

- Legislation provide sales tax exemption only for public safety projects (i.e., police and fire). The omnibus tax bill included a limited version of this bill that applies only to public safety facilities owned by local units of government.

High Priority: Sales Tax Exemption for Water Treatment Plant

Like the Public Works Campus, the purchase of materials for the proposed \$32-36.5 million Water Treatment Plant are not exempt from the state sales tax without this legislation. The bill would exempt purchases made for this project.

Outcome

- A bill was introduced and no action was taken.
- It is recommended that the City work with legislators to reintroduce a bill in 2022.

High Priority: State Funding for Water Treatment Plant

The City is requesting state funding to construct a water treatment plant being constructed to address a public health need in the city of Ramsey. The discovery of manganese by the Minnesota Department of Health in 2019 led the City to conduct a feasibility study for a water treatment plant to address the public health issue. The recommended action is to construct a \$32-36.5 million Water Treatment Plant to serve Ramsey Water customers. Construction is proposed to commence in the fall of 2021.

Outcome

- A bill was introduced and no action was taken.
- It is recommended that the City work with legislators to reintroduce a bill in 2022.

High Priority: Technical Correction of Fire Relief Pension Bill

The original legislation was approved in the 2020 legislative session and is in need of language revisions to facilitate the dissolution of the Nowthen/Ramsey joint fire services contract. After review by the MN Department of Revenue, Minnesota Legislative Commission on Pensions and Retirement, and the State Auditor's office, it was determined that corrections need to be made to the legislation to address some administrative concerns before dissolving the Joint Powers Agreement. The City of Ramsey, the City of Nowthen, and the current Fire Relief Association are in agreement and will be submitting revised language in the next 30 days.

Outcome

- A bill was passed that addressed the issue.
- The City of Ramsey JPA with Nowthen for fire protection services is now fully dissolved.

Policy Priority:

Funding for Non-State Aid City Streets

ISSUE: Minnesota has over 141,000 miles of roadway, and more than 22,500 miles—or 16 percent—are owned and maintained by Minnesota’s 853 cities. The Minnesota Constitution limits eligibility for dedicated Highway User Tax Distribution Fund dollars to up to twenty percent of streets in cities with populations over 5,000 (147 of 853 cities). This means almost 85 percent of municipal streets are ineligible for Municipal State Aid (MSA) funds and must be paid with local funding. Funding challenges are compounded by city cost participation requirements in state and county highway projects, which divert resources from city-owned streets.

Maintenance costs increase as road systems age, and no city—large or small—is spending enough on roadway capital improvements to maintain a 50-year lifecycle. For every one dollar spent on maintenance, a road authority—and therefore taxpayers—save seven dollars in repairs. According to a report released in late 2012 by the governor’s Transportation Finance Advisory Committee, cities collectively need an additional \$400 million per year to bring city streets up to an economically competitive standard.

RECOMMENDATIONS: City streets are a separate but integral piece of the network of roads supporting movement of people and goods. Cities need greater resources and flexible policies in order to meet growing demands for street improvements and maintenance. The City of Ramsey supports:

- A. dedicated and sustainable state funding source for non-MSA city streets in large and small cities statewide;
- B. enabling legislation that would allow cities to create street improvement districts (similar to storm water districts or sidewalk improvement districts already allowed under Minn. Stat. § 435.44); and
- C. the creation of a new fund within the Local Road Improvement Program that would provide grants to cities burdened by cost participation requirements related to trunk highway and county state-aid projects.

Outcome

- A couple of local funding street funding bills were introduced and were not passed into law:
- Street improvement district authority HF 1565/SF 1998 (Rep. Steve Elkins, DFL-Bloomington, and Sen. Ann Johnson-Stewart, DFL-Wayzata) was a League initiative that would have provided authority for cities to establish street improvement districts to fund street maintenance, construction, and reconstruction. This bill was passed out of the House Local Government Division and did not receive a hearing in the Senate.
- Tab fee surcharge for city street funding No HF/SF 1335 (Sen. Jim Carlson, DFL-Eagan), was a League initiative that would have imposed a \$10 surcharge on license tab fees and on motor vehicle title transfers to be dedicated to city streets in large and small cities. It would raise \$57 million per year for this purpose. The bill was not heard in the House or Senate.

Policy Priority:

Metropolitan Council Governance

The issue of Metropolitan Council governance is an issue that the City Council has had an interest since 2016. The current City Council will be having additional discussions on this issue. Since this is an issue that is likely to continue into the future, the existence of this item as 2021 *Legislative Priority* reaffirms the City's interest in addressing governance of the Metropolitan Council.

Over the last couple of years, Anoka County and three other metropolitan counties, formed a coalition that advocated for a change in the structure of the Metropolitan Council. As part of that meeting, the Council received documents explaining the County position, and documents outlining the position of the Metro Cities organization.

Below are the points/observations:

- Consider options for a Metropolitan Council governance structure that may increase accountability and address concerns of regional stakeholders and policy makers.
- Consider opportunities for local communities to provide input on ideas before any legislative change in Metropolitan Council governance is made.
- Consider that the Metropolitan Council has provided financial support of past projects in the City of Ramsey:
 - Parking Ramp
 - Sunwood Drive
 - Center Street
 - Sunwood Townhomes (TH 47)
 - Sunwood Village
 - The Draw Park and Amphitheater
 - Rail Station
- The City of Ramsey expects to continue an ongoing partnership with the Metropolitan Council.

Recommendations:

- A. Any reform to the Metropolitan Council should ensure that the Metropolitan Council is a responsible, responsive, and accountable partner for regional development and progress; and
- B. That in order to recognize the responsibility that the Metropolitan Council has to local units of government, local governments shall have a decision role in the appointment process for representatives to the Metropolitan Council; or current elected representatives of local government should be considered as members.
- C. In order to promote the stability and continuity of governance, consider staggered terms of office for Metropolitan Council members.

Outcome

- No action was considered regarding this issue in the 2021 session.

Policy Priority:

Local Government Aid (LGA) and Fiscal Disparities

Local Government Aid for Ramsey has fluctuated (see chart below) from a high of \$396,382 in 2001, to the current level of \$0 in 2017. The basic formula was changed in 2014 and some level of LGA was restored for the next three years (approximately \$100,000 per year), however the same formula has now resulted in the elimination of all LGA for Ramsey and similar developing suburbs.

FY 2000 - \$359,771

FY 2001 - \$396,382

FY 2002 - \$303,894

FY 2003 through 2013 - \$0

FY 2014 - \$91,381

FY 2015 - \$110,352

FY 2016 - \$111,311

FY 2017 - \$0

FY 2018 - \$0

FY 2019 - \$0

FY 2020 - \$0

Fiscal Disparities: Former Anoka State Legislator Charles R. Weaver originally authored fiscal disparities legislation in 1971. It was created for the purposes of:

1. Providing a way for local governments to share in the resources generated by the growth of the metropolitan area without removing existing resources;
2. Promoting orderly development of the region by reducing the impact of fiscal considerations on the location of business and infrastructure;
3. Establishing incentives for all parts of the area to work for the growth of the area as a whole;
4. Helping communities at various stages of development; and
5. Encouraging protection of the environment by reducing the impact of fiscal considerations to ensure protection of parks, open space, and wetlands.

Fiscal Disparities affects cities, counties, special taxing districts, and school districts within the seven-county metro area. It has reduced tax base disparity throughout the seven-county metropolitan area to a level of 3-to-1 (instead of the previous 10-to-1). Historically, the City of Ramsey (and Anoka County) have been net recipients of fiscal disparities funding. Meaning, the amount of dollars Ramsey receives from the program is greater than the dollars Ramsey contributes to the program.

RECOMMENDATION:

Ramsey supports revision of the LGA formula that recognizes the needs of developing suburbs and restores LGA to developing suburbs for long-term capital needs. Any future legislation that would modify or impact the Fiscal Disparities program should only be considered within a framework of comprehensive reform efforts of the State's property tax, aids and credits system. Any proposed legislation that would modify or impact the Fiscal Disparities program must be evaluated utilizing the criteria of fairness, equity, stability, transparency and coherence in the treatment of cities and taxpayers across the metropolitan region, and must continue to serve the program's intended purposes.

The Ramsey City Council is in support of the Fiscal Disparities program. The Ramsey City Council opposes future diversion from the Fiscal Disparities Program to fund programs or projects that would contradict the purpose of the program. The City does not support efforts to exempt Ramsey (or Anoka County) from any future Fiscal Disparity program amendment discussions.

Outcome

- No changes were made to the LGA funding formula in 2021.
- The City should consider working with legislators to determine if there is an opportunity to revise the LGA formula in 2022 to provide greater resources to developing suburbs. The state is currently projecting a record budget surplus which could provide a point of discussion.
- A couple of LGA bills were introduced that may have impacted Ramsey, but failed to become law:
- LGA adjusted for unpaid local assistance costs HF 1052/SF 749 (Rep. Jim Nash, R-Waconia, and Sen. Bill Weber, R-Luverne) would have allowed cities that have not been reimbursed by another city for local assistance costs to submit an application for reimbursement through a reduction in the LGA of the recipient city.
- LGA minimum distribution HF 1096/SF 1238 (Rep. Jerry Hertaus, R-Greenfield, and Sen. David Osmek, R-Mound) would have provided for a minimum per capita LGA amount for all cities that otherwise would receive no LGA, and increased the LGA appropriation to cover the additional amount.

Policy Priority:

Governor's Executive powers and Local Control

Council members have expressed concern for the well-being of local business and the ability of local government (or local State Legislators) to have representation in decisions that affect the local economy and businesses. The City is supportive of legislation that strengthens the ability of locally-elected officials to determine issues of local control.

League of Minnesota Cities Statement on local control:

The increasingly complex and costly requirements necessary for cities to provide services to their citizens would benefit from a strong partnership between federal, state and local governments. This partnership should be based upon a shared vision for Minnesota and should allow individual communities to tailor that vision to the unique needs of their citizens without mandates and policy restrictions imposed by state and federal policy makers. The state should recognize that local governments, of all sizes, are often the first to identify problems and inventive solutions to solve them, and should encourage further innovation by increasing local control. The state should not enact initiatives that erode the fundamental principle of local control in cities across Minnesota.

Outcome

- Comprehensive review of COVID-19 response First Special Session Chapter 12 (HF 12/SF 2*) is the omnibus state government finance and policy bill. Article 2, section 21 is a 2021 Session Law that requests the legislative auditor to conduct a special review of the state's response to

COVID-19. The requirements specify topics for analysis, including programs to provide testing, vaccination, and public outreach; contracting and other state purchasing necessary to facilitate the response or to provide public services; and the methodology used in modeling and forecasting the course of the outbreak. The legislative auditor is required to make recommendations for process improvements for the state's response to a future infectious disease outbreak if programs, services, or activities were not efficient or were not successfully implemented. No effective date, only a request.

- Termination of peacetime emergency First Special Session Chapter 12 (HF 12/SF 2*) is the omnibus state government finance and policy bill. Article 2, section 23 is a 2021 Session Law that terminates the governor's COVID-19 peacetime emergency effective July 1, 2021, at 11:59 p.m. Effective July 1, 2021.

Possible 2022 Priority: Consider Ramsey for Inclusion in Metro Mobility

- Over the years some residents have expressed an interest in getting door-to-door Metro Mobility Service in Ramsey.
- City residents annually pays \$_____ pay to the Metro Transit Taxing District that the City was required to enter when the NorthStar Station was completed.
- Inclusion in the Metro Mobility service area requires a state statute and was last extended to the City of Lakeville in 2019. The cost of the service is covered by the state.

AmericanExperiment.org

Minnesota must lift its hospital moratorium



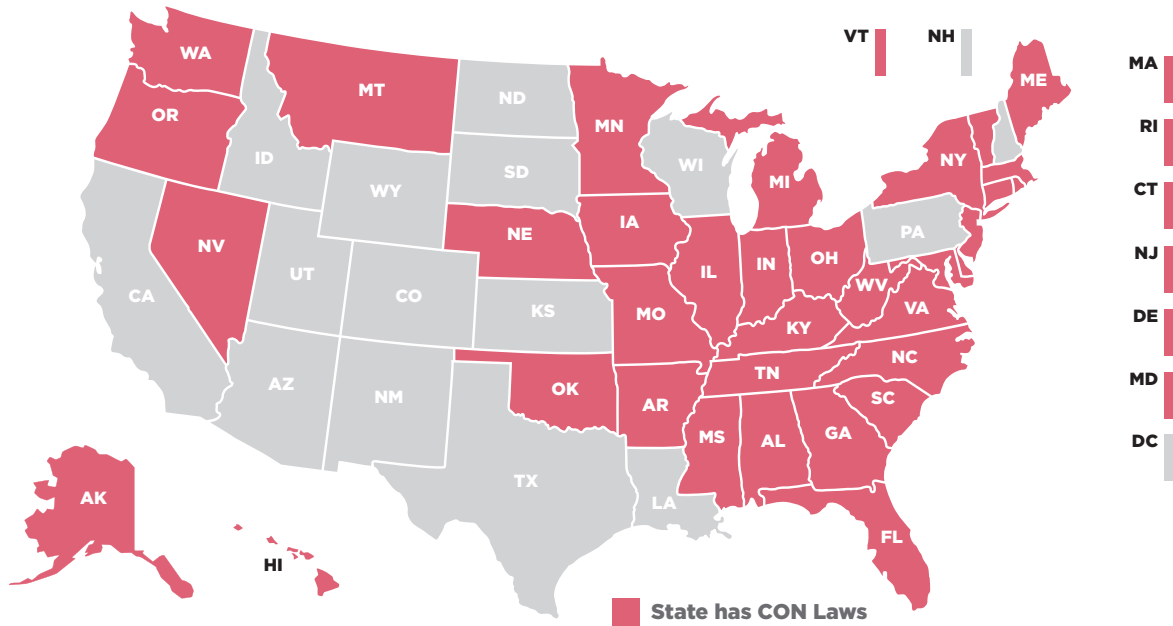
STATE POLICYMAKERS SHOULD:

- **Abolish Minnesota's hospital construction moratorium**

On March 25, 2020, Governor Tim Walz announced a state-wide stay-at-home order running from March 27 to April 10. This was necessary, he said, because Minnesota's 235 adult Intensive Care Unit (ICU) beds were on course to be full six weeks into the COVID-19 pandemic. As the Delta Variant of COVID-19 surged in the summer of 2021, it was reported that Minnesota once again came close to maxing out its ICU capacity.

One reason for this shortage is Minnesota state law itself. Until 1984, the state operated what were called Certificate of Need (CON) laws for hospitals. These require government permission before a facility can expand, offer a new service, or purchase certain pieces of equipment. That year, Minnesota replaced its CON laws with a hospital construction moratorium, which works in a very similar, but even more restrictive, way. As Figure 1 shows, 35

FIGURE 1
STATES WITH CON LAWS OR SIMILAR REGULATIONS



SOURCE: NATIONAL ACADEMY FOR STATE HEALTH POLICY

states, including Minnesota, continue to operate extensive health care CON laws or similar barriers.

Minnesota’s hospital construction moratorium prohibits the building of new hospitals as well as “any erection, building, alteration, reconstruction, modernization, improvement, extension, lease or other acquisition by or on behalf of a hospital that increases bed capacity of a hospital.” Whenever hospitals or provider groups propose an exception to the moratorium, the Minnesota Legislature requires the Department of Health to conduct a “public interest review.”

Researcher Patrick Moran explains:

In its review, the Department must consider whether the proposed facility would improve timely access to care or provide new specialized services, the financial impact of the proposed exception on existing hospitals, the impact on the ability of existing hospitals to maintain current staffing levels, the degree to which the facility would provide ser-

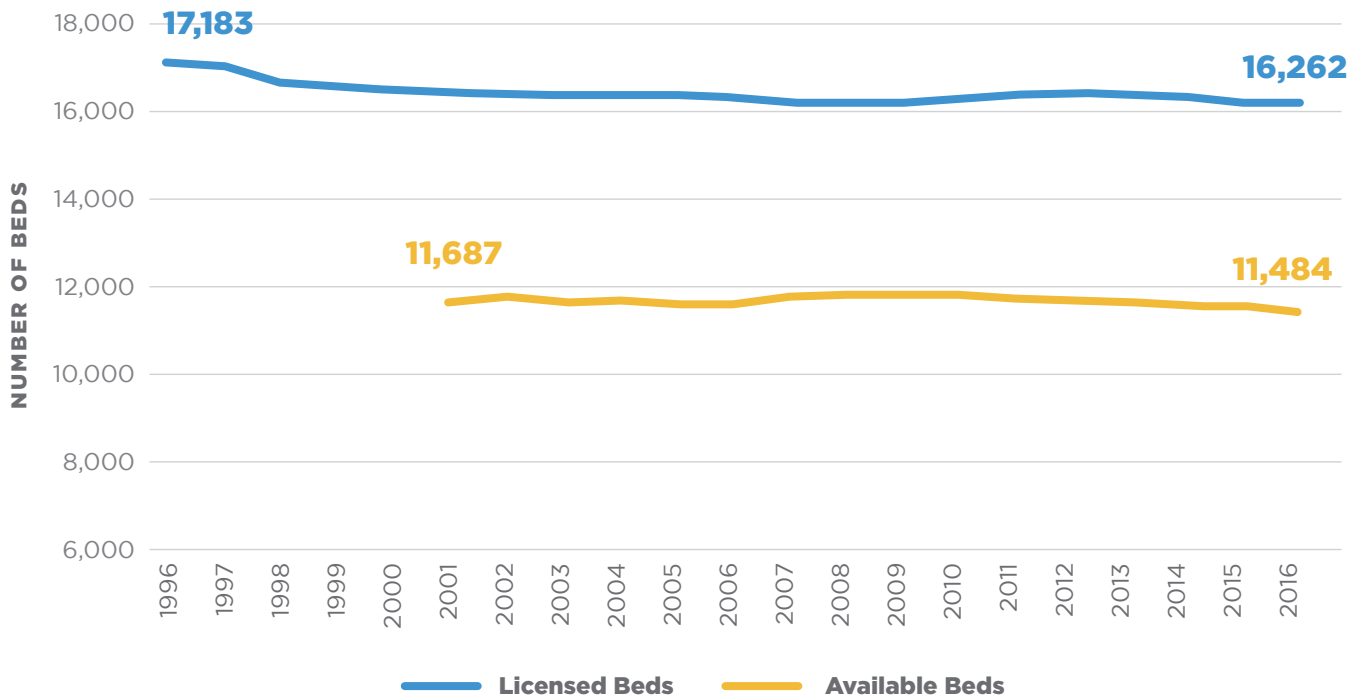
VICES to low-income patients, as well as the expressed views of all affected parties. [Emphasis added]

Moran continues:

These reviews must be completed within 90 days of the proposed project. However, the public interest review is not binding. The Minnesota Legislature ultimately decides which exceptions are allowed to go forward. Except for the fact that the Legislature makes the final determination about each project, the public interest review process for new hospitals and hospital beds closely resembles CON statutes in other states. [Emphasis added]

The explicit purpose of the moratorium, as with CON laws more generally, is to restrict the number of hospital beds. Indeed, Moran says: “Policymakers hoped that the moratorium would be

FIGURE 2
Community Hospital Beds in Minnesota



SOURCE: MDH/HEALTH ECONOMICS PROGRAM ANALYSIS

more effective than CON in reducing the growth of hospital beds.” It has been successful in this aim. In the twenty years from 1984 through 2004, 16 exceptions were granted permitting just 94 additional licensed beds in the state. As Figure 2 shows, between 1996 and 2016, the number of licensed beds in Minnesota actually fell by 921 while the population increased by 810,000. Exactly how “the Minnesota Department of Health has concluded that the moratorium is largely ineffective in restraining bed capacity,” as Moran says, is something of mystery.

By fixing the supply of licensed beds, the moratorium makes them valuable commodities. Bed licenses can be held whether they’re used or not so a health provider can buy a hospital with 400 beds

(medium sized by Minnesota standards), close it, but still get to keep those licenses. Indeed, those with licenses for beds can shift them around in search of the best return. Moran explains:

Many hospitals have strategically “banked” beds, allowing them to circumvent the re-view process. In 2005, while there were only 11,650 available beds, there were 16,392 licensed beds in the state, allowing many hospitals to rely on unused bed capacity when they expand services.

In 2019, according to Department of Health figures, just 71 percent of beds licensed in Minnesota were actually available.

Why do we have this system?

No doubt, many Minnesotans would ask why their state government would want to limit the expansion of hospital beds.

As with CON laws more generally, policymakers justify Minnesota's moratorium by claiming that, without it, medical providers would over-invest in capacity which would drive up prices, raise health care costs, and restrict access to these services for the poor.

This is a bizarre argument. The reason we don't have a McDonald's on every block isn't because state government prevents it but because it makes no economic sense for McDonald's to expand capacity with no regard to the demand for it. It makes no economic sense for anyone to do that, health-care providers included.

Research has found that CON laws – or analogous laws like Minnesota's moratorium – fail to achieve these goals. A study by economists Thomas Stratmann and Jacob W. Russ found:

...no evidence that CON regulations increase indigent care, but they do find evidence that the regulations limit the provision of medical services. Consequently, the price of medical care is likely higher under CON regulations, while the poorest Americans see no increase in the availability of care.

There is, in addition, evidence that states which have removed these rules have more hospitals and more ambulatory surgery centers per capita, more hospital beds, dialysis clinics, and hospice care facilities. Patients in non-CON states are more likely to utilize medical imaging technologies and less likely to leave their communities in search of care. Though CON advocates sometimes claim that the rules protect rural facilities, states without CON laws have more rural hospitals and more rural ambulatory surgery centers than states with CON laws.

Conclusions

None of this is to suggest that without the moratorium Minnesota would have 6,000 ICU beds idling at all times in readiness for a pandemic. The costs of doing so would be vast and absorb resources which could be better used elsewhere.

But we can be fairly confident that the number of ICU beds would be somewhat greater and our straits over the course of the COVID-19 pandemic

would have been somewhat less dire. In the longer term, with a population growing – albeit slowly – and aging more quickly, it makes no sense at all to block the expansion of hospital bed capacity. The moratorium achieves none of its goals at too high a cost. It should go.

John Phelan is an economist at the Center of the American Experiment.

Meeting Date: 01/25/2022

Information

Title:

Update on Anoka County State Aid Highway 5/Nowthen Boulevard Corridor Study

Purpose/Background:

Purpose:

The purpose of this case is to present an update on the Anoka County led corridor study for County State Aid Highway 5/Nowthen Boulevard.

Background:

Anoka County hired SRF Consulting Group in 2021 to lead a corridor study for CSAH 5/Nowthen Boulevard through the City of Ramsey to consider traffic impacts and corridor needs that may result from upcoming changes to Highway 10 and continued development.

On Friday, November 5, 2021, a Project Management Team (PMT) kickoff meeting for the CSAH 5/Nowthen Boulevard corridor study was held. PMT members included Staff from Anoka County, City of Ramsey, and SRF Consulting Group. The agenda for the meeting was as follows:

- Welcome and introductions
- Study context, background, and process
- Planning assumptions – land use and roadway improvements
- Existing and No Improvement scenario forecast results
- Open discussion about the City and County's concerns for the corridor
- Next Steps

Staff will present an update on the discussions and outcomes of this meeting, as well as the current status of the study.

Timeframe:

Staff anticipates needing 10 minutes to present updates and field any questions.

Funding Source:

NA

Responsible Party(ies):

City Engineer Westby will present updates and field questions. City Administrator Ulrich will also be available to field questions.

Outcome:

Depends on discussions.

Attachments

No file(s) attached.

Form Review

Inbox

Kurt Ulrich

Brian Hagen

Form Started By: Bruce Westby

Final Approval Date: 01/20/2022

Reviewed By

Kathy Schmitz

Brian Hagen

Date

01/20/2022 03:35 PM

01/20/2022 03:38 PM

Started On: 01/20/2022 02:21 PM

Meeting Date: 01/25/2022

Information

Title:

Review 2022 Planning Session

Purpose/Background:

The purpose of this case is to determine what type of planning session(s) the Council would like to conduct in 2022.

Each year, the City Council and city leadership staff typically review the city's strategic plan and adopt priorities for the coming year. This process gives staff clear direction from council as to the priorities for the coming year.

Such sessions in the past have included:

- Review and revision of the City's vision, mission, and values.
- Team-building and development.
- Review of past years accomplishments relative to the plan.
- Review of the citizen's survey results.
- Development of priorities for the next 1-3 years.

On occasion, the City has used consulting firms and has done full-day or multi-day "retreat" sessions with the council and senior staff.

In recent years, the city has devoted 2-3 evening sessions devoted to the topics above, and has primarily used staff to facilitate the planning sessions. Last year, the City met on May 18 at a special work session and followed-up at regular City Council work sessions to complete the plan for 2021.

Consultants have been used in this format as well. Note, normally, outside consultants are expensive and it is not unusual for a city to spend \$5,000 to \$15,000 or more, for these planning efforts. This can be a good investment if the City is building a new team and wants to consider a new strategic direction.

Timeframe:

One or two evening work sessions are recommended for this activity.

Funding Source:

N/A

Responsible Party(ies):

Kurt Ulrich, City Administrator

Outcome:

Direction on how to proceed with planning of 2022 priorities, based on discussion.

Attachments

2021 Strategic Plan

Form Review

Inbox

Kurt Ulrich (Originator)
Form Started By: Kurt Ulrich
Final Approval Date: 01/19/2022

Reviewed By

Kurt Ulrich

Date

01/19/2022 03:07 PM
Started On: 01/19/2022 09:58 AM

2021-2022 Strategic Plan Update

VALUES

Ethics and Integrity

Fiscal Responsibility

Cooperation and Teamwork

Open and Honest Communications

Excellence and Quality in the Delivery of Service

Treating People with Respect and Fairness

Adaptability and Continuous Learning

VISION

Ramsey will be a secure, citizen-driven, collaborative community that respects the balance and connectivity between its unique urban, rural and natural environments.

MISSION

To work together to responsibly grow our community and to provide quality, cost-effective and efficient government services.

OBJECTIVES

Financial Stability

A Balance of Rural Character and Urban Growth

An Active and Connected Community

Smart, Citizen-Focused Government

An Effective Organization

STRATEGIES

Identify and implement operational efficiencies, cost savings and additional funding sources while maintaining and increasing transparency and accountability.

Promote economic growth and development.

Create a positive image for residential neighborhoods, business districts and key corridors.

Improve the safety and mobility of transportation corridors.

Connect the community through Parks and Trails Capital Improvements along with Recreational Programming.

Spotlight sustainability and efficiency through public facilities and infrastructure investments.

Strengthen and enhance our identity, brand and image.

Improve City's communication.

Improve and sustain high organizational morale.

ACTION PLAN

Action	Timeframe	Resources	Key Outcomes and Indicators	Responsible Party
Strategy: Identify and implement operational efficiencies, cost savings and additional funding sources while maintaining and increasing transparency and accountability.				
1. Evaluate current funding source of Pavement Management Program (and history) and determine whether or not to implement a new funding source for Program.	Q3 2021	Budget Impact = High	To bring all options for road funding including those in work session stated by Mayor Kuzma and council member survey, noted on 5/18/21 strategic planning work session as a part of the 22 budget discussion in July and August of 2021. Bring to Council a resolution to end Ordinances 20-11, 20-12, 20-13 as of 12/31/2021. Include regular pavement maintenance in discussion.	Kurt Ulrich
2. Implement a Workflow Tool	2021	Budget Impact = Low	Experienced cost savings as a result of improved workflow. Improved service.	Jason Fredrickson
3. Consider refinancing debt to capitalize on low interest rate	2021	Budget Impact = Medium	Cost savings and debt service.	Diana Lund
4. Consider better social media management platform	Q4 2021	Existing Staff Budget Impact = Low	Simplified and streamlined social media posting process to increase breadth of messaging.	Megan Thorstad/Jason Fredrickson
5. Improve the Employee Union Contract Negotiation Process	Q3 2021	Existing Staff Budget Impact = Low	Improved communication and decision-making conduit with City Council.	Colleen Lasher
6. Consider interactive modules to enhance the customer experience to quickly find information.	Q1 2022	Budget Impact = Medium	Improved interaction with technology to improve customer self-service options.	Jason Fredrickson
Strategy: Promote economic growth and development.				
7. Continue Business Retention and Expansion efforts for retail and industrial.	Ongoing	Existing Staff: Budget Impact = Low	Stable base of local employers, representing the largest opportunity for future growth of jobs and tax base. Increase the number of business visits. Improve the quality and attendance at EDA events. 5,000 square feet of new retail space per year on average. 50,000 square feet of new industrial per year on average.	Sean Sullivan/EDA
8. Consider strategic infrastructure investments to prepare more shovel ready parcels.	Q2 2022	Budget Impact = Medium	Primary Effort = West Armstrong Retail/West Armstrong Industrial Redevelopment Area.	Sean Sullivan/EDA

Action	Timeframe	Resources	Key Outcomes and Indicators	Responsible Party
9. Complete a Comprehensive City Code Audit and Update	Q1 2022	Budget Impact Medium	Reduce redundant regulations and regulations that conflict with City's vision or otherwise detract from City's economic development goals.	Chloe McGuire/Planning Commission
Strategy: Create a positive image for residential neighborhoods, business districts and key corridors.				
10. Deleted			<i>City Council is committed to meeting with the Planning Commission to review the development plan/master plan for The COR in the Fall of 2021.</i>	
11. Consider a Proactive Multifamily Property Management Program and Crime Free Multifamily Housing Program	2021	Existing Staff Budget Impact = High RCP Report	Ensure that multifamily properties maintain high quality and free of nuisance. Consider a Crime Prevention Multifamily Program. Consider a coalition of multifamily property managers to ensure property managers hold each other accountable and provide adequate long-term maintenance.	Jeff Katers Chloe McGuire
12. Create a Volunteer Program to partner with local community members that create opportunities for the community to own cleanup projects and spotlight in communications.	2022	Budget Impact = Medium	Better community ownership of community events and community cleanup efforts. Spotlight existing community cleanup efforts on social media.	Joint Venture between Public Works and Community Development
Strategy: Improve the safety and mobility of transportation corridors.				
13. Complete County Road 5 Corridor Study.	Q4 2022	Budget Impact = Medium	Unified long term vision for Nowthen Boulevard. Improved safety and reduced congestion. Ensure adequate capacity for planned development.	Bruce Westby/Public Works Committee
14. Advance the Ramsey Gateway Plan.	Ongoing	Existing Staff/Resources Budget Impact = High RCP Report	Unified vision for Highway 10. Improved safety and reduced congestion. Secured final funding for the Highway 10/169 Plan (currently at \$92M of \$138M)	Bruce Westby/Public Works Committee
15. Update Priority Street Light Program and Pedestrian Safety Plan.	Q1 2022	Existing Staff/Resources Budget Impact = Medium	Improved pedestrian and vehicle safety at critical intersections.	Bruce Westby/Public Works Committee
Strategy: Connect the community through Parks and Trails Capital Improvements along with Recreational Programming.				
16. Establish a Funding Plan to Complete Parks Capital Replacement Improvements.	Q2 2022	Existing Staff/Resources Budget Impact = Medium RCP Report	Adequate parks, trails and public spaces, both future and existing. Unique recreation destinations.	Mark Riverblood/Park and Recreation Commission

Action	Timeframe	Resources	Key Outcomes and Indicators	Responsible Party
17. Implement and Spotlight the Recreation Programming Plan	Q3 2021 Ongoing	Existing Staff/Resources Budget Impact = Low	Increased awareness of recreational opportunities.	Mark Riverblood/Park and Recreation Commission
Strategy: Spotlight sustainability and efficiency through public facilities and infrastructure investments.				
18. Develop Implementation Plan for Water Supply Treatment.	Q4 2021	Budget Impact = High	Reduce levels of iron and manganese in municipal water supply.	Bruce Westby/Public Works Committee
19. Consider Local Open Space Preservation Funding, if initiated by Ballot Referendum.	2022	Budget Impact = High	Preservation of many Exceptional Quality Ecological Areas (as defined by Natural Resources Inventory).	Chris Anderson/EPB
Strategy: Strengthen and enhance our identity, brand and image.				
20. Provide quarterly updates to USPS to secure new Ramsey ZIP Code.	Ongoing	Existing Staff Budget Impact = Low RCP Report (community identity)	ZIP Code will identify itself as Ramsey. Provide regular updates. Detailed Update in 2026.	Kurt Ulrich
21. Consider Creating and Promoting a Holiday Light Challenge	Q4 2021	Existing Staff Budget Impact = Low	Create additional awareness of community and create additional social connections.	Megan Thorstad/Recreation Specialist
Strategy: Improve City's communication.				
22. Improve proactive and time-relevant communication.	Ongoing	Existing Staff Budget Impact = Low RCP Report	Explore new avenues to tell the story of Ramsey and market the community to prospective residents and businesses. Stay relevant by harnessing new technologies and social media platforms to evolve with the ever-changing media landscape.	Megan Thorstad
Improve and sustain high organizational morale.				
23. Update Telecommuting Policy	Q3 2021	Existing Staff Budget Impact = Low	Recruitment and retention tool for existing and future employees.	Colleen Lasher
24. Consider additional Employee Events to strengthen relationships.	Q2 2022	Existing Staff Budget Impact = Low	Improved organizational morale.	Colleen Lasher
25. Complete an Employee Survey	Q4 2021	Existing Staff Budget Impact = Low	Establish baseline metric of existing organizational morale.	Colleen Lasher

Budget Impact Key; Low = Existing Staff/thousands of dollars; Medium = Additional Staff/Consultants/tens of thousands of dollars; High = capital improvement/hundreds of thousands of dollars.

RCP Report = Partnership with the University of Minnesota completed in 2018. This partnership created a library of resources and policy alternatives. A full list of completed reports can be found online at rcp.umn.edu/ramsey-projects.

PARKING LOT LIST/FUTURE PROJECTS

Action	Strategy
Improve background data provided in conjunction with establishing Rates and Charges, especially for Development Impact Fees. .	Identify and implement operational efficiencies, cost savings and additional funding sources.
Complete Organization Staffing Plan.	Improve and sustain high organizational morale.
Complete Streetscape Plan for Key Corridors.	Create a positive image for residential neighborhoods, business districts and key corridors.
Complete a Highway 47 Plan (<i>after current Bunker/47 intersection improvements</i>)	Improve the safety and mobility of transportation corridors.

The above are important topics, but are not the highest priority of the Council and will only be worked on if not interfering with approved Action Items and as time/resources allow.

CULTURE

- Utilize Strategic Plan to prioritize budget requests.
- Leverage additional funding sources.
- Seek grants to do high priority projects.
- Seek public and private partnerships.
- Improve Park and Recreation revenue through user fees and sponsorships.
- Provide adequate public safety staffing based upon common metrics (i.e., calls for service, time of day caseload, land use and population, citizen expectations).
- Continue Staff Recognition Programs.
- Increase awareness of various employee resources.
- Enhance Community Engagement in policy decision-making processes.
- Enhance customer service through process improvement.
- Strive to reflect the demographics of the community.

CC Work Session

3.1.

Meeting Date: 01/25/2022

By: Colleen Lasher, Administrative Services

Information

Title:

Review Future Topics/Calendar

Purpose/Background:

Attached is the current list of future topics for work session discussion. Items are drawn from Council requests at meetings, or are related to topics that have been identified in the City's strategic plan. Tentative dates have been assigned.

Recommendation:

N/A

Outcome/Action:

For Council review - no formal action necessary.

Attachments

Updated Future Topics List

Form Review

Inbox

Kurt Ulrich

Form Started By: Colleen Lasher

Final Approval Date: 01/20/2022

Reviewed By

Kurt Ulrich

Date

01/20/2022 10:10 AM

Started On: 01/20/2022 09:32 AM

	<u>Tentative City Council Future Work Session Topics</u>	
Proposed Date	Topic	Minutes (Estimate)
2022		
February 8, 2022	Discuss Tinklenberg Contract	10
February 8, 2022	Discuss Planning Manager Interview Panel - Lasher	10
February 8, 2022	Discuss Intern Wages – Lasher	10
February 8, 2022	Discuss Board and Commission Recruitment Policy – Lasher	10
February 22, 2022	Discuss Redistricting with Anoka County Elections Manager - Lasher	30
Feb 2022	COR-Comp plan rural zoning discussion	20
Feb 2022	Consider Veterans’ Housing Project – Ulrich	20
Feb 2022	Discuss Anoka Ice Arena – Ulrich	20
Feb 2022	Review Process to Redesign Website / Communications Update - Fredrickson & Thorstad	30
Feb. 2022	Discuss Excess Revenue Deficit Policy – Lund	20
March. 2022	Review Draft Stormwater Pond Maintenance Policy – Westby/Riemer	30
March 2022	Draft Trail Maintenance Policy – Westby/Riemer	30
March. 2022	Review Charter Commission Recommendations on Election Section - Lasher	
March 2022	Discuss Remote Meetings Policy - Lasher	15
April 2022	Rental Property Ordinance	15
May 2022	Recycling Report (trends, costs, programs)	10
TBD	Conclude Discussions Regarding Updating the Employee Telecommuting Policy Lasher	20
TBD	Review procedure/policy/best practice for introduction of resolutions/proclamations – Ulrich	20
TBD	Discuss the General Topic of Holding Joint Meeting(s) with the Council and Commissions & Other Cities. Based on discussion, future work sessions - TBD.	20
TBD	Discuss Historic Town Hall – Ulrich	30
TBD	City Branding Presentation - Ulrich	40
TBD	Park System Plan – Riemer/Riverblood	60