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- 2 Gold Text=Partially verbatim, paraphrased, or combined carried over paragraphs.
- 3 ~~Red Text~~ = Text deleted from a carried over paragraph
- 4 Blue Text = New text
- 5 Purple Text = Text added based on Planning Commission Comments
- 6

7 300 General Performance Standards

8 The following sections set forth standards for uses or structures applicable in all zoning districts.

11 310 Lighting

12 The purpose of this section is to provide regulations to balance lighting needs for visibility and personal
 13 and property safety with the negative impacts of off-site light spill-over.

- 15 (A) Wall lighting may be used to illuminate the pedestrian walkways, entrance areas, loading docks, and
 16 yard areas within 20 feet of the building. No wall lighting may be used exclusively to illuminate areas
 17 for motor vehicle parking or access.
- 18 (B) Architectural lighting, including LED or neon banding, must be mounted on the building or canopy.
 19 Architectural lighting directed upward onto the building façade is permitted provided no glare is
 20 produced. LED banding must use colored tube shielding for a continuous appearance.
- 21 (C) Free-standing and wall-mounted luminaire regulations:
 22 (1) Height maximums, including the base and support structure, are limited as follows:
 23 a. Farther than 200 feet from any property zoned residential: 30 feet.
 24 b. Within 200 feet of any property zoned residential: 15 feet.
 25 (2) Cut-off angles must be equal to or less than 90 degrees.
 26 (3) Ballfield, stadium, or outdoor recreation lighting is exempt from the height and cut-off angle
 27 requirements in this section though the design shall constitute the absolute minimum height
 28 necessary to light the area and must provide shielding to reduce off-field light spill.
- 29 (D) Lighting intensity must adhere to the following table:

Required Minimum and Maximum Light Intensities (as measured in foot candles at the ground level)			
Use	Minimum Intensity	Maximum Intensity	Maximum Intensity at Property Line
Parking areas for non-residential uses	1	15	0.5
Parking areas for multi-family residential uses	1	15	0.5
Private pedestrian walkways for non-residential and multi-family residential uses	5	20	0.5
Building entrances and exits	5	20	0.5
Exterior storage areas	0.5	15	0.5
Vehicle sales lots	1	20	0.5
Non-specified uses - For uses not specifically listed above, light requirements may be computed by the zoning administrator.			

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- (E) Exterior lighting must be operational when a business is open or employees are on site.
- (F) Glare. All lighting must be arranged so as not to produce glare. All properties must be in compliance with the following:
 - (1) All light sources must be controlled and equipped with lenses, louvers, shields, or prismatic control devices designed to prevent off-site views of the light source.
 - (2) No flickering or flashing lights except those associated with public safety activities may be permitted.
 - (3) Light sources that are integrated into a canopy must be designed to be recessed and flush with the ceiling of the canopy, and equipped with a flat lens surface.
 - (4) Residential single-family and townhome uses may have wall-mounted lighting with exposed light sources provided glare is not produced from off-site views.
- (G) Compliance. Any new lighting installed after the effective date of this chapter must be in compliance with the requirements of this chapter. Any lighting in existence before the effective date of this chapter that does not comply with its requirements may be considered legally nonconforming and may be allowed to continue in compliance with Section 140. Lighting may be required to be upgraded, wholly or in part, due to a request for a site plan review, conditional use permit, interim use permit, variance, or plat.
- (H) Seasonal decorative lighting and landscape lighting are not regulated by this section.

321 Driveways and Curb Cuts

The owners of a corner lot may elect to access the principal building on either street that the lot abuts. In cases of through lots the city shall determine which street the building fronts and accesses. In cases where one of the streets is a county, state or MSA street, the lot shall access on the other street. Where any such election is manifestly contrary to the established character or welfare of the neighborhood, the ~~permit request~~ shall be referred to the ~~board-of-appeals~~ City Council for approval or disapproval.

322 Vision Clearance Triangle

A vision clearance triangle shall be established at each intersection corner in order to provide adequate site distance. The vision triangle shall be formed by creating a third leg that connects the ends of two legs that are in line with the face of the existing curbs. On streets which have a stop condition the length of the leg shall be 25 feet from the nearest face of the curb on the cross street being approached and shall be 50 feet for streets without stop conditions. The vision triangle shall also apply at alleys and at commercial driveways with the leg distance of 25 feet. The vision triangle shall be three dimensional and shall extend from 30 inches to nine feet above the top of curb. Where the wording herein refers to horizontal measurement from the face of curb and no curb exists, the edge of pavement shall be used instead. Where the wording herein refers to vertical measurement from top of curb and no curb exists, the measurement shall begin six inches above the pavement. The vision clearance triangle shall contain no fence, structure, earth bank hedge, planting, wall or other sight obstruction. The following are exempted: utility poles, fire hydrants, traffic signals and signs, trees trimmed to the trunk, and plant species of open growth habit that are not planted in the form of a hedge and which are planted and trimmed as to leave an unobstructed view in all seasons. There shall be no parking allowed along the curbs within the vision triangle. Construction of new buildings or new additions to existing buildings that extend into the vision triangle shall not be permitted. Existing buildings shall not be considered an obstruction under the terms of this division. The city engineer may waive this provision where the natural contour of

1 the ground is such that there can be no cross visibility at the intersection. Landscaping with the vision
2 clearance triangle that is in existence prior to the date of adoption of the ordinance from which this
3 division is derived shall be viewed on a case-by-case basis to determine whether these landscaping
4 elements are in compliance with this division. The public works committee shall render the final decision
5 on such determinations.

6 7 323 Traffic Regulatory Signs

8 Standard regularity stop signs are required at all driveway exits to public streets, except for single-family,
9 two-family, and townhome residential driveways. Other signs may be required as part of the Site Plan
10 Review process.

11 12 325 Pedestrian Connections

13 (A) *Walkways.* All business, industrial, multi-family residential, and public/quasi-public structures on
14 parcels abutting sidewalks or multi-use trails in the public right-of-way shall provide a pedestrian
15 connection between the sidewalk or trail and the main entrance to the building. The walkway shall
16 be as direct as possible minimizing driveway and parking lot crossings.

17 (B) *Bicycle Rack.* All non-residential uses shall provide a bicycle rack near the main entrance to the
18 building.

19 20 330 Alternative Energy Systems

21 *Purpose and intent.* The purpose and intent of this section is to establish standards and procedures by
22 which the installation and operation of alternative energy systems shall be governed within the city. The
23 city finds that it is in the public interest to encourage alternative energy systems that have a positive
24 impact on energy production and conservation while not having an adverse impact on the community.

25 26 331 Wind energy conversion systems (WECS).

27 The following standards are intended to facilitate the provisions for WECS to the residents and businesses
28 of the city; minimize adverse visual effects of wind towers, turbines, and generators through careful
29 design and site selection standards; and avoid potential damage to adjacent properties from tower failure
30 through structural standards and setback requirements.

31 (A) *Location.* ~~WECS units shall be allowed by conditional use if listed as a conditional use in the~~
32 ~~underlying zoning district. Furthermore,~~ WECS units shall not be allowed in the Critical River, Wild
33 and Scenic River, and Shoreland Overlay Districts, except for micro-scale WECS provided that it does
34 not violate the maximum structure height of the overlay district.

35 (B) *Bulk standards.*

36 (1) *General requirements.* No part of the WECS, equipment, guyed wires, blades, or braces shall
37 at any time extend across or over any part of the public right-of-way, public street, highway,
38 sidewalk, or recreation trail.

39 (2) *Setback.* All small scale WECS and medium scale WECS units shall maintain a minimum setback
40 of 1.5 times the height of the tower. In addition, WECS units in any residential district must
41 maintain a minimum setback of 1,000 feet from any principal dwelling unit on adjacent
42 parcels. Setbacks shall be measured from the center of the WECS tower to the nearest
43 property line.

44 (3) *Height.* Height for any WECS shall be: ~~restricted by the definition of the WECS as listed in City~~
45 ~~Code section 117-1, definitions.~~

46 a. *WECS, small-scale.* A WECS with a height no greater than 50 feet tall, including the
47 blade.

- 1 b. *WECS, medium-scale.* A WECS with a height between ~~101~~ 50 feet and 199 feet tall,
2 including the blade.
- 3 c. *WECS, utility-scale.* A WECS with a height of 200 feet or greater, including the blade.
- 4 ~~d. The city council may increase the height of a small-scale WECS up to an overall height~~
5 ~~of 100 feet if the applicant is able to demonstrate to the satisfaction of the city council~~
6 ~~that the surrounding topography, structures, vegetation, and other factors make the~~
7 ~~height limit for a complying WECS impractical.~~
- 8 e. A micro-scale WECS is limited to 25 feet taller than the structure to which it is mounted
9 and can be no taller than the maximum building height of the underlying zoning district.
10 ~~A variance, processed in accordance with section 117-53 (Variance procedures) is~~
11 ~~required for any micro-scale WECS proposed to be taller than these restrictions.~~
- 12 (4) *Blade clearance.* Any WECS blade shall maintain a minimum ground clearance of 30 feet.
- 13 (5) *Restricted climbing apparatus.* Any WECS tower shall be designed to have removable climbing
14 apparatuses a minimum of 25 feet from the ground. All climbing apparatus within 25 feet of
15 the ground must be removed when not being serviced.
- 16 (6) *Site location in residential districts.* A WECS may only be located in the rear yard in the
17 residential districts. The city council may approve a WECS in the front yard if the applicant is
18 able to demonstrate setbacks would be unable to be met in the rear yard.
- 19 (C) *Design standards.* A proposed or modified WECS shall meet the following minimum design
20 standards.
- 21 (1) *Tower design.* Any WECS shall be of a monopole design unless the city council determines that
22 an alternative design is preferred in cases where structural or design considerations,
23 neighborhood compatibility, or location availability is better suited with an alternate design.
- 24 (2) *Architectural design.* Any WECS shall be designed to blend into the surrounding environment
25 through the use of color and design, except in instances where the color is dictated by federal
26 or state authorities such as the Federal Aviation Administration.
- 27 a. Architectural design standards are subject to final city council approval.
- 28 b. The city council may deny a WECS if it determines the design standards are incompatible
29 with the surrounding area.
- 30 ~~(4) Use of city owned land for WECS.~~
- 31 ~~a. Priority of users.~~
- 32 ~~i. City of Ramsey;~~
- 33 ~~ii. Public safety agencies, including law enforcement, fire, and ambulance services,~~
34 ~~which are not part of the City of Ramsey and private entities with a public safety~~
35 ~~agreement with the city;~~
- 36 ~~iii. Other governmental agencies, for uses which are not related to public safety; and~~
- 37 ~~iv. Entities providing licensed commercial wireless telecommunication services~~
38 ~~including cellular, personal communication services (PCS), specialized mobilized~~
39 ~~radio (SMR), enhanced specialized mobilized radio (ESMR), paging, and similar~~
40 ~~services that are marketed to the general public or wireless telecommunication~~
41 ~~services.~~
- 42 ~~v. Entities providing alternative energy sources including WECS.~~
- 43 ~~b. Lease requirements.~~ The user must obtain a lease from the city, which shall take the
44 following criteria into consideration: The WECS will not interfere with the purpose for
45 which the city owned property is intended; The WECS will have no adverse impact on
46 surrounding private property; The applicant is willing to obtain adequate liability
47 insurance and commit to a lease agreement which includes equitable compensation for
48 the use of public land and other necessary provisions and safeguards. The fees shall be

1 ~~established by the city council after considering comparable rates in other cities,~~
2 ~~potential expenses, risks to the city, and other appropriate factors; The WECS will not~~
3 ~~interfere with other users who have a higher priority as discussed in subsection (4)a~~
4 ~~above; upon reasonable notice, the WECS may be required to be removed at the user's~~
5 ~~expense; and the applicant must reimburse the city for any costs which it incurs because~~
6 ~~of the presence of the applicant's WECS; and The user must obtain all necessary land~~
7 ~~use approvals, including a conditional use permit from the city.~~

8 ~~c. *Special requirements.* The use of certain city-owned property, such as water tower sites~~
9 ~~and parks, for a WECS brings with it special concerns due to the unique nature of these~~
10 ~~sites. The placement of a WECS on these special city-owned sites will be allowed only~~
11 ~~when the following additional requirements are met:~~

12 ~~i. *Water tower sites.* The city's water tower represents a large public investment in~~
13 ~~water pressure stabilization and peak capacity reserves. Protection of the quality~~
14 ~~of the city's water supply is of prime importance to the city. As access to the city's~~
15 ~~water storage system increases, so too increases the potential for contamination~~
16 ~~of the public water supply. For these reasons, the placement of a WECS on~~
17 ~~existing or future water tower sites will be allowed only when the city is fully~~
18 ~~satisfied that the following requirements are met: The applicant's access to the~~
19 ~~facility will not increase the risks of contamination to the city's water supply;~~
20 ~~There is sufficient room on the structure and/or on the grounds to accommodate~~
21 ~~the applicant's facility; The presence of the facility will not increase the water~~
22 ~~tower maintenance costs to the city; and the presence of the facility will not~~
23 ~~unreasonably interfere with maintaining the water tower.~~

24 ~~ii. *Parks.* The presence of certain WECS represents a potential conflict with the~~
25 ~~purpose of some city owned parks. A WECS will be considered only in parks after~~
26 ~~the recommendation of the park and recreation commission and approval of the~~
27 ~~city council.~~

28 ~~d. *Application process.* All applicants who wish to locate a WECS on any property must~~
29 ~~submit to the city administrator, or his/her designee, a completed application and~~
30 ~~detailed plan that complies with the submittal requirements of this chapter along with~~
31 ~~other pertinent information requested by the city.~~

32 ~~e. *Termination.* The city council may terminate any lease if it determines that any one of~~
33 ~~the following conditions exist:~~

34 ~~i. A potential user with a higher priority cannot find another adequate location and~~
35 ~~the potential use would be incompatible with the existing use;~~

36 ~~ii. The WECS unreasonably interferes with other users of a higher priority, including~~
37 ~~wireless communication, regardless of whether or not this interference was~~
38 ~~adequately predicted in the technical analysis; or~~

39 ~~iii. A user violates any of the standards in this policy or the conditions attached to~~
40 ~~the city's permission.~~

41 ~~Before taking action, the city will provide 30 days notice to the user of the intended~~
42 ~~termination and the reasons for it, and provide an opportunity for the user to address~~
43 ~~the city council regarding the proposed action. This procedure need not be followed in~~
44 ~~emergency situations.~~

45 ~~f. *Reservation of right.* Notwithstanding the above, the city council reserves the right to~~
46 ~~deny, for any reason, the use of any or all city-owned property by any one or all~~
47 ~~applicants.~~

- 1 g. ~~Use of revenue. All revenue generated through the lease of city owned property for a~~
2 ~~WECS shall be made payable to the City of Ramsey and transmitted to the city's~~
3 ~~department of finance. Revenue shall be credited as follows to the specific operating~~
4 ~~activity using the land upon which the wireless telecommunication towers and~~
5 ~~antennas are located:~~
- 6 i. ~~To the water utility fund when located on water utility property;~~
7 ii. ~~To the park improvement fund if located on park or open space land;~~
8 iii. ~~Any revenues not meeting the above criteria shall be applied as general revenues~~
9 ~~of the general fund.~~
- 10 (D) *Co-location requirements.* Whenever possible, the city encourages co-location of wireless
11 telecommunication facilities on a WECS in accordance of **section 117-428.**
- 12 ~~(6) Tower construction requirements. Any WECS erected, constructed, or located within the city,~~
13 ~~and all wiring therefore, shall comply with the requirements set forth of chapter 105 of this~~
14 ~~Code. Towers shall be designed to be properly grounded in the event of a lightning strike.~~
- 15 (E) *WECS Lighting.* Towers shall not be illuminated by artificial means and shall not display strobe lights
16 unless such lighting is specifically required by the Federal Aviation Administration or other federal
17 or state authority for a particular tower, or if required by the city council for safety reasons. When
18 incorporated into the approved design of the tower, light fixtures used to illuminate ball fields,
19 parking lots, or similar areas may be attached to the tower.
- 20 (F) *Signs and advertising.* The use of any portion of a tower for signs other than warning or equipment
21 information signs is prohibited.
- 22 (G) *Accessory utility buildings.* All utility buildings and structures accessory to a WECS shall be
23 architecturally designed to blend in with the surrounding environment and shall meet the minimum
24 setback requirements of the underlying zoning district. Ground mounted equipment shall be
25 screened from view by suitable vegetation, except where a design of non-vegetative screening
26 better reflects and complements the architectural character of the surrounding neighborhood, as
27 determined by the city council.
- 28 (H) *Abandoned or unused WECS or portions of a WECS.* ~~Abandoned or unused WECS or portions of a~~
29 ~~WECS shall be removed as follows:~~
- 30 a. ~~All abandoned or unused WECS and associated facilities shall be removed within 12~~
31 ~~months of the cessation of operations at the site unless a time extension is approved~~
32 ~~by the city council. A copy of the relevant portions of a signed lease which requires the~~
33 ~~applicant to remove the tower and associated facilities upon cessation of operations at~~
34 ~~the site shall be submitted at the time of application.~~
- 35 b. ~~The replacement of portions of a WECS previously removed requires the issuance of a~~
36 ~~new conditional use permit.~~
- 37 ~~(11) Interference with public safety telecommunications. No new or existing WECS with co-location~~
38 ~~of telecommunications antennas shall interfere with public safety telecommunications, in~~
39 ~~accordance with the rules and regulations of the Federal Communications Commission.~~
40 ~~Before the introduction of new service or changes in existing service, telecommunication~~
41 ~~providers shall notify the city at least ten calendar days in advance of such changes and allow~~
42 ~~the city to monitor interference levels during the testing process.~~
- 43 ~~(12) Submittal requirements. In addition to the information required elsewhere in this Code,~~
44 ~~development applications for WECS shall include the following supplemental information:~~
- 45 a. ~~A report from a qualified and licensed professional engineer which:~~
- 46 i. ~~Describes the WECS height and design including a cross-section and elevation;~~
47 ii. ~~Includes other information necessary to evaluate the request.~~

- ~~b. Written documentation from the U.S. Fish and Wildlife Service or applicable government agency, documenting that the proposed site will not interfere with migratory bird patterns.~~
- ~~c. Before the issuance of a building permit, the following supplemental information shall be submitted:
 - ~~i. Affirmation that the proposed WECS will comply with any applicable regulations administered by the Federal Aviation Administration; and~~
 - ~~ii. A report from a qualified and licensed professional engineer which demonstrates the compliance of the WECS with the aforementioned structural and electrical (but not radio frequency) standards.
 - ~~(i) Electrical standards are set by state statute/law and inspected by the state electrical inspector.~~
 - ~~iii. Certificate of insurance for the WECS.~~~~~~

~~(13) Conditional use permit required. Except as otherwise provided for in this section of the Code, it shall be unlawful for any person, firm, or corporation to erect, construct in place, place or re-erect, or replace any WECS without first making application to the city council and securing a conditional use permit therefore as hereinafter provided. Routine maintenance of the WECS and related structures shall not require the issuance of a conditional use permit.~~

~~(14) Violations. Any person who shall violate any of the provisions of this section shall be guilty of a misdemeanor.~~

~~(15) Existing WECS. Any WECS in existence as of the effective date of the ordinance from which this section derives, which do not conform to or comply with this section of the Code are subject to the following provisions:~~

- ~~a. The WECS may continue in use for the purpose now used and as now existing but may not be replaced or materially altered without complying in all respects with this section.~~
- ~~b. If such WECS are hereafter damaged or destroyed due to any reason or cause whatsoever, the WECS may be repaired and restored to its former use, location, and physical dimensions upon obtaining a building permit therefor, but without otherwise complying with this section, provided, however, that if the cost of repairing the WECS to its former use, physical dimensions, and location would exceed 50 percent of the cost of a new WECS of like kind and quality, then the WECS may not be repaired or restored except in full compliance with this section.~~

332 Solar energy systems

In all districts, solar energy systems shall be permitted as an accessory use in accordance with the standards in this section.

(A) *Exemptions.* Passive or building-integrated solar energy systems are exempt from the requirements of this section and shall be regulated as any other building element.

(B) *Standards.*

(1) Wall-Mounted or Roof-Mounted Systems

- a. Building-mounted solar energy systems shall comply with all building setbacks in the applicable zoning district and shall not extend beyond the perimeter of the building on which the system is mounted unless the mounting system has been explicitly engineered to safely extend beyond the edge.
- b. Building-mounted solar energy systems shall be included comply with the maximum allowable building height for the applicable zoning district.

(2) Ground-Mounted Systems

- a. Ground-mounted solar energy systems shall be located on any property such that the distance to the closest property boundary is at least equal to the height of the solar energy system at its maximum designed tilt.
- b. In residential districts, front, side and rear yard setbacks for ground-mounted solar energy systems shall be in accordance with accessory building setbacks outlined in City Code section 117-111(d).
- c. In business districts, Ground-mounted solar energy systems may be permitted in any yard.
- ~~d. The height of ground-mounted solar energy systems at maximum designed tilt shall not exceed the distance from the nearest property boundary or the maximum allowable building height for the applicable zoning district, whichever is more restrictive.~~
- ~~f. In residential districts, the height of ground-mounted solar energy systems shall be in accordance with accessory building height limitations outlined in City Code section 117-349(d)(6).~~
- g. *Glare.* The panels of ground mounted solar energy systems shall be placed and arranged such that reflected solar radiation or glare shall not be directed onto adjacent buildings, properties or roadways.

~~d. Easements. Solar energy systems shall not encroach on public drainage, utility, roadway or trail easements.~~

(C) *Feeder lines.* The electrical collection system shall be placed underground within the interior of each property. The collection system may be placed overhead near substations or points of interconnection to the electric grid.

~~f. Aesthetics. All solar energy systems shall be designed to blend into the architecture of the building and to minimize glare toward vehicular traffic and adjacent properties to the extent possible without impacting the performance of the system.~~

(D) *Abandonment.* If a solar energy system remains non-functional or inoperative for a continuous period of one year, the system shall be deemed to be abandoned and shall constitute a public nuisance. the owner shall remove the abandoned system at their expense after obtaining a demolition permit.

~~h. Permits. A permit(s) shall be obtained for any solar energy system in accordance with Minnesota State Building Code prior to installation.~~

~~1. Prior to the issuance of a permit for a ground mounted solar energy system in a residential district or on a property abutting a residential district, the permit applicant must provide an analysis demonstrating that the ground mounted system will not impact aesthetics of adjacent residential properties due to glare.~~

333 Ground source heat pump systems/Geothermal Systems

In all districts, ground source heat pump systems shall be permitted as an accessory use in accordance with the standards in this section.

(A) *System requirements.* Only closed loop ground source heat pump systems utilizing heat transfer fluids are permitted. Open loop ground source heat pump systems are not permitted.

(B) *Setbacks.*

- (1) All components of ground source heat pump systems including pumps, borings, and loops shall be set back at least five feet from any property boundary.
- (2) Above ground equipment associated with the ground source heat pump system shall meet all required accessory structure setbacks for the applicable zoning district.
- (3) The loop field of a ground source heat pump system shall be no closer than five feet from the water main line.

1 ~~(3) Easements. Ground source heat pump systems shall not encroach on any public drainage,~~
2 ~~utility, roadway or trail easement.~~

3 (C) *Abandonment.* If the ground source heat pump system remains non-functional or inoperative for a
4 continuous period of one year, the ~~system shall be deemed to be abandoned and shall constitute a~~
5 ~~public nuisance. The owner shall remove the abandoned system at their expense, after a demolition~~
6 ~~permit has been obtained, in accordance with applicable codes.~~

7 ~~(5) Permits. A permit(s) shall be obtained for any ground source heat pump system in accordance~~
8 ~~with Minnesota State Building Code prior to installation.~~

9
10 334 Exterior Solid Fuel-Fired Heating Devices

11 ~~(A) Permits. A mechanical permit shall be required to install any exterior solid fuel-fired heating device~~
12 ~~within the city.~~

13 ~~(B) Additional requirements.~~

14 (A) Exterior solid fuel-fired heating devices shall be located at least 75 feet from any property line and
15 shall not be located in the front yard.

16 ~~(2) All exterior solid fuel-fired heating devices installed or purchased within the city are required~~
17 ~~to meet the emission standards currently required (or as may be amended from time to time)~~
18 ~~by the Environmental Protection Agency (EPA) and Underwriters Laboratories (UL) listing.~~

19 ~~(3) All exterior solid fuel-fired heating devices are subject to regulation as public nuisances as~~
20 ~~described in this section.~~

21 ~~(B) Dense smoke, noxious fumes, gas and soot, or cinders, in unreasonable quantities, are declared a~~
22 ~~public nuisance and shall be subject to regulation and control by a properly designated authority.~~

23 ~~(5) All exterior solid fuel-fired heating devices installed within the city shall be listed and labeled~~
24 ~~by a nationally recognized testing laboratory and installed according to the manufacturer's~~
25 ~~recommendations.~~

26 (B) The following materials shall not be used or burned in exterior solid fuel-fired heating devices: grass,
27 leaves, oils, rubber, plastics, tires, railroad ties, construction debris, and painted or chemically
28 treated materials such as treated lumber, composite shingles, tar paper, insulation composition
29 board, sheetrock, wiring, paint, and hazardous and industrial solid waste. **Only materials that...**

30 ~~(C) Violations. Any violation of this section shall be considered a misdemeanor.~~

31
32 335 Incinerators

33 Notwithstanding anything to the contrary in this chapter, no burning of solid waste, hazardous waste,
34 medical waste or special waste by use of an incinerator or hazardous waste incinerator shall be allowed
35 within the city either as a permitted use or conditional use.

36
37 340 Personal Use Heliports

38 (A) *General rule.* The use of any lot or outlot within the city for helicopter take-offs or landings, either
39 on a regular, temporary, or occasional basis, shall require ~~a conditional~~ **an interim** use permit
40 ~~(permit). Said permit shall be processed and enforced~~ in accordance with section 235.

41 (B) *Exceptions.* Operation of helicopters at unlicensed heliports shall be permitted under the following
42 circumstances:

43 (1) Emergency landings;

44 (2) Landings or takeoffs of an aircraft of a governmental agency operating in its official capacity;
45 or

46 (3) Landings or takeoffs which the city is pre-empted from regulating.

47 (C) *Heliport permits.*

- 1 (1) The interim use permit for a personal use heliport may be issued if the city council makes the
 2 following findings:
 3 a. ~~Noise levels comply with Minn. Rules ch. 7030.~~
 4 b. That the aircraft operator is licensed to the extent required by FAA.
 5 c. The use heliport is licensed by Mn/DOT office of aeronautics.
 6 d. In the event the applicant for the permit does not own the property on which the
 7 heliport is proposed to be sited, the applicant must provide the city with evidence of
 8 written permission from the property owner to land or takeoff; ~~for lands owned by the~~
 9 ~~city, the written permission of the city council shall be required.~~
 10 e. That persons or property will not be unduly endangered as a result of the landings or
 11 takeoffs. Among the factors to be considered are the location and size of the proposed
 12 landing/takeoff site, surrounding land uses and structures (such as buildings, power
 13 poles, signs, or fences), existing terrain and foliage, numbers of persons expected to be
 14 at or about the site, and flight paths to or from the site.
 15 (2) If granted, the terms of the permit shall include but not be limited to the following items:
 16

Requirement	Zoning Districts		
	Residential	Business	Industrial
Minimum lot size	3 acres	None	None
Minimum altitude over structures and people	500	500	500
Permitted takeoff/landing hours	8:00 a.m. — sunset	7:00 a.m. — sunset	24 hours a day
Frequency restriction on landings and takeoffs	2 /6 hours	2 /4 hours	None

- 17
 18 (3) Liability insurance and liability indemnification. The permit holder shall secure and maintain
 19 insurance from an insurance company acceptable to the city and authorized to write casualty
 20 insurance in the State of Minnesota which will protect the permit holder, its agents and
 21 employees and the city from claims for bodily injury, death or property damage which may
 22 arise from the operations on the subject property. The permit holder shall file a certificate of
 23 insurance or a certified copy of the insurance policy with the city. Such insurance policy shall
 24 contain a clause providing that it shall not be cancelled by the insurance company without 30
 25 days' written notice to the city of intention to cancel. The following coverage shall be provided
 26 in amounts not less than those specified for public liability, general liability, personal injury
 27 and property damage:
 28 a. Injury or death of one person: \$1,000,000.00.
 29 b. Injury to more than one person in a single accident: \$1,000,000.00.
 30 c. Property damage: \$1,000,000.00.
 31 d. Total aggregate liability for all items: \$1,000,000.00.
 32 (4) The heliport will have adequate marking and signage to alert users of the property as to the
 33 location of the heliport and to delineate a safe distance from the heliport during helicopter
 34 operations.
 35 (D) Term of ~~conditional~~ interim use permit for personal use heliport. ~~Conditional~~ Interim use permits for
 36 personal use heliports shall be temporary in nature and shall be granted to a designated person
 37 who either resides on the property or has written permission from the property owner to utilize the

- 1 property for a heliport. Permits are not transferable from person to person or from address to
2 address.
- 3 (E) *Termination of permit.* A permit shall terminate upon the occurrence of any of the following events,
4 whichever occurs first:
- 5 (1) The expiration date stated in the permit, if any;
 - 6 (2) A violation of conditions and subsequent revocation of permit in accordance with procedures
7 provided for in section 117-51 for revocation of conditional use permits; or
 - 8 (3) Unless otherwise specified by the city council at the time it is authorized, a permit shall expire
9 without further notice to the permittee if:
 - 10 a. The use is not initiated within 12 months of the date of city council approval; or
 - 11 b. The permit is discontinued for a continuous 12-month period; unless a written request
12 for an extension of time has been received and approved by the city council prior to the
13 expiration of the original permit.
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