

CITY OF

WILLOW RIVER

ORDINANCES

Document created June, 2014

INTRODUCTION

In 1891, the Village of Willow River was incorporated. The first Ordinance was passed on February 1, 1892 (Spiritual Liquors, Billiard Tables, Pigeon Hole Tables and Bowling Alleys). All Ordinances enacted prior to January 1, 1974, were under the title of "Village" of Willow River and after that date when all villages in Minnesota became statutory cities the Ordinances enacted were under the title of the 'City of Willow River'. Therefore Ordinances number 1 through 51 were in the 'Village' of Willow River and Ordinances 52 through 90 were in the 'City' of Willow River.

This document has been created to make all active/valid Willow River Ordinances more accessible and available to anyone interested in viewing them in whole or in part. This document was also created so that it was capable of being placed on the City of Willow River's official website, which is <http://www.cityofwillowriver.com/>. The original Ordinances are maintained in the City Clerk's Office and this document is not the official recording of such.

Since the first ordinance was passed in 1892, subsequent ordinances have been added in a variety of different formats. This document has used one outline format for displaying of the ordinances to provide consistently but it is important to note that although an ordinance's format appears different in this document compared to the original ordinances, there have been no changes to the context or content of the original ordinances. Also, any amendment to an ordinance will immediately follow the original ordinance text.

All ordinances enacted by the Village and now City of Willow River are listed in the Table of Contents. You will note that many of the Ordinances have been 'Repealed'. The content of those ordinances have not been put into this document. If you are interested in those, they are on file in the City Clerk's Office in City Hall of Willow River.

You will also note that there are two number '14' ordinances listed on the Table of Contents. This remains the same without correction as it would have impacted all subsequent ordinances.

It is the hope of the City of Willow River, that this document will assist the citizens of the City and other interested persons in finding answers to questions they may have pertaining to the Ordinances of the City of Willow River.

TABLE OF CONTENTS

14	Construction & Maintenance of Sidewalks (Passed May 4, 1908)	7
19	Licensing Peddlers & Auctioneers (Passed September 8, 1915)	7
20	Licensing of Transient Merchants (Passed September 8, 1915)	8
34	Designation Of Election Dates (Passed September 11, 1958)	8
36	Fire Protection Outside City Limits (Passed April 3, 1961)	9
37	Establishment Of Planning Agency For City Development (Passed April 3, 1967)	9
38	Inside Toilets (Passed July 7, 1968; <i>Amended September 16, 1968</i>)	10
50	Regulation of Snowmobiles within City Limits (Passed January 3, 1972; <i>Amended January 5, 1995</i>)	13
57	Regulation of Placement of Mobile Homes (Passed March 3, 1980)	14
60	Manufactured Homes Building Codes (Passed February 17, 1983)	15
63	Numbering of Properties & Principal Buildings (Passed December 2, 1985)	16
64	American Telephone & Telegraph Company (Passed July 31, 1896)	16
66	Regulating Winter Parking (Passed November 2, 1992)	17

67	Management of Scenic River & Shoreland Areas (Passed November 1, 1993)	18
69	Billboards & Signage within City Limits (Passed April 4, 1994; <i>Amended January 5, 1995</i>)	26
70	Curfew Ordinance (Passed October 5, 1903; <i>Amended January 5, 1995</i>)	37
71	Adoption of an Ordinance Book & Repealing of Outdated Ordinances (Passed January 5, 1995)	41
76	Annexation: Declaring Real Property (Passed July 1, 2001)	41
77	Willow River Water Ordinance (Passed September 4, 2001; <i>Amendment to Ordinance No. 77, Water Rates; Passed June 17, 2002</i>)	42
78	Ohm/Atv Ordinance (Passed August 6, 2001)	55
79	Annexation: Declaring Real Property (Passed October 25, 2001)	57
80	Regulating Structures in Floodplain Areas	58
81	Granting Aquila, Inc. Franchise (Passed October 25, 2001)	58
82	Animals (Passed March 1, 2004)	62
83	Interim Ordinances – Adult Use (Passed April 5, 2004)	70
84	Assessment Payoff Regulations (Passed November 1, 2004)	75
85	Blight Regulations (Passed August 2, 2005)	76

86	Council Salaries <i>(Amended January 2, 2006)</i>	80
87	Lawn Maintenance <i>(Passed March 6, 2009)</i>	80
88	Declaration Of Official Intent – Northview Bank – Sewer Project) <i>(Passed August 3, 2009)</i>	82
89	Minnesota Flood Plain Management <i>(Passed February 6, 2012, Revised July 3, 2023)</i>	83
90	Residency Restrictions & Prohibitions or Persons Convicted of Sexual Offenses. <i>(Passed June 2, 2014)</i>	109
93	Annexing land in Kettle River Township, Pine County, Minnesota	112
94	Regulating the Possession, Sale, and Consumption of Intoxicating and 3.2 Percent Malt Liquor <i>(Passed September 7, 2021)</i>	114
95	Zoning District within the City Limits <i>(Passed February 7, 2022; revised June 3, 2023)</i>	127
96	Amendment to Ordinance 93 <i>(Passed February 7, 2022)</i>	173
97	Franchise Agreement with Minnesota Power <i>(Passed January 3, 2023)</i>	173
98	Annexing land located in Kettle River Township <i>(Passed February 6, 2023)</i>	182
99	Public Nuisance <i>(Passed February 6, 2023)</i>	184
100	Transients and Loitering <i>(Passed August 7, 2023)</i>	189
101	Sunset Clause on Previous Ordinances <i>(Passed August 7, 2023)</i>	191
102	Second Amendment Sanctuary City <i>(Passed August 7, 2023)</i>	193

103	Noise Ordinance (Passed September 5, 2023)	195
104	Annexing land located in Kettle River Township (Passed February 5, 2024)	197
105	Cannabis Moratorium (Passed July 1, 2024)	199
106	Annexing Land Located in Kettle River Township (Passed February 3, 2025)	202
107	Cannabis Zoning Regulation (Passed April 7, 2025)	204
108	Cable Television Franchise (Passed May 5, 2025)	210

ORDINANCE NO. 14

TOPIC: **Construction and Maintenance of Sidewalks**

STATUS: **Valid** Passed May 4, 1908; Repealed in Part-Valid in part – October 2,2017

DESCRIPTION:

Section I: **REPEALED:** ~~That all parties and owners of property and lots fronting on all sidewalks in the Village of Willow River must maintain and repair them.~~

Section II: That all new sidewalks built after this date must be built of cement and all costs and charges on said sidewalk must be paid by the owner of lot adjoining said walk.

Section III: That sidewalks must be built according to the supervision and specifications of the Village Council.

ORDINANCE NO. 19

TOPIC: **Licensing of Peddlers and Auctioneers**

STATUS: **Valid** Passed September 8, 1915; Amended 11/6/17

DESCRIPTION:

Section I: It shall be unlawful for any person or persons to peddle, sell or offer for sale at public auction, or act as auctioneer at any public sale of any goods, wares, merchandise or other personal property without having obtained a license therefore as prescribed by this Ordinance.

Section II: The fee for such a license shall be \$25.00 per day from peddlers and \$25.00 per day from auctioneers and persons selling or offering goods for sale at public auction, and upon the payment of such fee to the Village Recorder, he shall issue a license to the person applying for same for the period for which payment shall be made.

Section III: Any person who shall peddle any personal property or who shall sell, offer for sale at public auction, or act as auctioneer at any public sale of any goods, wares, merchandise or other personal property contrary to the provisions of this Ordinance shall be guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine of not less than \$5.00 nor more than \$50.00 for each offense, together with the costs of prosecution, or by imprisonment in the county jail for not less than ten days nor more than sixty days.

ORDINANCE NO. 20

TOPIC: **Licensing of Transient Merchants**

STATUS: **Valid** Passed September 8, 1915; Amended 11/6/17

DESCRIPTION:

Section I: That it is unlawful for any transient merchant, as defined by statute, to engage in, do or transact any business within the Village of Willow River without procuring a license therefore as herein provided.

Section II: Any person desiring to engage in the business of a transient merchant within said village shall file application for such license with the Village Recorder, which application shall state the name of such applicant, his residence, the kind of business proposed to be conducted and the length of time for which license is desired, and he shall pay to the Village Recorder a license fee of \$25.00 per day for each of the first ten days and \$15.00 per day for each additional day he shall desire to engage in business, whereupon, the Village Recorder shall issue to such a person a license for the period for the period for which payment has been made; providing that if application be made for a period of more than one month the license fee shall be \$100.00 per month for the first month and \$50.00 per month for each additional month.

Section III: Whoever shall engage in business as a transient merchant without procuring the license herein provided, shall be guilty of a misdemeanor and upon conviction thereof, shall be punished by a fine not less than \$25.00, nor more than \$100.00, or by imprisonment in the county jail for not less than thirty nor more than ninety days.

ORDINANCE NO. 34

TOPIC: **Designation of Election Dates**

STATUS: **Valid** Passed September 11, 1958

DESCRIPTION:

Sections I: Commencing with the 1958 elections, the regular Village election of Village officers shall be held on the first Tuesday after the first Monday in November of each year.

ORDINANCE NO. 36

TOPIC: Fire Department is Authorized to Furnish Fire Protection Outside the Village Limits and Prescribing the Terms upon which such Protection will be Furnished

STATUS: Valid Passed April 3, 1961

DESCRIPTION:

Section I: When property owner, association of property owners, insurance company or society, or political subdivision enters into a contract with the Village for fire protection on property owner, leased or represented by such person, persons, organization or political subdivision, and agrees to pay for such services at the rates prescribed, the Village Clerk shall inform the Chief of the Fire Department of such agreement, and thereafter the Department shall go outside the Village limits to answer calls or alarms from such property or properties, but in no case shall the Fire Department send apparatus to such property if the Fire Chief or other individual in charge of the Fire Department at the time decides that it is needed for local service, and in no case shall it send more equipment or men than is anticipated in the agreement.

Section II: The rates to be charged for such service shall be those fixed from time to time by resolution of the Council.

Section III: When any service hereunder has been rendered, the Chief of the Fire Department shall immediately thereafter make a record of time and place, the apparatus used, and the number of men responding to the alarm and the time each served, and shall notify the Village Clerk thereof. The Clerk shall thereafter bill the responsible party or parties for the amount of such services; provided, that when a bill remains unpaid for a period of 90 days and no satisfactory settlement is made thereon, the Clerk shall notify the Chief of the Department, who shall forthwith remove such name and property from the list to be served, and no further service shall be rendered thereto or thereon until reinstated by such payment and further agreement.

ORDINANCE NO. 37

TOPIC: Establishing a Planning Agency for the Physical Development of the Village of Willow River and to Recommend a Zoning Plan

STATUS: Valid Passed April 3, 1967

DESCRIPTION:

- Section I: **Establishment of Agency:** A village planning agency is hereby established pursuant to Section 462.351 to 462.364 of the General Statutes of Minnesota.
- Section II: **Composition of the Agency:** Such planning agency shall consist of eight members to be appointed by the Village Council, who shall hold office for three years, except that of the first board, two shall be appointed for one year, three for two years and three for three years. All terms expire on December 31. Hereafter appointments shall be made for three-year terms. Members of the Village Council may be appointed to the planning agency.
- Section III: **Organization Meetings, Etc.:** The Commission shall elect a chairman from among its appointed members for a term of one year and the Commission may create and fill such other offices as it may determine. The agency shall hold at least one regular meeting each month, shall adopt rules for the transaction of business, and keep a record of its proceedings, and on or before January 1 of each year make and submit to the Village Council a report of its work and proceedings during the preceding year, and to periodically make such reports to the Village Council as it deems proper.
- Section IV: **Vacancies:** Vacancies existing or arising on the agency shall be filled by the Village Council for the remaining term of the position becoming vacant.
- Section V: **Power and Duties:** The planning agency shall have authority to make recommendations to the Village Council for the development and improvement of the Village of Willow River and to assume all functions as specified by Sections 462.351 to 462.364 of the General Statutes of Minnesota.

ORDINANCE NO. 38

TOPIC: **Inside Toilets**

STATUS: **Valid** Passed July 7, 1968, Amended September 16, 1968

DESCRIPTION:

- Section I: **Inside Toilet Required:**The owner of every residence or business abutting upon any street or alley in which Village sewer mains are maintained, shall install a toilet in the building and connect it with the sewer mains within 30 days after written notice to do so has been served by the Village Clerk on order of the Village Council. Service shall be made on the owner or his authorized agent personally or by mail sent to his last known address. If the owner cannot be reached by mail so addressed, services may be made upon the occupant.

Section II: **Installation by Village:** Whenever the notice provide in Section I is not complied with, the Council shall be resolution direct the installation of a toilet and connection with the sewer system. The cost of the installation shall be paid initially from the General Fund and then assessed by the Council against the property benefited. If the assessment is not paid to the Village Treasurer within 10 days after the Clerk has served written notice in the same manner as provided for the notice referred to in Section I, the Clerk shall certify the amount of the assessment to the County Auditor for collection in the same manner as other special assessments. The Council, by resolution, may provide for payment of the assessment in 10 annual installments bearing interest at 6% per annum from the expiration of such 10 day period.

Section III: **Certain Outside Toilets, Septic Tanks, Etc. Declared Nuisance:** When a toilet connected with the Village sewer system has been installed in any residence or business building on any parcel of land, any outside toilet, cess pool or septic tank on that parcel is declared a nuisance and shall be removed by the owner within 10 days after the connection to the sewer system has been made.

Section IV: **Penalty:** Any person who shall interfere with the execution of this Ordinance or who shall maintain a nuisance contract to Section III shall be guilty of a misdemeanor and upon conviction shall be punished by a fine of not less than \$25.00 nor more than \$100.00 or by imprisonment in the Village jail for not more than 90 days, plus the costs of prosecution in either case. A conviction shall not bar a later conviction for subsequent violation of this section.

Amended September 16, 1968 to include the following:

Section V: Whenever possible, the building sewer shall be brought to the building at an elevation below the basement floor. The depth shall be sufficient to afford protection from frost. All excavations required for the installation of a building sewer shall be open trench work unless otherwise approved by the Inspector. Pipe laying and backfill shall be performed in accordance with ASTM specifications (Designation 12) except that no backfill shall be placed until the work has been inspected by the Inspector or Superintendent or his representative.

In all buildings in which any building drain is too low to permit gravity flow to the public sewer, sanitary sewage carried by such drains shall be lifted by approved artificial means and discharged to the building sewer. No water operated sewage ejector shall be used. The connection of the building sewer into the public sewer shall be made at the 'Y' branch designated for that property, if such branch is available at a suitable location. Any connection not made at the designated 'Y' branch in the main sewer, shall be made only as directed by the Superintendent.

The applicant for the building sewer shall notify the said Superintendent when the building sewer is ready for inspection and connection to the public sewer. The connection shall be made under the supervision of the said Superintendent or his representative. All excavations for building sewer installations shall be adequately guarded with barricades and lights so as to protect the public from hazard. Streets, sidewalks, parkways and other

public property disturbed in the course of the work shall be restored in a manner satisfactory to the City Council of the City of Willow River.

Section VI: The building sewer shall be constructed of either Vitrified Clay Sewer Pipe and Fittings meeting the current ASTM Specifications for Standard of Extra Strength Clay Sewer Pipe or Extra Heavy Cast Iron Soil Pipe or Asbestos Cement Sewer Pipe meeting the current ASTM Specifications of the Department of Commerce Commercial Standards for Extra Heavy Cast Iron Soil Pipe and Fittings. If installed in filled or unstable ground, the building sewer shall be of cast iron soil pipe, except that vitrified clay pipe may be accepted if laid on a suitable improved bed or cradle as approved by the Engineer, Superintendent or their representative. Other sewer materials may be used if approved by resolution of the City Council.

All joints and connections shall be made gas tight and water tight. Vitrified clay sewer pipe shall be fitted with factory-made Resilient Compression Joints meeting the ASTM 'Specifications for Vitrified Clay Pipe Joints Having Resilient Properties (Designation C425). Before joining the pipe in the trench, the bell and spigot surfaces shall be wiped free of dirt or other foreign matter. A lubricant or sealer as recommended by the pipe manufacturer shall be applied to bell and spigot mating surface just before they are joined together. The spigot end shall be positioned into the bell end of the pipe previously laid and shall then be shoved home to compress the joint and to assure a tight fit between the interfaces. Joints for cast iron soil pipe shall be made by inserting a roll of hemp or jute and thoroughly caulking it into place and then following with pure molten lead well caulked, not less than one inch deep; rubber ring joints will also be permitted. Asbestos cement pipe shall have couplings and rubber caskets, and shall have a 'sand cushion'. No paint, varnish, or putty will be allowed in the joints until they have been tested and approved by the inspector.

The size and slope of the building sewers shall be subject to the approval of the Superintendent, but in no event shall the diameter be less than 4 inches. The slope of such 4: pipe shall not be less than 1/8" per foot. A slope of 1/4" per foot shall be used wherever practical.

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

Section VII: The sewer rentals herein provided for notwithstanding anything to the contrary otherwise appearing in this Ordinance, shall be a charge against the owner, lessee and occupant and each and all of these, jointly and severally, of any such property and each and every sewer rental charge levied under and pursuant to the Ordinance is hereby made a lien upon any such property.

Any unpaid and delinquent sewer rental charge hereunder may be recovered from the occupant or owner of the premises billed therefore in a civil action by the City in any court of competent jurisdiction or, in the discretion of the City Council, may be certified to the County Auditor as taxes against any such property to be collected and paid over to the City along with other taxes. Either or both of such methods of collection thereof maybe pursued by the City until payment in full therefore has been made, and the initiation of one

such method of collection shall not be deemed to be an election stopping the City from thereafter using the other method of collection until paid in full. Payment of delinquent sewer rentals collected shall be credited to the same fund hereinafter provided for current sewer rentals deducting therefrom any costs of collection accruing to the City therefore.

These sewer rentals herein provided for, as collected, shall be placed and deposited in a separate general sewer fund to be known as the Sewage Disposal Fund of the City of Willow River, and shall be disbursed only for the purpose specified.

Section VIII: That a certain document, three copies of which are on file in the office of the Village Clerk of the Village of Willow River marked and designated as 'Minnesota Plumbing Code' be and the same is hereby adopted as the plumbing code of the Village of Willow River, and each and all regulations, provisions, penalties, conditions, and terms of such 'Minnesota Plumbing Code' on file in the office of the Village Clerk are hereby referred to, adopted and made a part hereof as if fully set out in this Ordinance.

Section IX: The yearly sewer rates shall be for residential, \$36.00 per year; commercial, \$72.00 per year; school \$1200 per year.

ORDINANCE NO. 50

TOPIC: **Regulations of Snowmobiles within City Limits**

STATUS: **Valid** Passed January 3, 1972; Amended January 5, 1995

DESCRIPTION:

Section I: The maximum speed of a snowmobile shall not exceed 15 miles per hour day or night.

Section II: There shall be no trail riding on any secondary streets.

Section III: All machines must have legal mufflers as prescribed by Minnesota statutes.

Section IV: All Minnesota state laws pertaining to the ownership and operation of snowmobiles will be in force.

Section V: Any person convicted of a violation of any of the provisions of this Ordinance shall be punished by a fine of not more than \$300.00 or by imprisonment for a period of not more than 90 days, but in either case the costs of prosecution may be added.

Motion made by the Council to publish this policy in Askov American November 11, 1993:

The City of Willow River has a policy which prohibits the operation of snowmobiles on any property other than city streets. While operating on city streets all traffic laws are to be

obeyed. Failure to observe this city policy may result in complete ban of snowmobiling in the City of Willow River.

Amended and Published January 5, 1995

- Section I: The maximum speed of a snowmobile shall not exceed 30 miles per hour day or night.
- Section IV: All Minnesota state laws pertaining to the ownership and operation of snowmobiles shall be followed and are not intended to be superseded or altered in any way by this Ordinance.
- Section V: The operation of any snowmobiles within the City Limits of the City of Willow River shall be prohibited on any property other than city streets. While operating on city streets, all traffic laws are to be obeyed.
- Section VI: Any person convicted of a violation of any of the provisions of this Ordinance shall be punished by a fine of not more than \$700.00 or by imprisonment for a period of not more than 90 days, or both.

ORDINANCE NO. 57

TOPIC: **Regulation of Placement of Mobile Homes**

STATUS: **Valid** Passed March 3, 1980 (See also Ordinance No. 60)

DESCRIPTION:

Section I: **Definitions:**

- A. **Mobile Homes** – A mobile home means a transportable dwelling unit suitable for year around occupancy, and so designed that it is or may be mounted on wheels and used as a conveyance on highways or city streets. This does not include travel trailers, buses, campers, or other units used for periodic residence unless such other unit is occupied.
- B. **Mobile Home Park:** A mobile home park shall be construed to mean a parcel of land under single ownership which has been planned and improved for the placement of two or more mobile homes for non-transient use.
- C. **Person** – A person shall be construed to include an individual, partnerships, firms, companies, corporations, tenants, owners, lessees, or licenses or agents, heirs or assigns.

Section II: **Prohibition:** Mobile homes, whether wheels are attached or not, shall be permitted in the City of Willow only in mobile home parks license under applicable laws of the State of Minnesota and having a valid permit issued by the City of Willow River. No person shall

park or occupy any mobile home which is situated outside of an approved mobile home park.

Section III: **Exceptions:** Any person occupying a mobile home prior to the adoption of this Ordinance within the City of Willow River becomes a continuing non-conforming use under Willow River Zoning Ordinance, Ordinance No. 57 and is exempt from this Ordinance until such time as a physical change, such as remodeling, expanding or upgrading of the mobile home is planned, at which time all sections of this Ordinance shall be enforced in accordance therewith.

Section IV: **Separability:** Every section, provision or part of this Ordinance is declared separable from every other section, provision or part; and if any section, provision or part thereof shall be held invalid, it shall not affect any other section, provisions or part.

Section V: **Penalties:** Any person who shall violate or fail to comply with any of the provisions of this Ordinance, shall be guilty of a misdemeanor and upon conviction thereof, shall be punishable by a fine of not more than \$500.00 or imprisonment not to exceed 90 days for each offense. Each day that any violation continues shall constitute a separate misdemeanor and shall be punishable as such.

ORDINANCE NO. 60

TOPIC: **Manufactured Homes Building Codes**

STATUS: **Valid** Passed February 17, 1983 (See also Ordinance No. 57)

DESCRIPTION:

Amending the present Building Code by adoption of the Manufactured Homes Building Code as is currently promulgated by the Commissioner of Administration, State of Minnesota and as is subsequently amended; and

Further that all manufactured housing subject to said Code shall be placed upon a permanent foundation (same specification as for conventional homes) unless placed in an authorized mobile home court which would be subject to Ordinance No. 57; and

Further, that all Ordinances inconsistent herewith are hereby repealed.

Every section, provision or part of this Ordinance is declared separable from every other section, provision or part; and if any section, provision or part thereof shall be held invalid, it shall not affect any other section, provisions or part.

Any person who shall violate or fail to comply with any of the provisions of this Ordinance, shall be guilty of a misdemeanor and upon conviction thereof, shall be punishable by a fine of not to exceed \$500.00 or imprisonment not to exceed 90 days for each offense, or both. Each day that

any violation continues, it shall constitute a separate misdemeanor and shall be punishable as such.

ORDINANCE NO. 63

TOPIC: **Uniform System of Numbering Properties and Principal Buildings**

STATUS: **Valid** Passed December 2, 1985

DESCRIPTION:

Section I: **Building Numbers:**

- A. **Numbers Required:** The owner of every residential, commercial or industrial structure, whether private or public, shall place house or building numbers as herein provided on the structure. This shall not apply to barns, private garages or other similar accessory buildings or permanent structures displaying building numbers.
- B. **Location, Size and Shape:** Each number of the street address of a structure shall be attached to the structure and shall be located in the position neat the front door of each structure so as to be clearly visible from the street or road and not obstructed by any vegetation or other structures. If the structure is more than 100 feet from the street or road, a separate post with numbers attached shall be placed within 30' of the street identifying the number of the structure on the property. Each number of the address shall be 4" or greater in height and shall be a color that contrasts with the color of the structure to which it is attached. The numbers shall be in Arabic form.
- C. **Time of Compliance:** All structure for which numbers are required shall display numbers by June 1, 1986, except that new structures completed before the date shall display such numbers prior to occupancy if the structure is residential, or immediately upon use of the building if the structure is commercial or industrial.
- D. **Violations**
Any person violating any of the provisions of this section shall be guilty of a petty misdemeanor.

Section II: This Ordinance shall be effective 30 days after publication.

ORDINANCE NO. 64

TOPIC: **Granting American Telephone and Telegraph Company of Minnesota Permission to Erect, Operate and Maintain its Lines upon Along and Under the Highways of the Village of Willow River**

STATUS: **Valid** Passed July 31, 1896

DESCRIPTION:

- Section I: The American Telephone and Telegraph Company of Minnesota, its successors and assigns be and the same is hereby granted the right, privilege and authority to construct, operate and maintain its lines of telephone and telegraph upon, along and under highways of the Village of Willow River, county of Pine and state of Minnesota, upon the following terms and conditions:
- Section II: All poles, shall be erected under the supervision of the Commissioner of Highways of said Village, and all streets or sidewalks that shall be damaged in the constructing, maintaining or repairing of said lines shall be promptly replaced and repaired by the said company at its own expense.
- Section III: The said company shall be subject to all Ordinances now in force, or that may be hereinafter passed relative to the use of the public highways of said Village.
- Section IV: In consideration of the rights and privileges herein granted, said company shall provide free of cost to said Village, one ten-pin cross arm to be attached to the top of all poles erected under the provisions of this Ordinance for the police and fire alarm telegraph system of said Village.
- Section V: Nothing in this Ordinance shall be construed to grant to said company an exclusive right, and the said Village Council hereby reserves the right to grant a like consent to any telephone or telegraph company for like purposes.

ORDINANCE NO. 66

TOPIC: **Regulating Winter Parking**

STATUS: **Valid** Passed November 2, 1992

DESCRIPTION:

It shall be unlawful for anyone to park motor vehicles, equipment or structures on a street or alley in the City of Willow River between the hours of 2:00 AM and 6:00 AM between November 22, 1992 and April 1, 1993, those dates inclusive. Any motor vehicle, equipment or structure left on a street which constitutes an obstruction to traffic or hinders snow removal or street improvement or maintenance operations will be subject to being towed, costs and fines.

Newspaper publication, passed by Council vote November 1, 1993:

It shall be unlawful for anyone to park motor vehicles, equipment or structures on a street or alley in the City of Willow River between the hours of 2:00 AM and 6:00 AM between November 22, 1993 and April 1, 1994, those dates inclusive. Any motor vehicle, equipment or structure left on

a street which constitutes an obstruction to traffic or hinders snow removal or street improvement or maintenance operations will be subject to being towed, costs and fines.

ORDINANCE NO. 67

TOPIC: **Management of Scenic River and Shoreland Areas**

STATUS: **Valid** Passed November 1, 1993

DESCRIPTION:

Section I: **Policy and Authority:** An Ordinance regulating development within the Kettle Wild and Scenic River District, as required by Minnesota Statutes, Sections 103F.301 – 103F.345 and within shoreland areas, as required by Minnesota Statutes, Sections 103F.201 – 103F.221 and 462.351 – 462.365.

Section II: **Scope and Interpretation**

1. The provisions of this Ordinance shall apply within the designated Scenic River Land Use District of the Kettle River in accordance with the property descriptions of Minnesota Rules, Part 6105.0730, and within all shoreland areas as defined by Minnesota Rules, Part 6120.2500.
2. The boundaries of the Scenic River Land Use District and the Shoreland District are shown on the map designated as the City of Willow River Zoning Map, which is made a part of this Ordinance and is on file with the City Clerk. In case of conflict between the map and the shoreland rules definition or property descriptions in the Kettle River rule, the rules shall prevail.
3. The provisions of this Ordinance shall be interpreted to be minimum requirements. The provisions of any other statute or regulation which impose greater restrictions or provisions not addressed by this Ordinance shall apply within the lands controlled by this Ordinance.

Section III: **Classifications**

1. Stanton Lake (58-111) and Zalesky Lake (58-112) are classified Natural Environment (NE) in accordance with Minnesota Rules, Part 6120.3000.
2. First Lake (58-99) is classified General Development (GD) in accordance with Minnesota Rules, Part 6120.3000.
3. The following rivers are classified Tributary in accordance with Minnesota Rules, Part 6120.3000.

Willow River (outside the Scenic River Land Use District)
Unnamed to Kettle River (outlet of First Lake), Section 2, T44N, R20W

Unnamed to outlet to First Lake (Cane Meadows Outlet), Section 11, T44N. R20W

4. The Kettle River is a designated Wild and Scenic River. The portion of Willow River within the Scenic River Land Use District is a designated tributary and subject to Scenic River District Ordinance provisions.

Section IV: **General Provisions**

1. Scenic River Land Use District
All applicable minimum standards required by Minnesota Rules, Parts 6105.0010 to 6105.0090 and 6105.0110 to 6105.0250, with the following exceptions, are hereby made a part of this Ordinance as if fully set forth herein:

Minimum lot size	20,000 sq. ft
Minimum lot width at:	
Ordinary high water level (OHW)	100 ft.
Structure setback	100 ft.
Minimum structure setback	75 ft.
Minimum on-site sewage treatment system setback	50 ft.

No clear cutting of trees within 75 feet of the OHW of the Kettle River and Willow River within the Scenic River District.

2. Shoreland District
All applicable minimum standards required by Minnesota Rules, Parts 6120.2500 to 6120.3900 are hereby made a part of this Ordinance as if fully set forth herein. (See Table 2 for selected dimensional requirements and other requirements below.)

Section V: **Uses**

1. All uses not listed as permitted or conditional uses shall not be allowed within the Scenic River District. The uses allowed within the Scenic River Land Use District regulated by this Ordinance are as follows:

Permitted Uses

- A. Single family homes
- B. Agricultural uses
- C. Forestry uses
- D. Public recreational uses and accesses*
- E. Essential services
- F. Private roads and minor public streets
- G. Signs which are necessary for public health and safety; signs indicating areas that are available or not available for public use; signs not visible from the river
- H. Governmental resource management for improving fish and wildlife habitat; wildlife management areas; nature areas; accessory roads

Conditional Uses

- A. Public roads (other than state, federal or county roads)
 - B. Utility transmission lines (other than essential services)
 - C. Private campgrounds*
 - D. Other private open space recreational uses*
 - E. Temporary docks
2. The uses allowed within the Shoreland District shall be those required by Minnesota Rules, Part 6120.3100 – 6120.3200 and are hereby made a part of this Ordinance as if fully set forth herein.
3. **Nonconforming Uses**
 Uses which do not meet the provisions of this Ordinance, but which are in existence prior to the effective date of this Ordinance shall be nonconforming uses. Such uses shall not be intensified, enlarged, or expanded except in conformance with this Ordinance. No structural alteration, addition, or repair to a nonconforming structure shall exceed 50% of the structure's assessed value.

* - Subject to management plan specifications in the Kettle River rule.

Section VI: **Shoreland District Alterations:** Within the Shoreland District, alterations of vegetation and topography will be regulated to prevent erosion into public waters, fix nutrients preserve shoreland aesthetics, preserve historic values, prevent bank slumping and protect fish and wildlife habitat.

1. **Shoreland District Vegetation Alterations:**
- A. Vegetation alteration necessary for the construction of structures and sewage treatment systems and the construction of roads and parking areas constructed in compliance with this Ordinance are exempt from the vegetation alteration standards that follow.
 - B. Removal or alteration of vegetation, except for agricultural and forest management uses as regulated in Minnesota Rules Part 6120.3300, is allowed subject to the following standards:
 - 1. Intensive vegetation clearing within the shore and bluff impact zones and on steep slopes is not allowed. Intensive vegetation clearing for forest land conversion to another use outside of these areas is allowable as a conditional use if an erosion control and sedimentation plan is developed and approved by the soil and water conservation district in which the property is located.
 - 2. In shore and bluff impact zones and on steep slopes, limited clearing of trees and shrubs and cutting, pruning, and trimming of trees is allowed to provide a view to the water from the principal dwelling site and to accommodate the placement of stairways and landings, picnic areas, access paths, livestock watering areas, beach and water craft access areas, and permitted water orientated accessory structures or facilities, provided that:

- a. the screening of structures, vehicles or other facilities as viewed from the water, assuming summer, leaf-on conditions, is not substantially reduced;
- b. along rivers, existing shading of water surfaces is preserved; and
- c. the above provisions are not applicable to the removal of trees, limbs, or branches that are dead, diseased or pose safety hazards.

2. **Shoreland District Topographic Alterations/Grading and Filling:**

- A. Grading and filling and excavations necessary for the construction of structures, sewage treatment systems, and driveways under validly issued construction permits for these facilities do not require the issuance of a separate grading and filling permit. However, the grading and filling standards in this Section must be incorporated into the issuance of permits for construction of structures, sewage treatment systems and driveways.
- B. Public roads and parking areas are regulated by Minnesota Rules, Part 6120.3300, subpart 5.
- C. Notwithstanding Items A and B above, a grading and filling permit will be required for:
 1. the movement of more than 10 cubic yards of material on steep slopes or within shore or bluff impact zones; and
 2. the movement of more than 50 cubic yards of material outside of steep slopes and shore and bluff impact zones.
- D. The following considerations and conditions must be adhered to during the issuance of construction permits, grading and filling permits conditional use permits, variances and subdivision approvals:
 1. Grading or filling in any type 2, 3, 4, 5, 6, 7, or 8 wetland must be evaluated to determine how extensively the proposed activity would affect the following functional qualities of the wetland*;
 - a. sediment and pollutant trapping and retention,
 - b. storage of surface runoff to prevent or reduce flood damage,

- c. fish and wildlife habitat,
 - d. recreational use,
 - e. shoreland or bank stabilization,
 - f. noteworthiness, including special qualities such as historic significance, critical habitat for endangered plants and animals or others.
2. Alterations must be designed and conducted in a manner that ensures only the smallest amount of bare ground is exposed for the shortest time possible;
 3. Mulches or similar materials must be used, where necessary for temporary bare soil coverage, and a permanent vegetation cover must be established as soon as possible;
 4. Methods to minimize soil erosion and to trap sediments before they reach any surface water feature must be used;
 5. Altered areas must be stabilized to acceptable erosion control standards consistent with the field office technical guides of the local soil and water conservation districts and the United States Soil Conservation Service;
 6. Fill or excavated material must not be placed in a manner that creates an unstable slope;
 7. Plans to place fill or excavated material on steep slopes must be reviewed by qualified professionals for continued slope stability and must not create finished slopes of 30% or greater;
 8. Fill or excavated material must not be placed in bluff impact zones;
 9. Any alterations below the ordinary high water level or public waters must first be authorized by the commissioner under Minnesota Statutes, Section 103G.245;
 10. Alterations of topography must only be allowed if they are accessory to permitted or conditional uses and do not adversely affect adjacent or nearby properties; and
 11. Placement of natural rock riprap, including associated grading of the shoreline and placement of a filter blanket, is permitted if the finished slope does not exceed 3' horizontal to 1' vertical, the landward extent of the riprap is within 10' of the ordinary high

water level, and the height of the riprap above the ordinary high water level does not exceed 3'.

- * This evaluation must also include a determination of whether the wetland alteration being proposed requires permits, reviews or approvals by other local, state or federal agencies such as a watershed district, the Minnesota Department of Natural Resources, or the United States Army Corps of Engineers. The applicant will be so advised.

Section VII: **Water Supply and Sewage Treatment:**

1. Any public or private supply water for domestic purposes must meet or exceed standards for water quality of the Minnesota Department of Health and the Minnesota Pollution Control Agency.
2. Any premises used for human occupancy must be provided with an adequate method of sewage treatment, as follows:
 - A. Publicly-owned sewer systems must be used where available.
 - B. All private sewage treatment systems must meet or exceed the Minnesota Pollution Control Agency's standards for individual sewage treatment systems contained in the document titled, 'Individual Sewage Treatment Systems Standards, Chapter 7080', a copy of which is hereby adopted by reference and declared to be a part of this Ordinance. A copy of these standards shall be kept on file with the Office of the City Clerk.
 - C. On-site sewage treatment systems must be set back from the ordinary high water level in accordance with the setbacks contained in Section IV of this Ordinance.
 - D. All proposed sites for individual sewage treatment systems shall be evaluated in accordance with the criteria in subitems (1) - (4). If the determination of a site's suitability cannot be made with publicly available, existing information, it shall then be the responsibility of the applicant to provide sufficient soil borings and percolation tests from the on-site field investigations:

Evaluation criteria:

1. depth to the highest known or calculated ground water table or bedrock,
2. soil conditions, properties and permeability,
3. slope,

4. the existence of lowlands, local surface depressions and rock outcrops.
- E. A sewage treatment system not meeting the requirements of Item B must be upgraded, at a minimum, at any time a permit or variance of any type is required for any improvement on, or use of, the property. For the purposes of this provision, a sewage treatment system shall not be considered nonconforming if the only deficiency is the sewage treatment system's improper setback from the ordinary high water level.
- F. The governing body of Willow River has by formal resolution notified the commissioner of its program to identify nonconforming sewage treatment systems. The City of Willow River will require upgrading or replacement of any nonconforming system identified by this program within a reasonable period of time which will not exceed 2 years. Sewage systems installed according to all applicable local shoreland management standards adopted under Minnesota Statutes, Section 103F, in effect at the time of installation may be considered as conforming unless they are determined to be failing, except that systems using cesspools, leaching pits, seepage pits or other deep disposal methods or systems with less soil treatment area separation above groundwater than required by the Minnesota Pollution Control Agency's Chapter 7080 for design of on-site sewage treatment systems, shall be considered nonconforming.

Section VIII: **Enforcement and Administration:**

1. The provisions of this Ordinance shall be administered by the Zoning Administrator as appointed by the Willow River City Council. The duties of the Zoning Administrator shall be to administer and enforce the provisions of this Ordinance: to issue building, grading and filling, sewage treatment and water permits; and to maintain a permanent record of all applications, permits and other acts relevant to this Ordinance.
2. Copies of this Ordinance, map and all referenced Ordinances shall be kept on file with the Office of the City Clerk.
3. Permit fees, processing fees and inspections fees as may be established by resolution of the City Council shall be collected by the Zoning Administrator for deposit in the appropriate general funds.
4. The Board of Adjustment as appointed by the Willow River City Council shall act upon all questions as they arise in the administration of this Ordinance; to hear and decide appeals; to consider conditional use permits and variances; and to review any order, requirements, decisions or determination made by the Zoning Administrator.
5. **Variances** – The Board of Adjustment, upon appeal, shall have the power to authorize variances from the requirements of this Ordinance and to attach any

conditions to said variance it deems necessary. The grant of a variance requires the presence of the conditions listed in Minnesota Rules, Part 6105.0230, Subpart 2B or Part 6120.3900. All variances within the Scenic River Land Use District must be certified by the Department of Natural Resources in accordance with Minnesota Rules, Part 6105.0230.

6. **Conditional Use Permits** – The Board of Adjustment shall have the authority to issue conditional use permits, if the following items are first considered: The maintenance of safe and healthful conditions; the prevention and control of water pollution including sedimentation; existing topographic vegetation and drainage features; the location of the site with respect to the floodplain and floodway; the erosion potential of the site; the location of the site with respect to existing or future access roads; the need of the proposed use for a shoreland location; its compatibility with uses on adjacent land; and the amount of liquid wastes to be generated and the adequacy of the proposed treatment systems. The Board of Adjustment may attach any conditions it feels necessary to assure that the above items are complied with. Failure of the applicant to comply with any of these conditions shall result in the immediate revocation of the permit.

7. **Enforcement** – It is declared unlawful for any person to violate any of the terms and provisions of this Ordinance. Violation thereof shall be a misdemeanor. Each day that a violation is permitted to exist shall constitute a separate offense. In the event of a violation of a threatened violation of this Ordinance, the City of Willow River, in addition to other remedies, may institute appropriate actions or proceedings such as violations or threatened violations.

8. **Procedures Summary** – The following table summarizes permit, review and certification procedures within the districts designated by this Ordinance:

<u>Types of Activities</u>	<u>Scenic River</u>	<u>Shoreland</u>
Building Permits	LP	LP
Sign Construction Permits	LP	
Water Supply Permits	LP	LP
Sewage Systems Permits	LP	LP
Grading, Filling Permits	LP	LP
Conditional Use Permits	PH-FD	PH-FD
Amendments to Ordinance	PH-FD-CC	PH-FD
Variances	PH-FD-CC	PH-FD
Inconsistent Plats	PH-FD-CC	PH-FD
Planned Unit Developments	PH-PA-FD	PH-FD
Plats	PH-FD	PH-FD

LP - Permit issued by the local authority in accordance with this Ordinance and all other local Ordinances.

PH - Copy of public hearing notice or application sent so as to be received by the Commissioner at least 30 days prior to hearing or meeting for Scenic River District: 10 days before Shoreland District.

FD - Local authority forwards decision to the Commissioner within 10 days after taking final action.

CC - Action becomes effective only when Commissioner certifies its compliance within the Act, statewide standards and criteria, and the Kettle River Rule.

PA - Preliminary plans approved by Commissioner prior to their enactment by local authority

ORDINANCE NO. 69

TOPIC: **Billboards and Signage within City Limits**

STATUS: **Valid** Passed April 4, 1994; Amended January 5, 1995

DESCRIPTION:

Subdivision 1: **Purpose of Intent:** The provisions of this Ordinance are intended to encourage an opportunity for effective communication and a sense of concern for the visual amenities on the part of those designing, displaying or otherwise utilizing needed communicative media of the types regulated by this needed Ordinance; while at the same time attempting to minimize public endangerment, annoyance or destruction by the unsafe, disorderly, indiscriminate or unnecessary use of such communicative facilities.

Subdivision 2: **Definitions:** For the purpose of this Ordinance and other applicable Ordinances, certain words and terms are defined as follows:

1. **Artificial light**
Illumination resulting from internal or external artificial light sources, including glare and reflected light byproducts of artificial light sources.
2. **Accessory sign**
A sign relating in its subject matter to the premises on which it is located or to which it refers, or to products, accommodations, services or activities on the premises on which it is located or to which it refers.
3. **Address sign**
A sign communicating street address only, whether in script or numerical form.
4. **Area identification**
A freestanding sign which identifies the name of a residential subdivision, a multiple residential complex, a single business, a planned unit development, or any integrated combination of the above. Said sign shall be limited only to the identification of an area or complex and shall not contain the name of individual owners or tenants or contain advertising.
5. **Billboard**
Any permanent non-governmental sign with not more than two sides advertising products, services, commodities, entertainment or other activity not offered at the

location of the sign, or not exclusively related to the premises on which the sign is located. A billboard is a free standing sign, other than a pylon sign, having an area of more than 200 square feet.

6. **Campaign sign**

A temporary sign promoting the candidacy of a person running for a government office or promoting an issue to be voted on at a governmental election.

7. **Canopy/marquee sign**

Any message or identification which is affixed to a projection or extension of a building or structure erected in such a manner as to provide a shelter or cover over the approach to any entrance of a store, building or place of assembly.

8. **Construction sign**

A sign placed at a construction site identifying the project or the name of the architect, engineer, contractor, financier or other involved parties.

9. **Directional sign**

A sign erected on public or private property which bears the address and/or name of a business, institution, church or other use of activity plus directional arrows or information on location.

10. **Flashing sign**

Illuminated sign on which such illumination is not kept stationary or constant in intensity and/or color at all times when such sign is in use.

11. **Free standing sign**

A sign and sign structure both of which are not more than twelve feet (12') in height. The sign shall be limited in area to a maximum of thirty-five square feet (35 sq. ft.) on each face.

12. **Government sign**

A sign which is erected by a unit of government.

13. **Gross surface area of a sign**

The entire area in square feet within a single continuous perimeter enclosing the extreme limits of the complete message of any sign, which limits shall include the surface on which the message is affixed. If the individual letters of the message are affixed directly to the surface of a wall, the maximum height and width requirements shall apply. Such permits shall not include any structural elements lying outside the limits of the sign surface which do not form an integral part of the sign message, except where the sign structure is held by the Zoning Administrator to be larger than required for structural strength.

14. **Holiday sign**

A sign designed to promote the spirit of a holiday which does not mention a product, service or business name.

15. **Information sign**
Any sign giving information to employees, visitors or delivery vehicles, but containing no advertising or identification.
16. **Institutional sign**
A sign or bulletin board which identifies the name or other characteristics of a public, semi-public or private institution on the site where the sign is located. Institutions shall include churches, schools, city buildings and other non-profit and charitable organizations.
17. **Integral sign**
A sign carrying the name of a building, its date of erection, monumental citations, commemorative tablets and the like when carved into stone, concrete or similar material or made of bronze, aluminum or other permanent type of construction and made an integral part of the structure.
18. **Maximum height of sign**
The vertical distance measured from the nearest finished grade to the top of such a sign.
19. **Minimum height of sign**
The vertical distance measured from the nearest finished grade to the lower limit of such sign.
20. **Monument sign**
A sign whose base and structure is positioned primarily on the ground and is typically solid from grade to the top of the structure.
21. **Motion sign**
Any sign which revolves, rotates, has any moving parts or gives the illusion of motion, i.e., zip flashers, flashing signs or similar devices.
22. **Non-conforming sign**
 - A. **Legal** – A sign which lawfully existed at the time of the passage of this Ordinance or amendment thereto, but which does not conform with the regulations of this Ordinance.
 - B. **Illegal** – A sign which was constructed after the passage of this Ordinance or amendments thereto and does not conform with the regulations of this Ordinance.
23. **Off premises sign**
A sign which advertises a business which is not located upon the property on which the sign is located.
24. **Portable sign**
A sign so designed as to be moveable from one location to another and which is not permanently attached to the ground or structure.

25. **Project advertising sign**
A sign which promotes products, accommodations, services or activities not exclusively used, sold or performed on the premises on which the sign is located.
26. **Projecting sign**
A sign that projects out over 12" from the front edge of the roof structure and/or building facing.
27. **Pylon sign**
A sign, other than a monument sign or billboard, supported by its own free-standing structure and exceeding twelve feet (12').
28. **Residential sign**
A directional or identification sign located in residential districts
29. **Real estate sign**
A sign placed upon a property advertising that particular property for sale, rent or lease.
30. **Roof sign**
Any sign which is erected, constructed or attached wholly or in part upon or over the roof of a building.
31. **Sign**
A name, identification, description, display or illustration which is affixed to or represented directly or indirectly upon an awning, canopy marquee, building structure or piece of land which directs attention to an object project place, activity, person, institution, organization or business. A 'sign' shall not include any official court or other public notices, nor shall it include the flag, emblem or insignia of a nation, political unit, school, religious, service or fraternal group.
32. **Sign structure**
The supports, uprights, bracing and framework for a sign including the sign area.
33. **Temporary sign**
A sign which is erected or displayed for a limited period of time, not to exceed three (3) sixteen (16) day periods per year, except those permitted under Subdivision 10 of this Section.
34. **Total allowable sign area**
The maximum allowable gross surface area in square feet of a sign or signs. The maximum number of signs cannot be arranged and integrated as to create a surface area in excess of the requirements.
35. **Traffic sign**
A sign which is erected by a governmental unit for the purpose of directing or guiding traffic.

36. **Wall sign**

A sign which is affixed directly to, painted on, or otherwise inscribed on an exterior wall or window of any building and projects therefore no more than 12”.

Subdivision 3: **Permits Required:** Except as herein provided, it shall be unlawful for any person to erect, maintain, repair, alter or relocate within the City of Willow River any permanent sign as defined in this Ordinance without first obtaining a permit to do so and making payment of the permit fee.

Subdivision 4: **Application for Permit:** Each application for a permit shall be submitted to the Zoning Administrator and shall include the sign permit fee as follows:

- A. \$10.00 for signs 8 square feet and under
- B. \$20.00 for signs over 8 square feet to and including 32 square feet
- C. \$50.00 for signs over 32 square feet and billboards

All applications for permanent sign permits shall be reviewed by the Planning Commission which shall make a determination of the proposed sign’s compliance with the terms of this Ordinance. The determination of the Planning Commission shall be final unless appealed to the Board of Adjustments within ten (10) days of such determination pursuant to Subdivisions 13 and 14 of this Section. Each application shall state or have attached thereto the following information:

- A. Name, address, and telephone number of person for whom sign is being erected. Name of person, firm, corporation or association erecting structure.
- B. A complete description of the sign and a sketch showing its size, manner of construction and such other information as shall be necessary to inform the Zoning Administrator of the kind, size, material and construction of the sign including the proposed location of the sign and the location of building, structure or lot to which or upon which the sign is to be attached or erected.
- C. Position of the sign and other advertising structure in relation to nearby buildings or structures as well as lighting details.
- D. Application for billboard shall show location of buildings and structures within 300’, location of existing billboards within 1500’ and the landscaping in area of proposed billboard.
- E. At the request of the Zoning Administrator, two (2) blueprints or ink drawings of the plans and specifications plus method of construction and attachment of the sign to the building or in the ground, and any additional information as deemed necessary by the Zoning Administrator.
- F. The Zoning Administrator may waive requirements for technical information specified above where such information is not necessary to determine compliance.

- G. If a sign authorized by permit has not been installed within six months after the date of issuance, the said permit shall be null and void.

Subdivision 5: **General Provisions Applicable to all Signs:**

- 1. It shall be the responsibility of the permit holder, the owner and the lessee of the property and structure upon which any sign is located to:
 - A. Keep the ground around any sign free of weeds and litter.
 - B. Immediately repair or remove any sign or sign structure which becomes unsafe, in a state of disrepair, insecure or a menace to the public following written notice of such condition for the City.
 - C. All signs shall comply with maintenance sections of the Minnesota State Building Code as may be amended.
 - D. When electrical signs are installed, the installation shall be subject to the State Building Code and/or Electrical Code as may be amended.
- 2. No sign or sign structure shall be placed on or protrude over the public right-of-way except wall (maximum protrusion 12”), canopy, awning and marquee signs. All signs located over public right-of-way or over public or private access route (sidewalk, etc.) shall be located a minimum of eight (8’) above surface grade.
- 3. All height restrictions on signs shall include height of sign structure and be measured from the nearest finished grade.
- 4. Any sign now or hereafter existing which no longer advertises or identifies bonafide business conducted, service rendered, or a product sold shall be removed by the owner, agent or person having the beneficial use and/or control of the building or structure upon which the sign may be found within ten days after written notice from the Zoning Administrator.
- 5. Pylon or free-standing signs, where permitted, will be limited to one (1) per commercial establishment. Multi-establishment buildings, excepting shopping centers, are herein defined as a single commercial establishment.

Subdivision 6: **Prohibited Signs:**

- 1. Any sign that does or would interfere with the ability of drivers or pedestrians to see any traffic sign, signal or crosswalk or would otherwise constitute a public hazard.
- 2. Signs which resemble any official marker erected by a governmental agency on which display such words as ‘Stop’ or ‘Danger’.

3. Motion signs, except time and temperature information, barber poles or others as approved by the Zoning Administrator.
4. No sign shall contain any indecent, offensive pictures, or be immoral in character or written manner.
5. Illuminated and animated signs with flashing or intermittent lights, and if they create a hazard or annoyance to traffic, neighbors, etc.

Subdivision 7: **Permitted Signs Requiring No Permits:**

1. Free-standing, temporary campaign signs may remain for a period of not more than eight weeks prior to the election date and five days after an election, provided such signs are not more than six square feet (6 sq. ft.) in area, are behind the front property line and are placed with permission of the property owner or lessee.
2. Directional signs located above or beside entrances or exits to buildings or driveways which direct pedestrians (such as 'Employee Entrance', "Exit only", 'Restrooms') and provided that such signs are not more than four square feet (4 sq ft.) in area.
3. Temporary signs denoting the architect, engineer or contractor when placed upon work under construction, provided each sign is not more than sixteen square feet (16 sq. ft.) in area and removed upon completion of construction. Construction signs shall not be erected before issuance of a building permit or remain after issuance of Certificate of Occupancy. Construction signs shall be confined to the site of construction, alteration or repair, and shall be removed within two years of the date of issuance of the first building permit or when the particular project is completed, whichever is sooner as determined by the Zoning Administrator. One sign shall be permitted for each major street the project abuts. No sign may exceed fifty square feet (50 sq. ft.).
4. Integral Signs
5. Holiday signs may be displayed for a period not to exceed sixty days.
6. Memorial signs or tablets, names of buildings and date of erection when cut into any masonry surface or when constructed of bronze or other non-combustible material and attached to the building, provided such signs are less than nine square feet (9 sq. ft.) in area.
7. Monuments up to twenty square feet (20 sq. ft.) in area.
8. Information signs.
9. Real estate sale or rental sign. Signs must be removed within fourteen days after sale or rental of property. Signs may not measure more than eight square feet (8 sq. ft.) in residential districts, or more than twenty square feet (20 sq. ft.) in all

other districts. There shall be only one sign per premises. Corner properties and double front lots may contain two signs, one per frontage.

10. Institutional signs.
11. Individual property sale or rental signs.
12. Garage sale signs.

Subdivision 8: **District Regulations for Signs:**The following signs shall be allowed in the indicated zoning districts in accordance with the permit provisions of this Section:

1. Prior to, or in the event the City of Willow River has no Ordinance establishing zoning districts, the provisions below relating to signs in residential and commercial districts shall apply according to the map attached hereto and incorporated by reference. This map is designated 'Attachment A' and shall serve as the district map for the purposes of this Ordinance pending adoption of a zoning map by the City of Willow River as part of a General Zoning Ordinance. At that time, said zoning map will supercede 'Attachment A'.
2. **Signs in Residential Districts:**
 - A. **R-1 District:** One illuminated wall or free-standing sign, no more than eight square feet (8 sq. ft.) in area, per residence.
 - B. **R-2 District:** One sign at each entry, with a maximum of two signs, with no more than seventy percent (70%) of the total sign area contained in any one sign. The total allowable sign area shall be twenty square feet (20 sq. ft.) for dwellings or complexes containing from 4 – 20 units, and thirty square feet (30 sq. ft.) for dwellings or complexes containing 21 or more units.
3. **Signs in Commercial District:**
 - A. Wall, pylon signs, or a combination of both, not to exceed two pylons signs. In no case, however, shall more than three signs be displayed and three signs shall not exceed the total allowable sign area of seven hundred square feet (700 sq. ft.).
 - B. **Area and height requirements of pylon signs:** A maximum of two hundred square feet (200 sq. ft.) of area per face shall be permitted. In addition to the regularly permitted sign, fuel pumping stations may erect one of the following:
 1. Anywhere in the setback area, illuminated pylon signs with a maximum area of the sign proper of fifty square feet (50 sq. ft.), but no more than one such sign allowed on each street setback.

2. In the setback area near the intersection of the exterior property lines, one sign with the maximum of seventy five square feet (75 sq. ft.) in which the only movement is slow rotation of the sign proper, provided the lowest elevation of the sign proper is at least twelve feet (12') above grade. Three auxiliary signs, with a maximum area of fifteen square feet (15 sq. ft.) each, may be mounted on or attached to pylon signs or on separate light poles or standards.
 3. In lieu of that portion of above provision (2) regarding the three auxiliary signs, a service station may erect one auxiliary sign not to exceed forty square feet (40 sq. ft.).
- D. All other standards including setbacks that are applicable to other signs and structures shall apply to billboards including the following provisions:
1. Billboard shall be located so as not to obstruct any existing business or sign.
 2. Ground area around base of billboard sign must be landscaped in a manner accepted by the Planning Commission.
 3. Billboard may not be a principle sign.
 4. No billboard structure shall contain more than two signs per facing.
 5. The maximum height of any portion of the sign, including trim and extensions, shall be not more than fifty feet (50') thereof.
 6. No permit shall be granted for any proposed billboard if it is within five hundred feet (500') of any existing billboard.

Subdivision 9: **General Provisions Regulating Use of Artificial Light Sources for Signs:** The following provisions shall govern the use of artificial light sources for all signs within the City:

1. No illuminated signs shall be permitted in R-1 Districts, and no internally illuminated signs shall be permitted in R-2 Districts. Otherwise, signs illuminated with artificial light shall be permitted in accordance with the provisions of this Section.
2. All artificially illuminated signs shall use only that amount of artificial light as is needed to light the sign. Specifically, wattage and lumen output of all light sources shall be kept to the minimum necessary to accomplish the intended purpose. Glare or reflected light which is a by-product of such light also shall be considered artificial light and similarly shall be kept to a minimum. Artificial light sources shall not be placed at any height taller than is essential to accomplish the intended purpose.

3. Except for internally illuminated signs, artificial light source is fully enclosed by opaque materials and does not project beyond them, and such that light may be transmitted in only one direction, except that incandescent light bulbs with a wattage of fifty (50) watts or less need not be fully enclosed. Any diffusers must be flush mounted to the opaque fixture such that no part of the light source, the diffuser itself, or the like projects beyond the opaque portion of the fixture.
4. All artificial light sources shall be contained in fully opaque fixtures which control the light such that it is directed either straight down or straight up, or is located so close to the sign that there is no broadcast or glare of light beyond the sign. It is intended that the visibility of the light source itself be minimal.

Subdivision 10: **Non-Conforming Signs:**

Any sign existing upon the effective date of this Ordinance shall not be enlarged, but may be continued at the size and manner of operation existing upon such date except as hereinafter specified or subsequently amended.

After a non-conforming sign has been removed, it shall not be replaced by another non-conforming sign. Whenever the use of a non-conforming sign has been discontinued for a period of three (3) months, such use shall not be resumed thereafter unless the sign meets the requirements of this Section.

Subdivision 11: **Abatement:**

If the Zoning Administrator finds that any sign has been erected without the necessary permit(s) or any sign is being maintained in violation of any provision of this Section, he may give written notice of such violation to the installer of said sign, to the permit holder and/or to the owner, lessee or manager of said property. If, after receiving said notice, such person fails to remove or alter said sign so as to comply with the provisions of this Chapter, the sign shall be deemed to be a nuisance and may be abated by the City under Minnesota Statutes, Chapter 429. The cost of such abatement, including administrative expenses and reasonable attorney's fees, may be levied as a special assessment against the property upon which the sign is located.

Subdivision 12: **Appeals:**

An applicant for a sign permit or permit holder may appeal any order, requirement, decision or determination made by the Zoning Administrator in the enforcement of this Section by filing a letter of appeal with the Zoning Administrator requesting a hearing before the Board of Adjustments. The Board of Adjustments shall hear and decide all appeals.

Subdivision 13: **Variance:**

The Planning Commission shall hear and decide all requests for variances from the literal provisions of this Section. Although it shall not be required to do so, the Planning Commission may approve such a variance upon a finding that the variance meets each of the following criteria:

1. There are exceptional or extraordinary circumstances or conditions which apply to the property and/or structure(s) in question, which circumstances or conditions do not apply generally to other property and/or structure(s).
2. The variance is necessary for the preservation of substantial property rights of the applicant.
3. Under the circumstances of the particular situation, the variance will not adversely affect the health, safety or general welfare of residents of the surrounding area or of the community as a whole.
4. The variance will not conflict with the Comprehensive Land Use Plan.

Subdivision 14: **Violations and Penalties:**

Any person who shall violate any of the provisions of this Ordinance (Section 20) or fail to comply with any of its provisions shall be guilty of a misdemeanor. Each ten (10) day period for which a violation exists shall constitute a separate offense. The City expressly reserves its rights to institute proceedings to abate any sign as provided herein.

Subdivision 15: **Separability:**

Every section, provision or part of this Ordinance is declared separable from every other section, provision or part; and if any section, provision or part shall be invalidated, this shall not affect any other section, provision or part.

Subdivision 16: **Effective Date:**

This Ordinance shall be effective upon its passage and publication.

Amended January 5, 1995

There will be a \$25.00 maximum one-time fee for any number of signs on a given site indicated on the permit and approved by the Zoning Administrator.

The fee schedule was also amended:

- A. \$5.00 for signs 8 square feet and under (current fee is \$10.00)
- B. \$10.00 for signs over 8 square feet to and including 32 square feet (current fee is \$20.00)
- C. \$25.00 for signs over 32 square feet (current fee is \$50.00)
- D. N/C for registered trademark signs (Zoning Administrator must approve the sign and intended placement of sign prior to installation.) This is a new provision.

All applications for permanent sign permits shall be reviewed by the Zoning Administrator (currently the responsibility of the Planning and Zoning Commission) who shall make a determination of the proposed sign's compliance with the terms of this Ordinance. The determination of the Zoning Administrator

(currently the Planning and Zoning Commission) shall be the final unless appealed to the Board of Adjustments within ten (10) days of such determination pursuant to Subdivisions 13 and 14 of this Ordinance.

ORDINANCE NO. 70

TOPIC: **Curfew Ordinance**

STATUS: **Valid** Passed October 5, 1903; Amended January 5, 1995

DESCRIPTION:

No person under 18 years old is allowed on the streets of Willow River after 8:00 in the winter and 9:00 in the summer. Any person violating this Ordinance on conviction shall be fined for the sum of \$1.00 to \$10.00 or from ½ - 3 days imprisoned in the village jail.

Amended and Published January 5, 1995

No person under 16 years old is allowed on the streets of Willow River after 10:00 PM Sunday through Thursday nights and after Midnight on Friday and Saturday nights unless such person is in custody of a parent or legal guardian.

Amended and Published May 7, 2007

The City of Willow River ordains:

Subd. 1. **Purposes and Findings:**

- A. The City Council of Willow River finds and determines that there has been an increase in juvenile violence, juvenile gang activity and crime by juveniles in the City of Willow River.
- B. Juveniles are particularly susceptible by their lack of maturity and experience to participate in unlawful activities including gang-related activity and to be victims of older perpetrators of crime.
- C. Because of the foregoing, special and extenuating circumstances presently exist within this city that require special regulation of juveniles within the city in order to protect them and other persons during the nighttime hours, to aid in crime prevention, to promote parental supervision and authority over minors and to decrease juvenile crime rates; and
- D. In accordance with prevailing community standards, this Ordinance serves to regulate the conduct of minors in public places during nighttime hours, to be effectively and consistently enforced for the protection of juveniles from each

other and from other persons, in public places during nighttime hours, for the enforcement of parental control of, authority over, and responsibility for their children, for the protection of the general public from nighttime mischief by juveniles, for the reduction in the incidents of juvenile criminal activities, for the furtherance of family responsibility and for the public good, safety and welfare; and

- E. It is the intent of the City Council to review and evaluate the need and effect of nighttime curfew for juveniles set forth in this Ordinance on the incidents of juvenile criminal activity and protection of juveniles against criminal activity.

Subd. 2 **Authority:** This Ordinance is enacted pursuant to the authority granted under Minnesota Statute 412.231 and 125A.05.

Subd. 3 **Definitions:**

- A. **'Authorized Adult'** shall mean any person who is at least eighteen (18) years of age and authorized by a parent or guardian to have custody and control over a juvenile.
- B. **'Emergency'** means an unforeseen combination of circumstances or the resulting state that calls for immediate action. The term, but is not limited to, a fire, a natural disaster, an automobile accident or any situation requiring immediate action to prevent serious bodily injury or loss of life.
- C. **'Juvenile'** means a person under the age of eighteen (18) years of age. The term does not include persons under 18 who are married or have been legally emancipated.
- D. **'Parent'** shall mean any person having legal custody of a juvenile (1) as natural parent, adoptive parent or stepparent; (2) as a legal guardian; or (3) as a person to whom legal custody has been given by order of the court.
- E. **'Public Places'** means any place to which the public or substantial group of the public has access and includes, but is not limited to, streets, highways, roadways, parks, public recreation, entertainment or civic facility, schools, and the common areas of hospitals, apartment houses, office buildings, government and city buildings and shops.
- F. **'Serious bodily injury'** means bodily injury that creates a substantial risk of death or that causes death, serious permanent disfigurement, or protracted loss or impairment of the function of any bodily member or organ.

Subd. 4 **Prohibited Acts:**

- A. It is unlawful for juveniles under the age of thirteen (13) years of age to be present in any public place within the City of Willow River:
 - 1. Any time between 9:00 p.m. on any Sunday, Monday, Tuesday, Wednesday or Thursday and 5:00 a.m. of the following day.

2. Any time between 10:00 p.m. on any Friday or Saturday and 5:00 a.m. the following day.
- B. It is unlawful for juveniles who are at least thirteen (13) but less than fifteen (15) years of age to be present in any public place within the City of Willow River:
1. Any time between 10:00 p.m. on any Sunday, Monday, Tuesday, Wednesday or Thursday and 5:00 a.m. of the following day.
 2. Any time between 11:00 p.m. on any Friday or Saturday and 5:00 a.m. the following day.
- C. It is unlawful for juveniles who are at least fifteen (15) but less than eighteen (18) years of age to be present in any public place within the City of Willow River:
1. Any time between 11:00 p.m. on any Sunday, Monday, Tuesday, Wednesday or Thursday and 5:00 a.m. of the following day, except that between Memorial Day and Labor Day of each calendar year for a juvenile age seventeen (17) the hours shall be 12:01 a.m. and 5:00 a.m. the following day.
 2. Any time between 12:01 a.m. on any Friday or Saturday and 5:00 a.m. the following day.
- D. It shall be unlawful for a parent or authorized adult of a juvenile to knowingly, or through negligent supervision, to habitually permit such juvenile to be in any public place within the City during the hours prohibited by Paragraphs (A), (B), and (C) of this subdivision herein, under circumstances not constituting an exception to this Ordinance as set forth herein. The term 'Knowingly' includes knowledge which a parent or authorized adult shall reasonably be expected to have concerning the whereabouts of a juvenile under such person's care.
- E. It shall be unlawful for any person operating or in charge of any place of amusement or refreshment which is open to the public to knowingly and habitually permit any juvenile to be in such a place during the hours prohibited in Paragraphs (A), (B), and (C) of this subdivision herein, under circumstances not constituting an exception to this Ordinance as set forth herein. The term 'Person Operating' shall mean any individual, firm, association, partnership or corporation operating, managing or conducting any such establishment. The term includes member or partners of an association or partnership and the officers of a corporation.

Subd. 5 **Exceptions:**

1. The following shall constitute valid exceptions to the operation of the curfew:
 - A. At any time a juvenile is accompanied by his or her parent or authorized adult;

- B. At any time if a juvenile is involved in, or attempting to remedy, alleviate or respond to an emergency;
 - C. If the juvenile is engaged in a lawful employment activity, or is going to or returning home from his/her place of employment;
 - D. If the juvenile is attending an official school religious or other social or recreational activity supervised by adults or sponsored by a city or the county, a civic organization, or another similar entity that takes responsibility for the juvenile;
 - E. If the juvenile is on an errand as directed by his/her parent, without any detour or stop;
 - F. If the juvenile is engaged in interstate travel;
 - G. If the juvenile is on a public right-of-way boulevard or sidewalk abutting the juvenile's residence or abutting the neighboring property, structure or residence;
 - H. If the juvenile is exercising First Amendment rights protected by the United States Constitution (or those similar rights protected by Article I of the Constitution of the State of Minnesota) such as free exercise of religion, freedom of speech and the right of assembly.
2. It is an affirmative defense to prosecution under Subd. 4(e) that:
- A. The owner, operator or employee of an establishment promptly notify the police department that a juvenile was present on the premises of the establishment during curfew hours and refused to leave.
 - B. The owner, operator or employee reasonably and in good faith relied on a juvenile's representations of proof of age. Proof of age may be established pursuant to Minnesota Statute 340A.503, Subd. 6, or other verifiable means, including, but not limited to, school identification cards and birth certificates.

Subd. 6 **Enforcement:** Before taking any enforcement action under this section, a police officer shall ask the apparent offender's age and reason for being in a public place. The officer shall not issue a citation or make an arrest under this section unless the officer reasonably believes that an offense has occurred and that no exception set forth in Subdivision 5 is applicable.

Subd. 7 **Penalties:**

- 1. Violation of Subdivision 4(A), (B), and (C) will be prosecuted pursuant to Minnesota Statute 260.195 and will be subject to the penalties therein.
- 2. Violation of Subdivision 4(B) and (E) shall be a misdemeanor.

Subd. 8 **Severability:** If any court of competent jurisdiction shall adjudge any provision of this Ordinance to be invalid, such judgment shall not affect any other provisions of this Ordinance not specifically included in said judgment.

Subd. 9 **Effective Date:** The effective date of this Ordinance shall be upon publication

ORDINANCE NO. 71

TOPIC: **Adoption of an Ordinance Book and Repeal of Outdated Ordinances for the City of Willow River**

STATUS: **Valid** Passed January 5, 1995

DESCRIPTION:

At a regular City Council meetings on the 5th day of December, 1994, the City Council of Willow River, after a motion duly made, seconded and carried, hereby adopts the following Ordinance which establishes an Ordinance Book for the City of Willow River and which also amends, changes, repeals or numbers certain existing ordinances. A copy of the full Ordinance Book is on record at City Hall and may be reviewed by contacting the City Clerk.

ORDINANCE NO. 76

TOPIC: **Annexation: Declaring Real Property**

STATUS: **Valid** Passed July 2, 2001

DESCRIPTION:

The City Council of the City of Willow River ordains:

Section 1. The following tracts of land located in Section One (1), Township Forty-Four (44), Range Twenty (20), Pine County, Minnesota, consisting of 60 acres or less and described as follows:

All that part of the Southwest Quarter of the Northwest Quarter (SW ¼ of NW ¼) lying east of the right-of-way of Interstate #35, except the East Six Hundred feet thereof.

The East Six Hundred (600) feet of the Southwest Quarter of the Northwest Quarter (SW ¼ of NW ¼).

The West Half of the East Half of Northwest Quarter (W ¼ of E ½ of NW ¼) lying southerly of the center line of the Willow River.

Section 2. The PROPERTY is not presently served by public sewer facilities or public sewer facilities are not otherwise available.

Section 3. All of the record fee owners of the PROPERTY have signed and delivered a petition to the City Clerk of the City of Willow River, Minnesota, asking that the PROPERTY be annexed to the City of Willow River, Minnesota.

Section 4. Minn. Stat. 414.033, Subd. 2(3) allows a municipality by ordinance to declare land annexed to it provided the requirements set forth in that Section are met.

All of the requirements set forth in that statute have been met with respect to the PROPERTY.

The PROPERTY is declared annexed to the City of Willow River, Minnesota – July 2, 2001.

Section 5. **Effective Date.** This ordinance shall be effective upon its passage and publication.

ORDINANCE NO. 77

TOPIC: **Water Ordinance**

STATUS: **Valid** Passed September 4, 2001; Amendment June 17, 2002

DESCRIPTION:

The City of the City of Willow River does hereby make provision for the establishment of a municipal water system (hereinafter called the 'water system') to be operated as public utility. Matters related to this municipal water system are set forth in this Ordinance and shall take effect upon publication of this Ordinance. The provisions of this Ordinance are as follows:

Chapter 1. **Use of Water Service:** No person other than a city employee shall uncover or make or use any water service installation connection to the city water system except in the manner provided in this chapter. No person shall make or use any installation contrary to the regulatory provisions of this chapter

Chapter 2. **Use to Circumvent Chapter Prohibited:** No person shall permit water from the water system to be used for any purpose to circumvent this chapter.

Chapter 3. **Damage to Water System**

- A. No unauthorized person shall remove or damage any structure, appurtenance, or part of the water system or fill or partially fill any excavation or move any gage valve used in the water system.
- B. No person shall make any connection of an electrical welder to the city water main, appurtenance or service or used an electric welder for the purposes of thawing frozen water mains, appurtenances or services.

Chapter 4. **Connections Beyond City Boundaries:** Where water mains of the city are in the street or alley adjacent to or outside the corporate limits of the city, the City Council may issue permits to the owners or occupants of properties adjacent or accessible to the water main to make proper water service pipe connections with the water mains of the city and to be supplied with water in conformity with the applicable provisions of the chapter and subject to any contract for the supply of water between the city and any other city.

Chapter 5. **Connection to System Required; Use of Private Wells**

- A. Except where municipal water is not available, it shall be unlawful to construct, reconstruct, or repair any private water system which is designed or intended to provide water for human consumption. Private wells, to provide water for other than human consumption, may be constructed maintained and continued in use after connection is made to the water system; provided, there is no means of cross-connection between the private well and municipal water supply at any time. Hose bibs that will enable the cross-connection of the two systems are prohibited on internal piping of the well system supply. Where both private and city systems are in use, outside hose bibs shall not be installed on both systems.

A BACK FLOW PREVENTION DEVICE WILL BE INSTALLED WITHIN ONE FOOT OF THE METERING.

- B. All new homes or buildings shall connect to the municipal water system if water is available to the property. At the time municipal water becomes available to existing homes or buildings, a direct connection shall be made to the public system within a period of time as determined by the City Council. If the connection is not made pursuant to this Ordinance, a charge shall be made as determined by the City Council. Hook-ups to existing buildings must be made to the municipal water system within two (2) years of the water system becoming operational after which, any other hook-ups must be made within a period of time as indicated above.
- C. Where new homes or buildings do not have water available to the property, the city shall determine whether and under what conditions the municipal water system will be extended to service the property.

- D. If the well is not to be used after the time a municipal water connection is made:
1. The well pump and tank shall be disconnected from the internal piping.
 2. The casing shall be filled with sand soil from the bottom to a point eight (8) feet from the top.
 3. The remaining eight (8) feet shall be filled with concrete to the floor level and the well casing cut off as close the floor level as possible.
 4. Within 30 days after the municipal water connection is made, the owner or occupant must advise the City Water Operator or other person designated by the city that well has been sealed.
 5. Notwithstanding the foregoing, all well abandonment shall be done in accordance with M.S. 1031.301 to 1031.345 and Minn. Rules Ch. 4725, Wells and Borings, as it may be amended from time to time.

Chapter 6. **Use of Water for Air Conditioning: Permits:**

- A. All air conditioning systems which are connected directly or indirectly with the public water system must be equipped with water conserving and water regulating devices as approved by the City Water Operator or City Utilities Superintendent.
- B. Permits shall be required for the installation of all air conditioning systems to the public water system.

Chapter 7. **Use of Water from Fire Hydrants; Temporary Connections:**

- A. **Use of fire hydrants:** Except for extinguishment of fires, no persons (other than authorized fire department personnel), unless authorized by the City Water Operator or Public Utilities Department, shall operate fire hydrants or interfere in any way with the water system without first obtaining permission to do so.
 1. Permission to use a fire hydrant shall be given for each individual job or contract and for a minimum 30 days and for an additional 30 days as the city shall determine. The City will state which location they hydrant will be made available for use. No other hydrant will be open for use. A meter will be made available or the user may keep track of their use with the City's approval by using a predetermined holding tank size.
 2. The user shall be liable for all charges incurred water used and for any and all breakage and damage to the hydrant and meter. A cash deposit will be required for meter usage which may vary and will be determined by the City.
 3. The user shall relinquish the use of the hydrant to authorized city, county and state employees in emergencies cases.

4. The user shall pay a rental charge as established pursuant to any Fee Schedule adopted by the City and for each day including Sunday and legal holidays, and a fee established by such Schedule, as that Schedule may be amended from time to time for each 1,000 gallons of water.

Chapter 8. **Water Deficiency, Shut-off and Use Restrictions:** The City shall not be liable for any deficiency or failure in the supply of water to consumers, whether occasioned by shutting the water off for the purpose of making repairs or connections or from any other cause whatsoever. In case of fire, or alarm of fire, or in making repairs of construction of new works, water may be shut off without notice at any time and kept off as long as necessary. In addition, the City Council shall have the right to impose reasonable restrictions of the use of the city water system in emergency situations. For non-payment of charges, water service may be discontinued according to the procedures established by the City Council.

Chapter 9. **Supply From One Service:** No more than one housing unit or building shall be supplied from one service connection except by permission of the City Council. Each unit served shall have a separate water meter.

Chapter 10. **Tapping Off Mains Restricted:** No person, except persons authorized by the City Council shall tap any distributing main or pipe of the water supply system or insert stopcocks or ferrules therein.

Chapter 11. **Repairs**

A. **Determination of need for repairs:** Base on the information supplied by the property owner or available to the City the City will make a determination whether a problem exists in that portion of the service which is the City's responsibility. If the problem appears to exist in the areas for which the City has no responsibility, the private owner will be responsible for the correction of the problem.

1. **Leaks:** The consumer or owner must maintain the service pipe from the curb stop to the building. Water lost due to leaks will be the owner's or occupant's responsibility. If the City finds a leak occurring in a home, the city operator will turn the water off at the curb stop and will wait for the written notice that the leak has been fixed. Shut off and on fees will be paid by the owner along with any water leaked into the sewer system. Leaks occurring after the curb stop to the water system will be the responsibility of the City.

B. **Thawing of water services:** The City will attempt to thaw water services on request of the resident. If the problem is found with that portion of the service for which the private owner is responsible, the private owner thereafter will be responsible for thawing the service and correction of the problem.

C. **Excavation or repair of water service:**

1. The City will arrange for the investigative digging up and repair of any water service where the problem apparently exists within that area for which the City has responsibility.
2. Unless it is clearly evident, however, that the problem is the responsibility of the City, the excavation and repair will not be made until the property owner requests the City in writing to excavate or repair the service and agrees to pay the cost.
3. The owner further agrees to waive public hearing and be special assessed the cost of the excavation and repair if the problem is found to be other than the City's responsibility. The City will make the determination for responsibility of the cost of investigation of repair.
4. The matter of whether the dig up is done by City forces or contracted would depend on the urgency or need of repair and the availability of City forces to do the work. Recovery by the City for faulty construction will depend upon the circumstances and the decision of the City Attorney on the likelihood of recovery.

- D. **Failure to repair:** In cases of failure upon the part of any consumer or owner to repair any leak occurring in his or her service pipe within 24 hours after verbal or written notice thereof, the water may be turned off by the City and shall not be turned on until the leak has been repaired and a fee pursuant to the Fee Schedule levied by the City.

Chapter 12. **Abandoned or Unused Services**

- A. If the premises served by water have been abandoned, or if the service has not been used for six (6) months, then the service shall be shut off at the curb stop by the City and the water meter removed. The property shall be charged for related expenses.
- B. When new buildings are erected on the site of old ones, and it is desired to increase or change the old water service, no connections with the mains shall be made until all the old service has been removed and main taps plugged or yoked connections installed by the City at the owner's expense.

Chapter 13. **Disconnect Permit:** Permission must be obtained to disconnect from the existing water service leads at the curb stop box. A fee will be charged and set by the City Council.

Chapter 14. **Service Pipes:** Every service pipe shall be laid so as to allow at least one foot of extra length in order to prevent rupture by settlement. The service pipe must be placed no less than seven (7) feet below the ground and in a manner as to prevent rupture by freezing. Service pipes must extend from the curb stop box to inside of the building, or if not taken into the building, then to the hydrant or fixtures which it is intended to supply. Type K cooper tubing or plastic line or PVC pipe with a minimum of 160 PSI shall be used up to and including two inch services. All underground joints are to be mechanical, except joints

under floors shall be silver soldered, unless otherwise approved by the Water Operator or Superintendent. Joints of copper tubing shall be kept to a minimum, with not more than one joint used for the service for each 70 feet in length. Splicing may be approved with three (3) piece unions only. All joints and connections shall be left uncovered until inspected by the Water Operator or Superintendent and tested at normal water line pressure. Unions must be three (3) part type. All services over two (2) inches shall be cast iron or otherwise City approved. Connections with the mains for domestic supply shall be at least three-quarter inch up to the curb stop box.

Chapter 15. **Excavation and Construction Requirements:**

- A. No excavation shall be made until a permit for the connection has been issued by the City.
- B. No water service pipe or water connection shall be installed on the same trench or closer than ten (10) feet horizontally to a sewer trench or drain laid, or to be laid either in the street or in private property, except that the water pipe on private property may be in a common trench with a sewer drain which is of a material that is in conformance with the current Minnesota Plumbing Code, Minn. Rules Ch. 4715, as it may be amended from time to time.
- C. Where it is desired to lay the water service pipe and the building sewer pipe in the same trench, or in a separate trench less than (10) feet apart, the water service pipe shall be above the sewer pipe unless approved by the City's designated representative. It shall be placed at least one (1) foot above the sewer and on a solid shelf excavated at one side of the trench. The sewer pipe shall be of material that is in conformance with the Minnesota Plumbing Code with tested watertight joints. The water service pipe shall be watertight and corrosion resistant and the best available connection system as determined by the City. Plastic, PVC, copper pipe and cast iron pipe with specially protected joints are acceptable for this construction. Cast iron pipe shall conform to the American Water Works Association specifications for this pipe. Bell joint clamps with rubber gaskets are provisionally acceptable as extra protection for the joints on cast iron water pipe. The intervening space between the pipes shall be backfilled with compacted earth.
- D. In case the installation is on a surfaced street, the following shall apply: All backfill shall be mechanically compacted in 12 inch layers to the density of the adjacent material in the roadway area and to the existing street grades in accordance with the Minnesota Department of Transportation Standards. Complete surface restoration shall be made.

Chapter 16. **Connection To Other Water Supplies Restricted:** No water pipe of the water system shall be connected with any pump, well, tank, or piping that is connected with any other source of water supply except to service municipal systems.

Chapter 17. **Water Connections; Applications and Charges:**

A. Connect Applications

1. All applications for service installations and for water service shall be made to the City Clerk. All applications for service installations and water service shall be made by the owner or agent of the property to be served and shall state the size and location of service connection required. The applicant shall, at the time of making the application, pay to the City the amount of fees established by an ordinance of fee schedule adopted by the City Council, as that ordinance or fee schedule may be amended from time to time or deposit required for the installation of the service connection as hereinafter provided. Applications for services larger than one (1) inch shall be accompanied by two (2) sets of plans or sketches indicated preferred location of service pipe and size of service based on building demand.
2. The size of the water service connections and meter shall be subject to approval of the City Council and the City Water Operator or Superintendent.
3. Water billing shall start at the time of installation of the water meter, or in the event the meter is installed, seven (7) days after completion of outside piping, and shall be calculated upon the minimum quarterly rate, prorated on a monthly basis.

B. Connection Charges

1. Permission must be obtained to connect to the existing water service leads at the curb stop box. The fee for the connection shall be set pursuant to the Fee Schedule. The City shall install or have installed all service connections from the water main to the curb stop. To all properties not assessed at the initial water system installation, a fee to hook from the curb stop to the building shall be paid before work begins and shall be determined by the City Council and included in the approved Fee Schedule which may be amended from time to time.
2. When water services have been stopped because of a violation of this chapter, the City shall collect a fee established pursuant to the Fee Schedule and all other delinquent fees levied against said property before service is recommended.

Chapter 18. **Location of Curb Stop:** Curb stop boxes will be installed on the right-of-way line or easement line at the location as determined by the City Water Supervisor to be best suitable to the property and shall be left in a vertical position when backfilling is completed. Curb stop boxes will be installed at an approximate depth of seven (7) feet below the finished ground elevation and the top of the curb stop box shall be adjusted to be flush with the unfinished ground elevation. Curb stop boxes must be firmly supported by a masonry block. No person shall erect any fenced or plant any tree or other landscaping that would obstruct the use of the curb stop box, or cause damage to the same.

Chapter 19. **Water Meters:**

- A. Generally, except for extinguishment of fires, no person, unless otherwise authorized by the City Council or Water Operator/Superintendent, shall use water from the water system or permit water to be drawn there from unless the same be metered by passing through a meter supplied or approved by the City. No person not authorized by the City Council or Water Operator/Superintendent shall connect, disconnect, take apart or in any manner change or cause to be changed or interfere with any meter or action thereof, or break any meter or valve seal.
1. A charge established pursuant to the City's Fee Schedule shall be paid by customers to the City for water meters including installments and check valves and payment for same shall be made at the time of water service application. This payment shall be made only once, subject to the following.
 2. Where a consumer has need for a larger line in addition to his or her domestic line, as in the case of a commercial consumer who needs a one (1) inch line for normal use and six (6) inch line or larger for a sprinkler system, he or she will be permitted to run one line into the premise and 'Y' off into two lines at the building. When this is done, the meter will be attached to the small or domestic line and a check valve as well as one (1) inch detection meter shall be put on the larger line.
 3. The City shall maintain and repair all meters when rendered unserviceable through ordinary wear and tear and shall replace them if necessary. When replacement, repair or adjustment of any meter is rendered by the act, neglect (including damage from freezing or hot water backup) or carelessness of the owner or occupant of the premises, any meter replacement and other expense caused the City thereby shall be charged and collected from the water consumer.
 4. A consumer may, by written request, have his or her meter tested by depositing the amount for testing established pursuant to the Fee Schedule. In case a test should show an error of over 5% of the water consumed, a correctly registering meter will be installed and the bill adjusted accordingly.
 5. All water meters and remote readers shall be and remain the property of the City.
 6. Authorized City employees shall have free access at reasonable hours for the day to all parts of every building and premises connected with the water system for reading of meters and inspections.
 7. It shall be the responsibility of the consumer to notify the City to request a final reading at the time of the consumer's bill change (moving).

- B. **Water meter setting:** All water meters hereafter installed shall be in accordance with the Minnesota Plumbing Code and any standards established by resolution by the City Council.

Chapter 20. **Water Unit:** A water unit (hereinafter called unit) shall be one residential equivalent connection based on usage of one gallon per unit.

Chapter 21. **Rates, Fees and Charges Generally:** The City Council shall establish a schedule of all water rates, fees and charges for permits or services by ordinance or separate fee schedule. The ordinance or fee schedule may be amended from time to time.

Chapter 22. **Water Service Billing: Change of Address:** All bills and notices shall be mailed or delivered to the address where the service is provided. If non-resident owners or agents desire personal notice sent to a different address, they shall so note on the water service application or notify the City Clerk by mail or phone. Any change or error in address shall be promptly reported to the City Clerk.

Chapter 23. **Water Rates:**

- A. The rate due and payable by each user within the City for water taken from the water system shall be established pursuant to the City's Fee Schedule.
- B. In case the meter is found to have stopped, or to be operating in a faulty manner, the amount of water used will be estimated in accordance with the amount used previously in comparable periods of the year.
- C. Rates due and payable by each water user located beyond the territorial boundaries of the City shall be determined by special contract.
- D. The minimum rates established pursuant to the City's Fee Schedule shall begin after connection of the service with the curb stop box.
- E. A meter shall be installed on the water valve in the house and a remote register outside regardless of whether inside piping is connected.
- F. In the event a water consumer elects to discontinue the use of municipal water, the regular or minimum charge shall continue until the date as service is disconnected at the curb stop box.
- G. **Transfers of service:** Consumers moving out or into a home/building must notify the City Clerk of the transfer of service, mail address and the last meter reading. New owners are to call in their first meter reading as to verify the clerk has the correct meter starting number and contact information. Landlords must notify the City Clerk of new tenant information and meter readings. Date of actual transfer is of service is needed (move in/out dates).

Chapter 24. **Payment of Charges; Late Payment; Collection:**

- A. Any prepayment or overpayment of charges may be retained by the City and applied on subsequent monthly charges.
- B. If a monthly charge is not paid when due, a penalty of 10% shall be added thereto. A fee of \$ _____ per missed reading will be charged to services who neglect to send in monthly meter readings.
- C. In the event the user fails to pay his or her water user fee within a reasonable time following discontinuance of service (a time period not to exceed 90 days) the fee shall be certified yearly by the City Clerk and assessed against the property on which charges have incurred, and forwarded to the County Auditor for collection.

ADMINISTRATION AND ENFORCEMENT

Chapter 25. Supervision by Utilities Superintendent; Licensing.

- A. All piping connections from the curb stop box to house supply piping shall be made under the supervision of a licensed plumber or City approved plumber subject to inspection by the City Water Operator/Supervisor. The water meter installation shall be installed, inspected and tested by the City Water Operator/Supervisor or City approved plumber and the meter sealed by the City Water Operator/Supervisor.
- C. No person, firm or corporation shall engage in the business of altering, repairing, installing or constructing municipal water connections with the City without first obtaining a license to carry on the occupation form of the City. A master plumber licensed by the state under provisions of M.S. 326.40, as it may be amended from time to time, is exempt from the provision of this section.
 - 1. The applicant shall file with the City Clerk evidence of public liability insurance, including products liability insurance with limits of at least \$50,000 per person and \$100,000 per occurrence and property damage insurance with limits of at least \$10,000. Evidence of insurance required pursuant to M.S. 326.40, Subd. 2 as it may be amended from time to time, shall satisfy this requirement.
 - 2. The applicant shall file with the City Clerk a surety bond guaranteeing the conformance and compliance of work with this chapter. The bond shall be in the amount of \$2,000. The City shall hold the bond for one year following the license period. Failure to comply with provisions and requirements of this chapter shall result in forfeiture of the bond. The applicant may comply with the requirements of M.S. 326.40, Subd. 2 as it may be amended from time to time in lieu of these requirements.
 - 3. Applications for licenses shall be filed with the City Clerk and shall be reviewed and subject to approval by the City Council.

4. Any installation, construction, alteration of a water connection by a license in violation of any provision of this chapter or refusal on the part of licensee to correct the defective work shall be cause for revocation of or refusal to renew the license. This license may be revoked or refused for renewal by the City at any time for cause which shall be documented in writing.
- C. All licenses required in this chapter shall be renewable annually. Applications for license shall be made annually on a form furnished by the City Clerk. Licenses shall be in effect from January 1 to December 31 of the same year. The license fee shall be established by the City Council.
 - D. Before any license issued under the provisions of this chapter may be revoked or its renewal refused, the license shall be given a hearing by the City Council to show cause why the license should not be revoked or refused. Notice of the time, place and purpose of the hearing shall be writing.

Chapter 26. **Powers and Authority of Inspectors:** City Water Operator/Superintendent and other duly authorized employees of the City, upon proper identification, shall be permitted to enter upon all properties for the purpose of inspections, observation and testing in accordance with the provisions of this chapter.

Chapter 27. **Discontinuance of Service:**

A. **Generally: Water service may be shut off at any connection whenever:**

1. The owner or occupant of the premises served or any person working on any pipes or equipment thereon which are connected with the water system is violated, or threatens to violate, any provision of this chapter.
2. Any charge for water, service, meter or any other financial obligations imposed on the present or former owner or occupant served is unpaid after six (6) months of sending delinquent fees to Pine County for collection.
3. Fraud or misrepresentation by the owner or occupant of the premises served in connection with an application for service, including services provided under this chapter.

B. **Disconnection for Late Payment:**

1. It is the policy of the City to discontinue utility service to customers by reason of nonpayment of bills only after notice and meaningful opportunity to be heard on the disputed bill. The City's form of application for utility service and all bills shall contain, in addition to the title, address and telephone number of the official in charge of billing, clearly visible and easily readable provisions to the effect;

- A. That all bills are due and payable on or before the date set forth on the bill.
 - B. That if any bill is not paid by or before that date, the balance will carry over onto the next regular billing date giving the customer notice of a balance pending. If the bill, including all new charges, is not paid within a six (6) month period, the customer will be notified in writing of the possibility of discontinuing service for non-payment and that any unpaid balances will be sent to Pine County for collection on November 1 of each year. The City Council will make this determination based on the history and severity of the circumstances. 50% of the unpaid balance must be paid by the end of the six (6) month billing month to prevent shut off procedures.
 - C. Any customer disputing the correctness of their bill shall have the right to a hearing at which he or she may be represented in person or by counsel or any other person of his or her choosing and may present orally or in writing, his or her complaint and contentions to the city official in charge of utility billing. This official shall be authorized to order that the customer's service not be discontinued and shall have the authority to make a final determination of the customer's complaint.
- 2. Request for delays or waiver of payment will not be entertained; only questions of proper and correct billing will be considered. In the absence of payment of the bill rendered or resort to the hearing procedure provided herein, service will be discontinued at the time specified, but in no event until the charges have been due and unpaid for at least three (3) months.
 - 3. When it becomes necessary for the City to discontinue utility service to a customer for nonpayment of bills, service will be reinstated only after all bills for service then due have been paid, along with a turn-off and turn-on fee as established by the City Council fee resolution and schedule.
- C. **Cold weather rule:** Pursuant to M.S. 216B.097, as it may be amended from time to time, no service of a residential customer shall be disconnected if the disconnection affects the primary heat source for the residential unit, when the disconnection would occur during the period between October 15 and April 15, the customer has declared inability to pay on forms provided by the City, the household income of the customer is less than 185% of the federal poverty level as documented by the customer to the City, and the customer's account is current for the billing period immediately prior to August 15 or the customer has entered into a payment schedule and is reasonably current with payments under the schedule. The City Clerk shall, between August 15 and October 15 of each year, notify all residential customers of these provisions.

Chapter 28. **Authorized Employees to Turn Water On and Off:** No person, except an authorized city employee, shall turn on and off any water supply at the curb stop box.

Chapter 29. **Liability for Expense, Loss or Damage:** Any person violating any of the provisions of this chapter shall become liable to the City for any expense, loss or damage occasioned by the City by reason of the violation.

Chapter 30. **Fees:** Any and all fees and charges pursuant to this Ordinance shall be set by the City Council in a separate Fee Schedule. Said Fee Schedule may be modified from time to time.

AMENDMENT: September 5, 2006

The City of Willow River does hereby establish rates and fees associated with the operation and use of the municipal water and sewer system. The provisions are:

Vacant Homes:

Upon approval from the City Council of the City of Willow River: Any property/home/building that can be established as 100% vacant, is without power, is not connected to the City water or sewer, or private well systems and has been inspected as such by a city designated authority, will not be charged sewer and water rates or usage fees, as specified in the City sewer and water rates schedule.

The owner of said property/home/building must notify and reapply for hook up permits from the City Council before installing or reestablishing a connection to the City's municipal sewer and water system.

Approved September 5, 2006

AMENDMENT: March 5, 2012

The City of Willow River does hereby establish rates and fees associated with the operation and use of the municipal sewer system. The provisions are:

Customers:

Base rates for all users will be billed monthly at a rate of \$8.50.

A 'Debt Relief' fee of \$10.00 will be added to the base rate per month, per user, beginning May 1, 2012. This debt relief fee will be reviewed in March of each year for renewal or change.

A .002 cent fee will be added to the sewer usage fee of .004 cents making a total of .006 cents per gallon used and deposited into the sewer system to be based on monthly meter readings.

Approved March 5, 2012.

ORDINANCE NO. 78

TOPIC: **OHM/ATV Ordinance**

STATUS: **Valid** Passed August 6, 2001

DESCRIPTION:

The City Council of the City of Willow River does hereby ordain:

Section 1. The following words and phrases, when used in this ordinance, have the meanings as set out therein:

- A. **OHM** (off-Highway Motorcycle) means any motorized vehicle having a seat for the use of the rider and designed to travel on not more than two wheels on contact with the ground, including dirt bikes, bicycles with motors attached, and scooters.
- B. **ATV** (All-Terrain Vehicle) meaning a motorized flotation-tire vehicle of not less than 3 low-pressure tires, but not more than six (6) tires, that is limited in engine displacement of less than 800 cubic centimeters, and total dry weight less than 700 pounds.
- C. **Operate** means to ride in or on and control the operation of the OHM and/or ATV.
- D. **Operator** means every person who operates or is in actual physical control of an OHM and/or ATV.
- E. **Owner** means a person, other than a person with a security interest, having a property interest in or title to an OHM and/or ATV, and entitled to the use and possession of the vehicle.
- F. **Register** means the act of assigning a registration number to an OHM and/or ATV.
- G. **Boulevard** means that area of the public roadway lying between the sidewalk and that portion of the right-of-way of any roadway used for motor vehicle traffic.

Section 2. It shall be unlawful for any person to operate an OHM or ATV within the boundaries of the City of Willow River, except as herein permitted:

- A. On a roadway, if such operator has a valid standard driver's license, or driver's license with a two wheeled endorsement as provided by law, or a special motorcycle permit as issued by the Commissioner of Public Safety.
- B. On private property of another with the express permission to do so by the owner or said occupant of the property.

Section 3. It is unlawful for any person to operate an OHM or ATV under the following circumstances:

- A. On private property of another without express permission to do so by the owner or occupant of said property.
- B. On public school grounds, park property, playgrounds, winter recreational areas, cemetery, or any other public places, except where posted trails exist, unless the operator has the express permission by the proper public authority.
- C. No OHM and/or ATV shall be operated on public sidewalks or boulevards.
- D. Operate an OHM and/or ATV at any place, while under the influence of alcohol or drugs as defined in Minnesota Statutes Section 169.121, which hereby incorporated herein by reference.
- E. Operate or park an OHM and/or ATV in a careless, reckless, or negligent manner, or heedlessly in disregard of the rights or safety of others, or in a manner so as to endanger, or be likely to cause injury or damages to any person or property.
- F. Operate an OHM and/or ATV in a manner or location so as to create loud, unnecessary or unusual noise so as to disturb or interfere with the peace and quiet of other persons.
- G. Unless the OHM and/or ATV have been registered as provided by law.
- H. Operate an OHM and/or ATV with more persons than it was designed for.
- I. Operate an OHM and/or ATV under the age of 18 years without an approved safety helmet.
- J. Perform any stunts, acrobatics, racing, or games of any sort, while operating an OHM and/or ATV.
- K. No OHM and/or ATV shall enter any intersection without yielding the right-of-way to any vehicles or pedestrians at the intersection, or so close to the intersection as to constitute an immediate hazard.

Section 4. No person shall operate an OHM and/or ATV in violation of the age requirements established by Minnesota State Statutes. It is unlawful for the owner of an OHM and/or ATV to permit the OHM and/or ATV to be operated contrary to the provisions of this section.

Section 5. Parents or Guardians shall be held responsible for all damages or wrongful acts conducted by a minor operating an OHM and/or ATV within the City of Willow River.

Section 6. If any provisions of this ordinance shall be adjudged or deemed void or no effect, for any reason whatsoever, such decision shall not affect the validity of any of the provisions of this ordinance.

Section 7. Any person in violation of this ordinance shall be guilty of a misdemeanor.

Section 8. This ordinance shall take effect and be in force from and after its passage, approval and publication.

ORDINANCE NO. 79

TOPIC: **Annexation: Declaring Real Property**

STATUS: **Valid** Passed October 25, 2001

DESCRIPTION:

The City Council of the City of Willow River ordains:

Section 1. The following tracts of land located in Section One (1), Township Forty-Four (44), Range Twenty (20), Pine County, Minnesota, consisting of 60 acres or less and described as follows:

The South 484.00 feet of the East 450.00 feet of the East Half of the East Half of the Northwest Quarter of Section 1, Township 44, Range 20, Pine County, Minnesota.

All that part of the West Half of the West Half of the Northwest Quarter (W $\frac{1}{2}$ of W $\frac{1}{2}$ of NE $\frac{1}{4}$) of Section One (1), Township Forty-Four (44), Range Twenty (20), Pine County, Minnesota, lying southerly of the center line of the Willow River.

The East Half of East Half of Northwest Quarter (E $\frac{1}{2}$ of E $\frac{1}{2}$ of NW $\frac{1}{4}$) of Section One (1), Township Forty-Four (44), Range Twenty (20).

Section 2. The PROPERTY is not presently served by public sewer facilities or public sewer facilities are not otherwise available.

Section 3. All of the record fee owners of the PROPERTY have signed and delivered a petition to the City Clerk of the City of Willow River, Minnesota, asking that the PROPERTY be annexed to the City of Willow River, Minnesota.

Section 4. Minn. Stat. 414.033, Subd. 2(3) allows a municipality by ordinance to declare land annexed to it provided the requirements set forth in that Section are met.

All of the requirements set forth in that statute have been met with respect to the PROPERTY.

The PROPERTY is declared annexed to the City of Willow River, Minnesota.

Section 5. Effective Date: – This ordinance shall be effective upon its passage and publication.

ORDINANCE NO. 80

TOPIC: **Regulating Structures in Flood Plain Areas**

STATUS: **Valid** Passed June 17, 2002

DESCRIPTION:

WHEREAS, the City of Willow River is undertaking a project involving a water treatment system. There is a certain letter of conditions from Rural Development of the United States Department of Agriculture, which is the funding agency, which contains certain conditions. This Letter of Conditions is dated August 2, 1999. Among other things, this letter addresses certain environmental concerns and requires the City of Willow River to prohibit new structures being constructed or placed in certain flood plain areas within the City of Willow River.

THEREFORE, the City of Willow River does hereby ordain as follows:

Prior to the construction or placement of any structure in the floor plain area in the City of Willow River, said structure as being defined in the City of Willow River's Zoning Ordinance, the zoning administrator shall make such inquiry as reasonably necessary in order to make certain that the construction or placement of such structure would not violate the Letter of Conditions of Rural Development dated August 2, 1999. No permit shall be issued for any structure which would violate the letter of conditions. The zoning administrator may wish to consult with the Department of Fish and Wildlife or seek such other professional advice as may be useful to the zoning administrator in ascertaining whether any given permit application for a structure may in violation of.

This Ordinance was duly and properly adopted at a meeting of the Willow River City Council on June 17, 2002.

ORDINANCE NO. 81

TOPIC: **Granting Aquila, Inc. Franchise**

STATUS: **Valid** Passed November 3, 2003

DESCRIPTION:

Be it ordained by the City Council of the City of Willow River, Minnesota as follows:

Section 1: **Franchise Granted:** The City of Willow River, Minnesota (hereinafter referred to as "Grantor") hereby grants a non-exclusive franchise to Aquila, Inc., d/b/a Aquila Networks, a Delaware corporation, (hereinafter called "Grantee"), its lessees, successors and assigns. Grantee is hereby granted the right, privilege, franchise, permission and authority to lay, construct, install, maintain, operate and extend in, along, over or across the present and future streets, alleys, avenues, bridges, public right-of-way and public places as are now within present or future limits of said Grantor, a natural gas distribution system and all facilities necessary for the purpose of supplying natural gas or processed gas for all purposes to the inhabitants of said Grantor to points beyond the limits thereof. Such facilities shall include, but not be limited to, all mains, services, pipes, conduits and appliances necessary or convenient for transmitting, transporting, distributing and supplying natural gas for all purposes for which it may be used, and to do all other things necessary and proper in providing natural gas service to the inhabitants of Grantor and in carrying on such business.

Section 2: **Term:** The rights and privileges granted by this Ordinance shall remain in effect for a period of 25 years from the effective date of this Ordinance.

Section 3: **Governing Rules and Regulations:** This Ordinance is granted subject to all conditions, limitations and immunities now provided for, or as hereafter amended, and applicable to the operations of a public utility, by State and Federal law. The rates to be charged by Grantee for service within the present and future corporate limits of Grantor and the rules and regulations regarding the character, quality and standards of service to be furnished by Grantee shall be under the jurisdiction and control of such regulatory body or bodies as may, from time to time, be vested by law with authority and jurisdiction over the rates, regulations and quality and standards of service to be supplied by Grantee. Provided however, should any judicial, regulatory or legislative body, having proper jurisdiction, take any action that precludes from recovering from its customers any cost associated with services provided hereunder, then Grantee and Grantor shall renegotiate the terms of this Ordinance in accordance with the action taken, so as to allow Grantee to be made whole economically. In determining the rights and duties of the Grantee, the terms of this franchise Ordinance shall take precedence over conflicting terms or requirements contained in any other Ordinance enacted by the Grantor.

If an energy supplier is unable to furnish an adequate supply of energy due to an emergency, an order or decision of a public regulatory body, or other acts beyond the control of the Grantee, then the Grantee shall have the right and authority to adopt reasonable rules and regulations limiting, curtailing or allocating extensions of service or supply of energy to any customers or prospective customers, and withholding the supply of energy to new customers, provided that such rules and regulations shall be uniform as applied to each class of customers or prospective customers, and shall be non-discriminatory as between communities receiving service from the Grantee.

Section 4: **Construction and Maintenance of Company Facilities:** Any pavements, sidewalks or curbing taken up and any and all excavations made shall be done in such manner as to cause only such inconvenience to the inhabitants of Grantor and to the general public as

is reasonably necessary; and repairs and replacements shall be made promptly by Grantee, leaving such properties in as good as condition as existed immediately prior to excavation.

Grantee agrees that for the term of this grant, it will use its best efforts to maintain facilities and equipment sufficient to meet the current and future energy requirements of Grantor, its inhabitants and industries. While maintaining its facilities and equipment, Grantee shall obtain permits as required by ordinance, except that in emergency situations, Grantee shall take immediate unilateral actions as it determines are necessary to protect the public health, safety, and welfare; in which case, Grantee shall notify Grantor as soon as reasonably possible.

Grantor will give Grantee reasonable notice of plans for street improvements where paving or resurfacing of a permanent nature is involved that affect Grantee's facilities. The notice shall contain the nature and character of the improvements, the rights-of-way upon which the improvements are to be made, the extent of the improvements and the time when the Grantor will start the work, and, if more than one right-of-way is involved, the order in which this work is to proceed. The notice shall be given to the Grantee a sufficient length of time, considering reasonable working conditions, in advance of the actual commencement of the work to permit the Grantee to make any additions, alterations or repairs to its facilities.

Section 5: **Extension of Company Facilities:** Upon receipt and acceptance of a valid application for service, Grantee shall, subject to its own economic feasibility criteria, make reasonable extensions of its distribution facilities to serve customers located within the current or future corporate limits of Grantor.

Section 6: **Relocation of Company Facilities:** If Grantor elects to change the grade of or otherwise alter street, alley, avenue, bridge, public right-of-way or public place for a public purpose, Grantee, upon reasonable notice from Grantor, shall remove and relocate its facilities or equipment situated in the public rights-of-way, if such removal is necessary to prevent interference and not merely for the convenience of the Grantor, at the cost and expense of the Grantee. If Grantor orders or requests Grantee to relocate its facilities or equipment for the primary benefit of a commercial or private project, or as a result of the initial request of a commercial or private developer or other non-public entity, and such removal is necessary to prevent interference and not merely for the convenience of the Grantor or other right-of-way user, Grantee shall receive payment for the cost of such relocation as a precondition to relocating its facilities or equipment. Grantor shall consider reasonable alternatives in designing its public works projects so as not arbitrarily to cause Grantee unreasonable additional expense in exercising its authority under this section. Grantor shall also provide a reasonable alternative location for Grantee's facilities. Grantor shall give Grantee written notice of vacating of a public right-of-way. Vacating of a public right-of-way shall not deprive the Grantee of its right to operate and maintain existing facilities, until the reasonable cost of relocating the same are first paid to the Grantee.

Section 7: **Confidential Information:** Grantor acknowledges that certain information it might request pursuant to this franchise may be of a proprietary and confidential nature. If Grantee requests that any information provided by Grantee to Grantor be kept confidential

due to such proprietary or commercial value, Grantor and its employees, agents and representatives shall maintain the confidentiality of that information, to the extent allowed by law. If Grantor is requested or required by legal or administrative process to disclose any such confidential information, Grantor shall promptly notify Grantee of such request or requirement so that Grantee may seek an appropriate protective order or other relief. Grantor shall use all reasonable efforts to ensure that the confidentiality of Grantee's confidential information is maintained.

Section 8: **Force Majeure:** It shall not be a breach or default under this franchise if either party fails to perform its obligations hereunder due to Force Majeure. Force Majeure shall include, but not be limited to, the following: (1) physical events such as acts of God, landslides, lightning, earthquakes, fires, freezing, storms, floods, washouts, explosions, breakage or accident or necessity of repairs to machinery, equipment or distribution or transmission lines; (2) acts of others such as strikes, work-force stoppages, riots, sabotage, insurrections or wars; (3) governmental actions such as necessity for compliance with any court order, law, statute, ordinance, executive order, or regulation promulgated by a governmental authority having jurisdiction; and any other causes, whether of the kind herein enumerated or otherwise not reasonably within the control of the affected party to prevent or overcome. Each party shall make reasonable efforts to avoid Force Majeure and to resolve such event as promptly as reasonably possible once it occurs in order to resume performance; provided, however, that this provision shall not obligate a party to settle any labor strike.

Section 9: **Hold Harmless:** Grantee, during the term of this Ordinance, agrees to save harmless Grantor from and against all claims, demands, losses and expenses arising directly out of the negligence of Grantee, its employees or agents, in the constructing, operating and maintaining of distribution and transmission facilities or appliances of Grantee; provided, however, that Grantee need not save harmless Grantor from claims, demands, losses and expenses arising out of the negligence of Grantor, its employees or agents.

Section 10: **Severability:** If any clause, sentence or section of this Ordinance is deemed invalid by any judicial, regulatory or legislative body having proper jurisdiction, the remaining provisions shall not be affected.

Section 11: **Non Waiver:** Any waiver of any obligation or default under this franchise shall not be construed as a waiver of any future defaults, whether of like or different character.

Section 12: **Repeal Conflicting Ordinances:** This Ordinance, when accepted by the Grantee as provided below, shall constitute the entire agreement between the Grantor and the Grantee relating to this franchise and the same shall supersede all prior ordinances pertaining to this franchise agreement, and any terms and conditions of such prior ordinances or parts of ordinances in conflict herewith are hereby repealed.

Section 13: **Effect and Interpretation of Ordinance:** The captions which precede each section of this ordinance are for convenience in reference only and shall not be taken into consideration in the interpretation of any of the provisions of this ordinance.

Section 14: **Effective Date and Acceptance:** This Ordinance shall become effective and be a binding contract between Grantor and Grantee, upon its final passage and approval by Grantor,

in accordance with applicable laws and regulations, and upon acceptance by the Grantee by written instrument within sixty (60) days of passage by the governing body, and filed with the City Clerk of Willow River, Minnesota. The City Clerk shall sign and affix the community seal to acknowledge receipt of such acceptance, and return one copy to Grantee. If Grantee does not, within sixty (60) days following the passage of this Ordinance express in writing its objections to any terms or provisions contained therein, or reject this ordinance in its entirety, Grantee shall be deemed to have accepted this ordinance and all of its terms and conditions.

Passed and approved by the City Council of Willow River, Minnesota on this 3rd day of November, 2004.

ORDINANCE NO. 82

TOPIC: **Animals**

STATUS: **Valid** Passed March 1, 2004; Amended June 5, 2007

DESCRIPTION:

Section I: **Definitions:** As used in this Chapter, unless the context otherwise indicates, the following words shall be defined to mean:

Subd. 1 **Animal.** "Animal" shall mean any mammal, reptile, amphibian, fish, bird (including all fowl and poultry) or other members commonly accepted as part of the animal kingdom. Animals shall be classified as follows:

A. **Domestic.** "Domestic Animals" shall mean those animals commonly accepted as domesticated household pets. Unless otherwise defined, such animals shall include dogs, cats, caged birds, gerbils, hamsters, guinea pigs, domesticated rabbits, fish non-poisonous, non-venomous and non-constricting reptiles or amphibians or other similar animals.

B. **Non-Domestic.** "Non-Domestic Animals" shall mean those animals commonly considered to be naturally wild and not naturally trained or domesticated, or which are commonly considered to be inherently dangerous to the health, safety and welfare of people. Unless otherwise defined, these animals shall include:

1. Any member of the large cat family (family felidae) including lions, cougars, bobcats, leopards and jaguars,

but excluding commonly accepted domesticated house cats.

2. Any naturally wild member of the canine family (family canidae) including wolves, foxes, coyotes, dingoes and jackals, but excluding commonly accepted domesticated dogs.
3. Any crossbreeds such as the crossbreed between a wolf and a dog, unless the crossbreed is commonly accepted as a domesticated house pet.
4. Any member or relative of the rodent family including any skunk (whether or not de-scented), raccoons, squirrels or ferrets, but excluding those members otherwise defined or commonly accepted as domesticated pets.
5. Any poisonous, venomous, constricting or inherently dangerous member of the reptile or amphibian families including rattlesnakes, boa constrictors, pit vipers, crocodiles and alligators.
6. Any other animal that is not explicitly listed above but which can be reasonably defined by the terms of this subpart, including but limited to bears, deer, monkeys and game fish.

C. **Farm.** "Farm Animals" shall mean those animals commonly associated with a farm or performing work in an agricultural setting. Unless otherwise defined, such animals shall include members of the equestrian family (horses, mules), bovine family (cows, bulls, llamas, sheep, goats), fowl (ducks, geese, ostrich), swine (including pot-bellied pigs), insects (to mean bees) and other animals associated with a farm, ranch or stable.

Subd. 2 **Cat.** "Cat" shall be intended to mean both male and female of the felidae species commonly accepted as domesticated pets.

Subd. 3 **Dog.** "Dog" shall be intended to mean both male and female of the canine species commonly accepted as domesticated pets and other domesticated pets, and other domesticated animals of a dog kind.

Subd. 4 **Owner.** "Owner" shall be intended to mean any person or persons, firm, association or corporation owning, keeping or harboring an animal.

Subd. 5 **At Large.** "At Large" shall be intended to mean off the premises of the owner and not under the custody and control of the owner or other person, either by leash, cord, chain or otherwise restrained or confined.

Section II: **Running At Large**

Subd. 1. **Running at Large Prohibited**

- A. It shall be unlawful for any domesticated animal (household pets such as dogs, including cats) of any person who owns, harbors or keeps a domesticated animal, or the parents or the guardians of any such person under 18 years of age, to run at large. Domesticated animals on a leash or in a pet carry cage and accompanied by a responsible person or accompanied by and under the control and direction of a responsible person so as to be effectively restrained by command, as by leash or carry cage, shall be permitted in streets or on public land unless the City has posted an area with signs reading "Domesticated Animals Prohibited".
- B. Any animal running at large is hereby declared a public nuisance. Any City resident may call the authorities to file a nuisance report. Nuisance reports may be called in to the City or if necessary, to the local police department. Any police officer or city appointed official may impound any dog or other animal found running at large. When the City is notified, owners (if known) of such dog, cat or other animal running at large shall be notified by the City, if possible, and the owner shall be given time to claim said animal.

Subd. 2. **Biting Animals**

- A. The victim of an animal bite should notify County/State authorities. Any animal that has not been inoculated by a live modified rabies vaccine and which has bitten any person, wherein the skin has been punctured or the services of a doctor are required, shall be confined by a local pound or veterinary hospital, at the County/State and/or City's choosing, for a period of not less than ten (10) days, at the expense of the owner. The animal may be released at the end of such time if healthy and free of symptoms of rabies and by the payment of all costs by the owner. However, if the owner of the animal shall elect immediately upon receipt of notice of need for such confinement by the County/State or City's officer to voluntarily and immediately confine the animal for the require period of time in a veterinary hospital of the owner's choosing, not outside of the Country in which the city is located, and provide immediate proof of such confinement in such manner as may be required, the owner may do so. If, however, the animal has been inoculated with a live modified rabies vaccine and the owner has proof of the vaccination by a certificate from a licensed veterinarian, the owner may confine the dog or other animal to the owner's property. Reclaiming from a pound or veterinarian hospital, after all threat of illness has been resolved, will be of the owner's responsibility. Unclaimed animals are subject to the laws and expiration times established by said pound or veterinarian hospital and may be subject to sale or destroyed.

Section III: **Vaccinations**

- A. All dogs and cats kept harbored, maintained or transported within the City shall be vaccinated at least once every three years by a licensed veterinarian for:
 - 1. Rabies – with a live modified vaccine; and
 - 2. Distemper

- B. A certificate of vaccination must be kept, on which is stated the date of vaccination, owner's name and address, the animal's name (if applicable), sex, description and weight, the type of vaccination and the veterinarian's signature. Upon demand made by the Clerk – Treasurer or a police officer, the owner shall present for examination, the required certificate(s) of vaccination for the animal(s). In cases where certificate are not presented, the owner or keeper of the animal(s) shall have seven (7) days in which to present the certificate(s). Failure to do so shall be deemed a violation of this section.

Section IV: **Non-Domestic Animals:** It shall be illegal for any person to own, possess, harbor or offer for sale, any non-domestic animal within the City limits. Any owner of such an animal at the time of adoption of this Code shall have thirty days in which to remove the animal from the City – after which time, the City may impound the animal as provided for in this Section. An exception shall be made to this prohibition for animals specifically trained for and actually providing assistance to the handicapped or disabled, and for those animals brought into the City as part of an operation zoo, veterinarian clinic, scientific research laboratory or a licensed show or exhibit.

Section V: **Farm Animals:** Farm animals shall be kept in an agricultural district of the City, or on a residential lot of at least ten (10) acres in size provided that no animal shelter shall be within three hundred (300) feet of an adjoining piece of property. An exception shall be made to this Section for those animals brought to the City as part of an operation zoo, veterinarian clinic, scientific research laboratory or a licensed show or exhibit.

Section VI: **Kennels:**

- Subd. 1. **Definition of Kennel.** The keeping of more than three (3) dogs, cats or other animals on the same premises, whether owned by the same person or not and for whatever purpose kept, shall constitute a “kennel”; except that a fresh litter of pups/kittens, etc... may be kept for a period of three (3) months before such keeping shall be deemed to be a “kennel”.

- Subd. 2 **Kennel as a Nuisance.** Because the keeping of three (3) or more animals on the same premises is subject to great abuse, causing discomfort to persons in the area by way of smell, noise, hazard and general aesthetic depreciation, the keeping of more than three (3) animals is hereby declared to be nuisance and no person shall keep a kennel within the City.

Section VII: **Nuisances**

- Subd. 1. **Habitual Noise.** It shall be unlawful for any person to keep or harbor an animal that habitually cries, howls, barks or creates loud and/or annoying noises. Habitual noise shall be defined as noise that is repeated intervals of at least three (3) minutes, with one (1) minute of interruption. Such noises must also be audible off of the owner's or caretaker's premises.
- Subd. 2. **Damage to Property.** It shall be unlawful for any owner's dog or other animal to damage any lawn, garden, belongings or other property, whether or not the owner has knowledge of said event. Damage to property should be reported to the local police department.
- Subd. 3. **Cleaning up Litter.** The owner of any animal or person having the custody or control of any animal shall be responsible for cleaning up any feces of the animal and disposing of such feces in a sanitary manner, whether on their own property, on the property of others or on public property. Any violation of this subdivision will be reported to the local health officials and the owner may be fined at a rate to be determined by the City based on the severity of the violation.

Section VIII: **Animals Presenting Danger to Health and Safety of City:**

- Subd. 1. If, in the reasonable belief of any person or police officer, an animal presents an immediate danger to the health and safety of any person, or the animal is threatening imminent harm to any person, or the animal is in the process of attacking any person, the police officer may destroy the animal in a proper and humane manner. Otherwise the person or officer may apprehend the animal and deliver it to the pound for confinement. If the animal is destroyed, a fee to dispose of the animal is payable by the owner to the City. If the animal is found not to be a danger to the health and safety of the City, it may be released to the owner or keeper in accordance with this ordinance.
- Subd. 2. No person shall keep or allow to be kept on her or his premises, or on the premises occupied by them, nor permit to run at large in the City, any animal that is diseased so as to be a danger to the health and safety of the City. Any animal may be apprehended and confined by any person or police officer. Reports of diseased animals will be reported to local health and safety officials for a possible veterinarian exam and if necessary, be put down and disposed of, all at the cost of the owner, payable to the City. If the animal is found to be free of disease, the animal will be returned to the owner free of charge.

Section VI: **Dangerous Animals**

- Subd. 1. **Attack by an animal.** It shall be unlawful for any person's animal to inflict or attempt to inflict bodily injury to any person or other animal whether or not the owner is present. This section shall not apply to an attack by a

dog under the control of an on-duty law enforcement officer or to an attack upon an uninvited intruder who has entered the owner's home with criminal intent.

Subd. 2. **Destruction of a dangerous animal.** The police officer or official designated by the City shall have the authority to order the destruction of a dangerous animal in accordance with the terms established by this ordinance.

Subd. 3. **Definitions:**

1. A dangerous animal is an animal that has:
 - A. Caused bodily injury or disfigurement to any person on public or private property or;
 - B. Engaged in any attack on any person under circumstances which would indicate danger to personal safety, or;
 - C. Exhibited unusually aggressive behavior, such as an attack on another animal, or;
 - D. Bitten one or more persons on two (2) or more occasions, or;
 - E. Been found to be potentially dangerous and/or the owner has personal knowledge of the same, the animal aggressively bites, attacks, or endangers the safety of humans or domestic animals.
2. A potentially dangerous animal is an animal that has:
 - A. Bitten a human or a domestic animal on public or private property, or;
 - B. When unprovoked, chased or approached a person upon the streets, sidewalks or any public property in an apparent attitude of attack, or;
 - C. Has engaged in unprovoked attacks causing injury or otherwise threatening the safety of humans or domestic animals.
3. **Proper enclosure.** Proper enclosure means securely confined indoors or in a securely locked pen or structure suitable to prevent the animal from escaping and to provide protection for the animal from the elements. A proper enclosure does not include a porch, patio or any part of a house, garage or other

structure that would allow the animal to exit of its own volition, or any house or structure in which windows are open or in which doors or window screens are the only barriers which prevent the animal from exiting. The enclosure shall not allow the egress of the animal in any manner without human assistance. A pen or structure shall be built as to house said animal in a humane and healthy environment and to adhere to any building permits or city zoning ordinance regulations.

4. **Unprovoked.** Unprovoked shall mean the condition in which the animal is not purposely excited, stimulated, agitated or disturbed.

Subd. 4. **Designation as potentially dangerous animal.** The local police, court system or city designated officer shall designate any animal as a potentially dangerous animal upon receiving such evidence that such potentially dangerous animal has, when unprovoked, then bitten, attacked or threatened the safety of a person or a domestic animal as stated in this ordinance. When an animal is declared potentially dangerous, the authority shall cause one owner of the potentially dangerous animal to be notified in writing that such animal is potentially dangerous.

Evidence justifying designation. Designation of a dangerous animal will be based on:

- A. That the animal has, when unprovoked, bitten, attacked or threatened the safety of a person or domestic animal.
- B. That the animal had been declared potentially dangerous and such animal then bit, attacked or threatened the safety of a person or domestic animal.

Subd. 5. **Dangerous Animal Requirements.** In the event that the animal was designated as dangerous but has not been designated for destruction by the City or court system, the City may, as an alternative, order any or all the following:

1. That the owner provides and maintains a proper enclosure for the dangerous animal as specified in this ordinance.
2. Post the front and the rear of the premises with clearly visible warning signs, including a warning symbol to inform children that there is a dangerous animal on the property, as specified in MN Stat. 347.51.
3. Provide and show proof annually of public liability insurance.
4. If the animal is a dog and is outside the property enclosure, the dog must be muzzled and restrained by a substantial chain or

leash (not to exceed 6 feet in length) and under the physical restraint of a person 16 years of age or older. The muzzle must be of such design as to prevent the dog from biting any person or animal, but will not cause injury to the dog or interfere with its vision or respiration.

5. If the animal is a dog, it must have an easily identifiable tag the dog as dangerous affixed to its collar at all times as specified in MN Stat. 347.51.
6. All animals deemed dangerous shall be registered with the County in which this city is located within 14 days after the date the animal was so deemed and provide satisfactory thereof to the City.
7. The animal licensed with the County and up to date on rabies and distemper vaccination.

Subd. 6. **Seizure.** Pine County Sheriff's Department or city designated officer shall immediately seize any dangerous animal if the owner does not meet each of the above requirements within 14 days after the date notice is sent to the owner that the animal is dangerous.

Subd. 7. **Subsequent Offenses.** If an owner of an animal has subsequently violated the provisions under this section with the same animal, authorities must seize the animal.

Subd. 8. **Owner's Rights.** Owners have the right to appeal, request a hearing, and/or petition the City on any decisions made in regards to dangerous animal designation.

Section XX: **Basic Care:** All animals shall receive from their owners or keepers kind treatment, housing in the winter, and sufficient housing, food and water for their comfort. Any person not treating their pet in such a humane manner will be reported and subject to the penalties provided by State and County penalties.

Section XXI: **Breed Moratorium:** Every female pet in heat shall be confined in a building or enclosure in such a manner to prevent contact with male animals, except for planned breeding.

Section XXII: **Enforcement Officer:** The City Council is hereby authorized to appoint an animal control officer(s) or enforcement authority to enforce the provisions of this ordinance. No person shall in any manner molest, hinder or interfere with any person authorized by the Council to capture dogs, cats or other animals or while protecting persons or other domestic animals from dangerous animals, while engaged in such operation. Nor shall any unauthorized person attempt to release or take an animal from said official's possession while in compliance with this ordinance.

Section XXIII: **Violations and Penalties:** Violations of this ordinance and the provisions therein will be considered a misdemeanor.

This ordinance shall be in full force and effect from and after its passage and publication as required by law and acceptance thereof by the grantee.

Passed, Adopted and Approved this 5th day of June, 2007.

ORDINANCE NO. 83

TOPIC: **Interim Ordinances – Adult Use**

STATUS: **Valid** Passed April 5, 2004

DESCRIPTION:

A Resolution by the City of Willow River requesting the Pine County Board of Commissioners to implement: “An Interim Ordinance Placing a Moratorium on Establishing Adult Uses within Pine County and Directing a Study to be Conducted.”

Whereas, The Pine County Board of Commissioners have determined that newly established adult uses may pose a threat to the public health, safety and welfare of the residents of the County; and

Whereas, The County Board has determined to adopt an ordinance entitled : “AN INTERIM ORDINANCE PLACING A MORATORIUM ON ESTABLISHING ADULT USES WITHIN PINE COUNTY AND DIRECTING A STUDY TO BE CONDUCTED”; and

Whereas, Minnesota Statutes 394.32 subd. 3 provides that the County Board of Commissioners may adopt and implement official controls within municipality if so requested by the governing body of the municipality.

Now Therefore Be It Resolved that:

The Council of the City of Willow River requests the Pine County Board of Commissioners to adopt and implement the county ordinance entitled:

“AN INTERIM ORDINANCE PLACING A MORATORIUM ON ESTABLISHING ADULT USES WITHIN PINE COUNTY AND DIRECTING A STUDY TO BE CONDUCTED”

Within the incorporated areas of the City.

Resolution Passed this 5th day of April, 2004.

(NOTE: See following pages for the Pine County Ordinance.)

COUNTY OF PINE

**AN INTERIM ORDINANCE PLACING A MORATORIUM ON ESTABLISHING ADULT USES WITHIN
PINE COUNTY AND DIRECTING A STUDY TO BE CONDUCTED**

THE COUNTY OF PINE DOES ORDAIN:

Section 1: Background

1.01 The State Attorney General has prepared a report entitled "Report of the Attorney General's Working Group on Regulation of Sexually Oriented Businesses", dated June 6, 1989, prepared by Hubert H. Humphrey, III, Attorney General of the State of Minnesota. Other reports include the Olmstead County Planning Department "Adult Entertainment Report" dated March 2, 1988, "A 40-Acre Study" prepared by the St. Paul Division of Planning in 1987, a City of Ramsey Adult Uses Planning Report", and "The Impact of Pornography: A Decade of Literature", prepared for the Department of Justice Canada, all of which are hereafter collectively referred to as "Reports". The Reports considered evidence from studies conducted throughout the country relating to sexually oriented businesses.

1.02 The Reports conclude that:

- A. Adult uses have an impact on the neighborhoods surrounding them which is distinct from the impact caused by other commercial uses;
- B. Residential neighborhoods located within close proximity to adult theaters, bookstores and other adult uses experience increase crime rates (sex-related crimes in particular), lowered property values, increased transiency and decreased stability of ownership;
- C. The adverse impacts which adult uses have on surrounding areas diminish as the distance from the adult uses increases;
- D. These studies have shown that among the crimes which tend to increase either within or in the near vicinity of adult uses are rapes, prostitution, child molestation, indecent exposure and other lewd and lascivious behavior;
- E. A City of Phoenix, Arizona study confirmed that the sex crime rate was on average, 500 percent higher in areas with sexually oriented businesses;
- F. Members of the public perceive areas within which adult uses are located as less safe than areas which do not have such uses;

- G. The values of both commercial and residential properties either are diminished or fail to appreciate at the rate of other comparable properties when located in proximity to adult uses; and
 - H. An Indianapolis, Indiana study established that professional real estate appraisers believe that an adult bookstore would have a negative effect on the value of both residential and commercial properties within a one to three block area of the store.
- 1.03 County Board of Commissioners finds the relationships of adult uses in Pine County land use development patterns are similar to those patterns cited in the Reports.
 - 1.04 The County Board of Commissioners are concerned that the County's licensing procedures and official controls are not adequate in their scope to protect the public health, safety and welfare of the County from potential effects resulting from adult uses.
 - 1.05 There are a number of significant licensing, planning and land use issues pertaining to the regulation of such uses including appropriate use of licensing and official controls.
 - 1.06 For the reasons cited there is a need for a study to be conducted to allow the County to evaluate the full range of available regulations pertaining to adult uses.
 - 1.07 There is a need for an Interim Ordinance establishing a Moratorium for the purpose of protecting the public health, safety, and welfare of the citizens of the County during the planning process. There is a need to restrict such uses until such a study has been completed and permanent policy, licensing or official controls can be adopted by the County Board of Commissioners.
 - 1.08 The County Board has directed that such a study be undertaken.
 - 1.09 Minnesota Statutes, Section 394.34 permits counties to adopt interim ordinances during the planning process.
 - 1.10 Minnesota Statutes, Section 394.32 provides that county official controls may be implemented within municipalities if so requested by the municipality.

Section 2. **Definitions.**

- 2.01 **Adult Use:** An adult use is any of the activities and businesses described below:
 - A. **Adult Use – Body Painting Studio:** An establishment or business which provides the service of applying paint or other substances, whether transparent or non-transparent, to the body of a patron when such body is wholly or partially nude in terms of “specified anatomical areas.”
 - B. **Adult Use – Bookstore:** A building or portion of a building used for the barter, rental, or sale of items consisting of printed matter, pictures, slides, records, audio tapes, video tapes, or motion picture film 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, and if a substantial or significant portion of such items are distinguished and characterized by an emphasis on the depiction or description of “specified sexual activities” or “specified anatomical areas.”

- C. **Adult Use – Cabaret:** A building or portion of a building for providing dancing or other live entertainment, if such building or portion of a building excludes minors by virtue of age and if such dancing or other live entertainment is distinguished and characterized by an emphasis on the presentation, display, depiction or description of “specified sexual activities” or “specified anatomical areas.”
- D. **Adult Use – Companionship Establishment/Conversation/Rap Parlor:** An establishment which excludes minors by reason of age, and which provides the service of engaging in or listening to conversation, talk or discussion between an employee of the establishment and a customer, if such service is distinguished and characterized by an emphasis on “specified sexual activities” or “specified anatomical areas.”
- E. **Adult Use – Health/Sport Club/Massage Parlor:** A health/sport club/ massage parlor which excludes minors by reason of age, if such a club is distinguished and characterized by an emphasis on “specified sexual activities” or “specified anatomical areas.”
- F. **Adult Use – Hotel or Motel:** Adult hotel or motel means a hotel or motel from which minors are specifically excluded from patronage where material is presented which is distinguished and characterized by an emphasis on matter depicting, describing or relating to “specified sexual activities” or “specified anatomical areas.”
- G. **Adult Use – Modeling Studio:** 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.
- H. **Adult Use – Motion Picture Theater-Motion Picture Arcade-Mini Motion Picture Theater:** A building or portion of a building used for presenting material if such building or portion of a building of as a prevailing practice excludes minors by reason of age or if such material is distinguished, characterized or places the predominate viewing emphasis on “specified sexual activities” or “specified anatomical areas.”
- I. **Adult Use – Novelty Business:** A business involving the sale of novelties or devices which either stimulate human genitals or are designed for sexual stimulation or devices, or novelties or devices depicting “specified sexual activities” or “specified anatomical areas.”

J. **Adult Use – Steam Room/Bathhouse/Sauna Facility:** 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 and if the service provided by the steam room/bathhouse/sauna facility is distinguished and characterized by an emphasis on “specified sexual activities” or “specified anatomical areas.”

2.02 **County:** County means the area within Pine County subject to this Interim Ordinance, as provided by Minnesota Statute 394.34 and Minnesota Statute 394. 32. Subd. 3.

2.04 **Specified Anatomical Areas:**

- A. Less than completely and opaquely covered human genitals, pubic region, buttock, anus, or female breast(s) below a point immediately above the top of the areola; and
- B. Human male genitals in a discernibly turgid state, even if completely and opaquely covered.

2.05 **Specified Sexual Activities:**

- A. Actual or simulated sexual intercourse, oral copulation, anal intercourse, oral-anal copulation, bestiality, direct physical stimulation of unclothed genitals, flagellation or torture in the context of a sexual relationship, or the use of excretory functions in the context of a sexual relationship, and any of the following sexually-oriented acts or conduct: anilingus, buggery, coprophagy, coprophilia, cunnilingus, gellation, necophilia, pederasty, piquerism, sapphism, zoerasty; or
- B. Clearly depicted human genitals in the state of sexual stimulation, or tumescense; or
- C. Use of human or animal ejaculation, sodomy, oral copulation, coitus, or masturbation; or
- D. Fondling or touching of nude human genitals, pubic region, buttocks, or female breast(s); or
- E. Situations involving a person or persons, 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; or
- F. Erotic or lewd touching, fondling or other sexually oriented contact with an animal by a human being; or
- G. Human excretion, urination, menstruation, vaginal or anal irrigation.

Section 3. **Licensing, Planning and Zoning Study; Moratorium.**

- 3.01 A Study is authorized to be conducted under the direction of the County Board of Commissioners to determine how adult uses should be permanently regulated within the County.
- 3.02 Upon completion of the Study, the matter is to be considered by the County Planning Commission for its review and recommendation to the County Board of Commissioners.
- 3.03 This Interim Ordinance places a moratorium on the development, operation, construction, siting, establishment, creation or location of adult uses as defined herein, pending completion of the Study and adoption of the County license provisions or official controls managing adult uses.
- Section 4. **Violations and Enforcement.** A violation of this Ordinance shall be a misdemeanor. The County may enforce any provision of this ordinance by mandamus, injunction or any other appropriate civil or criminal remedy in any court of competent jurisdiction.
- Section 5. **Separability.** Every section, provision or part of this ordinance is declared separable from every section, provision or part of this ordinance. If any section, provision or part of this ordinance is adjudged to be invalid by a court of competent jurisdiction, such judgment shall not invalidate any other section, provision or part of this ordinance.
- Section 6. **Duration.** This ordinance shall remain in effect for no more than one year from the date of its effective date or until such earlier time as said ordinance shall be revoked or otherwise amended.
- Section 7. **Effective Date.** This ordinance shall take effect the day after the date of its publication.

Draft: March 11, 2004

Draft: April 6, 2004

ORDINANCE NO. 84

TOPIC: **Assessment of Pay-off Regulations**

STATUS: **Valid** Passed November 1, 2004

DESCRIPTION:

The City Council of the City of Willow River, Minnesota hereby ordains that all assessments and unpaid fees associated with a parcel, or parcels of property within the City of Willow River are to be paid in full at the time of transfer or ownership.

ORDINANCE NO. 85

TOPIC: **Blight Regulations**

STATUS: **Valid** Passed August 2, 2005

DESCRIPTION:

The Council of the City of Willow River ordains:

Section 1. **Purpose:** It is the purpose of this ordinance to establish a uniform and equitable method of eliminating blight in the city.

Section 2. **Causes of Blight or Blighting Factors:** It is hereby determined that the uses, structures, activities, causes of blight or blighting factors described herein, if allowed to exist, will tend to result in blighted and undesirable neighborhoods or commercial business sites so as to be harmed to the public health, safety and welfare. The purpose of this ordinance is to protect the character and stability of the properties within the city and to avoid blight and blighted conditions. The "fee title" owner, occupant or agent shall comply with the regulation contained herein.

Section 3. **Exterior Property Areas; Vacant Properties.**

Subd. 1. **Sanitation.** All exterior property areas and vacant areas shall be maintained in a clean and sanitary condition, safe and free from any hazard or dangerous condition, and free from any accumulation of refuse or garbage.

Subd. 2. All properties shall be free from noxious weed and pests. All exterior property areas and vacant areas shall be kept free from species of weeds or plants growth, rodents, vermin or other pests, which are noxious or detrimental to the public health.

Subd. 3. **Junk Automobiles.** In any areas not zoned for junk yards or salvage yards, the storage of junk vehicles (automobiles) is prohibited. For the purpose of this ordinance, the term "junk automobiles" shall include any motor vehicle, part of a motor vehicle, or former motor vehicles, stored in the open, which is currently licensed for the use upon the highways of the State of Minnesota; and is either: (a) unusable or inoperable because of lack of, or defects in components parts; or (b) unusable or inoperable because of damage from collision, deterioration, or having been cannibalized; or (c) beyond repair and therefore not intended for future use as a motor vehicle; or (d) being retained on the property for possible use of salvageable parts. This regulation is in addition to any zoning regulations.

Section 4. **Exterior of Structures**

- Subd. 1. The exterior of all structures and accessory structures including detached garages shall be maintained in a workman like state of maintenance and repair.
- Subd. 2. Every exterior wall shall be free of holes, breaks, loose or rotting boards or timbers, falling or loose stucco or substantial amounts of peeling paint.
- Subd. 3. All doors and windows shall be maintained in good repair, fit reasonably well within their frames, and be free of open breaks or holes.
- Subd. 4. **Insect and rodent infestations.** It shall be the responsibility of the owner to control and/or eliminate any infestations of insects, rodents or other pests in all exterior areas and accessory.

Section 5. **Interior Areas of Structures, including Residential Dwellings**

- Subd. 1. The interior of every structure shall be maintained in clean and sanitary conditions, free of accumulations of garbage or refuse.
- Subd. 2. The interior of every structure shall be maintained free from infestation or noxious insects, rodents and other pests.
- Subd. 3. All plumbing systems shall be properly installed, connected and maintained in good working order, and must be kept free from obstructions, leaks and defects. Plumbing systems must conform to the requirements of public water and sanitary sewer systems.
- Subd. 4. The storage of excessive or unreasonable amounts of hazardous flammable liquids shall be prohibited in areas not zoned for such use.

Section 6. **Vacated Structures and Vacant Properties:** The “fee title” owner of any dwelling which is unfit for human habitation, as determined by the enforcement officer in good faith, and the owner of any structure which has been vacant for a period of sixty (60) days or more, shall make same safe and secure so that it is not hazardous to the health, safety and welfare of the public, and does not constitute a public nuisance.

Any such structure open at the doors and windows, if unguarded, shall be deemed to be hazardous to the health, safety and welfare of the public, and a public nuisance within the meaning of this ordinance. The owner of vacant lands shall make said lands safe and secure by barricading or fencing the property or the like, or by placing said lands in their natural unimproved condition and removing all dangerous conditions. Upon failure of the owner to comply, the city may have such structure or vacant property and lands made safe and secure or remove the dangerous conditions, and assess the cost to the “fee title” owner by certifying such cost to the county auditor as a special assessment against the specific offending property.

Section 7. **Fuel Wood Storage.**

- Subd. 1. Outside fuel wood shall not be stored in the front yard. In addition, on a corner lot, outside fuel wood shall not be stored on the side yard and back yard abutting a street or avenue unless such fuel wood is set back from the street and avenue the distance that the house and garage is set back from the street.
- Subd. 2. Fuel wood shall not encroach upon the rights of way, other land owners property or sidewalks.
- Subd. 3. Outside fuel wood piles shall not exceed six feet in height due to safety.
- Subd. 4. Outside fuel wood piles shall be neat in appearance, free from unreasonable infestation of rodents or other pests, and shall be securely piled in a safe manner so as to prevent falling over.

Section 8. **Enforcement Officer**

- Subd. 1. The city law enforcement police department is hereby appointed as the enforcement officer in cooperation with the city attorney and it is enforcement officer's duty to enforce the provisions of this ordinance. The designation enforcement officers of the city who have the duty to enforce an ordinance or statute, may pursuant to this section, issue citations whenever the officer has probable cause to believe the person cited has committed a misdemeanor which the officer has the duty to enforce, and issue a notice to appear and release such person on his or her written promise to appear in court. The officer shall deliver executed citations or notices to the city attorney for filing with the court after the city attorney has reviewed for legal sufficiency. A copy of the notice will also be placed on file in the city clerk's office.
- Subd. 2. The police department for the city is hereby designated the citation authority by the city council.

Section 9. **Inspection of Structures, Vacant Properties, Generally:** The enforcement officer shall be authorized to make our cause to be made inspections to determine the condition of structures and premises and vacant properties and lands in order to safeguard the health, safety and welfare of the public. The enforcement officer shall, with permission of the "fee title" owner, occupant, operator or agent be authorized to inspect any vacant areas and the exterior areas of any premises, and the interior areas of structures at any reasonable time for the purpose of performing the duties under this ordinance. If the owner, operator or person in possession of the structure shall refuse to consent to the inspection, and there is probable cause to believe that a violation exists on the premises, a search warrant may be obtained.

Section 10. **Compliance Order (Citation):** Whenever the enforcement officer determines that any structure, premises or lands fail to meet the provisions of this ordinance, the enforcement officer may issue a compliance order setting forth the violations of the ordinance and

ordering the “fee title” owner, occupant, operator or agent to correct such violations. The compliance order shall:

- A. Be in writing;
- B. Describe the location (street address or legal address) and nature of the violations of this ordinance;
- C. Establish a time for the correction of such violation, which shall be at least ten (10) days;
- D. Notify of ability to appeal to the city council;
- E. Be served upon the violator, the “fee title” owner, occupant, operator or agent. Such notice shall be deemed to be properly served upon the violator if a copy thereof is:
 - 1. Served upon the “fee title” owner, occupant, operator or agent personally; or
 - 2. Sent by registered or certified mail to that person’s address or to the property address.

Section 11. **Variance and Appeals:** Appeals of interpretation or requests for a variance shall be made in writing to the city council and shall be filed with the city clerk within ten (10) days after receipt of the compliance order. The city council in its discretion may elect to hear appeals or requests for variances when made.

Variances made more than ten (10) days after the receipt of the compliance order may be heard by the city council, but such action by the city council is completed discretionary, and shall not delay or prevent criminal prosecution or other enforcement actions, unless the city council grants the appeal or grants the variance prior to the completion of the enforcement activities.

The city council may grant variances in instances where strict enforcement of this ordinance would cause undue hardship because of circumstances unique to the individual party under consideration, when it is demonstrated that such an action will be in keeping with the spirit and intent of the ordinance.

Section 12. **Penalty:** Violations of any provision of this ordinance shall constitute a misdemeanor. Each day that a violation is allowed to exist shall constitute an offense after a reasonable time has been allowed to affect compliance.

Section 13. **Effective Date:** This ordinance becomes effective upon passage and publication.

ORDINANCE NO. 86

TOPIC: **Council Salaries**

STATUS: **Valid** Amended January 2, 2006

DESCRIPTION:

Effective January 2, 2006, the Mayor shall be paid at a rate of \$70.00 per meeting and each Council Member will be paid at a rate of \$60.00 per meeting, to be paid at the end of the year.

The Mayor and Council Members are entitled to payment for both regular council meetings and any special meetings.

Ordinance #86 amends all previous ordinances in regard to salaries of the Mayor and Trustees.

ORDINANCE NO. 87

TOPIC: **Lawn Maintenance**

STATUS: **Valid** Passed March 6, 2009

DESCRIPTION:

The Council of the City of Willow River ordains:

Section 1. **Grass Mowing and Lawn Maintenance.**

Subd. 1. **Purpose:** To avoid blight and the consequences of blight, including a negative impact on the values of property within the City and an adverse effect on summer tourism, the City Council of Willow River, Minnesota enacts a standard of property appearance, maintenance and upkeep by requiring that lawns and grass shall be mowed.

Subd. 2. **Lawn and Grass – Height limitations.** Property owners shall be responsible for mowing the grass or arranging for the same on all lots or parcels within the city limits. Lawns and grass on any lot within the city shall not exceed eight (8) inches in height, nor shall weeds and grass be allowed to go to seed thereon.

Subd. 3 **Exceptions.** The following cases shall be exceptions to the mandatory requirement that laws and grass shall be mowed:

- A. The area in violation constitutes a wetland or wetland buffer area;
- B. The area in violation is a storm water pond or part thereof;
- C. The area in violation is heavily forested;
- D. The area in violation is a park or nature preserve or part thereof;
- E. The area in violation is a natural area not exceeding one-quarter of the lot's size;
- F. The area in violation is actively used as agricultural land;
- G. The area in violation is on a slope in excess of a slope or grade ratio of 3 to 1.

In addition, in the case of a residential housing plat under development or land under development for sale as lots for building residential housing, if such land has not been leveled, brush cleared, seeded and prepared for mowing, or while the home thereon is in the building process and the lot has not been landscaped, the Ordinance shall not apply.

Subd. 4 **Variance.** Any land owner who desires to be exempt from this Ordinance shall file a Variance application prior to March 31 if the land owner desires the Variance to apply to the calendar year of the application. Variances shall be limited to a single growing season.

Subd. 5 **Fees Assessed.** In the event a land owner fails to mow a lawn as required in Subdivision 2, and an exception or variance is not effect, the city shall proceed as follows: If the property is occupied the City shall serve personally upon the occupant 18 years of age or older, written notice that the lawn must be mowed within five (5) business days after service. If the parcel is not occupied the city shall post the written notice thereon and mail or fax the written notice to the last known lien holder in event of foreclosed properties. If the lawn is not mowed within five (5) business following the service or posting of the Notice, the City shall have city staff or contractors mow the lawn at the rate posted in the City's fee schedule, and shall bill the property owner or lien holder if a foreclosed property, for the mowing fee. Unpaid bills for city mowing may be sued in conciliation court or assessed against the land in the City's option, or both. The City shall certify to the County Auditor as a special assessment against the said property any unpaid mowing fees on a calendar year basis.

Subd. 6 **Criminal Penalty.** The third violation in a calendar year shall be deemed to be a petty misdemeanor, and each violation thereafter in the same calendar year shall be a separate petty misdemeanor.

Section 2. This Ordinance shall be published forthwith following adoption

ORDINANCE NO. 88

TOPIC: **Declaration of Official Intent under U.S. Treasury Regulations Section 1.150-2**

STATUS: **Valid** Passed August 3, 2009

DESCRIPTION:

WHEREAS, the Internal Revenue Code of 1986, as amended, and Treasury Regulations Section 1.150-2 promulgated thereunder, (the "Reimbursement Rules"), require that in order for an issuer to use proceeds of tax-exempt obligations to reimburse an original expenditure paid before the obligations are issued, an issuer must adopt an official intent for the original expenditure not later than 60 days after the expenditure is paid; and

WHEREAS, the City of Willow River, Minnesota, (the "City"), is a governmental unit with bond issuing powers; and

WHEREAS, the City intends to finance improvements to its wastewater collection and treatment system, including related engineering services (the "Project"), from proceeds of an issue of tax-exempt obligations (the "Bonds"), and

WHEREAS, it may be necessary for the City to temporarily finance certain costs of the Project by using either working capital or cash reserves which will be needed for other purposes or temporary loans from financial institutions or others prior to the issuance of the Bonds.

NOW, THEREFORE, be it resolved by the City of Willow River, Minnesota, as follows:

1. The maximum principal amount of the Bonds to be issued for the Project is expected not to exceed \$900,000.
2. The City expects to incur expenditures with respect to the Project in advance of the issuance of the Bonds.
3. The City expects that expenditures for the Project will be reimbursed from the proceeds of the Bonds.
4. The City has not previously adopted a resolution under the Reimbursement Rules for a project, the costs of which were not paid from the proceeds of an issue of tax-exempt bonds

ORDINANCE NO. 89

TOPIC: **Minnesota Flood Plain Management – Three District – One-Map Format***
(*A flood Insurance Rate Map has been published for the community and the Regulatory Floodway boundary is shown on the map. A separate Flood Boundary and Floodway Map has not been published.)

STATUS: **Valid** Passed February 6, 2012 Amended July 3, 2023

DESCRIPTION:

Section 1.0 **Statutory Authorization, Findings of Fact and Purpose**

1.1 **Statutory Authority:** The legislature of the State of Minnesota has, in Minnesota Statutes Chapter 103F and Chapter 462 delegated the responsibility to local government units to adopt regulations designed to minimize flood losses. Therefore, the City Council of the City of Willow River, Minnesota does ordain as follows:

1.2 **Findings of Fact:**

1.21 The flood hazard areas of the City of Willow River, Minnesota, are subject to periodic inundation which results in potential loss life, loss of property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures or flood protection and relief, and impairment of the tax base, all of which adversely affect the public health, safety and general welfare.

1.22 **Methods Used to Analyze Flood Hazards.** This Ordinance is based upon a reasonable method of analyzing hazards which is consistent with the standards established by the Minnesota Department of Natural Resources.

1.23 **National Flood Insurance Program Compliance.** This Ordinance is adopted to comply with the rules and regulations of the National Flood Insurance Program codified as 44 Code of Federal Regulations Parts 59 – 78, as amended, so as to maintain the community’s eligibility in the National Flood Insurance Program.

1.3 **Statement of Purpose:** It is the purpose of this Ordinance to promote the public health, safety and general welfare and to minimize those losses described in Section 1.21 by provisions contained herein.

Section 2.0 **General Provisions**

2.1 **Lands to Which Ordinance Applies:** This Ordinance shall apply to all lands within the jurisdiction of the City of Willow River, Minnesota shown on the Official Zoning Map and/or the attachments thereto as being located within the boundaries of the Floodway, Flood Fringe, or General Flood Plain Districts.

2.2 **Establishment of Official Zoning Map:** The Official Zoning Map together with all materials attached thereto is hereby adopted by reference and declared to be a part of this Ordinance. The attached material shall include the Flood Insurance Study, Pine

County, Minnesota and Incorporated Areas and Flood Insurance Rate Map panels therein numbered 27115C0228C, 27115C0229C, 27115C0236C, 27115C0237C, and 227115C250C, all documents being dated April 3, 2012 and prepared by the Federal Emergency Management Agency. The Official Zoning Map shall be on file in the office of the City Clerk.

(NOTE: For future annexation of flood plain lands, it is requirement of the National Flood Insurance Program that a community legally apply the provisions of its flood plain ordinance to the annexed land on the date of annexation (see Section 2.9 that follows). The flood insurance rate map panels adopted into Section 2.2 above must be inclusive enough so that they encompass all of the unincorporated area of the county that be may annexed into the city into the foreseeable future. This may mean that a city will need to adopt flood insurance rate map panels in addition to those flood map panels that contain the current corporate boundaries of the city.)

- 2.3 **Regulatory Flood Protection Elevation:** The regulatory flood protection elevation shall be an elevation no lower than one foot above the elevation of the regional flood plus any increases in flood elevation caused by encroachments on the flood plain that result from designation of a floodway.
- 2.4 **Interpretation:**
- 2.41 In their interpretation and application, the provisions of this Ordinance shall be held to be minimum requirements and shall be liberally construed in favor of the Governing Body and shall not be deemed a limitation or repeal of any other powers granted by state statutes.
- 2.42 The boundaries of the zoning districts shall be determined by scaling distances on the Official Zoning Map. Where interpretation is needed as to the exact location of the boundaries of the district as shown on the Official Zoning Map, as for example where there appears to be a conflict between a mapped boundary and actual field conditions and there is a formal appeal of the decision of the Zoning Administrator, the Board of Adjustment shall make the necessary interpretation. All decisions will be based on elevations on the regional (100 year) flood profile, the ground elevations that existed on the site at the time the Community adopted its initial flood plain ordinance or on the date of the first National Flood Insurance Program map showing the area within the 100-year flood plain if earlier, and other available technical data. Persons contesting the location of the district boundaries shall be given a reasonable opportunity to present their case to the Board of Adjustment and to submit technical evidence.
- 2.5 **Abrogation and Greater Restrictions:** It is not intended by this Ordinance to repeal, abrogate or impair any existing easements, covenants or deed restrictions. However, where this Ordinance imposes greater restrictions, the provisions of this Ordinance shall prevail. All other ordinances inconsistent with this Ordinance are hereby repealed to the extent of the inconsistency only.
- 2.6 **Warning and Disclaimer of Liability:** This Ordinance does not imply that areas outside the flood plain districts or land uses permitted within such districts will be free from flooding

or flood damages. This Ordinance shall not create liability on the part of the City of Willow River, Minnesota or any officer or employee thereof for any flood damages that result from reliance on this Ordinance or any administrative decision lawfully made thereunder.

2.7 **Severability:** If any section, clause, provision or portion of this Ordinance is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of this Ordinance shall not be affected thereby.

2.8 **Definitions:** Unless specifically defined below, words or phrases used in this Ordinance shall be interpreted so as to give them the same meaning as they have in common usage and so as to give this Ordinance its most reasonable application.

2.811 **Accessory Use or Structure:** a use or structure on the same lot with, and of a nature customarily incidental and subordinate to, the principle use of structure.

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

2.813 **Conditional Use:** means a specific type of structure or land use listed in the official control that may be allowed but only an in-depth review procedure and with appropriate conditions or restrictions as provided in the official zoning controls or building codes and upon a finding that:

A. Certain conditions as detailed in the zoning ordinance exist.

B. The structure and/or land use conform to the comprehensive land use plan if one exists and are compatible with the existing neighborhood.

2.814 **Equal Degree of Encroachment:** a method of determining the location of floodway boundaries so that flood plain lands on both sides of a stream are capable of conveying a proportionate share of flood flows.

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

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

2.817 **Flood Fringe:** that portion of the flood plain outside the floodway.

2.818 **Flood Plain:** the beds proper and the areas adjoining a wetland, lake or watercourse which have been or hereafter may be covered by the regional flood.

2.819 **Flood Proofing:** a combination of structural provisions, changes or adjustments to properties and structures subject to flooding, primarily for the reduction or elimination of flood damages.

- 2.820 **Floodway:** the bed of a wetland or lake and the channel of a watercourse and those portions of the adjoining flood plain which are reasonably required to carry or store the regional flood discharge.
- 2.821 **Lowest Floor:** the lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, used solely for parking vehicles, building access, or storage in an area other than a basement area, is not considered a building's lowest floor.
- 2.822 **Manufactured Home:** a structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when attached to the required utilities. The term 'manufactured home' does not include the term 'recreational vehicle'.
- 2.823 **Obstruction:** any dam, wall, wharf, embankment, levee, dike, pile, abutment, projection, excavation, channel modification, culvert, building, wire, fence, stockpile, refuse, fill, structure, or matter in, along, across or projecting into any channel, watercourse or regularly flood plain which may impeded, retard or change the direction of the flow of water, either in itself or by catching or collecting debris carried by such water.
- 2.824 **Principal Use or Structure:** means all uses and structures that are not accessory uses or structures.
- 2.825 **Reach:** a hydraulic engineering term to describe a longitudinal segment of a stream or river influenced by a natural or man-made obstruction. In an urban area, the segment of a stream or river between two consecutive bridge crossings would most typically constitute a reach.
- 2.826 **Recreational Vehicle:** a vehicle that is built on a single chassis, is 400 square feet or less when measured at the largest horizontal projection, is designed to be self-propelled or permanently towable by a light duty truck, and is designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel or seasonal use. For the purposes of this Ordinance, the term recreational vehicle shall be synonymous with the term travel trailer/travel vehicle.
- 2.827 **Regional Flood:** a flood which is representative of large floods known to have occurred generally in Minnesota and reasonably characteristic of what can be expected to occur on an average frequency in the magnitude of the 100-year recurrence interval. Regional flood is synonymous with the term 'base flood'.
- 2.828 **Regulatory Flood Protection Elevation:** the regulatory flood protection elevation shall be an elevation no lower than one foot above the elevation of the regional flood plus any increases in flood elevation caused by encroachments on the flood plain that result from designation of a floodway.
- 2.829 **Structure:** anything constructed or erected on the ground or attached to the ground or on-site utilities, including, but not limited to, buildings, factories, sheds,

detached garages, cabins, manufactured homes, recreational vehicles not meeting the exemption criteria specified in Section 9.31 of this Ordinance and other similar items.

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

2.831 **Substantial Improvement:** within any consecutive 365 day period, any reconstruction, rehabilitation (including normal maintenance and repair), repair after damage, addition, or other improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure before the 'start of construction' of the improvement. This term includes structures that have incurred 'substantial damage', regardless of the actual repair work performed. The term does not, however, include either:

A. Any project for improvement of a structure to correct violations of state or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions.

B. Any alteration of an 'historic structure' provided that the alteration will not preclude the structure's continued designation as an 'historic structure.' For the purpose of this Ordinance, 'historic structure' shall be defined in 44 Code of Federal Regulations, Part 59.1.

2.832 **Variance:** means a modification of a specific permitted development standard required in an official control including this Ordinance to allow an alternative development standard not stated as acceptable in the official control, but only as applied to a particular property for the purpose of alleviating a hardship, practical difficulty or unique circumstance as defined and elaborated upon in a community's respective planning and zoning enabling legislation.

2.9 **Annexations:** The Flood Insurance Rate Map panels adopted by reference in Section 2.2 above may include flood plain areas that lie outside of the corporate boundaries of the City of Willow River, Minnesota at the time of adoption of this Ordinance. If any of these flood plain land areas annexed into the City of Willow River, Minnesota after the date of adoption of this Ordinance, the newly annexed flood plain lands shall be subject to the provisions of this Ordinance immediately upon the date of annexation into the City of Willow River, Minnesota.

Section 3 **Establishment of Zoning Districts**

3.1 **Districts:**

3.11 **Floodway District.** For Lakes, wetlands and other basins, the Floodway District shall include those areas designated as Zone A on the Flood Insurance Rate Map

panels adopted in Section 2.2 that are below the ordinary high water level as defined in Minnesota Statutes, Section 103G.005, subdivision 14.

3.12 **Flood Fringe District.** For Lakes, wetlands and other basins, the Flood Fringe District shall include those areas designated as Zone A on the Flood Insurance Rate Map panels adopted in Section 2.2 that are below 1% annual chance flood elevation (100-year flood elevation) but above the ordinary high water as defined in Minnesota Statutes, Section 103G.005, subdivision 14.

3.13 **General Flood Plain District.** The General Flood Plain District shall include those areas designated as Zone A on the Flood Insurance Rate Map adopted in Section 2.2, which are not subject to criteria mentioned in 3.11 and 3.12 above.

3.2 **Compliance:** No new structure or land shall hereafter be used and no structure shall be constructed, located, extended, converted or structurally altered without full compliance with the terms of this Ordinance and other applicable regulations which apply to uses within the jurisdiction of this Ordinance. Within the Floodway, Flood Fringe and General Flood Plain Districts, all uses not listed as permitted uses or conditional uses in Section 4.0, 5.0 and 6.0 that follow, respectively, shall be prohibited. In addition, a caution is provided here that:

3.21 New manufactured homes, replacement manufactured homes and certain travel trailers and travel vehicles are subject to the general provisions of this Ordinance and specifically Section 9.0.

3.22 Modifications, additions, structural alterations, normal maintenance and repair, or repair after damage to existing nonconforming structures and nonconforming uses of structures or land are regulated by the general provisions of this Ordinance and specifically Section 11.0.

3.23 As built elevations for elevated or flood proofed structures must be certified by ground surveys and flood proofing techniques must be designed and certified by a registered professional engineer or architect as specified in the general provisions of this Ordinance and specifically as stated in Section 10.0 of this Ordinance.

Section 4 **Floodway District (FW)**

4.1 **Permitted Uses:**

4.11 General farming, pasture, grazing, outdoor plant nurseries, horticulture, truck farming, forestry, sod farming and wild crop harvesting.

4.12 Industrial-commercial loading areas, parking areas and airport landing strips.

4.13. Private and public golf courses, tennis courts, driving ranges, archery ranges, picnic grounds, boat launching ramps, swimming areas, parks, wildlife and nature preserves, game farms, fish hatcheries, shooting preserves, target ranges, trap

and skeet ranges, hunting and fishing areas and single or multiple purpose recreational trails.

4.14 Residential lawns, gardens, parking areas and play areas.

4.2 Standards for Floodway Permitted Uses:

4.21 The use shall have a low flood damage potential.

4.22 The use shall be permissible in the underlying zoning district if one exists.

4.23 The use shall not obstruct flood flows or increase flood elevations and shall not involve structures, fill, obstructions, excavations or storage of materials or equipment.

4.3 Conditional Uses:

4.31 Structures accessory to the uses listed in 4.1 above and the uses listed in 4.32 – 4.38 below.

4.32 Extraction and storage of sand, gravel and other materials.

4.33 Marinas, boat rentals, docks, piers, wharves and water control structures.

4.34 Railroads, streets, bridges, utility transmission lines and pipelines.

4.35 Storage yards for equipment, machinery or materials.

4.36 Placement of fill or construction of fences.

4.37 Recreational vehicles either on individual lots of record or in existing or new subdivisions or commercial or condominium type campgrounds, subject to the exemptions and provisions of Section 9.3 of this Ordinance.

4.38 Structural works for flood control such as levees, dikes and floodwalls constructed to any height where the intent is to protect individual structures and levees or dikes where the intent is to protect agricultural crops for a frequency flood event equal to or less than the 10 year frequency flood event.

4.4 Standards for Floodway Conditional Uses:

4.41 **All Uses.** No structure (temporary or permanent), fill (including fill for roads or levees), deposit, obstruction, storage of materials or equipment, or other uses may be allowed as a conditional use that will cause any increase in the stage of the 100-year or regional flood or cause an increase in flood damages in the reach or reaches affected.

4.42 All floodway conditional uses shall be subject to the procedures and standards contained in Section 10.4 of this Ordinance.

4.43 The conditional use shall be permissible in the underlying zoning district if one exists.

4.44 **Fill:**

- A. Fill, dredge spoil, and all other similar materials deposited or stored in the flood plain shall be protected from erosion by vegetative cover, mulching, riprap or other acceptable method.
- B. Dredge spoil sites and sand and gravel operations shall not be allowed in the floodway unless a long-term site development plan is submitted which includes an erosion/sedimentation prevention element to the plan.
- C. As an alternative, and consistent with Subsection (b) immediately above, dredge spoil disposal and sand and gravel operations may allow temporary, on-site storage of fill or other materials which would have caused an increase to the stage of the 100-year or regional flood but only after the Governing Body has received an appropriate plan which assures the removal of the materials from the floodway based on the flood warning time available. The conditional use permit must be title registered with the property in the Office of the County Recorder.

4.45 **Accessory Structures:**

- A. Accessory structures shall not be designed for human habitation.
- B. Accessory structures, if permitted, shall be constructed and placed on the building site so as to offer the minimum obstruction to the flow of flood waters:
 - 1. Whenever possible, structures shall be constructed with the longitudinal axis parallel to the direction of flood flow; and
 - 2. So far as practicable, structures shall be placed approximately on the same flood flow lines as those of adjoining structures.
- C. Accessory structures shall be elevated on fill or structurally dry flood proofed in accordance with the FP-1 or FP-2 flood proofing classifications in the State Building Code. As an alternative, an accessory structure may be flood proofed to the FP-3 and FP-4 flood proofing classification in the State Building Code provided the accessory structure constitutes a minimal investment, does not exceed 500 square feet in size at its largest projection, and for a detached garage, the detached garage must be used solely for parking of vehicles and limited storage. All flood proofed accessory structures must meet the following additional standards:

1. The structure must be adequately anchored to prevent flotation, collapse or lateral movement of the structure and shall be designed to equalize hydrostatic flood forces on exterior walls;
2. Any mechanical and utility equipment in a structure must be elevated to or above the regulatory flood protection elevation or properly flood proofed; and
3. To allow for the equalization of hydrostatic pressure, there must be a minimum of two (2) 'automatic' openings in the outside walls of the structure having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding. There must be openings on at least two sides of the structure and the bottom of all openings must be no higher than one foot above the lowest adjacent grade to the structure. Using human intervention to open a garage door prior to flooding will not satisfy this requirement for automatic openings.

4.46 Storage of Materials and Equipment:

- A. The storage or processing of materials that are, in time of flooding, flammable, explosive or potentially injurious to human, animal or plant life is prohibited.
- B. Storage of other materials or equipment may be allowed if readily removable from the area within the time available after a flood warning and in accordance with a plan approved by the Governing Body.

4.47 Structural works for flood control that will change the course, current or cross section of protected wetlands or public waters shall be subject to the provisions of Minnesota Statute, Chapter 103G. Community-wide structural works for flood control intended to remove areas from the regulatory flood plain shall not be allowed in the floodway.

4.48 A levee, dike or floodwall constructed in the floodway shall not cause an increase to the 100-year or regional flood and the technical analysis must assume equal conveyance or storage loss on both sides of a stream.

Section 5 Flood Fringe District (FF)

5.1 **Permitted Uses:** Permitted uses shall be those uses of land or structures listed as permitted uses in the underlying zoning use district(s). If no pre-existing, underlying zoning use districts exist, then any residential or non-residential structure or use of a structure or land shall be permitted use in the Flood Fringe District provided such does not constitute a public nuisance. All permitted uses shall comply with the standards for Flood Fringe District 'Permitted Uses' listed in Section 5.2 and the 'Standards for all Flood Fringe Uses' listed in Section 5.5.

5.2 Standards for Flood Fringe Permitted Uses:

- 5.21 All structures, including accessory structures, must be elevated on fill so that the lowest floor including the basement floor is at or above the regulatory flood protection elevation. The finished fill elevation for structures shall be no lower than one (1) foot below the regulatory flood protection elevation and the fill shall extend at such elevation at least fifteen (15) feet beyond the outside limits of the structure erected thereon.
- 5.22 As an alternative to elevation on fill, accessory structures that constitute a minimal investment and that do not exceed 500 square feet at its largest projection may be internally flood proofed in accordance with Section 4.45(c).
- 5.23 The cumulative placement of fill where at any one time in excess of one-thousand (1,000) cubic yards of fill is located on the parcel shall be allowable only as a conditional use, unless said fill is specifically intended to elevate a structure in accordance with Section 5.21 of this ordinance.

(Note: This is an optional provision. If a community wishes to delete this provision, please leave the numbering the same and insert the replacement wording 'This section reserved for future use.')

- 5.24 The storage of any materials or equipment shall be elevated on fill to the regulatory flood protection elevation.
- 5.25 The provisions of Section 5.5 of this Ordinance shall apply.
- 5.3 **Conditional Uses:** Any structure that is not elevated on fill or flood proofed in accordance with Section 5.21 – 5.22 and/or any use of land that does not comply with the standards in Section 5.23 – 5.24 shall only be allowable as a conditional use. An application for a conditional use shall be subject to the standards and criteria and evaluation procedures specified in Sections 5.4 – 5.5 and 10.4 of this Ordinance.

5.4 **Standards for Flood Fringe Conditional Uses:**

- 5.41 Alternative elevation methods other than the use of fill may be utilized to elevate a structure's lowest floor above the regulatory flood protection elevation. These alternative methods may include the use of stilts, pilings, parallel walls, etc., or above-grade, enclosed areas such as crawl spaces or tuck under garages. The base or floor of an enclosed area shall be considered above-grade and not a structure's basement or lowest floor if (1) the enclosed area is above grade on at least one side of the structure; (2) it is designed to internally flood and is constructed with flood resistant materials; and (3) it is used solely for parking of vehicles, building access or storage. The above noted alternative elevation methods are subject to the following additional standards:
- A. **Design and Certification:** The structure's design and as-built condition must be certified by a registered professional engineer or architect as being in compliance with the general design standards of the State Building Code and, specifically, that all electrical, heating, ventilation,

plumbing and air conditioning equipment and other service facilities must be at or above the regulatory flood protection elevation or be designed to prevent flood water from entering or accumulating within these components during times of flooding.

B. **Specific Standards for Above Grade, Enclosed Areas:** Above-grade, fully enclosed areas such as crawl spaces or tuck under garages must be designed to internally flood and the design plans must stipulate:

1. A minimum area of openings in the walls where internal flooding is to be used as flood proofing technique. There shall be a minimum of two openings on at least two sides of the structure and the bottom of all openings shall be no higher than one (1) foot above grade. The automatic openings shall have a minimum net area of not less than one square inch for every square foot of enclosed area subject to flooding unless a registered professional engineer or architect certifies that a smaller net area would suffice. The automatic openings may be equipped with screens, louvers, valves or other coverings or devices provided that they permit the automatic entry and exit flood waters without any form of human intervention; and
2. That the enclosed area will be designed of floor resistant materials in accordance with the FP-3 or FP-4 classifications in the State Building Code and shall be used solely for building access, parking of vehicles or storage.

5.42 **Basements**, as defined by Section 2.812 of this Ordinance, shall be subject to the following:

- A. Residential basement construction shall not be allowed below the regulatory flood protection elevation.
- B. Non-residential basements may be allowed below the regulatory flood protection elevation provided the basement is structurally dry flood proofed in accordance with Section 5.43 of this Ordinance.

5.43 All areas of non-residential structures including basements to be placed below the regulatory flood protection elevation shall be flood proofed in accordance with the structurally dry classifications in the State Building Code. Structurally dry flood proofing must meet the FP-1 or FP-2 flood proofing classification in the State Building Code and this shall require making the structure watertight with walls substantially impermeable to the passage of water and with structural components have the capability of resisting hydrostatic and hydrodynamic loads and the effects of buoyancy. Structures flood proofed to the FP-3 and FP-4 classification shall not be permitted.

5.44 When at any one time more than 1,000 cubic yards of fill or other similar material is located on a parcel for such activities as on-site storage, landscaping, sand and

gravel operations, landfills, roads, dredge spoil disposal or construction of flood control works, an erosion/sedimentation control plan must be submitted unless the community is enforcing a state approved shoreland management ordinance. In the absence of a state approved shoreland ordinance, the plan must clearly specify methods to be used to stabilize the fill on site for a flood event at a minimum of the 100-year or regional flood. The plan must be prepared and certified by a registered professional engineer or other qualified individual acceptable to the Governing Body. The plan may incorporate alternative procedures for removal of the material from the flood plain if adequate flood warning time exists.

(Note: This is an optional provision. If a community wishes to delete this provision, please leave the numbering the same and insert the replacement wording 'This section reserved for future use.')

5.45 Storage of Materials and Equipment:

- A. The storage or processing of materials that are, in time of flooding, flammable, explosive or potentially injurious to human, animal or plant life is prohibited.
- B. Storage of other materials or equipment may be allowed if readily removable from the area within the time available after a flood warning and in accordance with a plan approved by the Governing Body.

5.46 The provisions of Section 5.5 of this Ordinance shall also apply.

5.5 Standards for All Flood Fringe Uses:

5.51 All new principal structures must have vehicular access at or above an elevation not more than two (2) feet below the regulatory flood protection elevation. If a variance to this requirement is granted, the Board of Adjustment must specify limitations on the period of use or occupancy of the structure for times of flooding and only after determining that adequate flood warning time and local flood emergency response procedures exist.

(Note: This is an optional provision. If a community wishes to delete this provision, please leave the numbering the same and insert the replacement wording 'This section reserved for future use.')

5.52 **Commercial Uses:** accessory land uses, such as yards, railroad tracks and parking lots may be at elevations lower than the regulatory flood protection elevation. However, a permit for such facilities to be used by the employees or the general public shall not be granted in the absence of a flood warning system that provides adequate time for evacuation if the area would be inundated to a depth and velocity such that when multiplying the depth (in feet) times velocity (in feet per second) the product number exceeds four (4) upon occurrence of the regional flood.

- 5.53 **Manufacturing and Industrial Uses:** measures shall be taken to minimize interference with normal plant operations especially along streams having protracted food durations. Certain accessory land uses such as yards and parking lots maybe at lower elevations subject to requirements set out in Section 5.52 above. In considering permit applications, due consideration shall be given to needs of an industry whose business requires that it be located in the flood plain areas.
- 5.54 Fill shall be properly compacted and the slopes shall be properly protected by the use of riprap, vegetative cover or other acceptable method. The Federal Emergency Management Agency (FEMA) has established criteria for removing the special flood hazard designation for certain structures properly elevated on fill above 100-year flood elevations – FEMA’s requirements incorporate specific fill compaction and side slope protection standards for multi-structure or multi-lot developments. These standards should be investigated prior to the initiation of site preparation if a change of special flood hazard area designation will be requested.
- 5.55 Flood plain developments shall not adversely affect the hydraulic capacity of the channel and adjoining flood plain of any tributary watercourse or drainage system where a floodway or other encroachment limit has not been specified on the Official Zoning Map.
- 5.56 Standards for recreational vehicles are contained in Section 9.3.
- 5.57 All manufactured homes must be securely anchored to an adequately anchored foundation system that resists flotation, collapse and lateral movement. Methods of anchoring may include, but are not limited to, use of over-the-top or frame ties to ground anchors. This requirement is in addition to applicable state or local anchoring requirements for resisting wind forces.

Section 6.0 **General Flood Plain District and Zone A Lakes**

6.1 **General Flood Plain District:**

6.11 **Permissible Uses:**

- A. The uses listed in Section 4.1 of this Ordinance shall be permitted uses.
- B. All other uses shall be subject to the 1% annual chance flood (100-Year Flood Elevations) and/or Floodway and Flood Fringe determinations criteria pursuant to Section 6.12 below. Section 4.0 shall apply if the proposed use is in the Floodway District and Section 5.0 shall apply if the proposed use is in the Flood Fringe District.

- 6.12 Procedures for the 1% annual chance flood (100-Year Flood Elevations) and/or Floodway and Flood Fringe Determinations for Streams Located Within the General Flood Plain District:

- A. Upon receipt of an application for a permit or other approval within the General Flood Plain District, the applicant shall be required to furnish such of the following information as is deemed necessary by the Zoning Administrator for the determination of the regulatory flood protection elevation and whether the proposed use is within the Floodway or Flood Fringe District.
1. A typical valley cross-section(s) showing the channel of the stream, elevation of land areas adjoining each side of the channel, cross-sectional areas to be occupied by the proposed development, and high water information.
 2. Plan (surface view) showing elevations or contours of the ground, pertinent structure, fill or storage elevations, the size, location and spatial arrangement of all proposed and existing structures on the site, and the location and elevations of the streets.
 3. Photographs showing existing land uses, vegetation upstream and downstream and soil types.
 4. Profile showing the slope of the bottom of the channel or flow line of the stream for at least 500 feet in either direction from the proposed development.
- B. The applicant shall be responsible to submit one copy of the above information to a designated engineer or other expert person or agency for technical assistance in determining the 1% annual chance flood (100-Year Flood Elevations), if not available, whether the proposed use is in the Floodway or Flood Fringe District and to determine the regulatory flood protection elevation. Procedures consistent with Minnesota Regulations 1983, Parts 6120.5000 – 6120.6200 and 44 Code of Federal Regulations Part 65 shall be followed in this expert evaluation. The designated engineer or expert is strongly encouraged to discuss the proposed technical evaluation methodology with respective Department of Natural Resources' Area Hydrologist prior to commencing the analysis. The designated engineer or expert shall:
1. Estimate the peak discharge of the regional flood.
 2. Calculate the water surface profile of the regional flood based upon a hydraulic analysis of the stream channel and overbank areas.
 3. Compute the floodway necessary to convey or store the regional flood without increasing flood stages more than 0.5 foot. A lesser stage increase than .5' shall be required if, as a result of the additional stage increase, increased flood damages would result.

An equal degree of encroachment on both sides of the stream within reach shall be assumed in computing floodway boundaries.

- C. The Zoning Administrator shall present the technical evaluation and finds of the designated engineer or expert to the Governing Body. The Governing Body must formally accept the technical evaluation and recommended Floodway and/or Flood Fringe District boundary or deny the permit application. The Governing Body, prior to official action, may submit the application and all supporting data and analyses to the Federal Emergency Management Agency, the Minnesota Department of Natural Resources or the Planning Commission for review and comment. Once the Floodway and the Flood Fringe District boundaries have been determined, the Governing Body shall refer the matter back to the Zoning Administrator who shall process the permit application consistent with the applicable provisions of Section 4.0 and 5.0 of this Ordinance.

6.2 **Zone A lakes:** Procedures for determining 1% annual chance elevations (100 Year Flood Elevations) for lakes located in Zone A:

- 6.21 Upon receipt of an application for a permit or other approval within Zone A, the Zoning Administrator will use the 1% annual chance flood elevation for that basin that was previously been determined in accordance with approved FEMA methods, if available. If the 1% annual chance flood elevation has not been previously determined, the applicant shall be required to furnish all necessary information as deemed necessary by the Zoning Administrator for the determination for the 1% annual chance flood elevation in accordance with approved FEMA methods.
- 6.22 The applicant shall be responsible to submit one copy of the above information to a designated engineer or other expert person or agency for technical assistance in determining the 1% annual chance flood elevation (100-year flood elevation). Procedures consistent with Minnesota Regulations 1983, Parts 6120.5000 – 6120.6200 and 44 Code of Federal Regulations Part 65 shall be followed in this expert evaluation. The designated engineer or expert is strongly encouraged to discuss the proposed technical evaluation methodology with respective Department of Natural Resources' Area Hydrologist prior to commencing the analysis.
- 6.23 Once the 1% annual chance flood elevation (100-year flood elevation) has been determined, the Zoning Administrator shall process the permit application with the applicable provisions of Section 4.0 and 5.0 of this Ordinance depending on whether the use is in the Floodway District or the Flood Fringe District, respectively, as determined by the criteria in Sections 3.11 and 3.12 of this Ordinance.

Section 7.0 Subdivisions

(Note: This Section is not intended as a substitute for a comprehensive city or county subdivision ordinance. It can, however, be used as an interim control until a comprehensive subdivision ordinance can be amended to include necessary flood plain management provisions.)

- 7.1 **Review Criteria:** No land shall be subdivided which is unsuitable for the reason of flooding, inadequate drainage, water supply or sewage treatment facilities. All lots within the flood plain districts shall be able to contain a building site outside of the Floodway District at or above the regulatory flood protection elevation. All subdivisions shall have water and sewage treatment facilities that comply with the provisions of this Ordinance and have road access both to the subdivision and to the individual building sites no lower than two (2) feet below the regulatory flood protection elevation. For all subdivisions in the flood plain, the Floodway and Flood Fringe District boundaries, the regulatory flood protection elevation and the required elevation of all access roads shall be clearly labeled on all required subdivision drawings and platting documents.
- 7.2 **1% chance annual flood (100-Year Elevations) and/or Floodway/Flood Fringe Determinations:** Applicants shall provide the information required in Section 6.0 of this Ordinance to determine the 100-year flood elevation, the Floodway and Flood Fringe District boundaries and the regulatory flood protection elevation for the subdivision site applicable.
- 7.3 **Removal of Special Flood Hazard Area Designation:** The Federal Emergency Management Agency (FEMA) has established criteria for removing the special flood hazard area designation for certain structures properly elevated on fill above the 100-year flood elevation. FEMA's requirements incorporate specific fill compaction and side slope protection standards for multi-structure or multi-lot developments. These standards should be investigated prior to the initiation of site preparation if a change of special flood hazard area designation will be requested.

Section 8.0 Public Utilities, Railroads, Roads and Bridges

- 8.1 **Public Utilities:** All public utilities and facilities such as gas, electrical, sewer and water supply systems to be located in the flood plain shall be flood proofed in accordance with the State Building Code or elevated to above the regulatory flood protection elevation.
- 8.2 **Public Transportation Facilities:** Railroad tracks, roads and bridges to be located within the flood plain shall comply with Section 4.0 and 5.0 of this Ordinance. Elevation to the regulatory flood protection elevation shall be provided where failure or interruption of these transportation facilities would result in danger to the public health or safety or where such facilities are essential to the orderly functioning of the area. Minor or auxiliary roads or railroads may be constructed at a lower elevation where failure or interruption of transportation services would not endanger the public health or safety.

- 8.3 **On-site Sewage Treatment and Water Supply Systems:** Where public utilities are not provided: (1) On-site water supply systems must be designed to minimize or eliminate infiltration of flood waters into systems; and (2) New or replacement on-site sewage treatment systems must be designed to minimize or eliminate infiltration of flood waters into the systems and discharges from the systems into flood waters and they shall not be subject to impairment or contamination during times of flooding. Any sewage treatment system designed in accordance with the State's current statewide standards for on-site sewage treatment systems shall be determined to be in compliance with this Section.

Section 9.0 **Manufactured Homes and Manufactured Home Parks and Placement of Recreational Vehicles**

- 9.1 New manufactured home parks and expansions to existing manufactured home parks shall be subject to the provisions placed on subdivisions by Section 7.0 of this Ordinance.
- 9.2 The placement of new or replacement manufactured homes in existing manufactured home parks or on individual lots of record that are located in flood plain districts will be treated as a new structure and may be placed only if elevated in compliance with Section 5.0 of this Ordinance. If vehicular road access for pre-existing manufactured home parks is not provided in accordance with Section 5.51, then replacement manufactured homes will not be allowed until the property owner(s) develops a flood warning emergency plan acceptable to the Governing Body.
- 9.21 All manufactured homes must be securely anchored to an adequately anchored foundation system that resists flotation, collapse and lateral movement. Methods of anchoring may include, but are not limited to, use of over-the-top or frames ties to ground anchors. This requirement is in addition to applicable state or local anchoring requirements for resisting wind forces.
- 9.3 Recreational vehicles that do not meet the exemption criteria specified in Section 9.31 below shall be subject to the provisions of this Ordinance and as specifically spelled out in Sections 9.33 – 9.34 below.
- 9.31 **Exemption:** Recreational vehicles are exempt from the provisions of this Ordinance if they are placed in any areas listed in Section 9.32 below and further they meet the following criteria:
- A. Have current licenses required for highway use.
 - B. Are highway ready meaning on wheels or the internal jacking system, are attached to the site only by quick disconnect type utilities commonly used in campgrounds and recreational vehicle parks and the recreational vehicle has no permanent structural type additions attached to it.
 - C. The recreational vehicle and associated use must be permissible in any pre-existing, underlying zoning use district.

9.32 **Areas Exempted For Placement of Recreational Vehicles:**

- A. Individual lots or parcels of land.
- B. Existing commercial recreational vehicle parks or campgrounds.
- C. Existing condominium type associations.

9.33 Recreational vehicles exempted in Section 9.3 lose this exemption when development occurs on the parcel exceeding \$500 for a structural addition to the recreational vehicle or exceeding \$500 for an accessory structure such as a garage or storage building. The recreational vehicle and all additions and accessory structures will then be treated as a new structure and shall be subject to the elevation/flood proofing requirements and the use of the land restrictions specified in Section 4.0 and 5.0 of this Ordinance. There shall be no development or improvement on the parcel or attachment to the recreational vehicle that hinders the removal of the recreational vehicle to a flood free location should flooding occur.

9.34 New commercial recreational vehicle parks or campgrounds and new residential type subdivisions and condominium associations and the expansion of any existing similar use exceeding five (5) units or dwelling sites shall be subject to the following:

- A. Any new or replacement recreational vehicle will be allowed in the Floodway or Flood Fringe Districts provided said recreational vehicle and its contents are placed on fill above the regulatory flood protection elevation and proper elevated road access to the site exists in accordance with Section 5.51 of this Ordinance. No fill placed in the floodway to meet requirements of this Section shall increase flood stages of the 100-year or regional flood.
- B. All new or replacement recreational vehicles not meeting criteria of (a) above may, as an alternative, be allowed as a conditional use if in accordance with the following provisions and the provisions of 10.4 of this Ordinance. The applicant must submit an emergency plan for the safe evacuation of all vehicles and people during the 100-year flood. Said plan shall be prepared by a registered engineer or other qualified individual, shall demonstrate that adequate time and personnel exist to carry out the evacuation, and shall demonstrate the provisions of Section 9.31 (a) and (b) of this Ordinance will be met. All attendant sewage and water facilities for new and replacement recreational vehicles must be protected or constructed so as to not be impaired or contaminated during the times of flooding in accordance with Section 8.3 of this Ordinance.

Section 10.0 **Administration**

10.1 **Zoning Administrator:** A Zoning Administrator or other official designated by the Governing Body shall administer and enforce this Ordinance. If the Zoning

Administrator finds a violation of the provisions of this Ordinance the Zoning Administrator shall notify the person responsible for such violation in accordance with the procedures stated in Section 12.0 of this Ordinance.

10.2 **Permit Requirements:**

- 10.21 **Permit Required.** A permit issued by the Zoning Administrator in conformity with the provisions of this Ordinance shall be secured prior to the erection, addition, modification, rehabilitation (including normal maintenance and repair), or alteration of any building, structure or portion thereof; prior to the use or change of use of a building, structure or land; prior to the construction of a dam, fence, or on-site septic system; prior to the change or extension of a non-conforming use; prior to the repair of a structure that has been damaged by a flood, fire, tornado, or any other source; and prior to the placement of fill, excavation of materials, or the storage of materials or equipment within the flood plain.
- 10.22 **Application for Permit.** Application for a permit shall be made in duplicate to the Zoning Administrator on forms furnished by the Zoning Administrator and shall include the following where applicable: plans in duplicate drawn to scale, showing the nature, location, dimensions and elevations of the lot; existing or proposed structures, fill or storage of materials; and the location of the foregoing in relation to the stream channel.
- 10.23 **State and Federal Permits:** Prior to granting a permit or processing an application for a conditional use permit or variance, the Zoning Administrator shall determine that the applicant has obtained all necessary state and federal permits.
- 10.24 **Certificate of Zoning Compliance for a New, Altered or Nonconforming Use.** It shall be unlawful to use, occupy or permit the use or occupancy of any building or premises or part thereof hereafter created, erected, changed, converted, altered or enlarged in its use or structure until a certificate of zoning compliance shall have been issued by the Zoning Administrator stating that the use of the building or land conforms to the requirements of this Ordinance.
- 10.25 **Construction and Use to be provided on Applications, Plans, Permits, Variances and Certificates of Zoning Compliance.** Permits, conditional use permits, or certificates of zoning compliance issued on the basis of approved plans and applications authorize only the use, arrangement and construction set forth in such approved plans and applications, and no other use, arrangement or construction. Any use, arrangement or construction at variance with that authorized shall be deemed a violation of this Ordinance, and punishable as provided by Section 12.0 of this Ordinance.

- 10.26 **Certification:** The applicant shall be required to submit certification by a registered professional engineer, registered architect or registered land surveyor that the finished fill and building elevations were accomplished in compliance with the provisions of this Ordinance. Flood proofing measures shall be certified by a registered professional engineer or registered architect.
- 10.27 **Record of First Floor Elevation.** The Zoning Administrator shall maintain a record of the elevation of the lowest floor (including basement) of all new structures and alterations or additions to existing structures in the flood plain. The Zoning Administrator shall also maintain a record of the elevation to which structures or alterations and additions to structures are flood proofed.
- 10.28 **Notifications for Watercourse Alterations.** The Zoning Administrator shall notify, in riverine situations, adjacent communities and the Commissioner of the Department of Natural Resources prior to the community authorizing any alteration or relocation of a watercourse. If the applicant has applied for a permit to work in the beds of public waters pursuant to Minnesota Statute, Chapter 103G, this shall suffice as adequate notice to the Commissioner of Natural Resources. A copy of said notification shall also be submitted to the Chicago Regional Office of the Federal Emergency Management Agency (FEMA).
- 10.29 **Notification to FEMA When Physical Changes Increase or Decrease the 100-Year Flood Elevation.** As soon as is practicable, but not later than six (6) months after the date supporting information becomes available, the Zoning Administrator shall notify the Chicago Regional Office of FEMA of the changes by submitting a copy of said technical and scientific data.

10.3 **Board of Adjustment:**

- 10.31 **Rules.** The Board of Adjustment shall adopt rules for the conduct of business and may exercise all powers conferred on such Boards by State law.
- 10.32 **Administrative Review.** The Board of Adjustment shall hear and decide appeals where it is alleged there is an error in any order, requirement, decision, or determination made by an administrative official in the enforcement or administration of this Ordinance.
- 10.33 **Variances.** The Board of Adjustment may authorize upon appeal in specific cases such relief or variance from the terms of this Ordinance as will not be contrary to the public interest and only for those circumstances such as hardship, practical difficulties or circumstances unique to the property under consideration, as provided for in the respective enabling legislation for planning and zoning for cities or counties as appropriate. In granting of such variance, the Board of Adjustment shall clearly identify

in writing the specific conditions that existed consistent with the criteria specified in this Ordinance, any other zoning regulations in the Community, and in the respective enabling legislation that justified the granting of the variance. No variance shall have the effect of allowing in any district uses prohibited in that district, permit a lower degree of flood protection than the regulatory flood protection elevation for the particular area, or permit standards lower than those required by state law. The following additional variance criteria of the FEMA must be satisfied:

- A. Variances shall not be issued by a community within any designated regulatory floodway if any increase in flood levels during the base flood discharge would result.
- B. Variances shall only be issued by a community upon (1) a showing of good and sufficient cause, (2) a determination that failure to grant the variance would result in exceptional hardship to the applicant, and (3) a determination that granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public, or conflict with existing local laws or ordinances.
- C. Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.

10.34 **Hearings.** Upon filing with the Board of Adjustment of an appeal from a decision of the Zoning Administrator, or an application for a variance, the Board of Adjustment shall fix a reasonable time for a hearing and give notice to the parties in interest as specified by law. The Board of Adjustment shall submit by mail to the Commissioner of Natural Resources a copy of the application for proposed variances sufficiently in advance so that the Commissioner will receive at least ten (10) days notice of the hearing.

10.35 **Decisions.** The Board of Adjustment shall arrive at a decision on such an appeal or variance within sixty (60) days. In passing upon an appeal, the Board of Adjustment may, so long as such action is in conformity with the provisions of this Ordinance, reverse or affirm, wholly or in part, or modify the order, requirement, decision or determination of the Zoning Administrator or other public official. It shall make its decision in writing setting forth the findings of fact and the reasons for its decisions. In granting a variance the Board of Adjustment may prescribe appropriate conditions and safeguards such as those specified in Section 10.46, which are in conformity with the purpose of this Ordinance. Violations of such conditions and safeguards, when made a part of the terms under which the variance is granted, shall be deemed a violation of this Ordinance punishable under Section 12.0. A copy of all decisions

granting variances shall be forwarded by mail to the Commissioner of Natural Resources within ten (10) days of such action.

10.36 **Appeals.** Appeals from any decision of the Board of Adjustment may be made, and as specified in this community's official controls and also by Minnesota Statutes.

10.37 **Flood Insurance Notice and Record Keeping.** The Zoning Administrator shall notify the applicant for a variance that: (1) This issuance of a variance to construct a structure below the base flood level will result in increased premium rates for flood insurance up to amounts as high as \$25 for \$100 of insurance coverage and (2) Such construction below the 100-year or regional flood level increases risks to life and property. Such notification shall be maintained with a record of all variance actions. A community shall maintain a record of all variance actions, including justification for their issuance, and report such variances issued in its annual or biannual report submitted to the Administrator of the National Flood Insurance Program.

10.4 **Conditional Uses.** The Willow River City Council shall hear and decide applications for conditional uses permissible under this Ordinance. Applications shall be submitted to the Zoning Administrator who shall forward the application to the Council for consideration.

10.41 **Hearings.** Upon filing with the Willow River City Council an application for a conditional use permit, the Council shall mail to the Commissioner of Natural Resources a copy of the application for proposed conditional use sufficiently in advance so that the Commissioner will receive at least ten (10) days notice of the hearing.

10.42 **Decisions.** The Willow River City Council shall arrive at a decision on a conditional use within sixty (60) days. In granting a conditional use permit the City Council shall prescribe appropriate conditions and safeguards, in addition to those specified in Section 10.46, which are in conformity with the purpose of this Ordinance. Violations of such conditions and safeguards, when made a part of the terms under which the conditional use permit is granted, shall be deemed a violation of this Ordinance punishable under Section 12.0. A copy of all decisions granting conditional use permits shall be forwarded by mail to the Commissioner of Natural Resources within ten (10) days of such action.

10.43 **Procedures to be followed by the Willow River City Council in Passing on Conditional Use Permit Applications Within all Flood Plain Districts.**

A. Require the applicant to furnish such of the following information and additional information as deemed necessary by the City Council for determining the suitability of the particular site for the proposed use:

1. Plans in triplicate drawn to scale showing the nature, location, dimensions and elevation of the lot; existing or proposed structures, fill or storage of materials; flood proofing measures and the relationship of the above to the location of the stream channel.
 2. Specifications for building construction and materials, flood proofing, filling, dredging, grading, channel improvement, storage of materials, water supply and sanitary facilities.
- B. Transmit one copy of the information described in subsection (A) to a designated engineer or other expert person or agency for technical assistance, where necessary, in evaluating the proposed project in relation to flood heights and velocities, the seriousness of flood damage to the use, the adequacy of the plans for protection and other technical matters.
- C. Based upon the technical evaluation of the designated engineer or expert, the Willow River City Council shall determine the specific flood hazard at the site and evaluate the suitability of the proposed use in relation to the flood hazard.

10.44 **Factors Upon Which the Decision of the Willow River City Council Shall Be Based.** In passing upon conditional use applications, the City Council shall consider all relevant factors specified on other sections of this Ordinance, and:

- A. The danger to life and property due to increased flood heights or velocities caused by encroachments.
- B. The danger that materials may be swept onto other lands or downstream to the injury of others or they may block bridges, culverts or other hydraulic structures.
- C. The proposed water supply and sanitation systems and the ability of these systems to prevent disease, contamination and unsanitary conditions.
- D. The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner.
- E. The importance of services provided by the proposed facility to the community.
- F. The requirements of the facility for a waterfront location.

- G. The availability of alternative locations not subject to flooding for the proposed use.
- H. The compatibility of the proposed use with existing development and development anticipated in the foreseeable future.
- I. The relationship of the proposed use to the comprehensive plan and flood plain management program for the area.
- J. The safety of access to the property in times of flood for ordinary and emergency vehicles.
- K. The expected heights, velocity, duration, rate of rise, and sediment transport of the flood waters expected at the site.
- L. Such other factors which are relevant to the purposes of this Ordinance.

10.45 **Time for Acting on Application.** The Planning Commission shall act on an application in the manner described above within sixty (60) days from receiving the application, except that where additional information is required to 10.44 of this Ordinance. The Planning Commission shall render a written decision within forty-five (45) days from the receipt of such additional information.

10.46 **Conditions Attached to Conditional Use Permits.** Upon consideration of the factors listed above and the purposes of this Ordinance, The Planning Commission shall attach such conditions to the granting of Conditional Use Permits as it deems necessary to fulfill the purposes of this Ordinance. Such conditions may include, but not be limited to, the following:

- A. Modification of waste treatment and water supply facilities.
- B. Limitations on period of use, occupancy and operation.
- C. Imposition of operational controls, sureties and deed restrictions.
- D. Requirements for construction of channel modifications, compensatory storage, dikes, levees and other protective measures.
- E. Flood-proofing measures, in accordance with State Building Code and this Ordinance. The applicant shall submit a plan or document certified by a registered professional engineer or architect that the flood-proofing measures are consistent with the Regulatory Flood Protection Elevation and associated flood factors for the particular area.

- 10.47 The decision by the Planning Commission constitutes a recommendation to the City Council. The City Council shall act on the Planning Commission's recommendation at the next Council meeting following the Planning Commission's decision and shall make the final decision on the application.

Section 11.0 Nonconforming Uses

- 11.1 A structure or the use of a structure or premises which was lawful before passage or amendment of this Ordinance but which is not in conformity with the provisions of this Ordinance may be continued subject to the following conditions:
- 11.11 No such use shall be expanded, changed, enlarged or altered in a way which increases its nonconformity.
- 11.12 Any alteration or addition to a nonconforming structure or nonconforming use which would result in increasing the flood damage potential of that structure or use shall be protected to the Regulatory Flood Protection Elevation in accordance with any of the elevation on fill or flood proofing techniques (i.e., FP-1 thru FP-4 flood proofing classifications) allowable in the State Building Code, except as further restricted in 11.13 below.
- 11.13 The cost of any structural alterations or additions to any nonconforming structure over the life of the structure shall not exceed 50 percent of the market value of the structure unless the conditions of this Section are satisfied. The cost of all structural alterations and additions constructed since the adoption of the Community's initial flood plain controls must be calculated into today's current cost which will include all costs such as construction materials and a reasonable cost placed on all manpower or labor. If the current cost of all previous and proposed alterations and additions exceeds 50 percent of the current market value of the structure, then the structure must meet the standards of Section 4.0 and 5.0 of this Ordinance for new structures depending upon whether the structure is in the Floodway or Flood Fringe, respectively.
- 11.14 If any nonconforming use is discontinued for 12 consecutive months, any future use of the building premises shall conform to this Ordinance. The assessor shall notify the Zoning Administrator in writing of instances of nonconforming uses which have been discontinued for a period of 12 months.
- 11.15 If any nonconforming use or structure is destroyed by any means, including floods, to an extent of 50 percent or more of its market value at the time of destruction, it shall not be reconstructed except in conformity with the provisions of this Ordinance. The applicable provisions for establishing new uses or new structures in Sections 4.0, 5.0 and 6.0 will apply depending upon whether the use or structure is in the Floodway or Flood Fringe or General Flood Plain District, respectively.

Section 12.0 **Penalties for Violation.**

- 12.1 Violations of the provisions of this Ordinance or failure to comply with any of its requirements (including violations of conditions and safeguards established in connection with grants of Variances and Conditional Uses) shall constitute a misdemeanor and as defined by law.
- 12.2 Nothing herein contained shall prevent the City of Willow River from taking such other lawful action as is necessary to prevent or remedy any violation. Such actions may include but are not limited to:
 - 12.21 In responding to a suspected ordinance violation, the Zoning Administrator and Local Government may utilize the full array of enforcement actions available to it including but not limited to prosecution and fines, injunctions, after-the-fact permits, orders for corrective measures or a request to the National Flood Insurance Program for denial of flood insurance availability to the guilty party. The community must act in good faith to enforce these official controls and to correct ordinance violations to the extent possible so as not to jeopardize its eligibility in the National Flood Insurance Program.
 - 12.22 When an ordinance violation is either discovered by or brought to the attention of the Zoning Administrator, the Zoning Administrator shall immediately investigate the situation and document the nature and extent of the violation of the official control. As soon as is reasonably possible, this information will be submitted to the appropriate Department of Natural Resources and Federal Emergency Management Agency Regional Office along with the Community's plan of action to correct the violation to the degree possible.
 - 12.23 The Zoning Administrator shall notify the suspected party of the requirements of this Ordinance and all other Official Controls and the nature and extent of the suspected violation of these controls. If the structure and/or use is under construction or development, the Zoning Administrator may order the construction or development immediately halted until a proper permit or approval is granted by the Community. If the construction or development is already completed, then the Zoning Administrator may either (1) issue an order identifying the corrective actions that must be made within a specified time period to bring the use or structure into compliance with the official controls, or (2) notify the responsible party to apply for an after-the-fact permit/development approval within a specified period of time not to exceed thirty (30) days.
 - 12.24 If the responsible party does not appropriately respond to the Zoning Administrator within the specified period of time, each additional day that lapses shall constitute an additional violation of this Ordinance and shall be prosecuted accordingly. The Zoning Administrator shall also upon the lapse of the specified response period notify the landowner to restore the land to the condition which existed prior to the violation of this Ordinance.

Section 13.0 **Amendments**

The flood plain designation on the Official Zoning Map shall not be removed from the flood plain areas unless it can be shown that the designation is in error or that the area has been filled to or above the elevation of the regulatory flood protection elevation and its contiguous to lands outside the flood plain. Special exceptions to this rule may be permitted by the Commissioner of Natural Resources if he determines that, through other measures, lands are adequately protected for the intended use.

All amendments to this Ordinance, including amendments to the Official Zoning Map, must be submitted to and approved by the Commissioner of Natural Resources prior to adoption. Changes in the Official Zoning Map must meet the Federal Emergency Management Agency (FEMA) Technical Conditions and Criteria and must receive prior FEMA approval before adoption. The Commissioner of Natural Resources must be given ten (10) days written notice of all hearings to consider an amendment to this Ordinance and said notice shall include a draft of the Ordinance amendment or technical study under consideration.

Effective Date: This Ordinance shall be in full force and effect and after its passage and approval and publication, as required by law and/or charter.

Amendment to Section 2.2 to include map panel 227115C250C.

PASSED AND ADOPTED by the City Council of the City of Willow River, Minnesota, this 3rd day of July, 2023.

ORDINANCE NO. 90

TOPIC: **RESIDENCY RESTRICTIONS AND PROHIBITIONS FOR PERSONS CONVICTED OF SEXUAL OFFENSES.**

STATUS: **Valid** Passed February June 2, 2014

DESCRIPTION:

AN ORDINANCE, PROVIDING FOR THE REGULATION OF RESIDENCY RESTRICTIONS AND PROHIBITIONS FOR PERSONS CONVICTED OF SEXUAL OFFENSES.

THE CITY COUNCIL OF THE CITY OF WILLOW RIVER ORDAINS:

- 1.01 Findings and intent
- 1.02 Definitions
- 1.03 Sexual offender and sexual predator residence prohibition; penalties; exceptions
- 1.04 Property owners prohibited from renting real property of certain sexual offenders and sexual predators; penalties

1.01 FINDINGS AND INTENT.

- A. Repeat sexual offenders, sexual offenders who use physical violence and sexual offenders who prey on children are sexual predators who present an extreme threat to the public safety. Sexual offenders are extremely likely to use physical violence and to repeat their offenses. Most sexual offenders commit many offenses, have many more victims than are ever reported, and are prosecuted for only a fraction of their crimes. This makes the cost of sexual offender victimization to society at large, while incalculable, clearly exorbitant.

- B. It is the intent of this chapter to server the city’s compelling interest to promote, protect, and improve the health, safety, and welfare of its citizens by creating civil, non-punitive regulatory scheme, establishing areas around locations where children regularly congregate in concentrated numbers, wherein certain sexual offenders and sexual predators are prohibited from establishing temporary or permanent residence.

1.02 DEFINITIONS.

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

CHILDREN. Persons age 16 or younger.

DAY CARE CENTER. A facility licensed by the State of Minnesota in which care, supervision and training for children is provided for part of a 24-hour period.

DESIGNATED OFFENDER. Any person who has been convicted of a designated sexual offense, regardless of whether adjudication has been withheld, in which the victim of the offense was less than 16 years of age, or has been categorized as a Level III sex offender under M.S. §244.052 or successor statute.

DESIGNATED SEXUAL OFFENSE. A conviction, adjudication of delinquency, commitment under M.S. Chapter 253B, or admission of guilt under oath without adjudication involving any of the following offenses: M.S. §§609.342; 609.343; 609.344; 609.345; 609.352; 609.365; 617.246; 617.247; 617.293; successor statues; or a similar offense from another state.

PARK or PLAYGROUND. Any land, including improvements, operated by the city for the use by the general public as a recreational area.

PERMANENT RESIDENCE. A place where the person abides lodges or resides for 14 or more consecutive days.

SCHOOL. Any public, private, or parochial educational institution that offers educations instruction to individuals under the age of 18.

TEMPORARY RESIDENCE. A place where the person abides, lodges or resides for a period of 14 or more days in the aggregate during any calendar year, and which is not the person’s permanent address or a place where the person routinely abides, lodges or resides for a period of four or more consecutive or on consecutive days in any month, and which is not the person’s permanent residence.

1.03 SEXUAL OFFENDER AND SEXUAL PREDATOR RESIDENCE PROHIBITION; PENALTIES; EXCEPTIONS.

- A. **Prohibited location of residence.** It is unlawful for any designated offender to establish a permanent residence or temporary residence within 2,000 feet of any school, licensed day care center, place of worship that provides regular educational programs, park, or playground.
- B. **Prohibited activity.** It is unlawful for any designated offender to participate in a holiday event involving children under 16 years of age, such as distributing candy or other items to children on Halloween, wearing a Santa Claus costume on or preceding Christmas, or wearing an Easter Bunny costume on or preceding Easter. Holiday events in which the offender is the parent or guardian of the children involved, and no non-familial children are present, are exempt from this division.
- C. **Measurement of distance.** For purposes of determining the minimum distance separation, the requirement shall be measured by following a straight line from the outer property line of the permanent residence or temporary residence to nearest outer property line of a school, day care center, park, playground, place of worship, or other place where children regularly congregate. The City Clerk shall maintain an official map showing prohibited locations as defined by this chapter. The Clerk shall update the map at least annually to reflect any changes in the location of prohibited zones.
- D. **Penalties.** A person who violates this section shall be punished by a fine not exceeding \$1,000, or by confinement for a term not exceeding 90 days, or by both such fine and confinement. Each day a person maintains a residence in violation of this chapter constitutes a separate violation.
- E. **Exception.** A designated offender residing within a prohibited area as described in 1.03A does not commit a violation of this section if any of the following apply:
 - 1. The person established the permanent residence or temporary residence and reported and registered the residence pursuant to M.S. §243.166, §243.167, or successor statute, prior to November 17, 2011.
 - 2. The school, place of worship, park or day care center within 2,000 feet of the person's permanent residence was designated or opened after the person established the permanent residence or temporary residence and reported and registered the residence pursuant to M.S. §243.166, §243.167.
 - a. The residence is property owned by the Minnesota Department of Corrections.
 - b. The person's conviction for the designated offense was reversed on appeal.
 - c. Nothing in this provision shall require any person to sell or otherwise dispose of any real property acquired or owned prior to the conviction restricting residency under this chapter.

1.04 PROPERTY OWNERS PROHIBITED FROM RENTING REAL PROPERTY TO CERTAIN SEXUAL OFFENDERS AND SEXUAL PREDATORS; PENALTIES.

- A. It is unlawful to let or rent any place, structure, or part thereof, trailer or other conveyance, with the knowledge that it will be used as a permanent residence or temporary residence by any person prohibited from establishing such permanent residence or temporary residence pursuant to this chapter, if such place, structure, or part thereof, trailer or other conveyance, is located within a prohibited location zone described in §1.03(A).
- B. A property owner's failure to comply with provisions of this section shall constitute a violation of this section, and shall subject the property owner to the ordinance enforcement provisions and procedures as provided in §1.02 of this ordinance.
- C. If a property owner discovers or is informed that a tenant is a designated offender after signing a lease or otherwise agreeing to let the offender reside on the property, the owner or property manager may evict the offender.

1.05 Effective date. This ordinance becomes effective from and after its passage and publication.

Passed by the City Council of Willow River on June 2, 2014.

ORDINANCE NO. 93

TOPIC: ANNEXING LAND LOCATED IN KETTLE RIVER TOWNSHIP, PINE COUNTY, MINNESOTA

STATUS: Valid Passed July 6, 2021; Amended February 7, 2022 (Ord. No. 96)

DESCRIPTION:

AN ORDINANCE OF THE CITY OF WILLOW RIVER, MINNESOTA ANNEXING LAND LOCATED IN KETTLE RIVER TOWNSHIP, PINE COUNTY, MINNESOTA PURSUANT TO MINNESOTA STATUTES § 414.033 SUBDIVISION 2(3), PERMITTING ANNEXATION BY ORDINANCE

WHEREAS, a petition signed by all the property owners, requesting that property legally described on the attached Exhibit "A" be annexed to the City of Willow River, Minnesota, was duly presented to the Council of the City of Willow River on the 5th day of April, 2021; and

WHEREAS, said property is unincorporated and abuts the City of Willow River on its Southern boundary; is less than 120 acres; is not presently served by public sewer facilities or public sewer facilities are not otherwise available; and

WHEREAS, said property is not located within a flood plain or shoreland area; and

WHEREAS, said property is currently PID-R17.0110.000 residential; PID- R17.0105.000 residential/recreational; PID- R17.0110.000 non-homestead seasonal residential recreational; and annexation is requested for the (PID- R17.0110.000 - residential) and (PIDs R17.0105.000 and R17.0107.000 - commercial) development of the property; and (Amended, Ord. No. 96, 2/7/22)

WHEREAS, the City of Willow River held a public hearing pursuant to Minnesota Statutes § 414.033 Subd. 2b, on June 7, 2021, following thirty (30) days written notice by certified mail to the Town of Kettle River and to all landowners within and contiguous to the area legally described on attached Exhibit A, to be annexed; and

WHEREAS, provisions of Minnesota Statutes § 414.033 Subd. 13 are not applicable in that there will be no change in the electric utility service provider resulting from the annexation of the territory to the municipality.

**NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF WILLOW RIVER
HEREBY ORDAINS AS FOLLOWS:**

1. The City Council hereby determines that the property as hereinafter described abuts the city limits and is or is about to become urban or suburban in nature in that (R1 - Residential) use for PID R17.0110.000 and (R1 – Residential/RCA Recreational Camping Area) use for PID R17.0105.000 and PID R17.0107.000 have been assigned to said properties. (Amended, Ord. No. 96, 2/7/22)
2. None of the property is now included within the limits of any city, or in any area that has already been designated for orderly annexation pursuant to Minnesota Statute § 414.0325.
3. The corporate limits of the City of Willow River, Minnesota, are hereby extended to include the following described property, said land abutting the City of Willow River and being 120 acres or less in area, and is not presently served by public sewer facilities or public sewer facilities are not otherwise available, and the City having received a petition for annexation from all the property owners of the land, to wit:

See Exhibit “A” hereinafter Attached

The above-described property consists of a total of 17.9 acres, more or less. Copies of the corporate boundary map showing the property to be annexed and its relationship to the corporate boundaries and all appropriate plat maps are attached hereto.

4. That the population of the area legally described (herein or attached exhibit) and hereby annexed is 5.

5. The City of Willow River, pursuant to Minnesota Statutes § 414.036, that with respect to the property taxes payable on the area legally described on attached Exhibit “A” hereby annexed, shall make a cash payment to the Town of Kettle River in accordance with the following schedule:

- a. In the first year following the year in which the City of Willow River could first levy on the annexed area, an amount equal to \$235.87; and
- b. In the second year, an amount equal to \$235.87.

6. That pursuant to Minnesota Statutes § 414.036 with respect to any special assessments assigned by the Town to the annexed property and any portion of debt incurred by the Town prior to the annexation and attributable to the property to be annexed, but for which no special assessments are outstanding, for the area legally described on Exhibit “A” attached hereto, there are no special assessments or debt incurred by the Town on the subject area for which reimbursement is required.

7. That the City Clerk of the City of Willow River is hereby authorized and directed to file a copy of this Ordinance with the Municipal Boundary Adjustment Unit of the Office of Administrative Hearings, the Minnesota Secretary of State, the Pine County Auditor, and the Kettle River Township Clerk.

8. That this Ordinance shall be in full force and effect and final upon the date this Ordinance is approved by the Office of Administrative Hearings.

ORDINANCE NO. 94

TOPIC: **REGULATING THE POSSESSION, SALE AND CONSUMPTION OF INTOXICATING AND 3.2 PERCENT MALT LIQUOR**

STATUS: **Valid** Passed September 7, 2021

DESCRIPTION:

AN ORDINANCE REPEALING ORDINANCE NO. 22, LICENSING AND REGULATION THE SALE OF NON-INTOXICATING MALT LIQUORS, REPEALING INCONSISTENT

ORDINANCES AND PROVIDING A PENALTY FOR THE VIOLATION THEREOF, Adopted April 4, 1933; AND ORDINANCE NO. 23, PROVIDING FOR A MUNICIPAL LIQUOR STORE FOR THE OFF SALE OF SPIRITUOUS AND MALT LIQUORES, Adopted December 1, 1941; AND ORDINANCE NO. 25, LICENSING AND REGULATING THE SALE OF INTOXICATING LIQUOR, Adopted December 1, 1941; AND ORDINANCE NO. 26, AN ORDINANCE AMENDING ORDINANCE NO. 25, Adopted July 3, 1948; AND ORDINANCE NO. 27, AN ORDINANCE AMENDING ORDINANCE NO. 22 AND NO. 25, Adopted August 11, 1949; AND ORDINANCE NO. 28, AN ORDINANCE AMENDING ORDINANCE NO. 26, Adopted December 16, 1949; AND ORDINANCE 30, AN ORDINANCE AMENDING ORDINANCE NO. 26, Adopted October 7, 1953; AND ORDINANCE NO. 43, AN ORDINANCE AMENDING ORDINANCE NO. 30, Adopted October 7, 1968; AND ORDINANCE NO. 48, SPECIAL SUNDAY ON SALE LIQUOR LICENSE, Adopted January 15, 1970; AND ORDINANCE NO. 52, AN ORDINANCE AMENDING ORDINANCE NO. 30, Adopted October 4, 1976; AND ORDINANCE NO. 61, AN ORDINANCE AMENDING ORDINANCE NOS. 22, 25, AND 27, Adopted November 5, 1984; AND ORDINANCE NO. 65, ESTABLISHING A MUNICIPAL LIQUOR DISPENSARY, Adopted June 17, 1935; AND ORDINANCE NO. 73, LIQUOR AND BEER ORDINANCE, Adopted July 3, 1995; AND ORDINANCE NO. 91, AN ORDINANCE AMENDING ORDINANCE NO. 73, Adopted July 3, 2017; AND ORDINANCE NO. 92, AN ORDINANCE AMENDING ORDINANCE NO. 48, Adopted July 3, 2017 **AND** ESTABLISHING NEW REGULATIONS REGULATING THE POSSESSION, SALE AND CONSUMPTION OF INTOXICATING AND 3.2 PERCENT MALT LIQUOR WITHIN THE CITY OF WILLOW RIVER, MINNESOTA.

NOW THEREFORE, The City Council of Willow River, Minnesota ordains that Ordinance No. 73, Liquor and beer ordinance, and any amendments thereto, BE REVOKED IN FULL, AND REPLACED TO READ AS FOLLOWS:

SECTION 1. ADOPTION OF STATE LAW BY REFERENCE.

The provisions of M.S. Ch. 340A, as they may be amended from time to time, with reference to the definition of terms, conditions of operation, restrictions on consumption, provisions relating to sales, hours of sale, and all other matters pertaining to the retail sale, distribution, and consumption of intoxicating liquor and 3.2 percent malt liquor are hereby adopted by reference and are made a part of this Chapter as if set out in full. It is the intention of the City Council that all future amendments to M.S. Ch. 340A are hereby adopted by reference or referenced as if they had been in existence at the time this Chapter is adopted.

SECTION 2. CITY MAY BE MORE RESTRICTIVE THAN STATE LAW.

The Council is authorized by the provisions of M.S. § 340A.509, as it may be amended from time to time, to impose, and has imposed in this chapter, additional restrictions on the sale and

possession of alcoholic beverages within its limits beyond those contained in M.S. Ch. 340A, as it may be amended from time to time.

SECTION 3. DEFINITIONS.

In addition to the definitions contained in Minn. Stat. § 340A.101 as it may be amended from time to time, the following terms are defined for purposes of this ordinance:

LIQUOR. As used in this ordinance, without modification by the words “intoxicating” or a “3.2 percent malt” includes both intoxicating liquor and 3.2 percent malt liquor.

RESTAURANT. An eating facility, other than a hotel, under the control of a single proprietor or manager, where meals are regularly prepared on the premises, where full waitress/waiter table service is provided, where a customer orders food from printed menus and where the main food course is served and consumed while seated at a single location. To be a restaurant as defined by this section, an establishment shall have a license from the state as required by Minn. Stat. § 157.16, as it may be amended from time to time, and meet the definition of either a “small establishment,” “medium establishment” or “large establishment” as defined in Minn. Stat. § 157.16, subd. 3(d), as it may be amended from time to time. An establishment which serves prepackaged food that receives heat treatment and is served in the package or frozen pizza that is heated and served, shall not be considered to be a restaurant for purposes of this ordinance unless it meets the definitions of a “small establishment”, “medium establishment” or “large establishment”.

SECTION 4. RAFFLES, SILENT AUCTIONS AND FUND-RAISING EVENTS FOR CHARITABLE PURPOSES OF WINE, BEER OR INTOXICATING LIQUORS

No person shall conduct a silent auction, raffle or other fund-raising event pursuant to Minn. Stat. § 340A.707 with prizes or awards of wine, beer or intoxicating liquors without notifying the city clerk of the event at least ten days prior to the occurrence of the event. The event holder shall provide the city with the following information: the person or organization holding the event, the day, time and location of the event, type of fund-raising event (silent auction, raffle or otherwise), type and amount of wine, beer, intoxicating liquor to be awarded as prizes, and the charitable purposes to which the event proceeds will be donated.

SECTION 5. NUMBER OF LICENSES WHICH MAY BE ISSUED.

State law establishes the number of liquor licenses that a city may issue. However, the number of licenses which may be granted under this ordinance is limited to the number of licenses which were issued as of the effective date of this ordinance, even if a larger number of licenses are authorized by law or election. The Council in its sound discretion may provide by ordinance that a larger number of licenses may be issued up to the number of licenses authorized by Minn. Stat. Ch. 340A, as it may be amended from time to time. If a larger number of licenses in a particular category has been authorized by a referendum held under the provisions of Minn. Stat. § 340A.413, subd. 3, as it may be amended from time to time, but not

all of them have been issued, the larger number of licenses is no longer in effect until the Council by ordinance determines that any or all of the licenses may be issued. The Council is not required to issue the full number of licenses that it has available.

SECTION 6. TERM AND EXPIRATION OF LICENSES.

Each license shall be issued for a maximum period of one year. All licenses, except temporary licenses, shall expire on December 31 of each year unless another date is provided by ordinance. All licenses shall expire on the same date. Temporary licenses expire according to their terms. Consumption and display permits issued by the Commissioner of Public Safety, and the accompanying city consent to the permit, shall expire on March 31 of each year.

SECTION 7. KINDS OF LIQUOR LICENSES.

The Council of a city that does not have a municipal liquor store is authorized to issue the following licenses and permits, up to the number specified in Section 6.

(A) 3.2 percent malt liquor on-sale licenses, which may be issued only to golf courses, restaurants, hotels, clubs, bowling centers, and establishments used exclusively for the sale of 3.2 percent malt liquor with the incidental sale of tobacco and soft drinks.

(B) 3.2 percent malt liquor off-sale license.

(C) Temporary 3.2 percent malt liquor licenses which may be issued only to a club, charitable, religious, or nonprofit organization.

(D) Off-sale intoxicating liquor licenses, which may be issued only to exclusive liquor stores or drug stores that have an off-sale license which was first issued on or before May 1, 1994. The fee for an off sale intoxicating liquor license established by the Council under Section 10 shall not exceed \$240 or a greater amount which may be permitted by Minn. Stat. § 340A.408, subd. 3, as it may be amended from time to time.

(E) On-sale intoxicating liquor licenses, which may be issued to the following establishments as defined by Minn. Stat. § 340A.101, as it may be amended from time to time, and this ordinance: hotels, restaurants, bowling centers, theaters, clubs or congressionally chartered veterans' organizations, theaters and exclusive liquor stores. Club licenses may be issued only with the approval of the Commissioner of Public Safety. The fee for club licenses established by the Council under Section 10 of this ordinance shall not exceed the amounts provided for in Minn. Stat. § 340A.408, subd. 2(b) as it may be amended from time to time. The Council may in its sound discretion authorize a retail on-sale licensee to dispense intoxicating liquor off the licensed premises at a community festival held within the city under the provisions of Minn. Stat. § 340A.404, subd. 4(b) as it may be amended from time to time. The Council may in its sound discretion authorize a retail on-sale licensee to dispense intoxicating liquor off the licensed premises at any convention, banquet, conference, meeting, or social affair conducted on the premises of a sports, convention, or cultural facility owned by the city, under the provisions of Minn. Stat. § 340A.404, subd. 4(a) as it may be amended from time to time;

however, the licensee is prohibited from dispensing intoxicating liquor to any person attending or participating in an amateur athletic event being held on the premises.

(F) Sunday on-sale intoxicating liquor licenses, only after authorization to do so by voter approval at a general or special election as provided by Minn. Stat. § 340A.504, subd. 3, as it may be amended from time to time. Sunday on-sale intoxicating liquor licenses may be issued only to a restaurant as defined in Section 3 of this ordinance, club, bowling center, or hotel which has a seating capacity of at least 30 persons, which holds an on-sale intoxicating liquor license, and which serves liquor only in conjunction with the service of food. The maximum fee for this license, which shall be established by the Council under the provisions of Section 10 of this ordinance, shall not exceed \$200, or the maximum amount provided by Minn. Stat. § 340A.504, subd. 3(c) as it may be amended from time to time.

(G) Combination on-sale/off-sale intoxicating liquor licenses if the city has a population less than 10,000.

(H) Temporary on-sale intoxicating liquor licenses, with the approval of the Commissioner of Public Safety, which may be issued only in connection with a social event sponsored by a club, charitable, religious, or other nonprofit corporation that has existed for at least three years; a political committee registered under state law; or a state university. No license shall be for longer than four consecutive days, and the city shall issue no more than 12 days' worth of temporary licenses to any one organization in one calendar year.

(I) On-sale wine licenses, with the approval of the Commissioner of Public Safety to: theaters, restaurants that have facilities for seating at least 25 guests at one time and meet the criteria of Minn. Stat. § 340A.404, subd. 5, as it may be amended from time to time, and which meet the definition of restaurant in section 3; to licensed bed and breakfast facilities which meet the criteria in Minn. Stat. § 340A.4011, subd. 1, as it may be amended from time to time and to theaters that meet the criteria of Minn. Stat. § 340A.404, subd. 1(b) as it may be amended from time to time. The fee for an on-sale wine license established by the Council under the provisions of Section 10 of this ordinance, shall not exceed one-half of the license fee charged for an on-sale intoxicating liquor license. The holder of an on-sale wine license who also holds an on-sale 3.2 percent malt liquor license is authorized to sell malt liquor with a content over 3.2 percent (strong beer) without an additional license.

(J) One day consumption and display permits with the approval of the Commissioner of Public Safety to a nonprofit organization in conjunction with a social activity in the city sponsored by the organization.

(K) Approval of the issuance of a consumption and display permit by the Commissioner of Public Safety. The maximum amount of the additional fee which may be imposed by the Council on a person who has been issued a consumption and display permit under the provisions of Section 10 of this ordinance shall not exceed \$300, or the maximum amount permitted by Minn. Stat. § 340A.414, subd. 6, as it may be amended from time to time. Consumption and display permits shall expire on March 31 of each year.

(L) Culinary class limited on-sale licenses may be issued to a business establishment not otherwise eligible for an on-sale intoxicating liquor license that, as part of its business, conducts culinary or cooking classes for which payment is made by each participant or advance reservation required. The license authorizes the licensee to furnish to each participant in each class, at no additional cost to the participant, up to a maximum of six ounces of wine or 12 ounces of intoxicating malt liquor, during and as part of the class, for consumption on the licensed premises only.

(M) Temporary off-sale wine licenses, with the approval of the Commission of Public Safety, may be issued for the off-sale of wine at an auction. A license issued under this subdivision authorizes the sale of only vintage wine of a brand and vintage that is not commonly being offered for sale by any wholesaler in Minnesota. The license may authorize the off sale of wine for not more than three consecutive days provided not more than 600 cases of wine are sold at any auction. The licenses are subject to the terms, including license fee, imposed by Section 10.

(N) Brew pub on-sale intoxicating liquor or on-sale 3.2 percent malt liquor licenses, with the approval of the Commissioner of Public Safety, may be issued to brewers who operate a restaurant in their place of manufacture and who meet the criteria established at Minn. Stat. § 340A.24, as it may be amended from time to time. Sales under this license at on-sale may not exceed 3,500 barrels per year. If a brew pub licensed under this section possesses a license for off-sale under Section 9 (O) below, the brew pub's total combined retail sales at on-sale or off-sale may not exceed 3,500 barrels per year, provided that off-sales may not total more than 500 barrels.

(O) Brewer off-sale malt liquor licenses, with the approval of the Commissioner of Public Safety, may be issued to a brewer that is a licensee under Section 9 (N) above and otherwise meets the criteria established at Minn. Stat. § 340A.24, as it may be amended from time to time. Off-sale of malt liquor shall be limited to the legal hours for off-sale at exclusive liquor stores in the city. Malt liquor sold off-sale must be removed from the premises before the applicable off-sale closing time at exclusive liquor stores. All malt liquor sold under this license shall be packaged in the manner required by Minn. Stat. § 340A.285 as it may be amended from time to time. Sales under this license may not exceed 500 barrels per year. If a brewer licensed under this section possesses a license under Section 9 (N) above, the brewer's total retail sales at on-sale or off-sale may not exceed 3,500 barrels per year, provided that off-sales may not total more than 750 barrels.

Brewer off-sale malt liquor licenses may also be issued, with approval of the Commissioner, to a holder of a brewer's license under Minn. Stat. § 340A.301, subd. 6(c), (i) or (j) and meeting the criteria established by Minn. Stat. § 340A.28 as may be amended from time to time. The amount of malt liquor sold at off-sale may not exceed 750 barrels annually. Off-sale of malt liquor shall be limited to the legal hours for off-sale at exclusive liquor stores in the jurisdiction in which the brewer is located, and the malt liquor sold off-sale must be removed

from the premises before the applicable off-sale closing time at exclusive liquor stores. Packaging of malt liquor for off-sale under this license must comply with section 340A.285.

(P) Brewer temporary on-sale intoxicating liquor licenses may be issued, with the approval of the Commissioner of Public Safety, to brewers who manufacture fewer than 3,500 barrels of malt liquor in a year for the on-sale of intoxicating liquor in connection with a social event within the municipality sponsored by the brewer.

(Q) A brewer taproom license, may be issued to the holder of a brewer's license under M.S. § 340A.301 Subd. 6(c), (i) or (j) as it may amended from time to time. A brewer's taproom license authorizes on-sale of malt liquor produced by the brewer for consumption on the premises of or adjacent to one brewery location owned by the brewer. A brewer may have only one taproom license and may not have an ownership interest in a brewer licensed under Minn. Stat. § 340A.301 Subd. 6(d) as it may be amended from time to time. A brewer taproom license may not be issued to a brewer that brews more than 250,000 barrels of malt liquor annually or a winery that produces more than 250,000 gallons of wine annually. Within ten days of issuing a brewer taproom license the City Clerk will inform the Commissioner of Public Safety of the licensee's name, address, trade name and the effective date and expiration date of the license. The City Clerk will inform the Commissioner of Public Safety of a license transfer, cancellation, suspension, or revocation during the license period.

(R) A cocktail room license may be issued to the holder of a state microdistillery license if at least 50 percent of the annual production of the licensee is processed and distilled on premises. A microdistillery cocktail room license authorizes on-sale of distilled liquor produced by the distiller for consumption on the premises of or adjacent to one distillery location owned by the distiller. The holder of a microdistillery cocktail room license may also hold a license to operate a restaurant at the distillery. No more than one cocktail room license may be issued to any distiller and a microdistillery cocktail room license may not be issued to any person having an ownership interest in a distillery licensed under Minn. Stat. § 340A.301 subd. 6 (a). No single entity may hold both a microdistillery cocktail room and taproom license and a microdistillery cocktail room and taproom license may not be co-located. Within ten days of the issuance of a microdistillery cocktail room license, the city shall inform the commissioner of public safety of the licensee's name and address and trade name, and the effective date and expiration date of the license. The city shall also inform the commissioner of public safety of a microdistillery cocktail room license transfer, cancellation, suspension, or revocation during the license period.

(S) A microdistiller off-sale license may be issued to the holder of a state microdistillery license if at least 50 percent of the annual production of the licensee is processed and distilled on premises. A microdistiller off-sale license authorizes off-sale of one 375 milliliter bottle per customer per day of product manufactured on-site provided the product is also available for distribution to wholesalers.

(T) A microdistiller temporary on-sale intoxicating liquor license may be issued to the holder of a state microdistillery license. A microdistillery temporary on-sale intoxicating liquor

license authorizes on-sale of intoxicating liquor in connection with a social event within the city sponsored by the microdistillery.

SECTION 8. LICENSE FEES; PRO RATA.

(A) No license or other fee established by the city shall exceed any limit established by Minn. Stat. Ch. 340A, as it may be amended from time to time, for a liquor license.

(B) The Council may establish from time to time in the Ordinance Establishing Fees and Charges the fee for any of the liquor licenses it is authorized to issue. The license fee may not exceed the cost of issuing the license and other costs directly related to the enforcement of the liquor laws and this ordinance. No liquor license fee shall be increased without providing mailed notice of a hearing on the proposed increase to all affected licensees at least 30 days before the hearing.

(C) The fee for all licenses, except temporary licenses, granted after the commencement of the license year shall be prorated on a quarterly basis.

(D) All license fees shall be paid in full at the time the application is filed with the city. If the application is denied, the license fee shall be returned to the applicant.

(E) A refund of a pro rata share of an annual license fee may occur only if authorized by Minn. Stat. § 340A.408, subd. 5, as it may be amended from time to time.

(F) Off-sale intoxicating liquor licensees may request a reduction in their annual license fee by the amount specified in Minn. Stat. § 340A.408 if at the time of initial application or renewal they:

(1) Agree to have a private vendor approved by the city train all employees within 60 days of hire and annually thereafter in laws pertaining to the sale alcohol, the rules for identification checks, and the responsibilities of establishments serving intoxicating liquors;

(2) Post a policy requiring identification checks for all persons appearing to be 30 years old or less;

(3) Establish a written cash award and incentive program to award employees who catch underage drinkers and a written penalty program to punish employees in the event of a failed compliance check;

(4) Failure to abide by the provisions of this paragraph may result in suspension of the license until the conditions of the fee reduction are met and may result in suspension and/or revocation of the license pursuant to Section 23 of this ordinance.

SECTION 9. COUNCIL DISCRETION TO GRANT OR DENY A LICENSE.

The Council in its sound discretion may either grant or deny the application for any license or for the transfer or renewal of any license. No applicant has a right to a license under this ordinance.

SECTION 10. APPLICATION FOR LICENSE.

(A) *Form.* Every application for a license issued under this ordinance shall be on a form provided by the city. Every application shall state the name of the applicant, the applicant's age, representations as to the applicant's character, with references as the Council may require, the type of license applied for, the business in connection with which the proposed license will operate and its location, a description of the premises, whether the applicant is owner and operator of the business, how long the applicant has been in that business at that place, and other information as the Council may require from time to time. An application for an on-sale intoxicating liquor license shall be in the form prescribed by the Commissioner of Public Safety and shall also contain the information required in this section. The form shall be verified and filed with the city. No person shall make a false statement in an application.

(B) *Financial responsibility.* Prior to the issuance of any license under this ordinance, the applicant shall demonstrate proof of financial responsibility as defined in Minn. Stat. § 340A.409, as it may be amended from time to time, with regard to liability under Minn. Stat. § 340A.801, as it may be amended from time to time. This proof will be filed with the city and the Commissioner of Public Safety. Any liability insurance policy filed as proof of financial responsibility under this section shall conform to Minn. Stat. § 340A.409, as it may be amended from time to time. Operation of a business which is required to be licensed by this ordinance without having on file with the city at all times effective proof of financial responsibility is a cause for revocation of the license.

SECTION 11. DESCRIPTION OF PREMISES.

The application shall specifically describe the compact and contiguous premises within which liquor may be dispensed and consumed.

SECTION 12. APPLICATIONS FOR RENEWAL.

At least 90 days before a license issued under this ordinance is to be renewed, an application for renewal shall be filed with the city. The decision whether or not to renew a license rests within the sound discretion of the Council. No licensee has a right to have the license renewed.

SECTION 13. TRANSFER OF LICENSE.

No license issued under this ordinance may be transferred without the approval of the Council. Any transfer of stock of a corporate licensee is deemed to be a transfer of the license, and a transfer of stock without prior Council approval is a ground for revocation of the license. An application to transfer a license shall be treated the same as an application for a new license, and all of the provisions of this code applying to applications for a license shall apply.

SECTION 14. INVESTIGATION.

(A) *Preliminary background and financial investigation.* On an initial application for a license, on an application for transfer of a license and, in the sound discretion of the Council that it is in the public interest to do so, on an application for renewal of a license, the city shall conduct a preliminary background and financial investigation of the applicant or it may contract with the Commissioner of Public Safety for the investigation. The applicant shall pay with the application an investigation fee of \$500 which shall be in addition to any license fee. If the cost of the preliminary investigation is less than \$500, the unused balance shall be returned to the applicant. The results of the preliminary investigation shall be sent to the Commissioner of Public Safety if the application is for an on-sale intoxicating liquor license or an on-sale wine license.

(B) *Comprehensive background and financial investigation.* If the results of a preliminary investigation warrant, in the sound discretion of the Council, a comprehensive background and financial investigation, the Council may either conduct the investigation itself or contract with the Commissioner of Public Safety for the investigation. The investigation fee for this comprehensive background and financial investigation to be paid by the applicant shall be \$500, less any amount paid for the initial investigation if the investigation is to be conducted within the state, and \$10,000, less any amount paid for the initial investigation, if the investigation is required outside the state. The unused balance of the fee shall be returned to the applicant whether or not the application is denied. The fee shall be paid in advance of any investigation and the amount actually expended on the investigation shall not be refundable in the event the application is denied. The results of the comprehensive investigation shall be sent to the Commissioner of Public Safety if the application is for an on-sale intoxicating liquor license or an on-sale wine license.

SECTION 15. HEARING AND ISSUANCE.

The Council shall investigate all facts set out in the application and not investigated in the preliminary or comprehensive background and financial investigations. Opportunity shall be given to any person to be heard for or against the granting of the license. After the investigation and hearing, the Council shall in its sound discretion grant or deny the application. No license shall become effective until the proof of financial security has been approved by the Commissioner of Public Safety.

SECTION 16. RESTRICTIONS ON ISSUANCE.

(A) Each license shall be issued only to the applicant for the premises described in the application.

(B) Not more than one license shall be directly or indirectly issued within the city to any one person.

(C) No license shall be granted or renewed for operation on any premises on which taxes, assessments, utility charges, service charges, or other financial claims of the city are delinquent and unpaid.

(D) No license shall be issued for any place or any business ineligible for a license under state law.

(E) No license shall be granted within 500 feet of any school or church. The distance is to be measured from the closest side of the church to the closest side of the structure on the premises within which liquor is to be sold.

SECTION 17. CONDITIONS OF LICENSE.

The failure of a licensee to meet any one of the conditions of the license specified below shall result in a suspension of the license until the condition is met.

(A) Every licensee is responsible for the conduct of the place of business and the conditions of sobriety and order in it. The act of any employee on the licensed premises is deemed the act of the licensee as well, and the licensee shall be liable to all penalties provided by this ordinance and the law equally with the employee.

(B) Every licensee shall allow any peace officer, health officer, city employee, or any other person designated by the Council to conduct compliance checks and to otherwise enter, inspect, and search the premises of the licensee during business hours and after business hours during the time when customers remain on the premises without a warrant.

(C) No on-sale establishment shall display liquor to the public during hours when the sale of liquor is prohibited.

(D) Compliance with financial responsibility requirements of state law and of this ordinance is a continuing condition of any license.

(E) Failure by on off-sale intoxicating liquor license who has received a fee reduction pursuant to section 10 (f) of this ordinance to abide with the provisions of section 10 (f).

SECTION 18. HOURS AND DAYS OF SALE.

(A) The hours of operation and days of sale shall be those set by Minn. Stat. § 340A.504, as it may be amended from time to time, except that the City Council may, by resolution or ordinance, provide for more restrictive hours than state law allows.

(B) No person shall consume, nor shall any on-sale licensee permit any consumption of intoxicating liquor or 3.2 percent malt liquor in an on-sale licensed premises more than 30 minutes after the time when a sale can legally occur.

(C) No on-sale licensee shall permit any glass, bottle, or other container containing intoxicating liquor or 3.2 percent malt liquor to remain upon any table, bar, stool, or other place where customers are served, more than 30 minutes after the time when a sale can legally occur.

(D) No person, other than the licensee and any employee, shall remain on the on-sale licensed premises more than 30 minutes after the time when a sale can legally occur.

(E) Any violation of any condition of this section may be grounds for revocation or suspension of the license.

SECTION 19. MINORS ON PREMISES.

(A) No person under the age of 18 years shall be employed in any rooms constituting the place in which intoxicating liquors or 3.2 percent malt liquor are sold at retail on sale, except that persons under the age of 18 may be employed as musicians or to perform the duties of a bus person, host or dishwashing services in places defined as a restaurant, hotel, motel or other multi-purpose building serving food in rooms in which intoxicating liquors or 3.2 percent malt liquor are sold at retail on sale.

(B) No person under the age of 21 years may enter a licensed establishment except to work, consume meals on premises that qualify as a restaurant, or attend social functions that are held in a portion of the premises where liquor is not sold.

SECTION 20. RESTRICTIONS ON PURCHASE AND CONSUMPTION.

No person shall mix or prepare liquor for consumption in any public place of business unless it has a license to sell on-sale, or a permit from the Commissioner of Public Safety under the provisions of Minn. Stat. § 340A.414, as it may be amended from time to time, which has been approved by the Council, and no person shall consume liquor in any such place.

SECTION 21. SUSPENSION AND REVOCATION.

(A) The Council shall either suspend for a period not to exceed 60 days or revoke any liquor license upon finding that the licensee has failed to comply with any applicable statute, regulation, or provision of this ordinance relating to liquor. Except in cases of lapse of proof of financial responsibility, no suspension or revocation shall take effect until the licensee has been afforded an opportunity for a hearing pursuant to the Administrative Procedures Act, Minn. Stat. §§ 14.57 to 14.70, as it may be amended from time to time. The Council may act as the hearing body under that act, or it may contract with the Office of Hearing Examiners for a hearing officer.

(B) The following are the minimum periods of suspension or revocation which shall be imposed by the Council for violations of the provisions of this ordinance or Minn. Stat. Ch. 340A, as it may be amended from time to time or any rules promulgated under that chapter as they may be amended from time to time:

(1) For commission of a felony related to the licensed activity, sale of alcoholic beverages while the license is under suspension, sale of intoxicating liquor where the only license is for 3.2 percent malt liquor, or violation of Section 4, the license shall be revoked.

(2) The license shall be suspended by the Council after a finding under division (A) that the licensee has failed to comply with any applicable statute, rule, or provision of this ordinance for at least the minimum periods as follows:

(a) For the first violation within any three-year period, at least one day suspension in addition to any criminal or civil penalties which may be imposed.

(b) For a second violation within any three-year period, at least three consecutive days suspension in addition to any criminal or civil penalties which may be imposed.

(c) For the third violation within any three-year period, at least seven consecutive days suspension in addition to any criminal or civil penalties which may be imposed.

(d) For a fourth violation within any three-year period, the license shall be revoked.

(3) The Council shall select the day or days during which the license will be suspended.

(C) Lapse of required proof of financial responsibility shall effect an immediate suspension of any license issued pursuant to this ordinance or state law without further action of the Council. Notice of cancellation or lapse of a current liquor liability policy shall also constitute notice to the licensee of the impending suspension of the license. The holder of a license who has received notice of lapse of required insurance or of suspension or revocation of a license may request a hearing thereon and, if a request is made in writing to the Clerk, a hearing before the Council shall be granted within ten days. Any suspension under this division (B) shall continue until the Council determines that the financial responsibility requirements of state law and this ordinance have again been met.

(D) The provisions of Section 30 pertaining to administrative penalty may be imposed in addition to or in lieu of any suspension or revocation under this ordinance.

SECTION 22. PENALTIES.

(A) Any person violating the provisions of this ordinance or Minn. Stat. Ch. 340A as it may be amended from time to time or any rules promulgated under that chapter as they may be amended from time to time is guilty of a misdemeanor and upon conviction shall be punished as provided by law.

(B) The Council shall impose a civil penalty of up to \$2,000 for each violation of Minn. Stat. Ch. 340A, as it may be amended from time to time, and of this ordinance. Conviction of a violation in a court of law is not required in order for the Council to impose the civil penalty. A hearing under the Administrative Procedures Act, Minn. Stat. §§ 14.57 to 14.70, as it may be amended from time to time, is not required before the penalty is imposed, but the Council shall hold a hearing on the proposed violation and the proposed penalty and hear any person who wishes to speak. Non-payment of the penalty is grounds for suspension or revocation of the license. The following is the minimum schedule of presumptive civil penalties which must be imposed in addition to any suspension unless the license is revoked:

(1) For the first violation within any three-year period, \$500.

(2) For the second violation within any three-year period, \$1,000.

(3) For the third and subsequent violations within any three-year period, \$2,000.

(C) The term “violation” as used in Section 23 includes any and all violations of the provisions in this section, or of [Minn. Stat. Ch. 340A](#), as it may be amended from time to time or any rules promulgated under that chapter as they may be amended from time to time. The number of violations shall be determined on the basis of the history of violations for the preceding three-year period. Revocation shall occur within 60 days following a violation for which revocation is imposed.

SECTION 23. EFFECTIVE DATE

This ordinance becomes effective on the date of its publication, or upon the publication of a summary of the ordinance as provided by Minn. Stat. § 412.191, subd. 4, as it may be amended from time to time, which meets the requirements of Minn. Stat. § 331A.01, subd. 10, as it may be amended from time to time.

SECTION 24. SUMMARY APPROVED

The Council hereby determines that the text of the summary of this ordinance marked “Official Summary of Ordinance No. 93,” and a copy of which is attached to this ordinance, clearly informs the public of the intent and effect of this ordinance. The Council further determines that publication of the title and this summary will clearly inform the public of the intent and the effect of this ordinance. The Clerk shall file a copy of this ordinance and the summary in the Clerk’s office which shall be available for inspection by any person during regular office hours. A copy of the ordinance shall be available in the community library, if there is one, or if not, in any other public location which the council designates.

Passed by the City Council of Willow River, Minnesota this 7th Day of September, 2021.

ORDINANCE NO. 95

TOPIC: **Zoning District within the City Limits**

STATUS: **Valid** Passed: **February 7, 2022** Revised: **June 3, 2023**

DESCRIPTION:

This Ordinance defines and establishes various zoning districts within the City of Willow River and further defines the principal uses permitted within each district, as well as those conditional uses which may be permitted upon the issuance of a Conditional Use Permit. The Ordinance contains special provisions relating to planned unit development districts and mobile homes. In addition to providing for the uses allowed in the various districts, the Ordinance provides and establishes requirements within the districts relating to maximum building height, minimum lot areas, minimum lot frontages, yard setbacks, minimum

floor areas per dwelling unit, and buffer strips. The ordinance also establishes requirements relating to the size, design, number and locations of signs. Finally, the Ordinance provides for the administration of the new zoning provisions by a City Zoning Administrator, the Willow River Planning Commission, the Board of Adjustments, and the Willow River City Council. Section XVIII sets forth the procedure for the issuance of a Conditional Use Permit and the Amendment to the Zoning Ordinance, respectively. Section XXII makes the penalty for the violation of the Ordinance a misdemeanor.

SECTION INDEX FOR ZONING ORDINANCE

Section I:	Title
Section II:	Definitions
Section: III	General Provisions
Section IV:	Wild & Scenic and Shoreland Management
Section V:	Flood Plain Management
Section VI:	Establishment of Zoning District Boundaries
Section VII:	Rules for Interpretation of District Boundaries
Section VIII:	R-1, Single and Two-Family Residence District
Section IX:	R-2, Two or More Family Residence District
Section X:	Commercial District
Section XI:	Special Provision: Planned Unit Development District
Section: XII	PL - Public Land
Section: XIII	RCA - Recreational Camping Area
Section XIV:	Building Codes
Section XV	Special Provision: Mobile Homes
Section XVI:	Parking and Storing Vehicles
Section XVII:	Billboards and Signage within City Limits
Section XVIII:	Non-Conforming Uses
Section XIX:	Administration and Enforcement
Section XX:	Amendments, Conditional Use Permits and Interim Use Permits

Section XXI:	Variances and Appeals
Section XXII:	Planning Commission
Section XXIII:	Board of Adjustments
Section XXIV:	Violations and Penalties
Section XXV:	Severability
Section XXVI:	Repeal of Conflicting Ordinances
Section XXVII:	Effective Date
Section XXV:	Effective Date

Section I: **Title:** This Ordinance text and the Zoning District Map shall be known and may be cited and referred to as the 'Zoning Ordinance' of the City of Willow River. The preparation of this Ordinance is authorized under Minnesota Municipal Planning Statutes 462.351 to 462.364, Municipal Shoreland Rules and Regulations Section 105.485, the Minnesota Flood Plain Management Act Statute 104, and the Wild and Scenic River Management, Ordinance Statute 103-F301-103F.345.

Section II: **Definitions:** As used in this Ordinance, the following words, terms and phrases shall have the meaning given herein, unless otherwise specifically defined or unless the context clearly requires otherwise. Throughout the text of this Ordinance, unless the context clearly requires otherwise, the word 'person' includes a firm, association, organization, partnership, trust, company, or corporation as well as an individual. The singular shall include the plural and vice versa; the masculine shall include the feminine, and vice versa; the words 'shall' or 'will' are interpreted to be mandatory; and the term 'may' is interpreted to be permissive.

1. **Accessory Structure or Accessory Use of Structure:** A use or structure subordinate to the principal use of the land or a building on the same lot and serving a purpose customarily incidental to the principal use or structure.
2. **Alley:** A public or private way affording only secondary means of access or abutting property.
3. **Area, Floor:** Floor area shall constitute the total floor area occupied by a use and measured to include all space used primarily or incidentally for such use.
4. **Area, Sales:** Sales area shall only include that area customarily open and accessible to the public.
5. **Basement:** A story having part but not more than one-half its height above grade. A basement is counted as a story for the purpose of height regulations, if

subdivided and used for business or dwelling purposes by other than a janitor employed on the premises.

6. **Block:** A tract of land bordered on all sides by streets, or by one or more streets and a railroad right-of-way, stream, or river or unsubdivided acreage.
7. **Boarding House:** A building other than a hotel where, for compensation and by prearrangement for definite periods, meals or lodging are provided to more than twenty (20) persons.
8. **Building:** Any structure for the shelter, support or enclosure of persons, animals, chattels, or property of any kind; and when separated by dividing walls without openings, each portion of such building, so separated, shall be deemed a separate building.
9. **Building Line:** A line measured across the width or depth of a lot at a point where a structure is placed in accordance with the minimum setback requirements of this Ordinance.
10. **Building, Height of:** The vertical distance from the grade at a building line to the highest point of the coping of a flat roof or to the deck line of a mansard roof, or to the average height of the highest gable of a pitch or hip roof.
11. **Church or Synagogue:** The term includes the following: church, synagogue, rectory, parish house or similar building incidental to the particular use which is maintained and operated by an organized group of people for religious purposes.
12. **Clinic:** A place used for the care, diagnosis and treatment of persons who are not provided with board, or room, nor kept overnight on the premises.
13. **Capital Improvement Program:** An itemized program setting forth the schedule and details of specific, contemplated public improvement by fiscal year, together with their estimated cost, the justification for each improvement, the impact that such improvement will have on the current operating expenses of the City of Willow River and such other information on capital improvements as may be pertinent.
14. **Community Facilities Plan:** A compilation of policy statements, goals, standards, maps and action programs for guiding the future development of the public or semi-public facilities of the municipality, such as recreational, educational and cultural facilities.
15. **Comprehensive Land Use Plan:** A compilation of policy statements, goals, standards, and maps for guiding the physical, social and economic development, both private and public, of the municipality, and of its environment, and may include, but not be limited to the following: statements of policies, goals, standards, a land use plan, a community facilities plan, a transportation plan, and recommendations for plan execution.

16. **Conditional Use:** A use that would not be appropriate generally or without restriction throughout the zones district, but with, if controlled as to number, area, location or relation to neighborhood, would not be injurious to the public health, safety, welfare, morals, order, comfort, convenience, appearance, prosperity, or general welfare. Such uses may be permitted in listed zone districts upon application to the Planning Commission.
17. **Dwelling:** Any building or manufactured home or portion thereof designed or used exclusively as the residence or sleeping place of one or more persons, but not including a tent, cabin, trailer, boarding or rooming house, hotel or motel.
18. **Dwelling Unit:** One room, or a suite of two or more rooms, designed for the use or used by one family for living and sleeping purposes.
19. **Dwelling Group:** A group of two or more detached dwellings located on a parcel of land in one ownership and having any yard or court in common.
20. **Family:** One or more persons occupying a premises and living as a single, non-profit housekeeping unit as distinguished from a group occupying a boarding house, lodging house, hotel, motel, club, fraternity or sorority house.
21. **Flood Plain:** Lands which are subject to periodic flooding and have been defined by the Housing and Urban Development Federal Flood Insurance Program and accepted by the City Council of Willow River as such a floodplain, with approval of the Minnesota Department of Natural Resources.
22. **Garage, Private:** An accessory building designed or used for the storage of motor driven vehicles.
23. **Garage, Public:** A building or portion thereof, other than private garage, designed or used primarily for servicing, repairing, equipping, hiring, selling, or storing motor driven vehicles.
24. **Grade:**
 - A. For buildings having walls adjoining one street – only the elevation of the sidewalk. Or, if there is no sidewalk, then the elevation of the roadway at the center of the wall adjoining the street.
 - B. For buildings having walls adjoining more than one street – the average of the elevation of the sidewalk. Or, if there is no sidewalk, then the elevation of the roadway at the centers of all walls adjoining streets.
 - C. For buildings having no walls adjoining the street – the average level of the finished surface of the ground adjacent to the exterior walls of the building.
25. **Home Occupation:** Home occupations or professional offices, provided that no such use occupies more than 50% of the total floor area of the dwelling.

Provided further that not more than two (2) non-residents are employed on the premises. Such does not include activities that would create a nuisance or be otherwise incompatible with the surrounding residential area.

26. **Hotel:** A building in which lodging with or without meals is provided and offered to transient guests.
27. **Interim Use Permit:** A temporary use of property until a particular date, until occurrence of a particular event, or until zoning regulations no longer permit it.
28. **Junk or Salvage Yard:** Any establishment, place of business or place of storage or deposit, which is maintained, operated or used for storing, keeping, buying or selling junk, wrecked, scrapped, ruined or dismantled motor vehicles or motor vehicle parts, whether maintained in connection with another business or not, where the waste, body or discarded material stored is equal in bulk to five or more motor vehicles.
29. **Kennel:** Any structure or premises or commercial activity on which three (3) or more dogs over six months of age are kept, boarded, bred or offered for sale. Permit required.
30. **Land Use Permit:** The permit issued by the City for construction, including but not limited to: buildings, moving, or adding to structures, changing the height, pitch or projection of a structure, signs, changing the type of building use (i.e.: residential home converted to retail shoppe) permit extension.
31. **Loading Space, Off-Street:** Space reserved for bulk pick-ups and deliveries, intended to be used by vehicles when required off-street parking spaces are otherwise unavailable. Required off-street loading spaces shall not be included as off-street parking space in the computation of required off-street parking spaces.
32. **Lodging House:** A building where lodging only is provided for compensation for five or more, but not exceeding twenty persons, in distinction to hotels open to transients.
33. **Lot:** Any parcel of land subject to the provisions of this Ordinance, and capable of being described with such definiteness that its location and boundaries may be established.
34. **Lot Frontage:** The front of a lot shall be construed to be the portion of the lot nearest the street, road, or body of water if the lot abuts water. When the lot abuts a body of water, the shoreland shall be considered front yard.
35. **Lot Lines:** The lines bounding a lot.
36. **Lot Width:** Shall be the distance between the side lot lines, measured at the front building line.

37. **Lot of Record:** A lot which is part of a subdivision, the plat of which has been recorded in the Office of the County Recorder, or a lot described by metes and bounds, the description of which has been recorded in the Office of the County Recorder.
38. **Motel:** A series of sleeping or living units, for the lodging of transient guests, offered to the public for compensation, and with convenient access to off-street parking spaces for the exclusive use of the guests or occupants.
39. **Motor Vehicle:** Every device which is, or is capable of being, self-propelled, and upon or by which any person or property is or may be transported upon a highway, except devices moved by human power or used exclusively upon stationary rails or tracks.
40. **Normal High Water Mark:** A mark delineating the highest water level which has been maintained for a sufficient period of time to leave evidence thereof upon the landscape. The normal high water mark is commonly that point where the natural vegetation changes from predominantly aquatic to predominantly terrestrial.
41. **Public Land:** Intended to provide area for buildings and facilities that are owned and operated by Federal, State or local government, public utilities, special districts, or nonprofit organizations which are used to provide governmental or public services. This zone also provides for school sites, public parks and recreational facilities, natural areas, trails, wetlands and similar types of open space owned and managed by a local government or special district.
42. **Parking Space:** A surfaced area, enclosed or unenclosed, sufficient in size to store one (1) motor vehicle together with a paved driveway connecting the parking space with a street or alley and permitting ingress and egress of an automobile.
43. **Public Water:** A body of water capable of substantial beneficial public use. For the purpose of this Ordinance, this shall be construed to mean any lake, pond or flowage of 10 acres or more in size, or any river or stream with a total of drainage area of at least two square miles or more, which has the potential to support any type of recreational pursuit or water supply purpose. A body of water created by a private user where there was no previous shoreland as defined herein, for a designated private use authorized by the Minnesota Commissioner of Natural Resources shall be exempt from the provisions of this Ordinance as they apply to shoreland management.
44. **Recreational Camping Area:** Any area, whether privately or publicly owned, used on a daily, nightly, weekly or longer basis for the accommodation of five or more units, consisting of tents, travel trailers, pick-up coaches, motor homes or camping trailers and whether use of such accommodation is granted free of charge or for compensation. Provided that nothing in this definition shall be construed to include children's camps, industrial camps, migrant worker camps, United States Forest Service Camps, State Forest Service Camps, State Wildlife

Management Areas, or state owned public access areas which are restricted in use to picnicking and boating landing.

45. **Recreational Camping Vehicle:** The words 'recreational camping vehicle' shall mean any of the following:
- A. Travel trailer means a vehicular, portable structure built on a chassis, designed to be used as a temporary dwelling for travel, recreational and vacation uses, permanently identified 'travel trailer' by the manufacturer of the trailer.
 - B. Pick-up coach means a structure designed to be mounted on a truck chassis for use as a temporary dwelling for travel recreation and vacation.
 - C. Motor home means a portable, temporary dwelling to be used for travel, recreation and vacation, constructed as an integral part of a self-propelled vehicle.
 - D. Camping trailer means a folding structure, mounted on wheels and designed for travel, recreation and vacation use.
46. **Roadside Stands:** Retail outlets with all related structures primarily for sale of farm produce grown on the farm upon which such stand is located.
47. **Setback:** Distance from the centerline or right-of-way lines of streets to the building line for the purpose of defining limits within which no building or structures, or any part thereof, shall be erected or permanently maintained.
48. **Shopping Center:** A group or groups of three or more commercial establishments developed in accordance to an overall plan and designed and built as an interrelated project.
49. **Shoreland and Wild and Scenic:** All lands located with the following distances from public waters:
- A. 1000 feet from the normal high water mark of a lake, pond of flowage, or the landward extent of a floodplain designated by Ordinance on such a river or stream.
 - B. 300 feet from the normal high water mark of a river or stream or the landward extent of a floodplain designated by Ordinance on such a river or stream.
50. **Sign:** A name, identification, description, display or illumination which is affixed to, painted on, or represented directly or indirectly upon a building, structure, or piece of land and which directs attention to an object, product, place, activity, institution, organization, idea or business.

51. **Street:** The entire width between property lines of a way or place dedicated, acquired, or intended for the purpose of public use for vehicular traffic or access other than an alley.
52. **Street Line:** A dividing line between a lot, tract, or parcel of land and a contiguous street.
53. **Structure:** Anything constructed or erected, the use of which requires permanent location on the ground or attached to something having a permanent location on the ground including but limited to walls, fences, signboards, and billboards.
54. **Structure Alterations:** Any change in the supporting members of a building, such as bearing walls or partitions, columns, beams, or girders or any substantial change in the roof or exterior walls.
55. **Trailer:** Every vehicle without motor power designed or used for carrying persons or property and for being drawn by a motor vehicle.
56. **Transportation Plan:** A compilation of policy statements, goals, standards, maps and action programs for guiding the future development of the various modes of transportation of the City of Willow River and its environs, such as streets and highways.
57. **Tourist Home:** A building or part thereof, other than a hotel, boarding house, lodging house or motel, where lodging is provided by a resident family in its home for compensation, primarily for transients.
58. **Yard, Front:** A yard extending between lot lines which intersect a street line, the depth of which is the horizontal distance between the street right-of-way line and a line on the lot which is at all point equidistant from and parallel to the street line.
59. **Yard, Rear:** A yard extending across the rear of the lot between inner side yard lines. In the case of through lots there will be no rear yard. In the case of corner lots the rear yard shall extend from the inner side yard line of the side yard adjacent to and extending across the rear of the lot to the lot line adjacent to the road right-of-way.
60. **Yard, Side:** A yard extending from the rear line of the required front yard to the rear lot line.

Section III: **General Provisions**

1. **Compliance:** Except as hereinafter provided, no building or structure or part thereof shall hereafter be erected, constructed, reconstructed, moved or structurally altered unless in conformity with all of the regulations herein specified for the district in which it is located. Furthermore, none of the above work will begin prior to issuance of proper land

use permits and that no use will be made of any lots of record unless in conformity with all current requirements.

2. **Area Requirements:** No yard or lot existing at the time of passage of this Ordinance shall be reduced in size or area below the minimum requirements set forth herein. Yards or lots created after the effective date of this Ordinance shall meet at least the minimum requirements established by the Ordinance.
3. **Minimum Requirements:** The provisions of this Ordinance shall be constructed to be minimum requirements. Wherever there exists a conflict between this Ordinance and any other lawfully adopted rules, regulations, ordinances, deed restrictions or covenants, the most restrictive requirements shall govern.
4. **Yard Space, General:** The required yard space for each building, structure or use shall fall entirely upon land within a district or districts, in which the use is permitted.
5. **Yard Space Encroachments – Projection into Yards:** No projections shall be made into yard beyond the front, rear, and side yard setback requirements of the zone district in which the lot is located.
6. **Private Swimming Pools:** A private swimming pool shall include a pool, pond, lake or open tank not located within a completely enclosed building and containing or normally capable of containing water to a depth at any point greater than 1 ½ feet. No such swimming pool shall be allowed in any district unless it complies with the following conditions and requirements:
 - A. It may not be located, including any walks or paved areas or accessory structures adjacent thereto, closer than 5 feet to any property line of the property to which it is located.
 - B. The swimming pool, and the entire property on which it is located, shall be so walled or fenced as to prevent uncontrolled access by children from the street or adjacent properties.
7. **Temporary Buildings:** Temporary buildings that are used in conjunction with construction work only may be permitted in any district during the period that the building is being constructed, but such temporary buildings shall be removed upon completion of the construction work.
8. **Assembly Buildings:** Notwithstanding any other ordinance provisions to the contrary, on a lot occupied by a church or other building in which persons congregate, or which is designated, arranged, remodeled or normally used for the congregation of persons in numbers in excess of 25, the width of each side or rear yard shall be not less than 25 feet.
9. **Vision Clearance in Residential Districts:** On a corner lot, no fence or other structure more than 3 ½ feet in height above the plane of the established grades of the street shall be erected on any part of the front yard or side yard herein established that is included within the street lines of intersecting street and a line connecting such street lines at a point which is 20 feet from their point of intersection, measured along such street

lines and no planting of foliage shall be placed or maintained within such area that in the judgment of the Zoning Administration will materially obstruct the view of a driver or a vehicle approaching the street intersection.

No fence which is more than 6 feet in height above the plane of the finished grade of the lots at the division line between lots shall be erected along such division line unless no part of such fence is within 20 feet of any residence building on such lot or abutting lot, and in no instance shall the fence be nearer than 20 feet to any street line.

10. **Trailers and Cabins:** No person shall maintain, install, construct, erect or permit on any property within the City of Willow River, except as otherwise provided in this Ordinance, the parking or standing of a trailer intended for or used for lodging, dwelling or sleeping, or any small houses, known as cabins, for the use of transient or permanent guests for lodging, dwelling or sleeping; except that unoccupied trailers used primarily for living purposes may be stored inside a building and such unoccupied trailers may be temporarily parked outside. The length of time which an unoccupied trailer may be parked outside shall not exceed a total of 15 days in any three (3) successive months. The storage of unoccupied trailers and other vehicles designed for recreational use is permitted.
11. **Public Sanitary Facilities Not Available:** In any zone district where a public sanitary sewer is not accessible, the Zoning Administrator may require the lot area and frontage requirements to conform to the provisions of the county sanitation code or the Shoreland Management Ordinance, in lieu of the applicable provisions of this Ordinance.

Section IV: **Shoreland Management of Scenic River and Shoreland Areas**
Refer to Ordinance No. 67, adopted November 1, 1993

Section V: **Floodplain Management**
Refer to Ordinance No. 68, adopted September 7, 1993

Section VI: **Establishment of Zoning Districts:** For the purpose of this Ordinance, the City of Willow River is hereby divided into zoning districts, as shown on the Official Zoning Map which, together with all explanatory matter thereon, is hereby incorporated by reference and declared to be part of this Ordinance. Said districts shall be known as:

- A. R-1 - One and two Family Residence District
- B. R-2 - Multiple Family Residence District
- C. C - Downtown Commercial District, General Commercial District, General Industrial District
- D. PUD - Planned Unit Development
- E. PL - Public Land
- F. RCA - Recreational Camping Area
- G. O - Open Land (temporary only; refer to Section VI, No. 2)

An Official Zoning Map shall be on file in City Hall. In the case of conflict between said map and the provisions of this Ordinance, the latter shall govern.

1. **Major Thoroughfare Plan/Community Facilities Plan:** Any major thoroughfare plan or community facilities plan may be adopted by the City Council pursuant to the provisions of Minnesota Statutes, Section 462.359 and if adopted shall be included on the official map. Subsequent to inclusion of such a plan or plans, whenever any street or highway is widened or improved or any new street is opened or interests in lands for other public purposes are acquired by the City of Willow River, it shall not be required in such proceedings to pay for any building or structure placed without a permit or in violation of conditions of a permit within the limits of the mapped street or outside of any building line that may have been established upon the existing street or within any area thus identified for public purposes.
2. All territories which hereafter be annexed to the City of Willow River shall be subject to the zoning classification of 'O', provided that the annexed area may be subject to such interim zoning requirements as the City Council may approve. The Planning Commission shall immediately begin review of the zoning classification of any annexed land and shall, within six months, prepare a report and submit recommendations to the City Council as to proper classification.
3. Whenever any street, alley or other public way is vacated by official action of the City Council, the zoning districts adjoining each side of such street, alley or public way shall be automatically extended to the center of such vacation and all area included in the vacation shall then and henceforth be subject to all appropriate regulations of the extended districts.

Section VII: **Rules for Interpretation of District Boundaries:**

1. Except as otherwise set forth under the provisions of this Ordinance, where a district is bounded by a street, highway, alley, river, stream, or city limit, the center line of such feature shall be the boundary. Boundaries following railroad lines shall be construed to be located midway between the main tracks. Boundaries dividing a city block shall be construed to be located on the property line which divides the block.
2. Distances not specifically indicated on the official zoning map shall be determined by the scale of the map.
3. Where the actual street or property layout is at variance with that shown on the official zoning map, or in other circumstances not covered by the provisions of this Ordinance, the Zoning administrator shall interpret the district boundaries.
4. Conditional use permits will be required for parcels that fall into more than one district if the intended use is not in compliance with both districts.

Section VIII: **Classification 'R-1': One and Two Family Residence District**

1. **Purpose:** It is the purpose of the 'R-1' District to encourage the establishment and preservation of residential neighborhoods characterized by

single family buildings and to preserve undeveloped lands for similar types of residential development by permitting a minimum of auxiliary non-residential uses.

2. **Principal Permitted Uses:**

- A. Single family dwellings
- B. Two family dwellings
- C. Essential services and utilities intended to serve the principal permitted uses
- D. Customary accessory uses provided such uses are clearly incidental to the principal use
- E. Home occupations as long as it is an accessory use to 1 or 2 family dwelling

3. **Conditional Uses:** Uses authorized upon issuance of a Conditional Use Permit include, but not be limited to, the following:

- A. Mobile homes when properly installed
- B. Churches, synagogues, temples, parochial schools.
- C. Private parks
- D. Day care centers and community centers
- E. Planned unit developments

4. **Requirements:**

- A. Maximum height – 2 1/2 stories or 35 feet in height, whichever is less.
- B. Minimum lot area – 7500 square feet (1st unit) 4000 square feet (2nd unit)
- C. Minimum lot frontage – 50 feet at the building lines
- D. Minimum floor area – 900 square feet (1st unit); 750 square feet (2nd unit)
- E. Maximum lot coverage including accessory building – 35%
- G. Yards and setbacks
 - 1. Front yard setback – 35 feet
 - 2. Side yard setback – 10 feet
 - 3. Corner side setback – 20 feet
 - 4. Rear yard setback – 35 feet

Note: Accessory buildings may be constructed within 4 feet of the side and rear lot lines, provided that no portion of the structure shall extend or overhang within 2 feet of a lot line.

Section IX: **Classification 'R-2': Multi-Family District**

1. **Purpose:** It is the purpose of the 'R-2' District to assist in the maintenance and development of desirable neighborhoods, characterized by high density development, appropriate levels of service, and choice of tenancy. Non-residential uses permitted in this district shall be limited to those uses and buildings that will provide stability and dignity to the area as a residential neighborhood

2. **Principal Permitted Uses:**
 - A. **General:** All principal permitted uses and as regulated in the Classification 'R-1'; One- and Two-Family Residence District.
 - B. **Residential:** Multiple family dwellings for any number of families or housekeeping units.
 - C. **Lodging and Boarding Houses:** Lodging and boarding houses, including incidental accessory service.

3. **Conditional Uses:** Uses authorized upon issuance of a Conditional Use Permit include, but are not limited to, the following:
 - A. Mobile home placement, on a private lot
 - B. Churches, synagogues, temples, parochial schools.
 - C. Public and private parks, golf courses, country clubs, tennis courts and similar recreational uses (including restaurants, when such use is conducted as an accessory use, is an integral part thereof and may be entered from within the main building), and when all buildings are at least 100 feet from any property line.
 - D. Professional offices, medical and dental clinics
 - E. Hospitals, sanitariums, clinics, nursing and rest homes, day care centers and community centers
 - F. Planned unit developments

4. **Requirements:**
 - A. **Maximum height** – 35 feet except as authorized by the City Council, who will review each application whose height exceeds 35 feet. The City Council shall base approval of greater heights on the following criteria:
 1. Street system is adequate for the proposed density of development and entrances are planned to accommodate peak traffic and pedestrian needs.
 2. Adequate fire protection is provided for the proposed building and neighboring properties.
 3. Water and sewer systems are adequate to serve the proposed development.
 - B. **Minimum lot area** – 7500 square feet (1st unit) 1500 square feet (2nd unit).

- C. **Minimum lot frontage** – 50 feet at the building lines.
- D. **Minimum floor area** – 900 square feet (1st unit); 750 square feet (2nd unit).
- E. **Maximum lot coverage** including accessory building – 50%.
- F. **Yards and setbacks:**
 - 1. Front yard setback – 25 feet
 - 2. Side yard setback – 5 feet
 - 3. Corner side setback – 15 feet
 - 4. Rear yard setback – 30 feet

Note: Accessory buildings may be constructed within 4 feet of the side and rear lot lines, provided that no portion of the structure shall extend or overhang within 2 feet of a lot line.

Section X: **Classification ‘C’: General Commercial District:**

- 1. **Purpose:** It is the purpose of the ‘C’ District to permit and encourage the establishment of a wide variety of shopping goods and services in the central area in such a way as to attract customers from a large trade area. Only those uses that will materially interfere with the overall function of the central area are excluded.
- 2. **Principal Permitted Uses:**
 - A. **Retail Businesses:** Grocery stores, pharmacies, delicatessens, barber or beauty shops, dry cleaning and laundry establishments, specialty shops such as jewelry store, shoes store, hardware stores, florist shops, dry goods and other similar stores and shops for the conduct of a retail business or personal service.
 - B. **Eating and Drinking Places:** Soda fountains, ice cream parlors, tea rooms, restaurants, cafes.
 - C. **Offices:** Business and professional offices, public offices.
 - D. **Business Services:** Post Offices and telegraph offices, sales offices.
 - E. **Cultural Establishments:** Museums, community centers
 - F. **Dwelling Units:** Apartment units attached to commercial establishment.

- G. **Recreation Service:** Theaters, bowling alleys, pool and billiard rooms, dancing academies.
 - H. **Minor Fabricating and Repair:** Appliance and television repair shop, plumbing shop, painting and decorating shop, tin smithing shop.
 - I. **Processing and Printing:** Bakery, catering establishment, laundry or dyeing and cleaning works, publishing, job printing and blueprinting shops.
 - J. **Banks and Savings Institution:** Banks, credit unions, savings and loan and loan companies.
 - K. **Gasoline Service Station:** Gasoline service stations including repair garages.
 - L. **Farm implements and motorcycles for repair:** sale and display
 - M. **Churches and cemeteries**
3. **Conditional Uses:** Uses authorized upon issuance of a Conditional Use Permit include, but are not limited to, the following:
- A. Residential unit, either single or multi-family dwellings.
 - B. **Drive-In Uses:** Drive-in banks, building and loan companies and similar financial institutions, provided that the premises shall be enclosed by a solid wall or privacy fence at least 6 feet high where it adjoins in the rear or on the sides of any residential district, public park, school or church.
 - C. **Self-Service Establishment:** Self-service laundries, dry cleaners, car washes and similar uses.
 - D. **Outdoor Commercial Recreation:** Any type of commercial recreation, including baseball fields, swimming pools, skating rinks, and similar open air facilities, provided such establishments shall be located not less than 100 feet from any residential district.
 - E. **Liquor Sales:** Bars, taverns, nightclubs, 'On' and 'Off' sales liquor establishments.
 - F. **Animal Hospitals and Veterinary Clinics:** Kennels for display, boarding, sale or treatment of pets and other domestic animals, provided that any structure or area used for such purposes, including pens and exercise yards, shall be located at least 100 feet from any residential district and that such pens or exercise runs shall be enclosed on four sides by a privacy fence or wall at least 6 feet in height.

- G. **Automotive Services:** Automobiles/trucks/trailers, for sale or display, trailer lots, repair garages, body and fender shops, paint shops, provided that there shall be a minimum distance of 50 feet between the use and any residential district and that the premises shall be enclosed by a solid wall of privacy fence at least 6 feet in height where it adjoins in the rear or on the sides of any residential district.
- H. **Manufacturing:** Any manufacturing use or process including assembling, fabricating, altering, converting, finishing, processing, treating and packaging, except any use or process that would be hazardous, offensive or objectionable by reason of odor, dust, cinders, gas, fumes, noise vibrations, radiation, refuse matter or water-carried waste.
- I. **Warehousing, Storage and Wholesaling:** Storage, handling assembly and distribution of goods and materials for retail, wholesale or on-site use, except any combustible materials and/or flammable liquids.
- J. **Storage:** Storage of any combustible materials which will be located at least 200 feet from any residential district and provided that any flammable liquids will be stored in underground tanks, not exceeding 25,000 gallons per storage unit and at least 200 feet from any residential district.

4. **Requirements:**

- A. Business in enclosed buildings – all permanent businesses, services, processing or storage of material shall be conducted wholly within a complete enclosed building, except drive-in banks, drive-in restaurants, lumber yards, and except for the sale of automotive fuel, lubricants and fluids at service stations, and such outdoor display or storage of vehicles, beverage and ice machines, materials and equipment as hereinbefore specifically authorized or as may be authorized by the City Council or designated person.
- B. **Maximum height** – no principal structure shall exceed 3 stories or 35 feet in height, whichever is less.
- C. **Minimum lot area** – no minimum required for non-residential uses; for residential uses, the minimum lot area shall be 7500 square feet.
- D. **Minimum lot frontage** – for residential use, same as specified in ‘R-2’ District.
- E. **Minimum floor area per dwelling unit** – for residential use, same as specified in ‘R-2’ District.
- F. **Yards and setbacks:**
 - 1. Non-residential uses – none required

2. Residential uses – same as specified in the 'R-2' District.
5. Interim use. The following uses may be permitted upon issuance of an interim use permit:
 - A. Campgrounds and RV parks provided there is limited impact on adjacent properties.

Section XI: **Special Provision: Planned Unit Development (PUD) District:**

1. **Purpose:** It is recognized that the Zoning Ordinance is structured to regulate land use and development patterns of a conventional or traditional nature; however, there are situations where innovative proposals for land use may be submitted which are not consistent with ordinance controls and would have to be rejected even though feasible and beneficial to the City. It is the purpose of this section to provide the opportunity to developers to attain flexibility in planning while maintaining consistency with the overall objectives of the comprehensive plan. The technology of land development is constantly changing, and creative but practical approaches to the use of land should be encouraged. The provisions of this section are intended to do so, in a manner which is in the best interests of both the developer and the City.
2. **Definition:** Planned unit developments shall include all developments having two or more principle uses or structures on a single parcel of land designed to permit clustering, and all developments combining uses permitted in separate zoning districts.
3. **Authorization:** The City Council of the City of Willow River is hereby authorized to establish Planned Unit Development Districts subject to the provisions of this article. Approval of these districts shall be based upon site planning criteria relating to the project as a whole, rather than upon the restrictions applicable to individual parcels as set forth in the existing zoning classification.
4. **Requirements:**
 - A. **Ownership:** The tract shall be a development of land under unified control at the time of application, planned and scheduled to be developed as a whole. However, no authorization or permits shall be granted for such development unless the applicant has acquired actual ownership of, or executed a binding sales contract for all of the property comprising such tract. For purposes of this section, ownership shall include a lease of not less than 50 years duration. The term 'single ownership' shall include ownership of portions of such development by two or more wholly owned subsidiaries of a single owner, or by such single owner and one or more of its wholly owned subsidiaries.
 - B. **Minimum Size:** No planned development may include less than three (3) acres of contiguous land.

- C. **Maximum Development Intensity:** No more than 50% of the gross land area of the subject tract may be developed (covered) with principal and accessory uses.
- D. **Comprehensive Plan:** The development should be planned so that it is consistent with the comprehensive plan for the City of Willow River.
- E. **Harmony:** The planned unit development should be planned and developed to harmonize with any existing or imminent development in the area surrounding the project site.
- F. **Financing:** The financing for the project should be proven to be available to the applicant on conditions and in an amount which is sufficient to assure completion of the planned unit development.
- G. **Permitted Uses:** Permitted uses shall include those uses allowed within the particular district within which the planned unit development is sought to be located.
- H. **Conditional Uses:** Conditional uses should blend with and compliment existing uses:
 - 1. Dwelling units in detached, semi-detached, or attached groups of attached, clustered or multi-storied structures, or any combination thereof.
 - 2. Any non-residential use, to the extent such non-residential use is designed and intended to serve the residents of the planned unit development, and such other uses as exist or may reasonably be expected to exist in the future.
 - 3. Public and private education facilities.
 - 4. Other non-residential use, to the extent that they reflect the needs identified in the comprehensive plan as well as those which the developer may prove to be consistent and compatible as reflected by the approved final development plan.
- I. **Open Space:** A minimum of 20% for open air recreational uses and other usable and landscaped open spaces shall be made an integral part of the plan. Such space should be effectively separated from automobile traffic and parking and be readily accessible; the term 'open space' shall not include space devoted to streets and parking.

5. **Procedure:**

- A. **Preliminary Development Plan/Filing:**
 - 1. An applicant for a planned unit development shall submit a preliminary development plan to the Planning and Zoning Commission, with a written statement and a fee of \$1000.00

(non-refundable). Additional costs incurred by the City of Willow River in checking and processing such plans to be paid by the applicant prior to issuance of a land use permit. Such application shall be signed by the owner(s) of every property within the boundaries of the proposed planned unit development.

2. The drawings which are part of the preliminary development plan may be in general schematic form and must contain the following information:
 - A. Location and size of the site and nature of the land owner's interest in the land to be developed.
 - B. The density of the land used to be allocated to the several parts of the site to be developed.
 - C. The location and size of any common open space and the form or organization proposed to own and maintain such space.
 - D. The location and floor area size of all proposed buildings, structures, and other improvements including maximum heights, types of dwelling units, density per type, and non-residential structures, including commercial facilities.
 - E. The existing and proposed utility systems including sanitary sewers, storm sewers and water, electric, gas and telephone lines.
 - F. The existing and proposed vehicle circulation system including off-street parking areas, service areas, loading areas, and major points of access to the public rights-of way (including major points of ingress and egress to the development).
 - G. The existing and proposed pedestrian circulation system, including its interrelationships with the vehicular circulation systems, indicating proposed treatment of points of conflict.
 - H. The proposed treatment of the perimeter of the PUD, including materials and techniques used such as screens, fences and walls.
 - I. Any additional information as required by the review authority necessary to evaluate the character and impact of the proposed PUD.

- J. In the case of plans which call for development over a period of years, a schedule showing the proposed times within which applications for final approval of all sections of the planned unit development are intended to be filed.
 - K. A topographic map of the subject property or properties, prepared by a registered civil engineer or a licensed land surveyor, covering the entire tract proposed for development and indicating existing conditions and development for an additional area including at least 300 feet from tract boundaries. Such map shall be drawn at a scale no smaller than 100'; 1" shall indicate topography at 2' contour intervals and show, in accurate detail, the topography, existing buildings and existing land features and trees.
3. The written statement which is a part of such application shall include:
- A. A description of the character of the planned unit development and the manner in which it has been planned to take advantage of the planned unit development regulations.
 - B. A development schedule indicating the approximate dates when construction can be expected to begin and be completed.
 - C. A statement of proposed building.
 - D. Economic feasibility analysis of any commercial uses, if the property is not zoned for similar commercial uses at the time of submittal of the preliminary development plans.
 - E. A statement of provisions for ultimate ownership and maintenance of all parts of the development, including streets, structures and open spaces.
 - F. Total anticipated population to occupy the planned unit development, with breakdowns as to the number of school age children, adults and families.

B. Preliminary Development Plan/Approval:

- 1. Within 45 days after the receipt of the application by the Planning Commission, a public hearing upon said application shall be held by the Planning Commission. The Commission may continue the hearing from time to time and refer the matter back to the

planning staff for a further report provided, however, the public hearing or hearings shall be concluded within 45 days after the date of the first public hearing, unless the landowner shall consent in writing to an extension of the time within which the hearings shall be conducted.

2. Within 15 days after the conclusion of the public hearings, the Planning Commission shall forward to the City Council a written report recommending that the plan be disapproved, approved or approved with modifications, and giving the reasons of these recommendations.
3. In the event tentative approval is granted subject to conditions, the landowner shall, within 45 days after receiving a copy of the written resolution of the City Council, notify the Council of the acceptance or refusal to accept all said conditions. Refusal of landowner shall constitute denial of the plans by the City Council. Failure of the landowner to notify the Council of his acceptance or denial of the conditions of the plan constitutes acceptance of the conditions.
4. The granting or denial of tentative approval by written resolution shall be based on findings as set forth below and shall state in full in what respects the plan would or would not be in the public interest, including but not limited to the findings of facts and conclusions on the following:
 - A. The plan is consistent with the stated objectives of planned unit developments and the comprehensive plan;
 - B. The relationship, beneficial or adverse, of the proposed planned development unit to the area in which it is proposed to be developed;
 - c. That authorized distribution of buildings, streets, and open space will permit better site planning and thus benefit both the development and the city as a whole;
 - D. That such distribution of location will not unduly increase the bulk of buildings, density of population, or intensity of use to the detriment of areas outside the development.

C. Final Development Plan/Approval:

1. Within 6 months following the approval of the preliminary development plan, the applicant shall file with the Planning Commission a final development plan containing in its final form the information required in the preliminary plan. At its discretion, and for good cause, the Planning Commission may extend for 6

months, the period for filing of the final development plan. A public hearing on an application for a final approval of the plan, or part thereof, shall not be required, providing the plan, or the part thereof submitted for final approval, is in substantial compliance with the plan given tentative approval.

2. In the event the plan as submitted for final approval is not in substantial compliance with the preliminary plan, the Planning Commission shall, within 45 days of the date the application for final approval is filed, so notify the landowner, setting for the particular ways in which the plan is not in substantial compliance. The landowner may: (1) treat such notification as denial of the final approval; (2) refile his plan so that it does substantially comply with the preliminary plan; (3) file a written request with the Planning Commission that it hold a public hearing on its application for final approval. Any such hearings shall be held within 30 days after request for such hearings is made. Within 45 days of either such hearing or refiling, the Planning Commission shall recommend and the City Council shall by resolution either grant final approval to the plan or deny final approval to the plan.
3. If the City Council fails to act, either by grant or denial of the final approval of the plan within the time prescribed, the landowner may, after 20 days written notice to the City Council, file a complaint in the court, and upon showing the Planning Commission and/or City Council has failed to act either within the time prescribed, or subsequent to the receipt of the above written notice, the plan shall be deemed to have been finally approved and the court can enter an order directing the City Clerk to record the plan as submitted for final approval, without the approval of the City Council.
4. The Final Plan and all supporting documents will be filed with the Preliminary Plan and together they will form the ordinance establishing the PUD District. A number shall be assigned to each PUD District in sequence through each year (i.e., 81-1). The Zoning Administrator shall then designate the district on the official zoning map as PUD District.
5. Land Use permits shall not be issued for any structures and/or land alterations shall not be made until the following conditions are met:
 - A. Public open space has been dedicated to the City and officially recorded.

- B. A cash payment in lieu of land donation has been made to coincide with construction of each building according to the negotiated agreement.
- C. The design and construction specifications for all utilities, street improvements and mass grading have been approved by the City Engineer.
- D. All Homeowner's Association and/or Commercial Association by-laws, covenants and deed restrictions have been approved by the City Council.
- E. The construction plans for proposed structures have been approved by the Building Inspector.
- F. The Final Plan (if necessary) has been approved by the City and recorded with appropriate governmental agencies, as required by law. Such reported plats shall contain a statement indicating that such plat is a part of Planned Unit Development No. _____, City of Willow River, Minnesota.
- G. The detailed Site Development Plans have been approved by all appropriate city staff members and the City Council and such signatures appear on the plans.

D. Non-Compliance/Inspection:

- 1. In the event that a plan, or a section thereof, is given final approval and thereafter the landowner shall abandon said plan or the section thereof that has been finally approved, the landowner shall so notify the City Council in writing; or, in the event the landowner shall fail to commence the planned development within 12 months after the final approval has been granted, then and in that event such final approval shall terminate and be deemed null and void unless such time period is extended by the City Council upon written application of the landowner.
- 2. The Zoning Administrator shall review each Planned Unit Development at least once each year until completed and shall make a report (through the Planning Commission) to the City Council on the development in each PUD District. If development is not progressing reasonably well, according to schedule, the owner shall be required to submit a statement to the Zoning Administrator setting forth the reasons for the lack of progress.
- 3. Within 30 days of such notice, the City Council shall either revoke the permit, and the land shall thereafter be governed by the

regulations applicable in the district(s) in which it is located; or shall take such steps as it shall deem necessary to compel compliance with the plans as approved; or shall require the owner to seek an amendment of his plan as provided below.

4. After final approval, no planned development plan shall be amended except by the City Council after a public hearing before the Planning Commission in accordance with the provisions of this Ordinance; provided, however, that the approved development schedule of such plan may be extended for no more than 2 years by the City Council without any hearing or Planning Commission action.

Section XII: **Classification 'PL': Public Land**

1. **Purpose:** Intended to provide area for buildings and facilities that are owned and operated by Federal, State or local government, public utilities, special districts, or nonprofit organizations which are used to provide governmental or public services. This zone also provides for public school sites, public parks and recreational facilities, natural areas, trails, wetlands and similar types of open space owned and managed by a local government or special district. General Andrews Forest and Campground is zoned PL.

2. **Principal Permitted Uses:**

- a. Publicly owned buildings such as City Hall, fire station, library, administrative buildings.
- b. Public parks, playgrounds, pedestrian/bicycle trails and similar recreation facilities
- c. Public Schools
- d. Public reservoirs, well sites, pump stations, utilities (above ground) and similar utility buildings or structures
- e. Trails, natural areas, open space, future park sites and similar public and special city owned lands with no or minimal improvements
- f. Ball fields, sport complexes, and similar outdoor recreational areas that have night lighting or amplified sound systems
- g. Solid waste disposal sites or solid waste transfer sites

2. **Requirements:**

The requirements provide building separation for fire protection/security, building maintenance, sunlight and air circulation, noise buffering and visual separation.

- a. Lot Area: No requirement
- b. Lot Width: No requirement
- c. Lot Depth: No requirement

- d. Front Yard Setback: None, except when abutting to a Residential Zone, then the front yard setback to a building or parking area shall be the required setback of the abutting Residential Zone.
- e. Side and Rear Yard Setback: None, except when abutting a Residential Zone, then the side or rear setback to a building or parking lot is 10 feet. The required side and rear yard setback shall be increased by one-half foot for each foot by which the structure exceeds 20 feet in height.
- f. Building Height: 35 feet where a setback of 100 feet can be provided the building height may be a maximum of 55 feet.
- g. Lot Coverage: No maximum requirement
- h. Parking and loading areas abutting or directly across the street from a Residential Zone shall be setback the minimum front yard setback as defined in Section VIII – 4 G. This setback area shall be appropriately landscaped along the residential street frontage to protect the character of the adjoining residential property and to shield headlights.
- i. All service, repair, processing or storage on property abutting or across the street from a Residential Zone shall be conducted wholly within an enclosed building unless from the Residential Zone by a site-obscuring fence or wall.

Section XIII: **Classification 'RCA': Recreational Camping Area:**

Purpose: Recreational camping are (RCA) means any area, whether privately or publicly owned, used on a daily, nightly, weekly or longer basis for the accommodation of five or more units, consisting of tents or recreational camping vehicles whether use of such accommodation is granted free of charge or for compensation.

Requirements: The following requirements shall be maintained:

- a. **Spacing:**
 - 1. There must be 10 feet of open space between the sides of adjacent Recreational Camping Vehicles (RCVs) and their attachments.
 - 2. Minimum site space of 2,000 feet for each RCV.
 - 3. All RCVs must be located at least 25 feet from the property lines which abut a public street or highway and at least 10 feet from all other property boundary lines.

b. **Water Supply:**

1. The water supply system must meet all applicable Minnesota Department of Health requirements for public water supplies. (MN Rules Chapter 4720 and MN Rules Chapter 4725)
2. Water must be available within 400 feet of every campsite.
3. Minimum water riser pipe size is ¾ inch; water riser and sewer riser must be constructed of approved materials and separated by at least 10 feet.
4. All plumbing must be installed in accordance with Minnesota Plumbing Code Chapter 4715.

c. **Sewage Disposal, Toilet and Shower Facilities**

1. All sewage and wastewater must be discharged into an approved municipal sewage system if one is available or an individual on-site sewage treatment system that meets the requirements of the Minnesota Pollution Control Agency rules, Chapter 7080 and any applicable codes.
2. Toilet and shower facilities must be provided in all campgrounds which harbor any RCV which is not equipped with a toilet and bathing facilities, in accordance with the schedule in MN Rules Chapter 4630.0900. Toilet and shower facilities shall be adequately heated, ventilated and lighted and have durable, washable, floors, walls and ceilings. Toilet facilities must be provided within 400 feet of any campsite.
3. Camping areas harboring RCVs with self-contained wastewater tanks must provide a sanitary dumping station in the ratio of 1 sanitary station per 100 sites or fraction thereof. Sanitary stations must be adequately screened and located at least 50 feet from any campsite.
4. Properly constructed privies may be provided for toilet facilities provided they are installed in accordance with local zoning requirements.

d. **Garbage and Refuse, Insect and Rodent Control, Other Issues**

1. Adequate number of fly tight, watertight and rodent proof containers must be provided for all garbage and refuse. Garbage must be collected for disposal as often as necessary to prevent nuisance conditions not less than once each week.
2. RCAs must be maintained free of accumulations of debris or material which may provide rodent harborage or breeding places for insect pests. RCAs must be maintained free of growth of noxious weeds.
3. Domestic animals or pets must not be allowed to run at large or cause any nuisances within an RCA. Any kennels, pens or other facilities provided for animals must be maintained in a sanitary condition.

4. A maximum of 10 miles per hour must be clearly posted throughout the RCA.
5. All roads in the RCA must be maintained by the owner.
6. RCAs require all ATV's and off-road vehicles on trailers or vehicles such as on pick-up beds or flatbed trucks at all times. No use of any ATV or off-road vehicle within the RCA is allowed with the exception for directly leaving and returning to the RCA.
7. Fires shall be made only in stoves and other equipment intended for such purposes and place in safe and convenient locations, where they will not constitute fire hazards to vegetation, undergrowth, trees and RVs. No open fires are allowed.
8. No storage shed or outbuildings shall be allowed within an RV rental space.
9. Temporary structures such as canvas awnings, screened enclosures or platforms, which are normal camping equipment, may be erected but must be removed when the rental space is vacated. No other structural additions shall be built onto or become a part of any RV.
10. Tents: Tents shall be permitted, and their number shall be limited to two (2) tents per rental space. Areas for group camping may be established with following provisions:
 - a. The area set aside for such group is not a part of any designated open space.
 - b. An adequate number of parking spaces is provided.
 - c. The area is served by one or more water outlets, and
 - d. The area is located no further than four hundred (400) feet from water and toilet and shower facilities.
11. Portable fire extinguishers shall be readily available and shall be maintained in operating condition.

Section XIV: **Building Codes:** On October 11, 1979, the City of Willow River adopted the Minnesota Uniform Building Code by reference. Experience has proven that enforcement is impractical in the City of Willow River. This Ordinance does hereby repeal Ordinance No. 56 with all inclusions, including the Resolution dated May 6, 1991, adopting a new Building Ordinance and abandoning the Minnesota Uniform Building Code.

Section XV: **Special Provision – Mobile Homes:**

1. **Purpose:** It is the purpose of this regulation to promote health, safety, and order, convenience and general welfare by enforcing minimum standards for the

location and use of mobile homes and the design, construction, alteration and arrangement of homes on said lots, authorizing the inspection of mobile homes.

2. **Definitions:**

- A. **Driveway:** a private way used by vehicles and pedestrians on a lot.
- B. **Mobile Home:** a manufactured, transportable, single family dwelling unit over 750 square feet, suitable for year-round occupancy and containing water supply, waste disposal and electrical convenience designed for attachment to outside systems.
- C. **Sewer Connection:** the connection consisting of all pipes, fittings and appurtenances from the drain outlet of the mobile home to the inlet of the corresponding sewer riser pipe of the sewer system.
- D. **Sewer Riser Pipe:** that portion of the sewer lateral which extends vertically to the ground elevation and terminates at mobile homes.
- E. **Water Connection:** the connection consisting of pipes, fittings and appurtenances from the water riser pipe to the water inlet pipe of the distribution system within the mobile home.
- F. **Water Riser Pipe:** that portion of the water supply system which extends vertically to the ground elevation and terminates at a designated point at mobile home.

3. **Permits:**

- A. **Valid Permits:** It shall be unlawful for any person to construct, alter or place any mobile home within the city limits of Willow River unless he holds a valid permit issued by the Zoning Administrator in the name of such person for the specific construction, alteration or placement of mobile home.
- B. **Applications:** All applications for permits shall contain the following:
 - 1. Name and address of applicant.
 - 2. Location and legal description of the land intended for placement of mobile home.
 - 3. Non-returnable current photos of the mobile home intended for placement.
- C. **Fee:** All applications for a permit shall be accompanied by a permit fee. Such fees shall be in accordance with established land use permit fees required by the City of Willow River.

- D. **Review of Application:** The Planning Commission shall review all applications for permits issued hereunder and shall hold such hearings as they may deem proper with respect thereto. The finds and recommendations of the Planning Commission shall be forwarded to the City Council for appropriate action.
 - E. **Denial:** Any person whose application for permit under this article has been denied may request and shall be granted a hearing on this matter before the Board of Adjustments.
4. **Notices, Hearings and Orders:**
- A. **Notice:** Whenever the Zoning Administrator determines that there are reasonable grounds to believe that there has been a violation of any provision of this article, the Zoning Administrator shall give notice of such alleged violation to the person to whom the permit of license was issued, as hereinafter provided. Such notice shall: (1) be in writing; (2) include a statement of the reasons for its issuance; (3) allow 30 days-time for the performance of any act it requires; if work cannot be completed in the 30 day period, extensions may be granted if reasons for hardship do prevail and can be verified; (4) be served upon the owner; provided that such notice or order shall be deemed to have been properly served upon such owner when a copy thereof has been sent by registered mail to his last known address, or when he has been served with such notice by any method authorized or required by the laws of the state.
 - B. **Hearing:** Any person affected by any notice which has been issued in connection with the enforcement of any provision of this article, may request and shall be granted a hearing of the same before the Board of Adjustments.
5. **Required Setbacks:** All structures including mobile homes must comply with normal setbacks.
6. **Accessory Buildings:**
- A. One accessory building for outside storage of equipment and refuse may be used.
 - B. The accessory buildings shall be a minimum of 48 square feet and designed of weather resistant material that will enhance the general appearance of the lot.
7. **Car Parking:** Off-street parking areas for the use of occupants and guests. Such areas shall be furnished at a rate of at least 2 car spaces for each mobile home.
8. **Skirting:** All mobile homes shall have skirting around the entire trailer made of metal, fiberglass or comparable, non-combustible materials approved by the Zoning Administrator and shall be painted to match the appropriate trailer so

that it will enhance the general appearance thereof. Skirting to be installed within 30 days of placement of mobile home.

9. **Water Supply:** All mobile homes shall be serviced by city water system or well that has been tested and certified for human consumption.
10. **Sewage Disposal:** All mobile homes shall be serviced by city sanitary sewer system, where possible, or private sewer system which complies with all local codes and ordinances.
11. **Refuse Handling:** General requirements: The storage, collection, and disposal of refuse in the mobile home shall be so conducted as to create no health hazards, rodent harborage, insect breeding, accident or fire hazards or air pollution.
12. **Mobile Homes Prohibited:** Mobile homes shall be prohibited that:
 - A. Do not conform to the requirements of the vehicle code of the State of Minnesota.
 - B. Are in any unsanitary condition or having an exterior in bad repair (this includes the home, lot and accessory structures).
 - C. Are structurally unsound and do not protect the inhabitants against the elements.
13. **Validity:** If any section, subsection, sentence, clause or phrase of this Ordinance is, for any reason, held up to be invalid, such decision shall not affect the validity of the remaining portions of this Ordinance.

Section XVI: **Parking and Storage of Certain Vehicles:** Automotive vehicles or trailers of any kind or type without current legal license plates, or those inoperable, shall not be parked or stored on any residentially zoned property other than in completely enclosed buildings unless approved by the Zoning Administrator. Permission may be granted by the Zoning Administrator for temporary non-compliance.

Section XVII. **Billboards and Signage:** Refer to Ordinance No. 69, adopted May 5, 1994.

Section XVIII: **Non-Conforming Buildings, Structures and Uses:**

1. **Purpose:** It is the purpose of this Section to provide for the regulation of non-conforming buildings, structures and uses and to specify those requirements, circumstances and conditions under which non-conforming, structures and uses will be operated and maintained. The Zoning Ordinance establishes separate districts, each of which is an appropriate area for the location of uses which are permitted in that district. It is necessary and consistent with the establishment of

these districts that non-conforming buildings, structures and uses not be permitted to continue without restriction. Furthermore, it is the intent of this Section that all non-conforming uses shall be eventually brought into conformity.

2. Any structure or use lawfully existing upon effective date of this Ordinance shall not be enlarged, but may be continued at the size and in the manner of operation existing upon such date except as hereinafter specified or subsequently amended.
3. Nothing in this Ordinance shall prevent the placing of a structure in safe condition when said structure is declared unsafe by the Zoning Administrator providing the necessary repairs shall not constitute more than fifty percent of fair market value of such structure. Said value shall be determined by the County Assessor.
4. No conforming building, structure or use shall be moved to another lot or to any other part of the parcel, land upon which the same was constructed or was conducted at the time of this Ordinance adoption unless such movement shall bring the nonconformance into compliance with the requirements of this Ordinance.
5. When any lawful non-conforming use if any structure or land in any district has been changed to a conforming use, it shall not thereafter be changed to any non-conforming use.
6. A lawful non-conforming use of a structure or parcel of land may be changed to lessen the non-conformity of use. Once a non-conforming structure or parcel of land has been changed, it shall not thereafter be so altered to increase the non-conformity.
7. If at any time a non-conforming building, structure or use shall be destroyed to the extent of more than fifty percent of its fair market value, said value to be determined by the County Assessor, then without further action by the Council, the building and the land of which such building was located or maintained shall, from and after the date of said destruction, be subject to all regulations specified by these zoning regulations for the district in which such land and buildings are located. Any building which is damaged to an extent than fifty percent of its value may be restored to its former extent. Estimate of the extent of damage or destruction shall be made by the Zoning Administrator.
8. Whenever a lawful non-conforming use of a structure or land is discontinued for a period of six months, following written notice from the Zoning Administrator, any future use of said structure or land shall be made to conform with the provisions of this Ordinance.
9. Normal maintenance of a building or other lawful non-conforming use is permitted, including necessary non-structural repairs and incidental alterations which do not physically extend or intensify the non-conforming use.
10. Alterations may be made to a building or other lawful non-conforming residential units as a conditional use when the alterations will improve the livability thereof,

provided they will not increase the number of dwelling units or size or volume of the building or increase the non-conformity.

11. Any proposed structure which will, under this Ordinance, become non-conforming but for which a land use permit has been lawfully granted prior to the effective date of this Ordinance, may be completed in accordance with the approved plans; provided construction is started within sixty days of the effective date of this Ordinance. Such structure and use shall thereafter be a legally non-conforming structure and use.

Section XIX: **Administration and Enforcement**

1. **Administering Officer:** This Ordinance shall be administered and enforced by the Zoning Administrator who shall be appointed by the City Council.
2. **Duties of the Zoning Administrator:** The Zoning Administrator shall enforce the provisions of this Ordinance and shall perform the following duties:
 - A. Determine that all land use permits comply with the terms of this Ordinance.
 - B. Issue certificates of occupancy for any use, structure or building after determination of above.
 - C. Maintain permanent and current records of this Ordinance, including but not limited to, all maps, amendments, conditional uses, variances, appeals and applications therefor.
 - D. Receive, file, and forward all applications for appeal, variances, conditional uses and other matters to the designated official bodies.
 - E. Institute in the name of the city, any appropriate actions or proceedings against a violator as provided by law.
 - F. The Zoning Administrator may waive requirements for technical information when deemed appropriate; the Zoning Administrator may also request additional information when deemed appropriate.
 - G. To inform the applicant of all ordinances, regulations and procedures governing to the applicants request within five business days.
3. **Land Use Permits Required:**
 - A. **Scope:** From and after the effective date of this Ordinance, it shall be unlawful to proceed with the construction, alteration, enlargement, demolition, or removal of any building or structure, or part thereof, without first obtaining a land use permit. Should work commence prior to procuring a permit, the fee will automatically double.

- B. **Application:** Request for a land use permit shall be filed with the Zoning Administrator. Each application for a permit shall be accompanied by a site and floor plan drawn to scale showing the dimensions of the lot to be upon. The size and location of all principal and accessory buildings and parking areas, and such additional information deemed necessary for the proper review and enforcement of this Ordinance and any other applicable building codes. The fee for a land use permit shall be based upon a fee schedule approved by the City Council.
- c. **Issuance of Permit:** The Zoning Administrator shall issue the land use permit only when the plans comply with this Ordinance and other applicable city ordinances. Plans do not so comply if they do not address and alleviate all non-conformities in the building. However, the Zoning Administrator may waive the strict provisions of this subsection in the event that it would work an unreasonable hardship upon the land use permit applicant.

4. **Fees:**

- A. The fees to be paid for each application for an amendment to the Zoning Code, a variance, special Planning Commission meeting or conditional use permit shall be as follows:

1.	Rezoning	\$150.00
2.	Variance	35.00
3.	Conditional Use Permit	35.00
4.	Planned Unit Development (platting fee not included)	Cost plus 10% to review

- B. Fees shall be payable to the time applications are filed with the Zoning Administrator and are not refundable unless application is withdrawn prior to referral to the Planning Commission. There shall be no fee in the case of applications filed in the public interest by members of the Council or by the Planning Commission.

Section XX: **Amendments, Conditional Use Permits and Interim Use Permits:**

1. **Procedure:**

- A. Request for amendments or conditional use permits, or interim use permits as provided within the Ordinance, shall be filed with the Zoning Administrator. Such application shall also be accompanied by complimentary copies of detailed written and graphic materials fully explaining the proposed change, development, or use. The Zoning Administrator shall refer said application, along with all related information, to the City Planning Commission for consideration and a report at least fifteen days before the next regular meeting.

- B. The Planning Commission shall set a date for a public hearing for amendments and conditional use permits. Notice of the time, place and purpose of the hearing shall be published in the official newspaper plus notice shall be mailed not less than ten days prior to public hearing to all property owners of record according to the county assessment records, within 350 feet of the property to which the request relates. A copy of the notice and a list of the property owners shall be attested to by the Zoning Administrator and made part of the official record. The failure to give mailed notice to individual property owners or defects in the notice shall invalidate the proceedings, provided a bona fide attempt to comply with this subdivision has been made.

- C. The Planning Commission shall consider the request and hold a public hearing at its regular meeting unless the filing date falls within fifteen days of said meeting, in which case the request would be placed on the agenda and considered at the regular meeting following the next regular meeting. The Zoning Administrator shall refer said application, along with all related information, to the City Planning Commission for consideration. The applicant or a representative thereof shall appear before the Planning Commission in-order-to answer questions concerning the proposed amendment, conditional use, or interim use.

- D. The Planning Commission shall consider possible adverse effects of the proposed amendment, conditional use or interim use. Its judgment shall be based upon (but not limited to) the following general factors:
 - 1. Relationship to the City's Growth Management Systems.
 - 2. The geographical area involved.
 - 3. Whether such use will tend to or actually depreciate the area in which it is proposed.
 - 4. The character of the surrounding area.
 - 5. The demonstrated need for such use.
 - 6. The public need for additional land space for the requested use in the location requested.
 - 7. Compatibility of adjacent land uses.
 - 8. The possible presence and effects of noise, odors or other nuisances.
 - 9. Availability in the present or near future of necessary utilities and public services.

- E. The Planning Commission and City staff shall have authority to request additional information from the applicant concerning operational factors

or to retain expert testimony, with the consent and at the expense of the applicant, concerning operational factor, said information to be declared necessary to establish performance conditions in relation to all pertinent sections of this Ordinance.

F. Within thirty days from the date of the public hearing, the Planning Commission shall make a finding of fact and recommend such actions and conditions relating to the request to the City Council.

1. In considering conditional use and interim use requests, the Planning Commission shall evaluate the use, utilizing from the requirements (A – M) below, those which are specific to the designated uses as indicated in (2) below:

A. The land area and setback requirements of the property containing such a use or activity shall be the minimum established for the district,

B. When abutting a residential use in a residential district, the property shall be screened and landscaped in compliance with Section X of this Ordinance,

C. Where applicable, all city, state and federal laws, regulations and ordinances shall be complied with and all necessary permits secured,

D. All signs shall be in compliance with ordinance no. 69 of this Ordinance and shall not adversely impact adjoining or surrounding residential uses,

E. Adequate off-street parking and loading shall be provided,

F. The proposed water, sewer and other utilities shall be capable of accommodating the proposed use,

G. The street serving the use or activity is of sufficient design to accommodate the proposed use or activity, and such use or activity shall not generate such additional extra traffic to create a nuisance or hazard to existing traffic or to surrounding land uses,

H. All access roads, driveways, parking areas, and outside storage, service or sales areas shall be surfaced or grassed to control dust and drainage,

I. All open and outdoor storage, sales and service areas shall be screened from view from the public streets and from abutting residential uses or districts,

- J. All lighting shall be designed to have no direct source of light visible from adjacent residential areas or from the public streets,
- K. The use or activity shall be properly drained to control surface water run-off,
- L. The architectural appearance and functional plan of the building and site shall not be so dissimilar to the existing buildings or area as to cause impairment in property values or constitute a blighting influence, and
- M. Where structures combine residential and non-residential uses, such uses shall be separated and provided with individual outside access, and the uses shall not conflict in any manner.

2. The conditional use application shall comply with the minimum specific requirements pertaining to each designated conditional use as stated below:

<u>Conditional Use</u>	<u>Requirements</u>
Apartments, boarding or lodging houses, multiple family residence	A, C, E, F, H, J, K, L, M
Commercial recreation, commercial drive-in establishments, automobile service stations	A, B, C, D, E, F, G, H, I, J, K, L
Parking facilities	B, C, D, E, G, H, J, K
Public, quasi-public buildings and uses cemeteries	A, E, F, G, H, J, L

3. An interim use shall comply with the following:
- A. Meet the standards of a conditional use permit as set forth in this Ordinance.
 - B. Conform to the applicable general performance standards of this Ordinance.

- C. The use is allowed as an interim use in the respective zoning district.
 - D. The date or event that will terminate the use can be identified with certainty.
 - E. The use will not impose additional unreasonable costs to the public.
 - F. The user agrees to any conditions that the City Council deems appropriate for permission of the use.
4. All conditions pertaining to a specific site are subject to change when the Planning Commission or City Council, upon investigation, finds that the community safety, health, welfare and public betterment can be served as well or better by modifying the conditions.
- G. Upon receiving the report and recommendations of the Planning Commission, or until thirty days after the first Planning Commission meeting, at which the request was considered, the City Council shall place the report and recommendation on the agenda for the next regular meeting. Such reports and recommendations shall be entered in and made part of the permanent written record of the City Council meeting.
 - H. Upon receiving the report and recommendation of the Planning Commission, the City Council shall either:
 - 1. Approve or disapprove the request as recommended by the Planning Commission, based upon whether the application meets the requirements stated in the Ordinance,
 - 2. Approve or disapprove the recommendation of the Planning Commission with modifications, alterations or differing conditions; such modifications, alterations or differing conditions shall be in writing and made a part of the Council's record, or,
 - 3. Refer the recommendation back to the Planning Commission for future consideration; this procedure shall be followed only one time on a singular action. Approval of a request shall require passage by 2/3 vote of the full City Council. The Zoning Administrator or City Clerk shall notify the applicant of the Council's action.
 - I. The recommendation of the Planning Commission shall be advisory to the City Council. The decision of the City Council shall be final subject to judicial review.

2. **Lapse of Conditional Use and Interim Permit by Non-Use:** Whenever within one year after the granting a conditional use permit, the work as permitted by the permit shall not have been completed or established, then such permit shall be come null and void unless a petition for extension of time in which to complete the work or establish the use has been granted by the City Council. Such extension shall be requested in writing and filed with the Zoning Administrator or City Clerk at least thirty days before the expiration of the original conditional use permit. There shall be no charge for the filing of such petition. The request for the work or use established in the conditional use permit or interim use permit and a revised schedule for completion. Such petition shall be presented to the Planning Commission for a recommendation and to the City Council for a decision and shall be requested only one time on a singular action.
3. **Termination of Interim Use Permit:** An interim use permit shall terminate upon occurrence of any of the following events, whichever occurs first:
 - A. The termination date or event stated in the permit; or
 - B. A violation of the conditions under which the permit was issued; or
 - C. A change in the City's zoning regulations that no longer permits the use; or
 - D. Upon written request of the permittee.
4. **Reapplication of Interim Use Permit:** No application for the same interim use permit for a particular parcel of land shall be resubmitted for a period of twelve (12) months from the date of denial of the previous application.
5. **Amendments:** The City Council or Planning Commission may, upon their own motive, initiate a request to amend the text or the district boundaries of this Ordinance. Any person owning real estate within the City may initiate a request to amend the district boundaries or text of this Ordinance so as to affect the said real estate. All amendment requests must first be reviewed by the Planning Commission.
 - A. **Types of Amendments:** An amendment to this Ordinance may be one of the following:
 1. Change in a district's boundary (rezoning),
 2. A change in a district's regulation, or
 3. A change in any other provision of this Ordinance.
6. **Initiation of Proceedings:** Proceedings for amending this Ordinance shall be initiated by at least one of the following three methods:

1. By petition of the owner or owners of property, which is proposed to be rezoned,
 2. By recommendation of the Planning Commission, or
 3. By action of the City Council.
7. **Required Exhibits for Rezoning Initiated by Property Owners:**
- A. Proof of ownership or intent to own property,
 - B. A list of names and addresses of property owners within 350 feet of affected property.
8. **Performance Bond:** The Planning Commission and City Council shall have the authority to require a performance bond or other security when it is deemed necessary and appropriate,
- A. Except in the case of non-income producing residential property, upon approval of a conditional use permit or interim use permit the City may be provided with a surety bond, cash escrow, certificate of deposit, securities, or cash deposit prior to the issuing of land use permits or initiation of work on the proposed improvements or development. Said security shall guarantee conformance and compliance with the conditions of the conditional use permit or interim use permit and ordinance of the city.
 - B. The security may be in the amount of the City Council's estimated costs of labor and materials for the proposed improvements of development. Said project can be handled in stages upon the discretion of the City Council.

Section XXI: **Variances and Appeals:**

1. **Board of Adjustment and Appeals:** The Board of Adjustment and Appeals shall have the following powers:
 - A. To hear and decide appeals where it is alleged that there is an error in any order, requirement, decision or determination made by an administrative official in the enforcement of the Zoning Ordinance.
 - B. To hear requests for variances from the literal provisions of this Ordinance in instances where their strict enforcement would cause undue hardship because of circumstances unique to the individual property under their consideration.

2. **Finding of Fact:** In considering all requests for a variance or appeal, the Board of Adjustment and Appeals shall make a finding of fact, as appropriate, that the proposed action will not:
- A. Impair an adequate supply of light and air to adjacent property,
 - B. Unreasonably increase the congestion in the public right-of-way,
 - C. Increase the danger of fire or endanger the public safety,
 - D. Unreasonably diminish or impair established property values within the neighborhood,
 - E. Cause an unreasonable strain upon existing municipal facilities and services,
 - F. Be contrary in any way to the spirit and intent of this Ordinance, or
 - G. Have a negative direct and indirect fiscal impact upon the city, county or school district, unless the proposed use is determined to be in the public interest.

3. **Conditions for Granting Variance:** The Board of Appeals may not permit as a variance any use that is not permitted under this Ordinance for property in the zone where the affected person's land is located. A variance may be granted when it is demonstrated that such action will be in keeping with the spirit and intent of this Ordinance. 'Undue hardship' as used in connection with granting a variance means the property in question cannot be put to a reasonable use if used under conditions allowed by the official controls, the plight of the landowner is due to circumstances unique to his property not created by the landowners, and the variance, if granted, will not alter the essential character of the locality. Economic considerations alone shall not constitute an undue hardship if reasonable use for the property exists under the terms of this Ordinance. Undue hardship also includes, but is not limited to, inadequate access to direct sunlight for solar energy systems. A non-economic hardship shall exist by reasons of one of the following:

- A. Narrowness, shallowness or shape of a specific parcel of property or a lot existing and of record upon the effective date of this Ordinance,
- B. Exceptional topographic or water conditions of a specific parcel of land or lot,
- C. Inadequate access to direct sunlight for solar energy systems.

A variance may be granted for the above reasons when the strict application of the provisions of this Ordinance would result in exceptional difficulties in developing the property in a legally permissible manner. The Board of Adjustments and Appeals may impose conditions in granting the variance to insure compliance and to protect adjacent properties.

4. **Lapse of Variance or Appeal:** Whenever within one year after the granting a variance or appeal the work as permitted by the variance or appeal shall not have been completed, then such variance or appeal shall be come null and void unless a petition for extension of time in which to complete the work has been granted by the City Council. Such extension shall be requested in writing and filed with the Zoning Administrator at least thirty days before the expiration of the original variance or appeal. There shall be no charge for the filing of such petition. The request for extension shall state facts showing a good faith attempt to complete the work permitted in the variance or appeal. Such petition shall be presented to the Planning Commission for a recommendation and to the City Council for a decision and shall be requested only one time on a singular action.
 - A. Except in the case of non-income producing residential property, upon approval of a variance or appeal the City may be provided with a surety bond, cash escrow, certificate of deposit, securities or cash deposit prior to the issuing of land use permits or initiation of work on the proposed improvements or development. Said security shall guarantee conformance and compliance with the conditions of the variance or appeal and the ordinances of the city.
 - B. The security may be in the amount of the City Council's estimated costs of labor and materials for the proposed improvements of development.
 - C. The City may hold the security until completion of the proposed improvements or development and a certificate of occupancy indicating compliance with the variance or appeal and ordinances of the City has been issued by the City Zoning Administrator.
 - D. Failure to comply with the conditions of the variance or appeal and/or ordinances of the City should result in forfeiture of the security.
5. **Performance Bond:** The Planning Commission shall have the authority to require a performance bond or other securities when it is deemed necessary and appropriate.

Section XXII: **Planning Commission:**

1. **Establishment of Commission:** A city planning commission for the City of Willow River is established. The commission shall be the city planning agency authorized by Minnesota Statute, Section 462,354, Subdivision 1.
2. **Membership:** The planning commission shall consist of eight members from the resident population of the city to be appointed by the council. The appointees shall be appointed to serve staggered terms of three years, except as noted below, commencing on the first day of January in the year of appointment. Upon expiration of a term, the appointee shall continue until reappointed, or a successor is appointed. Absence from any three meetings a year, unless excused in

advance by the chair, constitutes a vacancy. In the event of any vacancy, the mayor, with the approval of the council, shall appoint a person to complete the unexpired term.

One member may be a council member or the clerk to be appointed by the mayor with the council approval, for a one-year term to expire on December 31 of each year.

Other persons may serve in an ex-officio capacity as the council may in its discretion deem appropriate.

Each of the eight regular planning commission members shall have equal voting privileges. Any member may be removed for cause by majority vote of the city council upon written charge and after public hearing.

3. **Organization, Meetings, Etc.:** At the first regular meeting in January, the commission shall elect a chairman, vice chairman, and a secretary from among its appointed members, each for a term of one year; and the commission may create and fill such other offices as it may determine. The commission shall hold such meetings each month at such time and place as they may fix by resolution. Special meetings may be called at any time by the chairman, or in case of the chairman's absence by the vice chairman. Written minutes of meetings shall be kept and filed with the clerk prior to the next regularly scheduled council meeting but shall be subject to approval at the next planning commission meeting. No expenditures by the commission shall be made unless and until authorized for the purpose by the council.
4. **Duties and Powers of the Commission, Comprehensive Plan:**
 - A. **Plan:** The planning commission shall have the powers and duties given city planning agencies by law. The commission shall also exercise the duties conferred upon it by this code. It shall be the purpose of the planning commission to prepare and adopt a comprehensive plan for the physical development of the city, including proposed public buildings, street arrangements, and improvements, efficient design of major thoroughfares for moving of traffic, parking facilities, public utilities services, parks and playgrounds, a general land use plan, and other matters relating to the physical development of the city. Such plan may be prepared in sections, each which shall relate to the comprehensive plan program. After the commission has prepared and adopted the comprehensive plan, it shall periodically, but at least every ten years, review the comprehensive plan and any ordinances or programs implementing the plan.
 - B. **Means of Executing Plan:** Upon adoption of a comprehensive plan or any section thereof, it shall be the concern of the planning commission to recommend to the council reasonable and practicable means for putting into effect such plan or section thereof in order that the same will serve as a pattern and guide for the orderly physical development of the

city and as a basis for judging the timely disbursements of funds to implement the objective. Means of effectuating the plan shall, among other things, consist of a zoning ordinance, subdivision regulations, capital improvement programming and technical review, and recommendations of matters referred to the planning commission by the council.

3. **Zoning Ordinance:** The planning commission shall review all proposed amendments to the zoning ordinances, take part in the public hearings, and make recommendations to the council as may be prescribed by the zoning ordinance.
4. **Special Permits:** The planning commission shall make recommendations on all requests for a conditional use permit under the terms of the zoning ordinance. The commission shall report its recommendations to the council for action.
5. **Subdivisions:** The planning commission shall make recommendations in relation to the subdividing of land as prescribed by the ordinance; the commission shall report its recommendations to the council for action.
6. **Capital Improvement Program:** The planning commission shall endeavor to obtain from city officers a descriptive list of proposed improvements for the ensuing five-year period.

The planning commission shall list and classify all such proposed public works for the ensuing year and for a projected five-year period. Such program shall be recommended by the planning commission to the council and to such other officers, departments, boards, or public bodies as have jurisdiction over the recommended planning or construction of such public works.

Section XXIII: **Board of Adjustments:**

1. **Board Created:** There is hereby created a Board of Appeals and Adjustments. The City Council shall act in the capacity of the Board of Adjustments.
2. **Procedure:** Subject to the provisions of this Ordinance, the board may adopt rules necessary to the conduct of its affairs. The Mayor or, in his absence, the Deputy Mayor, may administer oaths to witnesses. All meetings shall be open to the public. The board shall keep minutes of its proceedings, showing the vote of each member upon each question, or if absent or failing to vote, indicating such fact. The board shall keep records of its examination and other official actions.
3. **Power and Duties of Board:** The board shall have the power and duty of hearing and deciding, as herein provided, appeals or requests in the following cases:
 - A. Appeals where it is alleged that there is an error in any order, requirement, decision or determination made by an administrative officer in the enforcement of this Ordinance.

B. Requests for variances from the literal provisions of this Ordinance in instances where their strict enforcement would cause undue hardship because of circumstances unique to the individual property under consideration.

4. **Appeal:** An appeal for administrative review as specified in 74.03 may be taken to the board by any person, firm or corporation or any city officer, department, or agency affected by a decision of the Zoning Administrator. Such an appeal shall be taken by filing a notice of appeal specifying the grounds thereof with the Zoning Administrator, and the board within 30 days after the decision. If the appeal is not taken by the owner of the property which is subject matter of the decision appealed from, the notice shall not be so filed until after it has been served upon such owner either in person or by mail.

The Zoning Administrator shall transmit to the board all papers constituting the record upon which the action appealed from was taken. An appeal for an administrative review or a variance stays all proceedings, including criminal proceedings, in furtherance of the action appealed from unless the Zoning Administrator certifies to the board that by reason of facts stated in the certificate a stay would, in his opinion, cause imminent peril to life or property. In that case, the proceedings shall not be stayed otherwise than by a restraining order granted by a court of competent jurisdiction. An application for a variance may be filed by the owner of the affected property at any time.

5. **Variances:** No variance shall be granted to allow a use not permissible under the terms of this Ordinance in the district involved. In granting a variance, the board, or the council on appeal, may prescribe appropriate conditions in conformity with this Ordinance. When such conditions are made a part of the terms under which the variance is granted, violation of the conditions is a violation of this Ordinance. A variance shall not be granted by the board, or by the council on appeal, unless it conforms to the following standards:

- A. Special conditions and circumstances exist which are peculiar to the land, structure, or building involved and do not result from the actions of the petitioner.
- B. Literal interpretation of the provisions of this Ordinance would deprive the petitioner of rights commonly enjoyed by other properties in the same district under the terms of this Ordinance.
- C. Granting the variance requested will not confer on the applicant any special privilege that is denied by this Ordinance to other lands, structures, or buildings in the same district.
- D. The proposed variance will not impair an adequate supply of light and air to adjacent property or unreasonably diminish or impair established property values within the surrounding area, or in any other respect impair the public health, safety or welfare of the residents of the city.

6. **Decision by Board:** Upon filing with the board a request for variance or appeal from an administrative order or determination, the board shall set a date for hearing thereon, which shall be no later than 30 days from the date of filing, and shall hear such persons as wish to be heard, either in person or by agent or attorney. Notice of any such hearing shall be mailed not less than 10 days before the date of the hearing to the person who filed the appeal or request, and in the case of a request for a variance, to each owner of property situated wholly or partly within 350 feet of the property to which the variance relates, insofar as the names and addresses to such owners can be determined by the clerk from records available to the public. Within a reasonable time after the hearing, the board shall make its order deciding the matter and serve a copy of such order upon the appellant or the petitioner by mail, but the board shall not make its order until the planning agency has had reasonable time, not to exceed sixty days, to review and report to the board upon the appeal or petition. The appellant or petitioner may within 45 days from the date of the order file with the city clerk an appeal to the council from the decision of the board.
7. **Hearing and Decision:** The council shall at the next regular meeting after the filing of an appeal to it from a decision of the board set a date for hearing thereon, which shall be no later than 60 days after the meeting. After hearing the oral or written views of all interested persons, the council shall make its decision at the same meeting or at a specified future meeting thereof.
8. **Form of Action Taken and Record Thereof:** The council on appeal, shall provide for a record of its proceedings, which shall include the minutes of its meetings, its findings and the action taken on each matter heard by it, including its final order. The city clerk shall maintain a permanent record of the disposition of all appeals to the council from decisions of the board.

Section XXIV: **Penalties and Violations:** Any person who violates any provision of this Ordinance shall, upon conviction thereof, be fined not more than seven hundred dollars (\$700) for each offense, or imprisoned for not more than ninety days, or both. Each month that the violation is permitted to exist constitutes a separate offense.

Section XXV: **Severability:** This Ordinance shall be severable, in whole or in part. The validity, or lack thereof of a portion of this Ordinance, shall not affect the validity of the remainder of this Ordinance.

Section XXVI: **Repeal of Conflicting Ordinances:** This Ordinance, upon effect, shall repeal any prior ordinances or portions thereof which are inconsistent with this Ordinance. This repealer specifically does not apply to the Flood Plain, Shoreland Management and Wild and Scenic or Billboard and Signage Ordinances.

Section XXVII: **Effective Date:** This Ordinance shall be effective upon passage and publication.

PASSED AND ADOPTED by the City Council of the City of Willow River, Minnesota, this 5th day of June, 2023.

ORDINANCE NO. 96

TOPIC: **Amendment to Ordinance 93**

STATUS: **Valid** Passed: **February 7, 2022**

DESCRIPTION:

AN ORDINANCE AMENDING PARAGRAPH 4 AND 8 OF ORDINANCE 93 OF THE CITY OF WILLOW RIVER, MINNESOTA AND ESTABLISHING NEW REGULATIONS REGARDING THE SAME

The City Council of the City of Willow River hereby amends to read:

Paragraph 4:

WHEREAS, said property is currently PID-R17.0110.000 residential; PID- R17.0105.000 residential/recreational; PID- R17.0110.000 non-homestead seasonal residential recreational; and annexation is requested for the (PID- R17.0110.000 - residential) and (PIDs R17.0105.000 and R17.0107.000 - commercial) development of the property; and

Paragraph 8:

The City Council hereby determines that the property as hereinafter described abuts the city limits and is or is about to become urban or suburban in nature in that (R1 - Residential) use for PID R17.0110.000 and (R1 – Residential/RCA Recreational Camping Area) use for PID R17.0105.000 and PID R17.0107.000 have been assigned to said properties.

PASSED AND ADOPTED by the City Council of the City of Willow River, Minnesota, this 7 day of February, 2022.

ORDINANCE NO. 97

TOPIC: **Franchise Agreement with Minnesota Power**

STATUS: **Valid** Passed: **January 3, 2023**

DESCRIPTION:

AN ORDINANCE GRANTING TO MINNESOTA POWER A NONEXCLUSIVE FRANCHISE TO CONSTRUCT, OPERATE, REPAIR AND MAINTAIN IN THE CITY OF WILLOW RIVER, MINNESOTA, AN ELECTRIC DISTRIBUTION SYSTEM AND TRANSMISSION LINES, INCLUDING NECESSARY POLES, LINES, FIXTURES AND APPURTENANCES, FOR THE FURNISHING OF ELECTRIC ENERGY TO THE CITY, ITS INHABITANTS, AND OTHERS, AND TO USE THE PUBLIC WAYS AND PUBLIC GROUNDS OF THE CITY FOR SUCH PURPOSES; AND PRESCRIBING CERTAIN TERMS AND CONDITIONS THEREOF.

THE CITY COUNCIL OF THE CITY OF WILLOW RIVER, MINNESOTA, DOES FIND AND ORDAIN, AND THE TABLE OF SPECIAL ORDINANCES OF THE CITY CODE OF ORDINANCES IS HEREBY REVISED TO INCLUDE THE FOLLOWING:

SECTION 1. FINDINGS.

1.1 In the interest of fairness and comparable treatment, the City finds it necessary and desirable to formalize its rules and regulations and to implement the terms with respect to the City of Willow River, and, to the extent feasible and practicable, to all other Utility Service Providers.

SECTION 2. DEFINITIONS. For purposes of this Ordinance, the following capitalized terms listed in alphabetical order shall have the following meanings:

City. The City of Willow River County of Pine State of Minnesota and the corporate limits thereof on the Effective Date and as they may be adjusted from time to time hereafter.

City Utility System. Facilities used for providing public utility service owned or operated by the City or agency thereof, including sewer, storm sewer, water service, street lighting and traffic signals, but excluding facilities for providing heating, lighting, or other forms of energy.

Commission. The Minnesota Public Utilities Commission, or any successor agency or agencies, including an agency of the federal government, which preempts all or part of the authority to regulate electric retail rates now vested in the Minnesota Public Utilities Commission.

Company. Minnesota Power, an operating division of ALLETE, Inc., its successors and assigns including all successors or assignees that own or operate any part or parts of the Electric Facilities subject to this Franchise.

Company Service Area. Those areas within the City to which the Company has been assigned the right to provide electric service, as in effect on the Effective Date or as may be hereafter revised.

Council. The City Council of the City of Willow River as from time to time constituted.

Effective Date. The effective date of this Ordinance.

Electric Facilities. Electric transmission and distribution substations, towers, poles, lines, guys, anchors, conduits, fixtures, and necessary appurtenances owned or operated by the Company for the purpose of providing electric energy for public or private use.

Extension Rules. The rules adopted from time to time by the Company governing its extension of Electrical Facilities.

Franchise. The grant of rights made by the City to the Company in this Ordinance, subject to its terms and conditions.

Notice. A writing served by any party or parties on any other party or parties at the following addresses:

If to the City: City of Willow River

PO Box 125
Willow River, MN 55795
Attn: City Clerk

If to the Company: Minnesota Power
30 West Superior Street
Duluth, MN 55802
Attn: Vice President – Customer Experience

Any party may change its respective address for the purpose of this Ordinance by written notice to the other parties.

Person. A natural person or any partnership, joint venture, corporation, cooperative, limited liability company or any public corporation, political subdivision or agency of the State or any other legal entity that may be created by law.

Public Ground. All real property owned by or dedicated to the City with respect to which the City holds the legal right or title to grant or withhold easement, leasehold or occupancy rights or servitudes.

Public Way. Any street, alley and other public rights-of-way within the City.

Utility. Transmitting, furnishing, transporting, distributing, delivering, selling, receiving, importing, manufacturing, or causing to be produced, transmitted, furnished, transported, delivered, sold, received, imported, or manufactured, electric energy, natural gas, mixed gas, heat, light, power, and services provided through a cable communication system.

Utility Service Provider. Any Person who performs any one or more of the activities of a Utility to or for the public or to or for any one or more persons within the corporate limits of the City and may, as contemplated herein, be the ultimate user or consumer of the Utility service provided.

SECTION 3. THE FRANCHISE.

3.1. **Grant of Franchise.** The City hereby grants the Company, for a period of twenty (20) years from the date this Ordinance is passed and approved by the City, the right to transmit and furnish electric energy for any public or private use within and through the Company Service Area. For these purposes, the Company may construct, operate, repair and maintain Electric Facilities in, on, over, under and across the Public Ways and Public Grounds within the Company Service Area, subject to the provisions of this Ordinance. The Company may do all reasonable things necessary or customary to accomplish these purposes, subject however, to all applicable design and safety codes, the provisions of this Ordinance, zoning ordinances, other applicable ordinances, permit procedures and the customary and necessary practices of the City.

3.2 **Not Exclusive.** This Franchise is not exclusive.

3.3. **Effective Date.** This Franchise shall be in force and effect from and after the passage of this Ordinance and publication as required by law and upon the Company's duly authorized acceptance below as executed within thirty (30) days after passage and publication of this Ordinance or any amendment thereto.

3.4 **Publication Expense.** The Company shall pay the expense of publication of this Ordinance.

3.5 **Dispute Resolution.** If either party asserts that the other party is in default in the performance of any obligation hereunder, the complaining party shall notify the other party of the default and the desired remedy. The notification shall be written. Representatives of the parties must promptly meet and attempt in good faith to negotiate a resolution of the dispute. If the dispute is not resolved within thirty (30) days of the date of written Notice, the parties may jointly select a mediator to facilitate further discussion. The parties will equally share the fees and expenses of this mediator. If a mediator is not used or if the parties are unable to resolve the dispute within 30 days after first meeting with the selected mediator, either party may commence an action in District Court to interpret and enforce this franchise or for such other relief as may be permitted by law or equity.

3.6 If the City and Company are unable to agree on the terms of a new franchise by the time this franchise expires, this franchise will remain in effect until a new franchise is agreed upon, or until 90 days after the City or the Company serves written Notice to the other party of its intention to allow the franchise to expire.

SECTION 4. LOCATIONS; CONSTRUCTION; OTHER REGULATIONS.

4.1. **General.** Electric Facilities shall be located, constructed and maintained by the Company: (i) in as safe and secure a condition or manner as reasonably possible, (ii) so as not to interfere with the safety and convenience of ordinary travel along and over Public Ways, and (iii) so as not to disrupt or interfere with the normal use or operation of any Public Ways, Public Ground or the City Utility System. Electric Facilities may only be located on Public Ground as determined by the City in its sole discretion. The Company's construction, reconstruction, operation, repair, maintenance, location and relocation of Electric Facilities shall be subject to the terms of this Ordinance and such other regulations of the City consistent with authority granted the City to manage its Public Ways and Public Grounds under state law, to the extent not inconsistent with a specific term of this Ordinance.

4.2. **Construction; Maintenance; Repairs.** Whenever the Company desires to open or disturb any Public Way or Public Ground for the purpose of constructing, maintaining, or repairing Electric Facilities, it shall give the City reasonable advance Notice, but not less than ten (10) business days, by filing a written Notice with the City Clerk. In any case, the Company shall not commence such work before obtaining any applicable permit for which the City may impose a reasonable fee, or other appropriate written consent from the City. The Company shall not, during the progress of the work, endanger or unnecessarily obstruct the passage of traffic or the normal and customary use of the Public Ways and Public Ground. During the progress of such work, the Company shall keep the affected Public Ways or Public Ground guarded in order to avoid accidents to persons or property. All work performed by the Company shall comply with all applicable federal, state, and local laws, rules, and regulations.

4.3 **Emergencies.** The requirements for obtaining permits from the City pursuant to Section 5.2 shall not apply if (i) an emergency exists requiring the immediate repair of Electric Facilities and (ii) the Company gives telephone notice to the City before, if reasonably possible, commencement of the emergency repair. Within two (2) business days after commencing the repair, the Company shall apply for any required permits and pay any required fees.

4.4. **Restoration.** Following the completion of any work, the Company shall promptly and diligently restore the affected Public Ways and/or Public Ground to as good a condition as before the work

commenced. If the Company fails to promptly restore such Public Ways and/or Public Ground within ten (10) days of Notice by the City, the City may engage an independent contractor at the expense of the Company to perform the restoration of the Public Ways and/or Public Ground as required under this Section. The Company shall pay to the City upon demand the cost to the City of affecting such restoration including the City's administrative expenses and overhead.

4.5. Avoidance of Damage. The Company must take reasonable measures to prevent the Electric Facilities from causing damage to persons or property. The Company must take reasonable measures to protect the Electric Facilities from damage that could be inflicted on the Electric Facilities by persons, property, or the elements. The Company must take protective measures when the City performs work near the Electric Facilities, if given reasonable Notice by the City of such work prior to its commencement.

4.6. Field Locations. The Company shall provide field locations for all its underground Electric Facilities when requested by the City within a reasonable period of time. The period of time will be deemed reasonable if it meets the requirements of the one call excavation notice system as now provided in Minnesota Statutes, chapter 216D (commonly known as of the Effective Date as the "Gopher State One Call" system).

4.7. Shared Use of Poles; Street Lights. If the City desires to place facilities on the Company's poles, the City shall enter into a License Agreement for Pole Attachment Rental with the Company containing terms and conditions substantially similar to those contained in other such Agreements that the Company has with other governmental entities.

4.8. Tree Trimming. Subject to such procedures, regulation and supervision as the Council may establish, the Company may, at its cost, trim all trees and shrubs in the Public Ways located within the Company Service Area to the extent the Company finds it necessary to avoid interference with the proper construction, operation, repair and maintenance of any of the Company's Electric Facilities installed or maintained hereunder.

4.9. Notice of City Improvements. The City will give the Company reasonable advance Notice of plans for improvements to Public Ways and Public Ground in the Company Service Area where the City has reason to believe that the Company's Electric Facilities may affect or be affected by such improvements. The Notice will contain: (i) the nature and character of the improvements, (ii) the Public Ways and/or Public Ground upon which the improvements are to be made, (iii) the extent of the improvements, (iv) the time when the City will start the work, and (v) if more than one Public Way or parcel of Public Ground is involved, the order in which the work is to proceed.

4.10 Acquisition. The City shall have the right to purchase or otherwise acquire the Company's Electric Facilities or the Company Service Area, or portion(s) thereof, at any time by way of eminent domain under Minnesota Statutes, Chapter 117 or under Minnesota Statutes, Chapter 216B, in either case, as such statutes or amendments to such are in effect on the date the City commences such purchase or acquisition. In that event, the pleading commencing the acquisition proceeding by the City shall be noticed to the Company for it to make any adjustments to its long-range planning for facilities and service for the area affected by the proceeding. Any damages to the Company as a result of such proceeding shall be determined as of the commencement of such proceeding. The Company shall continue to operate the Electric Facilities at the City's sufferance only until such acquisition is completed. The expiration or termination of this Franchise as hereinbefore provided shall not, by itself, be an independent basis of any claim by the Company against the City.

SECTION 5. ELECTRIC FACILITIES RELOCATION.

5.1. **Relocation.** In the event the City reasonably determines that it is necessary for the Company to move any part of its Electric Facilities because the City has determined to change, move or improve its Public Ways or that the Electric Facilities have become or will become a substantial impairment to the existing or imminent public use of Public Ground, upon reasonable Notice by the City to the Company, then the Company will move its Electric Facilities at its sole cost. The City shall consider reasonable alternatives in designing its public works projects so as not to arbitrarily cause the Company unreasonable additional expense in exercising its authority under this Section 5.1. This Section 5.1 shall not constitute a taking by the City nor be construed as a waiver or modification of any easement or prescriptive rights acquired by the Company independent of and without reliance by the Company on this Franchise.

5.2. **No Release of Liability.** Nothing contained herein shall relieve any third party from liability arising out of their failure to exercise reasonable care to avoid injuring the Company's Electric Facilities while performing any work connected with grading, regarding or changing the line of any Public Way or with any construction on or adjacent to any Public Way; provided, however, this Section 5.2 shall not limit the City's rights to indemnification under Section 6.1 nor shall the City in any way be liable to the Company for claims arising from the negligence of any third party.

SECTION 6. INDEMNIFICATION.

6.1. **Indemnification.** If at any time any claim of any kind is made against the City for injury to persons or property arising from the acts or failure to act by the Company, its agents, servants, or employees in connection with the operations of the Company under and pursuant to this Franchise, the Company shall fully indemnify, defend and hold harmless the City, its agents, servants or employees from any and all such claims, including, but not limited to, reimbursement of any reasonable attorneys fees and costs and expenses the City may incur in handling, denying, or defending such claims. The Company's obligation to indemnify the City shall not extend to any injury to persons or property caused by the negligent act or failure to act by the City or any actions taken by the Company pursuant to directions of the City if performed within the scope of the City's directions without negligence by the Company. The City shall determine who will defend any such claims arising under this Section 6.1 and the Company will thereafter have complete control of such litigation; provided, however, the Company may not settle any such claims without the prior approval of the City, which approval will not be unreasonably withheld. This Section is not, as to third parties, a waiver of any defense or immunity otherwise available to the City; and the Company, in defending any action shall be entitled to assert every defense or immunity that the City could itself assert in its own behalf. The Company's obligations under this Section shall survive the expiration, amendment, or termination of this Ordinance.

6.2. **Insurance.** Before the Effective Date, the Company shall furnish the City a summary of insurance, if any, carried by the Company, or of its self-insured status, in either case demonstrating adequate protection to the City from any and all obligations, liabilities, or claims of any nature whatsoever, growing out of the operation, construction, and maintenance of its Electric Facilities within the City. The Company shall maintain such insurance coverage at all times during this Franchise.

6.3. **Compliance with Laws; Hazardous Substances.** In its operation under this Ordinance, the Company shall observe all federal, state and local laws, rules, regulations and orders with respect to the transmission, distribution, transformation or furnishing of electric energy and the handling of materials,

substances and wastes deemed toxic or hazardous to health, natural resources or the environment (collectively, "Hazardous Substances"). The Company shall remove or remediate any Hazardous Substances located on, in or surrounding its Electric Facilities or caused to be located on, in or surrounding the Public Ways and Public Grounds or elsewhere in the City in compliance with all applicable laws, regulations and lawful government orders, and pay or cause to be paid all costs associated therewith. The indemnification terms and conditions of Section 6.1 shall apply to all claims made against the City by any Person, including any governmental agency, who or which asserts any right to costs, damages or other relief based upon the terms and conditions imposed upon the Company under this Section 6.3 or which arise from or are related to the Company's acts or failure to act in compliance with any law, rule, regulation or lawful order governing Hazardous Substances.

SECTION 7. VACATION OF PUBLIC WAYS. The City will consult with the Company at least four (4) weeks prior to its action on any proposed vacation of a Public Way. Except where ordered pursuant to Section 5.1, the vacation of any Public Way after the installation of Electric Facilities shall not operate to deprive the Company of its rights to operate and maintain such Electric Facilities until the reasonable cost of relocating the same and the loss and expense resulting from such relocation are first paid to the Company. However, in no case shall the City be liable to the Company for failure to specifically preserve a Public Way in the exercise of its authority under Minnesota Statutes, Section 160.29.

SECTION 8. ABANDONED FACILITIES. The Company shall comply with City ordinances and Minnesota Statutes, Section 216D.01 et seq., as they may be amended from time to time. The Company shall maintain records describing the exact location of all abandoned and retired Facilities within the City, produce such records at the City's request and comply with the location requirements of Section 216D.04 with respect to all Electric Facilities, including abandoned and retired Electric Facilities.

SECTION 9. RATES AND SERVICE. The electric service provided and the rates charged by the Company for electric service, as of the Effective Date, are subject to the jurisdiction of the Commission as provided in Minnesota Statutes, chapter 216B. In the event the Company shall determine after the Effective Date to change its rates or terms and conditions of electric service, the Company shall provide reasonable advance Notice of such proposed action to the City.

SECTION 10. FRANCHISE FEE.

10.1. **Authority.** The City reserves all rights under Minnesota Statutes, Sections 216B.36 and 301B.01 or other law to require a franchise fee at any time during the term of, and in consideration for, this Franchise. The franchise fee may be expressed (i) as a specified charge per measurable unit of electricity being provided, transported, transmitted, sold, furnished, delivered, or received within the City, or (ii) as a percentage of the Gross Revenues received by the Company for its operations within the City, or (iii) a flat fee per customer based on service to retail customers within the City or on some other similar basis, or (iv) in such other manner or fashion as the City may determine. The method of imposing the franchise fee may differ by customer class, by type of Utility, by particular circumstances of a Utility Service Provider, or by other relevant factor, and may combine the methods described in (i) through (iv) above. Any franchise fee must be imposed by a separate ordinance adopted by the City, which ordinance may not become effective until the Company's first full billing cycle that is at least sixty (60) days following the Company's filing notifying the Commission of such fee and including a copy of Company's tariff sheet for the franchise fee. The Company will thereby pass along the costs of such fee to the Company's customers located within the City. The Company agrees to use its commercially reasonable efforts to obtain such Commission authorization.

10.2. **Payment of Fee.** Subject to Commission approval, or no later than 90 days the franchise fee shall be payable monthly and shall be based on the complete billing month for which payment is due. The payment shall be due forty-five (45) days after the end of the month for which the payment is due. Each payment shall be accompanied by a brief report showing the basis for the computation of the payment and such other relevant facts to support the computation as may be requested by the City from time to time. The Company may, in its sole discretion, impose a surcharge equivalent to the franchise fee in its rates for electric service. The Company shall pay the City the franchise fee based upon the prevailing rate and as billed to the customer, but subject to subsequent adjustment in either of the following events: (i) if any amount so billed subsequently becomes uncollectible after reasonable efforts of collection by the Company or (ii) if the Company shall, after any said billings, retroactively reduce its rates or costs to its retail electric customers so that a refund is due from the Company of an amount previously paid or incurred by the retail electric customers. For purposes of calculating the franchise fee, no other adjustment may be made to Gross Revenues, regardless of how calculated or described and whether or not characterized as a rebate, dividend, patronage, refund, return of capital or ownership interest.

10.3. **No Waiver or Release.** No acceptance of any payment shall be construed as an accord that the payment made is in fact the correct amount, nor shall such acceptance of the payment be construed as a release of any claim that the City may have for further sums payable under the provisions of this Ordinance. All amounts paid shall be subject to audit and re-computation by the City. The Company agrees to make all records necessary to audit the Company's calculation of any payment available for inspection by the City or its designated representative at reasonable times.

10.4. **Initial Franchise Fee.** The initial franchise fee shall be zero percent (0%) of the Company's Gross Revenue not to exceed the sum of zero and NO/100 Dollars (\$0.00) per calendar year. [THE FRANCHISE FEE CAN ALSO BE SET ON A PER METER CHARGE OR AN ANNUAL REVENUE AMOUNT]

10.5. **Separate Ordinance.** Notwithstanding anything to the contrary, the franchise fee may be changed by the City from time to time by separate ordinance; provided, however, such changes shall not occur more often than once in any calendar year and shall be effective not sooner than the first day of the first calendar month which follows the effective date of the ordinance adopting the change by not less than sixty (60) days subject to Company obtaining Commission approval of the new franchise fee rate but no later than 90 days. Notice of the proposed change shall be given to the Company not later than the effective date of the ordinance adopting the change.

SECTION 11. DEFAULTS. If the Company shall be in default in the performance of any of the material terms and conditions of this Ordinance, and shall continue in default for more than thirty (30) days (or fails to initiate the cure of the default within said period and diligently pursue said cure, if the cure of the default cannot reasonably be accomplished within said 30 days) after receiving Notice from the City of such default, the City may elect to cure such default and charge the Company for the costs thereof.

SECTION 12. AMENDMENT PROCEDURE. The City reserves the right to amend this Franchise by ordinance. The Company's rights hereunder are subject to the police power of the City to adopt and enforce ordinances necessary to the health, safety, and welfare of the public, and this Franchise may be amended by the City as deemed necessary or appropriate in the exercise of such power.

SECTION 13. GENERAL PROVISIONS OF ORDINANCE.

13.1. **Governing Law.** This Franchise is granted and is intended to be performed in the State of Minnesota and shall be construed and enforced in accordance with the laws of the State of Minnesota. The Company shall be subject to personal jurisdiction in the State of Minnesota. All actions related to this Ordinance or its enforcement shall be venued in the District Court of the State of Minnesota within which venue the City is located.

13.2. **Right to Repeal.** If this Franchise, having become final and operative as herein provided, shall be declared in any part illegal or void, then the City, in its sole discretion, may repeal the entire or any portion of this Ordinance. If any material portion of this Ordinance is declared void or illegal, then this Ordinance shall be void in its entirety.

13.3. **Limitation on Applicability.** This Ordinance constitutes a franchise between the City and the Company as the only parties and no provision of this Franchise shall in any way inure to the benefit of any third person (including the public at large) so as to constitute any such person as a third party beneficiary of the agreement or of any one or more of the terms hereof, or otherwise give rise to any cause of action in any person not a party hereto.

13.4. **Assignment.** The Company may assign this Franchise without the prior approval of, but upon not less than thirty (30) days' prior Notice to, the City. Such Notice shall include the identity of and contact information for, the assignee and the statement of the assignee's plans and intentions for the operation of the Electric Facilities under this Franchise.

SECTION 14. ACCEPTANCE BY THE COMPANY.

14.1. **Acceptance by the Company.** The Company shall, within thirty (30) days after passage and publication of this Ordinance or any amendment thereto, file with the City Clerk in writing its acceptance or rejection as provided in Section 15.2. If such acceptance is not filed or if a rejection is filed within said period, the Company, by its continuing operations, shall be deemed to have accepted the terms and conditions of this Franchise or any amendment hereto, except with respect to such particulars as it may successfully challenge under the procedures specified in Section 14.2.

14.2. **Rejection Procedures.** A rejection of this Franchise or any amendment hereto may be made by the Company only upon the grounds that the terms and conditions hereof or of such amendment exceed the lawful authority of the City under the Constitutions or Laws of the United States or the State of Minnesota or are otherwise unlawful. Any rejection shall be submitted in writing to the City, stating with particularity the points and authorities of law upon which the Company relies. If the City fails to amend this Franchise or otherwise satisfy the Company's objections as stated within thirty (30) days of its receipt of the Company's rejection, the Company shall have the right thereafter to seek appropriate judicial or administrative relief based solely upon those provisions it has alleged are unlawful in its rejection notice. If the Company fails to initiate such legal action within thirty (30) days from the expiration of the aforementioned thirty (30) day period provided for the City's amendment or cure, the Company shall be deemed to have waived its objections and to have accepted the terms of this Franchise or any amendment hereto.

Passed by the City Council of Willow River this 3rd day of January, 2023.

ORDINANCE NO. 98

TOPIC: ANNEXING LAND LOCATED IN KETTLE RIVER TOWNSHIP

STATUS: Valid Passed: February 6, 2023

DESCRIPTION:

**AN ORDINANCE OF THE CITY OF WILLOW RIVER, MINNESOTA ANNEXING
LAND LOCATED IN KETTLE RIVER TOWNSHIP, PINE COUNTY, MINNESOTA
PURSUANT TO MINNESOTA STATUTES § 414.033 SUBDIVISION 2(3),
PERMITTING ANNEXATION BY ORDINANCE**

WHEREAS, a petition signed by all the property owners, requesting that property legally described on the attached Exhibit "A" be annexed to the City of Willow River, Minnesota, was duly presented to the Council of the City of Willow River on the 7th day of November, 2022; and

WHEREAS, said property is unincorporated and abuts the City of Willow River on its Western boundary; is less than 120 acres; is not presently served by public sewer facilities or public sewer facilities are not otherwise available; and

WHEREAS, said property is located in shoreland area and the City of Willow River has land use controls in place which conform to Minnesota chapter 103F, and any new development of the annexed land shall be subject to Minnesota chapter 103F.

WHEREAS, said property is currently PID-17.0003.000 Non-HSTD, Rural Vacant Land; PID-17.0003.001 HSTD Residential; and the Willow River City Council finds that the property is suburban in character by surrounding usage; and

WHEREAS, the City of Willow River held a public hearing pursuant to Minnesota Statutes § 414.033 Subd. 2b, on February 6, 2023, following thirty (30) days written notice by certified mail to the Town of Kettle River and to all landowners within and contiguous to the area legally described on attached Exhibit "A", to be annexed; and

WHEREAS, provisions of Minnesota Statutes § 414.033 Subd. 13 are not applicable in that there will be no change in the electric utility service provider resulting from the annexation of the territory to the municipality.

**NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF WILLOW RIVER
HEREBY ORDAINS AS FOLLOWS:**

1. The City Council hereby determines that the property as hereinafter described abuts the city limits and is or is about to become urban or suburban in nature.

2. None of the property is now included within the limits of any city, or in any area that has already been designated for orderly annexation pursuant to Minnesota Statute § 414.0325.

3. The corporate limits of the City of Willow River, Minnesota, are hereby extended to include the following described property, said land abutting the City of Willow River and being 120 acres or less in area, and is not presently served by public sewer facilities or public sewer facilities are not otherwise available, and the City having received a petition for annexation from all the property owners of the land.

The property described in Exhibit "A" consists of a total of 27.18 acres, more or less. Copies of the corporate boundary map showing the property to be annexed and its relationship to the corporate boundaries and all appropriate plat maps are attached hereto as Exhibit "B".

4. That the population of the area legally described on Exhibit "A" and hereby annexed is 0.

5. The City of Willow River, pursuant to Minnesota Statutes § 414.036, that with respect to the property taxes payable on the area legally described on attached Exhibit "A" hereby annexed, shall make a cash payment to the Town of Kettle River in accordance with the following schedule:

- a. In the first year following the year in which the City of Willow River could first levy on the annexed area, an amount equal to \$129.00; and
- b. In the second year, an amount equal to \$129.00.

6. That pursuant to Minnesota Statutes § 414.036 with respect to any special assessments assigned by the Town to the annexed property and any portion of debt incurred by the Town prior to the annexation and attributable to the property to be annexed, but for which no special assessments are outstanding, for the area legally described on Exhibit "A" there are no special assessments or debt incurred by the Town on the subject are for which reimbursement is required.

7. That the City Clerk of the City of Willow River is hereby authorized and directed to file a copy of this Ordinance with the Municipal Boundary Adjustment Unit of the Office of Administrative Hearings, the Minnesota Secretary of State, the Pine County Auditor, and the Kettle River Township Clerk.

8. That this Ordinance shall be in full force and effect and final upon the date this Ordinance is approved by the Office of Administrative Hearings.

PASSED AND ADOPTED by the City Council of the City of Willow River, Minnesota, this 6th day of February, 2023.

ORDINANCE NO. 99

TOPIC: **PUBLIC NUISANCE**

STATUS: **Valid** Passed: **February 6, 2023**

DESCRIPTION:

AN ORDINANCE REGULATING PUBLIC NUISANCES WITHIN THE CITY OF WILLOW RIVER, MINNESOTA

**The City Council of Willow River, Minnesota ordains:
SECTION ONE. PUBLIC NUISANCE PROHIBITION.**

A person must not act, or fail to act, in a manner that is or causes a public nuisance. For purpose of this ordinance, a person that does any of the following is guilty of maintaining a public nuisance:

(A) Maintains or permits a condition which unreasonably annoys, injures, or endangers the safety, health, morals, comfort or repose of any considerable number of members of the public; or

(B) Interferes with, obstructs, or renders dangerous for passage, any public highway or right-of-way, or waters used by the public; or

(C) Does any other act or omission declared by law or this ordinance to be a public nuisance.

SECTION TWO. PUBLIC NUISANCES AFFECTING HEALTH.

The following are hereby declared to be nuisances affecting health:

(A) The exposed accumulation of decayed or unwholesome food or vegetable matter;

(B) All diseased animals running at large;

(C) All ponds or pools of stagnant water;

(D) Carcasses of animals not buried or destroyed within twenty-four (24) hours after death;

(E) Accumulation of manure, refuse, or other debris;

(F) Privy vaults and garbage cans which are not rodent-free or fly-tight, or which are so maintained as to constitute a health hazard or to emit foul and disagreeable odors;

(G) The pollution of any public well or cistern, stream or lake, canal or body of water by sewage, industrial waste, or other substances;

(H) All noxious weeds and other rank growths of vegetation upon public or private property;

(I) Dense smoke, noxious fumes, gas, soot, or cinders in unreasonable quantities;

- (J) All public exposure of people having a contagious disease; and
- (K) Any offensive trade or business as defined by statute not operating under local license.

SECTION THREE. PUBLIC NUISANCES AFFECTING MORALS AND DECENCY.

The following are hereby declared to be nuisances affecting public morals and decency:

- (A) All gambling devices, slot machines, and punch boards, except otherwise authorized and permitted by federal, state, or local law;
- (B) Betting, bookmaking, and all apparatus used in those occupations;
- (C) All houses kept for the purpose of prostitution or promiscuous sexual intercourse, gambling houses, houses of ill fame, and bawdy houses;
- (D) All places where intoxicating or 3.2 malt liquor is manufactured or disposed of in violation of law or where, in violation of law, people are permitted to resort, for the purpose of drinking intoxicating or 3.2 malt liquor, or where intoxicating or 3.2 malt liquor is kept for sale or other disposition in violation of law, and all liquor and other property used for maintaining that place; and
- (E) Any vehicle used for the unlawful transportation of intoxicating or 3.2 malt liquor, or for promiscuous sexual intercourse, or any other immoral or illegal purpose.

SECTION FOUR. PUBLIC NUISANCES AFFECTING PEACE AND SAFETY.

The following are declared to be nuisances affecting public peace and safety:

- (A) All snow and ice that is not removed from public sidewalks within twenty-four (24) hours after the snow or other precipitation causing the condition has ceased to fall.
- (B) All trees, hedges, billboards, or other obstructions which prevent people from having a clear view of all traffic approaching an intersection.
- (C) All wires and limbs of trees that are so close to the surface of a sidewalk or street as to constitute a danger to pedestrians or vehicles.
- (D) Any person participating in any party or other gathering that causes the unreasonable disturbing of the peace, quiet, or repose of another person in such a manner as to be plainly audible at the boundary of the real property, building, structure, or residence from which the noise originates, or at a distance of 50 feet from the source of the noise. "Plainly audible" is defined as sound that can be detected by a person using their unaided hearing faculties.
- (E) All unnecessary and annoying vibrations.
- (F) Obstructions and excavations affecting the ordinary public use of streets, alleys, sidewalks, or public grounds, except under conditions as are permitted by this ordinance or other applicable law.
- (G) Radio aerials or television antennae erected or maintained in a dangerous manner.

(H) Any use of property abutting on a public street or sidewalk or any use of a public street or sidewalk that causes large crowds or people to gather, obstructing traffic and the free use of the street or sidewalk.

(I) All hanging signs, awnings, and other similar structures over streets and sidewalks, so situated as to endanger public safety, or not constructed and maintained as provided by ordinance.

(J) The allowing of rainwater, ice, or snow to fall from any building or structure upon any street or sidewalk or to flow across any sidewalk.

(K) Any barbed wire fence located less than six (6) feet above the ground and within three (3) feet of a public sidewalk or way.

(L) All dangerous, unguarded machinery in any public place, or so situated or operated on private property as to attract the public.

(M) Wastewater cast upon or permitted to flow upon streets or other public properties.

(N) Accumulations in the open of discarded or disused machinery, household appliances, automobile bodies or other materials in a manner conducive to the harboring of rats, mice, snakes, or vermin, or the rank growth of vegetation among the items so accumulated, or in a manner creating fire, health, or other safety hazards from such accumulation.

(O) Any well, hole, or similar excavation that is left uncovered or in such other condition as to constitute a hazard to any child or other person coming on the premises where it is located.

(P) Obstruction to the free flow of water in a natural waterway or a public street drain, gutter, or ditch with trash or other materials.

(Q) The placing or throwing on any street, sidewalk, or other public property of any glass, tacks, nails, bottles, or other substances that may injure any person or animal or damage any pneumatic tire when passing over such substance.

(R) The depositing of garbage or refuse on a public right-of-way or on adjacent private property.

(S) Reflected glare or light from private exterior lighting exceeding 0.5 footcandles as measured on the property line of the property where the lighting is located when abutting any residential parcel, and one (1) footcandle when abutting any commercial or industrial parcel.

(T) All other conditions or things that are likely to cause injury to the person or property of another.

SECTION FIVE. DUTIES OF CITY OFFICERS.

City officials may apply and enforce any provision of this ordinance relating to public nuisances within this jurisdiction. Any peace officer or other designated city official shall have the power to inspect private premises and take all reasonable precautions to prevent the commission and maintenance of public nuisances. Except in emergency situations of imminent danger to human life and safety, no peace officer or designated city official will enter private property for the purpose of inspecting or preventing public nuisances without the permission of

the owner, resident, or other person in control of the property, unless the officer or person designated has obtained a warrant or order from a court of competent jurisdiction authorizing entry.

SECTION SIX. ABATEMENT PROCEDURE.

(A) **Procedure.** Whenever the peace officer or other designated official determines that a public nuisance is being maintained or exists on the premises in the city, the official shall notify in writing the owner of record and occupant of the premises of such fact and order that the nuisance be terminated or abated. The notice of violation shall specify the steps to be taken to abate the nuisance and the time within which the nuisance is to be abated. If the notice of violation is not complied with within the time specified, the official shall report that fact forthwith to the City Council. Thereafter, the City Council may, after notice to the owner and occupant and an opportunity to be heard, determine that the condition identified in the notice of violation is a nuisance and further order that if the nuisance is not abated within the time prescribed by the City Council, the city may seek injunctive relief by serving a copy of the City Council order and notice of motion for summary enforcement or obtain an administrative search and seizure warrant and abate the nuisance.

(B) **Notice.** Written notice of the violation; notice of the time, date, place, and subject of any hearing before the City Council; notice of the City Council order; and notice of motion for summary enforcement hearing shall be served by a peace officer or designated official on the owner of record and occupant of the premises either in person or by certified or registered mail. If the premise is not occupied, the owner of record is unknown, or if the owner of record or occupant refuses to accept notice, notice of the violation shall be served by positing it on the premises.

(C) **Emergency procedure; summary enforcement.** In cases of emergency, where delay in abatement required to complete the procedure and notice requirements as set forth in subdivisions (A) and (B) of this section will permit a continuing nuisance to unreasonably endanger public health, safety, or welfare, the City Council may order summary enforcement and abate the nuisance. To proceed with summary enforcement, the peace officer or other designated official shall determine that a public nuisance exists or is being maintained on premises in the city and that delay in abatement will unreasonably endanger public health, safety, or welfare. The officer or designated official shall notify in writing the occupant or owner of the premises of the nature of the nuisance, whether public health, safety, or welfare will be unreasonably endangered by delay in abatement required to complete the procedure set forth in subdivision (A) of this section and may order that the nuisance be immediately terminated or abated. If the nuisance is not immediately terminated or abated, the City Council may order summary enforcement and abate the nuisance.

(D) **Immediate abatement.** Nothing in this section shall prevent the city, without notice or other process, from immediately abating any condition that poses an imminent and serious hazard to human life or safety.

(E) **Judicial remedy.** Nothing in this section shall prevent the city from seeking a judicial remedy when no other adequate administrative remedy exists.

SECTION SEVEN. RECOVERY OF COST.

(A) **Personal liability.** The owner of the premises on which a nuisance has been abated by the city, or a person who has caused a public nuisance on property not owned by that person, shall be personally liable for the cost to the city of the abatement, including administrative costs. As soon as the work has been completed and the cost determined, the city clerk or other city official shall prepare a bill for the cost and mail it to the owner. Thereupon the amount shall be immediately due and payable at the office of the city clerk.

(B) **Assessment.** After notice and hearing as provided in Minn. Stat. § 429.061, as it may be amended from time to time, if the nuisance is a public health or safety hazard on private property, the accumulation of snow and ice on public sidewalks, the growth of weeds on private property or outside the traveled portion of streets, or unsound or insect-infected trees, the city clerk shall, on or before September 1 next following abatement of the nuisance, list the total unpaid charges along with all other such charges as well as other charges for current services to be assessed under Minn. Stat. § 429.101 against each separate lot or parcel to which the charges are attributable. The City Council may then spread the charges against the property under that statute and any other pertinent statutes for certification to the county auditor and collection along with current taxes the following year or in annual installments, not exceeding ten (10), as the City Council may determine in each case.

SECTION EIGHT. PENALTY.

Any person convicted of violating any provision of this ordinance is guilty of a misdemeanor and shall be punished by a fine not to exceed one thousand dollars (\$1,000.00) or imprisonment for not more than ninety (90) days, or both, plus the costs of prosecution in either case.

SECTION NINE. SEVERABILITY.

If any provision of this ordinance is found to be invalid for any reason by a court of competent jurisdiction, the validity of the remaining provisions shall not be affected.

SECTION TEN. EFFECTIVE DATE.

This ordinance becomes effective on the date of its publication, or upon the publication of a summary of the ordinance as provided by Minn. Stat., § 412.191, subd. 4, as it may be amended from time to time, which meets the requirements of Minn. Stat. § 331A.01, subd. 10, as it may be amended from time to time.

SECTION ELEVEN. SUMMARY APPROVED.

The Council hereby determines that the text of the summary of this ordinance marked “Official Summary of Ordinance No. 99” and a copy of which is attached to this ordinance, clearly informs the public of the intent and effect of this ordinance. The Council further determines that publication of the title and this summary will clearly inform the public of the intent and the effect of this ordinance. The Clerk shall file a copy of this ordinance and the summary in the Clerk’s office which shall be available for inspection by any person during regular office hours. Passed by the City Council of Willow River, Minnesota this 6th day of February, 2023.

ORDINANCE NO. 100

TOPIC : **TRANSIENTS AND LOITERING**

STATUS: **Valid** Passed: **August 7, 2023**

DESCRIPTION:

AN ORDINANCE TO MAINTAIN PUBLIC SAFETY, ENSURE THE ORDERLY USE OF PUBLIC SPACES, AND PROTECT THE RIGHTS AND INTERESTS OF RESIDENTS AND VISITORS IN THE CITY OF WILLOW RIVER. IT AIMS TO REGULATE TRANSIENTS AND LOITERING IN A MANNER THAT BALANCES THE NEEDS OF THE COMMUNITY AND RESPECTS INDIVIDUAL RIGHTS.

SECTION 1: DEFINITIONS

- a. Transient: Any individual who temporarily resides in public places, streets, parks, alleys, or other public areas and lacks a fixed, regular, and adequate nighttime residence.
- b. Loitering: The act of remaining or lingering in any public area without a specific purpose and hindering the normal use of that area.

SECTION 2: PROHIBITION OF TRANSIENTS AND LOITERING

- a. No person shall engage in loitering or transient behavior within the boundaries of the City of Willow River.
- b. Transients are prohibited from setting up temporary shelter, residing in vehicles, or camping in public spaces, streets, parks, alleys, or other public areas within the city limits.

SECTION 3: DESIGNATED PUBLIC PLACES AND TIMES

- a. The City Council may designate specific public places and times where loitering and transient behavior are allowed, considering public safety and community needs.
- b. Designated areas shall be clearly marked with appropriate signage to inform the public of the rules and regulations governing transient activities and loitering.

SECTION 4: ENFORCEMENT

- a. Law enforcement officials and designated city representatives shall be responsible for enforcing this ordinance.
- b. Anyone found violating the provisions of this ordinance may be charged with a petty misdemeanor and subject to appropriate penalties as determined by local laws and regulations.

SECTION 5: EXCEPTIONS

This ordinance shall not apply to events, gatherings, or activities approved by the City Council, public demonstrations protected by law, or individuals engaging in lawful activities within public areas.

SECTION 6: EDUCATION AND OUTREACH

The City shall conduct public awareness campaigns to educate residents, businesses, and visitors about the provisions of this ordinance, community resources available to those in need, and how to report violations.

SECTION 7: SEVERABILITY

If any provision of this ordinance or its application to any person or circumstances is held invalid, the remainder of the ordinance or the application of the provisions to other persons or circumstances shall not be affected.

SECTION 8: EFFECTIVE DATE

This ordinance shall take effect after its approval and publication according to local regulations.

PASSED AND ADOPTED by the City Council of Willow River on this 7th day of August, 2023.

ORDINANCE NO. 101

TOPIC: **SUNSET CLAUSE ON PREVIOUS ORDINANCES**

STATUS: **Valid**

Passed: **August 7, 2023**

DESCRIPTION:

AN ORDINANCE ESTABLISHING THE PROCESS OF SUN-SETTING OUTDATED AND OBSOLETE ORDINANCES IN THE CITY OF WILLOW RIVER FOR IMPROVED GOVERNANCE AND EFFICIENCY.

WHEREAS, the City Council of Willow River recognizes the importance of ensuring that local ordinances remain relevant and effective; and

WHEREAS, the accumulation of outdated and redundant ordinances can lead to confusion, administrative burdens, and potential conflicts; and

WHEREAS, it is essential to streamline and simplify the regulatory framework to promote a transparent and efficient governance structure in the city of Willow River.

NOW, THEREFORE, BE IT ENACTED by the City Council of Willow River as follows:

SECTION 1: TITLE AND PURPOSE

This ordinance shall be known as the "Sunset Clause on Previous Ordinances" and its purpose is to establish a systematic process for the periodic review, evaluation, and sun-setting of existing ordinances that are deemed outdated, obsolete, or no longer necessary.

SECTION 2: DEFINITIONS

(a) "Ordinance" refers to any local law or regulation enacted by the City Council of Willow River.

(b) "Sun-setting" refers to the process of automatically repealing or revoking an ordinance after a specified period or under specific conditions, as established by this ordinance.

SECTION 3: IDENTIFICATION AND EVALUATION

(a) The City Council shall review and evaluate all existing ordinances on a periodic basis of every 5 years.

(b) The City Council shall identify ordinances that are outdated, redundant, or no longer in line with the current needs and objectives of the community.

(c) A public hearing shall be conducted for each ordinance proposed for sun-setting to allow public input and feedback.

SECTION 4: SUN-SETTING CRITERIA

(a) Ordinances may be considered for sun-setting if they meet one or more of the following criteria:

(i) The subject matter of the ordinance is addressed adequately by other existing ordinances or higher-level laws.

(ii) The circumstances or conditions that the ordinance was intended to address have changed significantly.

(iii) The ordinance has become impractical or obsolete due to technological advancements or societal developments.

(iv) The ordinance has been superseded by state or federal law.

(v) The ordinance has been deemed irrelevant for any other reason.

(b) The City Council shall create a report with justifications for each ordinance proposed for sun-setting, outlining the specific criteria under which it qualifies for repeal.

SECTION 5: SUN-SETTING PROCESS

(a) The City Council shall, after due deliberation, vote on the sun-setting of each identified ordinance.

(b) An ordinance shall be deemed sun-setted if a majority vote of the City Council members is in favor of its repeal.

(c) The City Clerk shall maintain an updated record of all sun-setted ordinances, including their dates of repeal.

SECTION 6: PUBLIC NOTICE

(a) The City shall provide public notice of the sun-setting process and the list of ordinances proposed for repeal.

(b) Members of the public shall have the opportunity to submit comments or objections to the proposed sun-setting before the final vote.

SECTION 7: EFFECTIVE DATE

This ordinance shall take effect immediately upon its adoption by the City Council of Willow River.

SECTION 8: SEVERABILITY

If any provision of this ordinance or its application to any person or circumstances is held invalid, the remainder of the ordinance or the application of the provisions to other persons or circumstances shall not be affected.

SECTION 9: REPEAL OF INCONSISTENT ORDINANCES

All ordinances or parts of ordinances that are inconsistent with the provisions of this ordinance are hereby repealed.

PASSED AND ADOPTED by the City Council of Willow River on this 7th day of August, 2023.

ORDINANCE NO. 102

TOPIC: **SECOND AMENDMENT SANCTUARY CITY ORDINANCE**

STATUS: **Valid** Passed: **August 7, 2023**

DESCRIPTION:

WHEREAS, the Second Amendment of the United States Constitution guarantees the right of the people to keep and bear arms, and the City of Willow River recognizes the importance of upholding and preserving this fundamental right for its residents.

WHEREAS, the City of Willow River believes in protecting the rights and liberties of its citizens, as enshrined in the U.S. Constitution and the Constitution of the State of Minnesota.

NOW, THEREFORE, Be it ordained by the City Council of Willow River as follows:

SECTION 1: DECLARATION OF SECOND AMENDMENT SANCTUARY

(a) The City of Willow River hereby declares itself a Second Amendment sanctuary city, affirming its commitment to uphold and protect the rights of its residents to keep and bear arms, as provided by the Second Amendment of the United States Constitution.

SECTION 2: PROHIBITION OF UNCONSTITUTIONAL FIREARMS RESTRICTIONS

(a) The City of Willow River shall not use any of its resources, funds, or personnel to enforce any federal, state, or local laws, regulations, or orders that infringe upon the right of the people

to keep and bear arms, as guaranteed by the Second Amendment of the United States Constitution.

(b) The City of Willow River shall not participate in or support any efforts to seize, confiscate, or otherwise deprive law-abiding citizens of their firearms without due process of law.

SECTION 3: NON-COOPERATION WITH UNCONSTITUTIONAL FIREARMS REGULATIONS

(a) The City of Willow River shall not cooperate with any federal, state, or local law enforcement agency or officer seeking to enforce unconstitutional firearms restrictions within the city's jurisdiction.

(b) No city resources or personnel shall be utilized to assist in the enforcement of any firearms regulations that violate the Second Amendment of the United States Constitution.

SECTION 4: SEVERABILITY

(a) If any provision of this ordinance or its application to any person or circumstance is held invalid, the invalidity does not affect other provisions or applications of the ordinance that can be given effect without the invalid provision or application.

SECTION 5: EFFECTIVE DATE

(a) This ordinance shall take effect immediately upon its passage and approval.

SECTION 6: REPEAL OF CONFLICTING ORDINANCES

(a) All other ordinances or parts of ordinances that conflict with this ordinance are hereby repealed to the extent of such conflict.

SECTION 7: PUBLIC NOTICE

(a) The City of Willow River shall provide public notice of this ordinance's adoption through various means, including but not limited to publication in local newspapers, posting on the city's official website, and notification to local media outlets.

PASSED AND ADOPTED by the City Council of Willow River on this 7th day of August, 2023.

ORDINANCE NO. 103

TOPIC: **NOISE ORDINANCE**

STATUS: **Valid**

Passed: **September 5, 2023**

DESCRIPTION:

SECTION 1: PURPOSE AND INTENT

The purpose of this noise ordinance is to promote the health, safety, and general welfare of the residents of Willow River by establishing regulations governing the emission of noise and the control of excessive and unnecessary noise within the city limits.

SECTION 2: DEFINITIONS

- Noise: Any unwanted, disturbing, or intrusive sound that disrupts the peace and quiet of the community.
- Residential Area: Any area within the city where the primary use is residential, including single-family homes, multi-family dwellings, and similar areas.
- Commercial Area: Any area within the city zoned for commercial or industrial purposes.

SECTION 3: PROHIBITED NOISE ACTIVITIES

Quiet Hours: It shall be unlawful for any person, business, or entity to engage in activities that produce noise exceeding reasonable limits during the designated quiet hours:

- Weekdays (Monday to Friday): 10:00 PM to 6:00 AM
- Weekends (Saturday and Sunday): 11:00 PM to 8:00 AM

Construction Noise: Construction activities producing noise, including but not limited to construction equipment, power tools, and construction vehicle operation, shall be limited as follows:

- Weekdays: 6:00 AM to 8:00 PM
- Weekends: 8:00 AM to 8:00 PM

Vehicular Noise: It shall be prohibited to operate any vehicle, including motorcycles and trucks, equipped with loud exhaust systems or making loud engine noises that disturb the peace and quiet of the community.

SECTION 4: PERMITTED NOISE ACTIVITIES

Emergency Activities: Noise generated by emergency services, including police, fire, and medical services, is exempt from this ordinance.

Permitted Events: Noise resulting from permitted special events, parades, and public gatherings shall be subject to guidelines issued by the city authorities.

SECTION 5: ENFORCEMENT AND PENALTIES

Complaints: Complaints regarding noise disturbances can be made to the local law enforcement agency.

Penalties: Violations of this noise ordinance are punishable by petty misdemeanor, resulting in a fine up to \$300.

SECTION 6: EXEMPTIONS

Government Activities: Noise generated by government operations, such as street repairs, utility maintenance, and public construction, is exempt from this ordinance.

Recreational Facilities: Noise generated by recreational facilities, such as sports complexes and playgrounds, is permitted during reasonable hours but should not exceed acceptable noise levels.

SECTION 7: VARIANCES

The city may grant variances from the noise limits specified in this ordinance for specific events or activities, provided that such variances are applied for in advance and approved by the appropriate city authorities.

SECTION 8: EFFECTIVE DATE

This noise ordinance shall go into effect upon passage by the city council. All previous noise ordinances or provisions that conflict with this ordinance are hereby repealed.

This noise ordinance is enacted to enhance the quality of life for all residents of Willow River and to maintain a peaceful and harmonious community environment.

PASSED AND ADOPTED by the City Council of Willow River on this 5th day of September, 2023.

ORDINANCE NO. 104

TOPIC: ANNEXING LAND LOCATED IN KETTLE RIVER TOWNSHIP

STATUS: Valid Passed: February 5, 2024

DESCRIPTION:

AN ORDINANCE OF THE CITY OF WILLOW RIVER, MINNESOTA ANNEXING LAND LOCATED IN KETTLE RIVER TOWNSHIP, PINE COUNTY, MINNESOTA PURSUANT TO MINNESOTA STATUTES § 414.033 SUBDIVISION 2(3), PERMITTING ANNEXATION BY ORDINANCE

WHEREAS, a petition signed by all the property owners, requesting that property legally described on the attached Exhibit “A” be annexed to the City of Willow River, Minnesota, was duly presented to the Council of the City of Willow River on the 20th day of October, 2023; and

WHEREAS, said property is unincorporated and abuts the City of Willow River on its Eastern boundary; is less than 120 acres; is not presently served by public sewer facilities or public sewer facilities are not otherwise available; and

WHEREAS, said property is located in shoreland area and the City of Willow River has land use controls in place which conform to Minnesota chapter 103F, and any new development of the annexed land shall be subject to Minnesota chapter 103F; and

WHEREAS, said property is currently PID-17.0154.000 Non-HSTD, Rural Vacant Land; and the Willow River City Council finds that the property is suburban in character by surrounding usage; and

WHEREAS, Petitioner plans to develop the land, and Petitioner shall submit proposed development plans to the council, or proper zoning authority, for review and approval; and

WHEREAS, the City of Willow River held a public hearing pursuant to Minnesota Statutes § 414.033 Subd. 2b, on February 5, 2024, following thirty (30) days written notice by certified mail to the Town of Kettle River and to all landowners within and contiguous to the area legally described on attached Exhibit “A”, to be annexed; and

WHEREAS, provisions of Minnesota Statutes § 414.033 Subd. 13 are not applicable in that there will be no change in the electric utility service provider resulting from the annexation of the territory to the municipality.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF WILLOW RIVER HEREBY ORDAINS AS FOLLOWS:

1. The City Council hereby determines that the property as hereinafter described abuts the city limits and is or is about to become urban or suburban in nature.

2. None of the property is now included within the limits of any city, or in any area that has already been designated for orderly annexation pursuant to Minnesota Statute § 414.0325.

3. The corporate limits of the City of Willow River, Minnesota, are hereby extended to include the following described property, said land abutting the City of Willow River and being 120 acres or less in area, and is not presently served by public sewer facilities or public sewer facilities are not otherwise available, and the City having received a petition for annexation from all the property owners of the land.

The property described in Exhibit “A” consists of a total of 80.00 acres, more or less. Copies of the corporate boundary map showing the property to be annexed and its relationship to the corporate boundaries and all appropriate plat maps are attached hereto as Exhibit “B”.

4. That the population of the area legally described on Exhibit “A” and hereby annexed is 0.

5. The City of Willow River, pursuant to Minnesota Statutes § 414.036, that with respect to the property taxes payable on the area legally described on attached Exhibit “A” hereby annexed, shall make a cash payment to the Town of Kettle River in accordance with the following schedule:

- a. In the first year following the year in which the City of Willow River could first levy on the annexed area, an amount equal to \$162.76; and
- b. In the second year, an amount equal to \$162.76.

6. That pursuant to Minnesota Statutes § 414.036 with respect to any special assessments assigned by the Town to the annexed property and any portion of debt incurred by the Town prior to the annexation and attributable to the property to be annexed, but for which no special assessments are outstanding, for the area legally described on Exhibit “A” there are no special assessments or debt incurred by the Town on the subject are for which reimbursement is required.

7. That the City Clerk of the City of Willow River is hereby authorized and directed to file a copy of this Ordinance with the Municipal Boundary Adjustment Unit of the Office of Administrative Hearings, the Minnesota Secretary of State, the Pine County Auditor, and the Kettle River Township Clerk.

8. That this Ordinance shall be in full force and effect and final upon the date this Ordinance is approved by the Office of Administrative Hearings.

PASSED AND ADOPTED by the City Council of the City of Willow River, Minnesota, this 5th day of February, 2024.

ORDINANCE NO. 105

TOPIC: **AN ORDINANCE PROHIBITING THE SALE, TESTING, MANUFACTURING, CULTIVATING, GROWING, TRANSPORTING, DELIVERY, AND DISTRIBUTION OF CANNABIS PRODUCTS IN THE CITY OF WILLOW RIVER**

STATUS: **Valid**

Passed: July 1, 2024

DESCRIPTION:

THE CITY COUNCIL OF THE CITY OF WILLOW RIVER, MINNESOTA ORDAINS:

Section 1. BACKGROUND.

- A. By enacting 2022 Session Law Chapter 98, Article 13, the Minnesota Legislature amended Minn. Stat. §151.72 and permitted the sale of edible and nonedible cannabinoid products that contain no more than 0.3% of Tetrahydrocannabinol, commonly known as THC (“THC Products”).
- B. The 2023 Legislature recently approved a new law to expand both the legalization of types of THC and cannabis products and also the types of THC and cannabis businesses permitted.
- C. This new law establishes a regulatory framework for adult-use cannabis, as well as the lower potency hemp edibles; moves the medical cannabis program under a newly created state agency called the Office of Cannabis Management; establish taxes on regulated products; create grants to assist individuals entering into the legal cannabis market; amends criminal penalties; provides for expungement and resentencing of certain convictions; provides for temporary regulation of hemp-derived edible cannabinoid products; reschedules marijuana; and appropriates money.
- D. The State licensing agency became effective July 1, 2023, and is directed in the new law to establish a model ordinance for cities, which the City of Willow River would benefit from reviewing and analyzing before making any decisions related to cannabis businesses and products in the City.
- E. The law specifies what distance restrictions cities can put in place under their zoning power. The City would benefit from having time to study and analyze acceptable time, place and manner restrictions that would be feasible for the City of Willow River, which are specifically mentioned as a basis of regulation in the new law.
- F. Pursuant to Minn. Stat. § 462.355, subd. 4, the City is authorized to enact by ordinance a moratorium to regulate, restrict or prohibit land uses within its jurisdiction to protect the public health, safety, and welfare. Specifically, the City is authorized to enact a moratorium ordinance to allow it to undertake a study to determine whether to adopt any regulations or restrictions, including siting and location of uses, related to the sales, testing,

manufacturing, cultivating, growing, transporting, delivery and distribution of Cannabis Products.

- G. Pursuant to its general police powers, both under its Charter and also set forth in Minn. Stat. § 412.221, subd. 32, the City may enact and enforce regulations or restrictions on Cannabis Products within the City to protect the public safety, health, and welfare, including restrictions and a moratorium on the sales, testing, manufacturing, cultivating, growing, transporting, delivery and distribution, during the pendency of a study to determine the need for police power regulations, including but not necessarily limited to any additional licensing and permitting that may be allowed, if any, by the State.
- H. Pursuant to the language of the new law, cities, as soon as the law becomes effective, have authority to adopt an interim ordinance to prohibit a cannabis business from opening until January 1, 2025, to conduct studies or consider adopting or amending allowed restrictions on the operation of a cannabis business.

Section 2. FINDINGS.

- A. The City Council finds there is a need to study:
 - a. Cannabis products, including products: using any part of the genus Cannabis plant; containing cannabis concentrate; infused with cannabinoids (including but not limited to tetrahydrocannabinol); extracted or derived from cannabis plants or cannabis flower; synthetically derived cannabinoids; and any lower potency hemp edibles that contain more than 0.3% of Tetrahydrocannabinol;
 - b. Cannabis businesses related thereto; and
 - c. The impact of those businesses and products as related to allowed land uses and zoning, in order to assess the necessity for and efficacy of regulation and restrictions relating to the retail sales, wholesale sales, testing, growing, cultivating, manufacturing, transporting, delivery of or distribution of any of the products referenced herein, including through zoning ordinances or licensing, if allowed, in order to protect the public health, safety, and welfare of its residents.
- B. The study will allow the City Council to determine the appropriate changes, if any, that it should make to the Willow River City Ordinances, including any necessary zoning changes.
- C. The time will allow for the Office of Cannabis Management which will be licensing cannabis businesses to rule make and adopt its model ordinances which will further aid the Council in studying and considering restrictions on the operation of cannabis businesses and the use of the products listed in Section 2, paragraph A above.
- D. The City Council, therefore, finds that there is a need to adopt a city-wide moratorium on the retail sale, wholesale sale, testing, growing, cultivating, manufacturing, transporting, delivery of, and distribution of Cannabis Products, including products: using any part of the genus Cannabis plant; containing cannabis concentrate; infused with cannabinoids (including but not limited to tetrahydrocannabinol); extracted or derived from cannabis plants or cannabis flower; synthetically derived cannabinoids, or lower potency hemp edibles that contain more than 0.3% of Tetrahydrocannabinol, within the City while City staff studies the issue

Section 3. MORATORIUM.

- A. No individual, establishment, organization, or business may engage in the retail sale, wholesale sale, testing, growing, cultivating, manufacturing, transporting, delivery of or distribution of Cannabis Products, including products using any part of the plant of the genus Cannabis plant; containing cannabis concentrate; infused with cannabinoids (including but not limited to

tetrahydrocannabinol); extracted or derived from cannabis plants or cannabis flower; synthetically derived cannabinoids, or lower potency hemp edibles that contain more than 0.3% of Tetrahydrocannabinol, before January 1, 2025.

- B. Planning or zoning applications related to any of the products listed in Subsection A of Section 3 herein or applications from individuals, establishments, organizations, or businesses involved in the proposed sale, testing, growing, cultivating, manufacturing, transporting, delivery of or distribution of Cannabis Products within the City of Willow River shall not be accepted or before January 1, 2025.
- C. This moratorium does not apply to the selling, testing, manufacturing, or distributing of Cannabis Products related to the Medical Cannabis Program as administered by the Minnesota Department of Health, provided that such activity is done in accordance with the regulations and laws of Minnesota regarding Medical Cannabis.
- D. This moratorium does not apply to the sale of THC Products allowed under the 2022 Legislation, which includes edible and nonedible cannabinoid products that contain no more than 0.3% of Tetrahydrocannabinol.

Section 4. STUDY.

The City Council directs City staff to study the need for local regulation regarding the retail sale, wholesale sale, testing, growing, cultivating, manufacturing, transporting, delivery or distribution of Cannabis Products listed in Section 3(A) herein within the City of Stacy. Staff must also study the need for creating or amending zoning ordinances, licensing ordinances, as allowed by the state, or any other ordinances, as allowed and not preempted by the state, to protect the citizens of Stacy is from any potential negative impacts. Upon completion of the study, the City Council will consider the advisability of adopting new ordinances or amending its current ordinances.

Section 5. ENFORCEMENT.

Violation of this Ordinance is a misdemeanor. The City may also enforce this Ordinance by mandamus, injunction, or other appropriate civil remedy in any court of competent jurisdiction. A violation of this Ordinance may result in the City reporting violations to the OCM, if relevant to OCM licensing. The city council hereby authorizes City staff and consultants to initiate any legal action deemed necessary to secure compliance with this Ordinance.

Section 6. TERM.

Unless earlier rescinded by the City Council, the moratorium established under this Ordinance shall remain in effect until January 1, 2025.

Section 7. EFFECTIVE DATE.

This ordinance shall be effective immediately upon passage and publication according to law.

PASSED AND ADOPTED by the City Council of Willow River on this 1st day of July, 2024.

ORDINANCE NO. 106

TOPIC: ANNEXING LAND LOCATED IN KETTLE RIVER TOWNSHIP

STATUS: Valid Passed: February 3, 2025

DESCRIPTION:

AN ORDINANCE OF THE CITY OF WILLOW RIVER, MINNESOTA ANNEXING LAND LOCATED IN KETTLE RIVER TOWNSHIP, PINE COUNTY, MINNESOTA PURSUANT TO MINNESOTA STATUTES § 414.033 SUBDIVISION 2(3), PERMITTING ANNEXATION BY ORDINANCE

WHEREAS, a petition signed by all the property owners, requesting that property legally described on the attached Exhibit “A” be annexed to the City of Willow River, Minnesota, was duly presented to the Council of the City of Willow River on the 20th day of November, 2024; and

WHEREAS, said property is unincorporated and abuts the City of Willow River on its Southern boundary; is less than 120 acres; is not presently served by public sewer facilities or public sewer facilities are not otherwise available; and

WHEREAS, said property is located in shoreland area and the City of Willow River has land use controls in place which conform to Minnesota chapter 103F, and any new development of the annexed land shall be subject to Minnesota chapter 103F; and

WHEREAS, said property is currently PID-17.0108.000 Seasonal Residential Recreation; and the Willow River City Council finds that the property is suburban in character by surrounding usage; and

WHEREAS, Petitioner plans to develop the land, and Petitioner shall submit proposed development plans to the council, or proper zoning authority, for review and approval; and

WHEREAS, the City of Willow River held a public hearing pursuant to Minnesota Statutes § 414.033 Subd. 2b, on February 3, 2025, following thirty (30) days written notice by certified mail to the Town of Kettle River and to all landowners within and contiguous to the area legally described on attached Exhibit “A”, to be annexed; and

WHEREAS, provisions of Minnesota Statutes § 414.033 Subd. 13 are not applicable in that there will be no change in the electric utility service provider resulting from the annexation of the territory to the municipality.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF WILLOW RIVER HEREBY ORDAINS AS FOLLOWS:

1. The City Council hereby determines that the property as hereinafter described abuts the city limits and is or is about to become urban or suburban in nature.

2. None of the property is now included within the limits of any city, or in any area that has already been designated for orderly annexation pursuant to Minnesota Statute § 414.0325.

3. The corporate limits of the City of Willow River, Minnesota, are hereby extended to include the following described property, said land abutting the City of Willow River and being 120 acres or less in area, and is not presently served by public sewer facilities or public sewer facilities are not otherwise available, and the City having received a petition for annexation from all the property owners of the land.

The property described in Exhibit “A” consists of a total of 9.81 acres, more or less. Copies of the corporate boundary map showing the property to be annexed and its relationship to the corporate boundaries and all appropriate plat maps are attached hereto as Exhibit “B”.

4. That the population of the area legally described on Exhibit “A” and hereby annexed is 0.

5. The City of Willow River, pursuant to Minnesota Statutes § 414.036, that with respect to the property taxes payable on the area legally described on attached Exhibit “A” hereby annexed, shall make a cash payment to the Town of Kettle River in accordance with the following schedule:

- a. In the first year following the year in which the City of Willow River could first levy on the annexed area, an amount equal to \$33.74; and
- b. In the second year, an amount equal to \$33.74.

6. That pursuant to Minnesota Statutes § 414.036 with respect to any special assessments assigned by the Town to the annexed property and any portion of debt incurred by the Town prior to the annexation and attributable to the property to be annexed, but for which no special assessments are outstanding, for the area legally described on Exhibit “A” there are no special assessments or debt incurred by the Town on the subject are for which reimbursement is required.

7. That the City Clerk of the City of Willow River is hereby authorized and directed to file a copy of this Ordinance with the Municipal Boundary Adjustment Unit of the Office of Administrative Hearings, the Minnesota Secretary of State, the Pine County Auditor, and the Kettle River Township Clerk.

8. That this Ordinance shall be in full force and effect and final upon the date this Ordinance is approved by the Office of Administrative Hearings.

PASSED AND ADOPTED by the City Council of the City of Willow River, Minnesota, this 3rd day of February, 2025.

ORDINANCE NO. 107

TOPIC: CANNABIS ZONING REGULATION

STATUS: Valid Passed: April 7, 2025

DESCRIPTION:

AN ORDINANCE TO REGULATE ZONING OF ADULT-USE CANNABIS BUSINESS ACTIVITIES IN THE CITY OF WILLOW RIVER

Section 1. Administration

1.1 Findings and Purpose

The purpose of this Ordinance is to protect the public health, safety, and general welfare of its residents by regulating adult-use cannabis businesses within the legal boundaries of the City of Willow River.

The City of Willow River finds and concludes that the proposed provisions are appropriate and lawful land use regulations for Willow River, that the proposed provisions will promote the community's interest in reasonable stability in zoning for now and in the future, and that the proposed provisions are in the public interest and for the public good.

1.2 Authority & Jurisdiction

The City of Willow River has the authority to adopt this Ordinance pursuant to:

- a) MINN. STAT. § 342.13(c), regarding the authority of a local unit of government to adopt reasonable restrictions of the time, place, and manner of the operation of a cannabis business provided that such restrictions do not prohibit the establishment or operation of adult-use cannabis businesses.
- b) Minn. Stat. 342.22, regarding the local registration and enforcement requirements of state-licensed cannabis retail businesses and lower-potency hemp edible retail businesses.
- c) Minn. Stat. 152.0263, Subd. 5, regarding the use of cannabis in public places.
- d) Minn. Stat. 462.357, regarding the authority of a local authority to adopt zoning ordinances.

Ordinance shall be applicable to the legal boundaries of the City of Willow River.

The City of Willow River has delegated cannabis retail registration authority to Pine County. However, the City may adopt ordinances under Sections (2.6, 3 and 4) if Pine County has not adopted conflicting provisions.

1.3 Severability

If any section, clause, provision, or portion of this Ordinance is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of this Ordinance shall not be affected thereby.

1.4 Enforcement

The Willow River City Council is responsible for the administration and enforcement of this Ordinance (except for compliance checks conducted by the Pine County Sheriff's Office). Any violation of the provisions of this Ordinance or failure to comply with any of its requirements constitutes a misdemeanor and is punishable as defined by Minnesota law. Violations of this ordinance can occur regardless of whether or not a permit is required for a regulated activity listed in this ordinance.

1.5 Definitions

Unless otherwise noted in this section, words and phrases contained in Minn. Stat. 342.01 and the rules promulgated pursuant to any of these acts, shall have the same meanings in this ordinance.

1. **Cannabis Retail Businesses:** A retail location and the retail location(s) of a mezzobusinesses with a retail operations endorsement, microbusinesses with a retail operations endorsement, medical combination businesses operating a retail location, and lower-potency hemp edible retailers.
2. **Cannabis Retailer:** Any person, partnership, firm, corporation, or association, foreign or domestic, selling cannabis product to a consumer and not for the purpose of resale in any form.
3. **Daycare:** A location licensed with the Minnesota Department of Human Services to provide the care of a child in a residence outside the child's own home for gain or otherwise, on a regular basis, for any part of a 24-hour day.
4. **Lower-potency Hemp Edible:** As defined under Minn. Stat. 342.01 subd. 50.

5. **Office of Cannabis Management:** Minnesota Office of Cannabis Management, referred to as “OCM” in this ordinance.
6. **Place of Public Accommodation:** A business, accommodation, refreshment, entertainment, recreation, or transportation facility of any kind, whether licensed or not, whose goods, services, facilities, privileges, advantages or accommodations are extended, offered, sold, or otherwise made available to the public.
7. **Preliminary License Approval:** OCM pre-approval for a cannabis business license for applicants who qualify under Minn. Stat. 342.17.
8. **Public Place:** A public park or trail, public street or sidewalk; any enclosed, indoor area used by the general public, including, but not limited to, restaurants; bars; any other food or liquor establishment; hospitals; nursing homes; auditoriums; arenas; gyms; meeting rooms; common areas of rental apartment buildings, and other places of public accommodation.
9. **Residential Treatment Facility:** As defined under Minn. Stat. 245.462 subd. 23.
10. **Retail Registration:** An approved registration issued by Pine County to a state licensed cannabis retail business.
11. **School:** A public school as defined under Minn. Stat. 120A.05 or a nonpublic school that must meet the reporting requirements under Minn. Stat. 120A.24.
12. **State License:** An approved license issued by the State of Minnesota’s Office of Cannabis Management to a cannabis retail business.

Section 2. Registration of Cannabis Businesses

2.1 Consent to registering of Cannabis Businesses

No individual or entity may operate a state-licensed cannabis retail business in the City of Willow River without first registering with Pine County.

Any state-licensed cannabis retail business that sells to a customer or patient without valid retail registration may incur a civil penalty subject to Pine County ordinance for each violation.

Section 3. Requirements for Cannabis Businesses

3.1 Minimum Buffer Requirements

The City of Willow River shall prohibit the operation of a cannabis business within 1,000 feet of a school.

The City of Willow River shall prohibit the operation of a cannabis business within 500 feet of a day care.

The City of Willow River shall prohibit the operation of a cannabis business within 500 feet of a residential treatment facility.

The City of Willow River shall prohibit the operation of a cannabis business within 500 feet of an attraction within a public park that is regularly used by minors, including a playground or athletic field.

The City of Willow River shall prohibit the operation of a cannabis retail business within 1,500 feet of another cannabis retail business.

Pursuant to Minn. Stat. 462.357 subd. 1e, nothing in Section 3.1 shall prohibit an active cannabis business or a cannabis business seeking registration from continuing operation at the same site if a school/daycare/residential treatment facility/attraction within a public park that is regularly used by minors moves within the minimum buffer zone.

3.2 Zoning and Land Use

- (A) The following cannabis businesses and hemp businesses shall be allowed uses with land-use permits issued by the City of Willow River in commercial districts established by the City of Willow River's Zoning Ordinance, provided that they shall be not operated within 1,000 feet of a school, or 500 feet of a daycare, residential treatment facility or an attraction within a public park that is regularly used by minors, including playgrounds and athletic fields, and not allowed in all other districts established by the City of Willow River's Zoning Ordinance:
- retail operations of cannabis microbusiness with retail operations endorsement;
 - retail operations of cannabis mezzobusiness with retail operations endorsement;
 - cannabis retailer;
 - cannabis event organizer (including, for the avoidance of doubt, all cannabis events);
 - medical cannabis combination business; and
 - lower-potency hemp edible retailer.
- (B) No cannabis business or hemp business shall operate as a "home business" or "home occupation".

3.3 Hours of Operation

Cannabis businesses are limited to retail sale of cannabis, cannabis flower, cannabis products, lower-potency hemp edibles, or hemp-derived consumer products between the hours of 10 a.m. and 9 p.m.

3.4 Advertising

Cannabis businesses are permitted to erect up to two fixed signs on the exterior of the building or property of the business, unless otherwise limited by the City of Willow River's sign ordinances.

Section 4. Temporary Cannabis Events

4.1 License or Permit Required for Temporary Cannabis Events

4.1.1 License Required.

A license or permit is required to be issued and approved by the City of Willow River prior to holding a Temporary Cannabis Event.

4.1.2 Registration & Application Procedure

A registration fee, as established in the City of Willow River's fee schedule, shall be charged to applicants for Temporary Cannabis Events.

4.1.3 Application Submittal & Review.

The City of Willow River shall require an application for Temporary Cannabis Events.

- (A) An applicant for a retail registration shall fill out an application form, as provided by the City of Willow River. Said form shall include, but is not limited to:
 - i. Full name of the property owner and applicant;
 - ii. Address, email address, and telephone number of the applicant;
 - iii. Date and location of the event
 - iv. Proposed capacity of event space

- (B) The applicant shall include with the form:

- i. the application fee as required in (Section 4.1.2);
- ii. a copy of the OCM cannabis event license application, submitted pursuant to 342.39 subd. 2.

The application shall be submitted to the City Clerk, or other designee for review. If the designee determines that a submitted application is incomplete, they shall return the application to the applicant with the notice of deficiencies.

- (C) Once an application is considered complete, the designee shall inform the applicant as such, process the application fees, and forward the application to the Willow River City Council for approval or denial.
- (D) The application fee shall be non-refundable once processed.
- (E) The application for a license for a Temporary Cannabis Event shall meet the following standards:
 - i. Minimum Buffer Zone Required: A temporary cannabis event shall provide a minimum buffer zone of Five hundred feet (500') from a school.
 - ii. Temporary cannabis events shall only occur between the hours of ten o'clock (10:00) A.M. and ten o'clock (10:00) P.M.
 - iii. Adequate security for the event is in place to ensure compliance with the requirements of state law and city code.
- (G) A request for a Temporary Cannabis Event that does not meet the requirements of this Section shall be denied. The City shall notify the applicant of the standards not met and basis for denial.

Section 5. Use in Public Places

No person shall use cannabis flower, cannabis products, lower-potency hemp edibles, or hemp-derived consumer products in a public place or a place of public accommodation unless the premises is an establishment or an event licensed to permit on-site consumption of adult-use.

PASSED AND ADOPTED by the City Council of the City of Willow River this 7th day of April, 2025.

ORDINANCE NO. 108

CABLE TELEVISION FRANCHISE

STATUS: **Valid** Passed: **May 5, 2025**

DESCRIPTION:

AN ORDINANCE GRANTING A RENEWED FRANCHISE TO SAVAGE COMMUNICATIONS, INC. OF MINNESOTA TO CONSTRUCT AND MAINTAIN A CABLE TELEVISION SYSTEM IN THE CITY OF WILLOW RIVER; SETTING FORTH CONDITIONS ACCOMPANYING THE GRANT OF THE FRANCHISE; PROVIDING FOR REGULATION AND USE OF THE SYSTEM; AND PRESCRIBING PENALTIES FOR THE VIOLATION OF ITS PROVISIONS

The City Council of the City of Willow River ordains:

STATEMENT OF INTENT AND PURPOSE

The City intends, by the adoption of this Franchise, to bring about the continued development and operation of a Cable Communications System. Such a development can contribute significantly to the communication needs and desires of the City and its residents and achieve better utilization and improvement of public services with the development and operation of a Cable Communication System.

Past studies and experience by the city have led to a Cable Communications System which, in the judgment of the Board, is best suited to the city. This has resulted in the preparation and adoption of this Franchise.

FINDINGS

In the review of the Renewal Proposal and application of Savage Communications, Inc. (“the Grantee”), and as a result of a public hearing, the city council makes the following findings:

1. The Grantee’s technical ability, financial condition, legal qualifications, and character were considered and approved in a full public proceeding after due notice and a reasonable opportunity to be heard;

2. The Grantee’s plans for constructing, upgrading, and operating the System were considered and found adequate and feasible in a full public proceeding after due notice and a reasonable opportunity to be heard;

3. The Franchise granted to the Grantee by the city complies with applicable federal and state laws, rules, and regulations; and
4. The Franchise granted to the Grantee is nonexclusive.

**SECTION 1.
SHORT TITLE AND DEFINITIONS**

1.1. Short Title. This Franchise Ordinance shall be known and cited as the Cable Communications Ordinance.

1.2. Definitions. For the purposes of this Franchise, the following terms, phrases, words, and their derivations shall have the meaning given herein. When not inconsistent with the context, words in the singular number include the plural number. The word “shall” is mandatory. The word “may” is directory and discretionary.

- a. “Basic Cable Service” means any service tier which includes the lawful retransmission of local television broadcast signals required by the franchise to be carried on the basic tier. Basic Cable Service as defined herein shall not be inconsistent with federal and state laws, rules, and regulations.
- b. “Cable Communications System” or “System” means a system of antennas, cables, wires, lines, towers, conductors, converters, equipment, and facilities located in the city and designed and constructed for the purpose of producing, receiving, transmitting, amplifying, or distributing audio, video, and other forms of electronic signals in the city. System as defined herein shall not be inconsistent with the definition set forth in federal and state laws, rules, and regulations.
- c. “Cable Programming Service” means any video programming provided over a cable system, regardless of service tier, including installation or rental of equipment used for the receipt of video programming, other than:
 - (1) video programming carried on the “basic service tier,” as defined by federal laws, rules, and regulations;
 - (2) video programming offered on a pay-per-channel or pay-per-program basis; and
 - (3) a combination of multiple channels of pay-per-channel or pay-per-program video programming offered on a multiplexed or time-shifted basis so long as the combined service:
 - (a) consists of commonly-identified video programming; and
 - (b) is not bundled with any regulated tier of service.

- d. “Cable Communications Service” means the provision of television reception, communications, and entertainment services regulated pursuant to Minnesota Statutes, Chapter 238 or as otherwise provided by this Franchise Ordinance, and distributing the same over a Cable Communications System. This definition shall not include telephone services regulated pursuant to Minnesota Statutes, Chapter 237.
- e. “City” means the City of Willow River, in the State of Minnesota, acting by and through its city council.
- f. “City Council” means the Willow River, Minnesota city council.
- g. “Class IV Cable Communications Channel” means a signaling path provided by a Cable Communications System to transmit signals of any type from a Subscriber terminal to another point in the System.
- h. “Converter” means an electronic device which converts signals to a frequency acceptable to a television receiver of a Subscriber and by an appropriate selector permits a Subscriber to view all Subscriber signals included in the service.
- i. “Drop” means the cable that connects the ground block on the Subscriber’s residence to the nearest feeder cable of the System.
- j. “FCC” means the Federal Communications Commission and any legally appointed, designated or elected agent or successor.
- k. “Grantee” is Savage Communications, Inc. its agents and employees, lawful successors, transferees or assignees.
- l. “Installation” means the connection of the System from feeder cable to the point of connection, including Standard Installations and custom installations.
- m. “Lockout Device” means an optional mechanical or electrical accessory to a Subscriber’s terminal which inhibits the viewing of a certain program, certain channel, or certain channels provided by way of the Cable Communication System.
- n. “Pay Television” means the delivery over the System of pay-per-channel or pay-per-program audiovisual signals to Subscribers for a fee or charge, in addition to the charge for Basic Cable Service or Cable Programming Services.
- o. “Person” is any person, firm, partnership, association, corporation, company, or other legal entity.

- p. “Standard Installation” means any residential installation which can be completed using a Drop of two hundred (200) feet or less.
- q. “Street” means the surface of, and the space above and below, any public street, road, highway, freeway, lane, alley, path, court, sidewalk, parkway, or drive, or any easement or right-of-way now or hereafter held by the city.
- r. “Subscriber” means any Person who lawfully receives Cable Television Service. In the case of multiple office buildings or multiple dwelling units, the “Subscriber” means the lessee, tenant, or occupant.

SECTION 2.
GRANT OF AUTHORITY AND GENERAL PROVISIONS

2.1. Franchise Required. It shall be unlawful for any Person to construct, operate or maintain a Cable Communications System in the unless the Person or the Person for whom the action is being taken shall obtain and hold a valid Franchise City Ordinance. It shall also be unlawful for any Person to provide Cable Television Service in the City unless the Person shall obtain and hold a valid Franchise Ordinance. All Cable Communications Franchises granted by the City shall contain the same substantive terms and conditions.

2.2. Grant of Franchise. This Franchise is granted pursuant to the terms and conditions contained herein.

2.3. Grant of Nonexclusive Authority.

- a. The Grantee shall have the right and privilege to construct, erect, operate, and maintain, in, upon, along, across, above, over and under the Streets, alleys, public ways, and public places now laid out or dedicated, and all extensions thereof and additions thereto in the City, poles, wires, cables, underground conduits, manholes, and other television conductors and fixtures necessary for the maintenance and operation in the City of a Cable Communications System as herein define. The Cable Communications System constructed and maintained by the Grantee or its agents shall not interfere with other uses of Streets. The Grantee shall make use of existing poles and other facilities available to the Grantee to the extent it is technically and economically feasible to do so.
- b. Notwithstanding the above grant to use Streets, no Street shall be used by the Grantee if the City, in its sole opinion, determines that the use is inconsistent with the terms, conditions, or provisions by which the Street was created or dedicated, or with the present use of the Street.
- c. This Franchise shall be nonexclusive, and the City reserves the right to grant a similar use of the Streets, alleys, public ways and places, to any Person at any time during the period of this Franchise; provided, however, that any additional Cable

Franchise grants shall be under the same substantive terms and conditions as this Franchise.

- d. The Grantee shall have the authority to use the City's easements, public rights-of-way, Streets and other conduits for the distribution of the Grantee's System. The City may require all developers of future subdivisions to allow and accommodate the construction of the System as part of any provisions for utilities to serve the subdivisions.

2.4. Franchise Term. This Franchise shall be in effect for a period of twenty (20) years from the date of acceptance by the Grantee, unless renewed, revoked or terminated sooner as herein provided.

2.5. Previous Franchises. Upon acceptance by the Grantee as required by Section 13 herein, this Franchise shall supersede and replace any previous Ordinance or Agreement granting a Franchise to the Grantee to own, operate and maintain a Cable Communications System within the City. City Ordinance No. ___ is hereby expressly repealed.

2.6. Compliance with Applicable Laws Resolutions and Ordinances. The Grantee shall at all times during the life of this Franchise be subject to all lawful exercise of the police power, statutory rights, and the right of eminent domain by the City. This Franchise shall comply with the Minnesota franchise standards contained in Minnesota Statutes, Chapter 238.

2.7. Rules of the Grantee. The Grantee shall have the authority to promulgate rules, regulations, terms, and conditions governing the conduct of its business as shall be reasonably necessary to enable the Grantee to exercise its rights and perform its obligation under this Franchise and to assure uninterrupted service to each and all of its Subscribers; provided that these rules, regulations, terms and conditions shall not be in conflict with provisions of this Franchise or federal, state, or local laws, rules, or regulations.

2.8. Territorial Area Involved. This Franchise is granted for the corporate boundaries of the City, as it exists from time to time. In the event of annexation by the City, or as development occurs, any new territory shall become part of the area covered; provided, however, that the Grantee shall not be required to extend service beyond its present System boundaries unless there is a minimum of twenty-five (25) homes per cable mile as measured from the last fiber node or terminating amplifier. Access to cable service shall not be denied to any group of potential residential cable Subscribers because of the income of the residents of the area in which the group resides. The Grantee shall be given a reasonable period of time to construct and activate cable plant to service annexed or newly developed areas.

2.9. Written Notice. All notices, reports, or demands required to be given in writing under this Franchise shall be deemed to be given when delivered personally to any officer of the Grantee or the City's Administrator of this Franchise or forty-eight (48) hours after it is deposited in the United States mail in a sealed envelope, with registered or certified mail postage prepaid thereon, addressed to the party to whom notice is being given, as follows:

If to the City: City of Willow River
P.O. Box 125
Willow River, MN 55795

If to the Grantee: Savage Communications, Inc.
PO Box 810
115 Tobies Mill Place
Hinckley, MN 55037

These addresses may be changed by either party upon notice to the other party given as provided in this Section.

2.10. Drops to Public Buildings. The Grantee shall provide Installation of one (1) cable Drop, one (1) cable outlet, and monthly Basic Cable Service without charge to public or educational institutions located within two hundred (200) feet of the System which the City may designate.

No redistribution of the free Basic Cable Service provided pursuant to this Section shall be allowed. Additional Drops and outlets in any of the above-referenced institutional location will be provided by the Grantee at the cost of the Grantee's time and material. Alternatively, at the institution's request, the institution may add outlets at its own expense, as long as the installation meets the Grantee's standards and provided that any fees for Cable Communications Services are paid. The Grantee shall have one (1) year from the date of the city council designation of an institution to complete construction of the Drop and outlet to that institution.

SECTION 3. CONSTRUCTION STANDARDS

3.1. Construction Standards. If the System, or subsequent rebuilds or extensions, proposed for the Franchise area consist of fewer than one hundred (100) plant miles of cable:

- a. Within ninety (90) days of the granting of the Franchise, the Grantee shall apply for the necessary governmental permits, licenses, certificates, and authorizations; and
- b. The energized trunk cable must be extended substantially throughout the authorized area within one (1) year after receipt of the necessary governmental permits, licenses, certificates, and authorizations and the Persons along the route of the energized cable shall have individual Drops as desired during the same period of time.
- c. The above-stated requirements may be waived by the city as permitted by law.

3.2. Construction Codes and Permits.

- a. The Grantee shall obtain all required permits from the City before commencing any construction upgrade or extension of the System, including the opening or disturbance of any Street, or private or public property within the City. The Grantee shall substantially comply with all state and local laws and building and zoning codes currently or hereafter applicable to construction, operation or maintenance of the System in the City and give due consideration at all times to the aesthetics of the property.
- b. The City shall have the right to inspect all construction or installation work performed pursuant to the provisions of the Franchise and to make these tests at its own expense as it shall find necessary to ensure compliance with the terms of the Franchise and applicable provisions of federal and state laws, rules, and regulations.

3.3. Repair of Streets and Property. Any and all Streets, public property, or private property, which are disturbed or damaged during the construction, repair, replacement, relocation, operation, maintenance or reconstruction of the System shall be promptly and fully restored by the Grantee, at its expense, to a condition as good as that prevailing prior to the Grantee's work, as approved by the City in the case of Streets and other public property. If the Grantee shall fail to promptly perform the restoration required herein, the City shall have the right to put the Streets, public, or private property back into good condition. The City reserves its rights to pursue reimbursement for the restoration from the Grantee.

3.4. Conditions on Street Use.

- a. Nothing in this Franchise shall be construed to prevent the City from constructing, maintaining, repairing or relocating sewers; grading, paving, maintaining, repairing, relocating and/or altering any Street; constructing, laying down, repairing, maintaining or relocating any water mains; or constructing, maintaining, relocating, or repairing any sidewalk or other public work.
- b. All System transmission and distribution structures, lines and equipment erected by the Grantee within the City shall be located so as not to obstruct or interfere with the proper use of Streets, alleys, and other public ways and places, and to cause minimum interference with the rights of property owners who abut any of the Streets, alleys and other public ways and places, and not to interfere with existing public utility installations. The Grantee shall furnish to and file with the City the maps, plats, and permanent records of the location and character of all facilities constructed, including underground facilities, and the Grantee shall file with the City updates of these maps, plats, and permanent records annually if changes have been made in the System.

- c. If at any time during the period of this Franchise the City shall elect to alter or change the grade or location of any Street, alley or other public way, the Grantee shall, at its own expense, upon reasonable notice by the City, remove and relocate its poles, wires, cables, conduits, manholes and other fixtures of the System, and in each instance comply with the standards and specifications of the City. If the City reimburses other occupants of the Street, the Grantee shall be likewise reimbursed.
- d. The Grantee shall not place poles, conduits, or other fixtures of the System above or below ground where they will interfere with any gas, electric, telephone, water, or other utility fixtures and all these poles, conduits, or other fixtures placed in any Street shall be so placed as to comply with all requirements of the City.
- e. The Grantee shall, on request of any Person holding a moving permit issued by the City, temporarily move its wires or fixtures to permit the moving of buildings with the expense of the temporary removal to be paid by the Person requesting the same, and the Grantee shall be given not less than thirty (30) days advance notice to arrange for the temporary changes.
- f. The Grantee shall have the authority to trim any trees upon and overhanging the Streets, alleys, sidewalks, or public easements of the City so as to prevent the branches of trees from coming in contact with the wires and cables of the Grantee.
- g. Nothing contained in this Franchise shall relieve any Person from liability arising out of the failure to exercise reasonable care to avoid injuring the Grantee's facilities.

3.5. Undergrounding of Cable.

- a. In all areas of the City where all other utility lines are placed underground, the Grantee shall construct and install its cables, wires and other facilities underground. Amplifier boxes and pedestal mounted terminal boxes may be placed above ground if existing technology reasonably requires, but shall be of a size and design and shall be so located as not to be unsightly or unsafe.
- b. In any area of the City where there are cables, wires, or similar facilities of a public utility or public utility district underground and at least one operable cable, wire or like facility of a public utility or public utility district suspended above the ground from poles, the Grantee may construct and install its cables, wires and other facilities from the same pole with the consent of the owner of the pole.
- c. The Grantee shall be granted access to any easements granted to a public utility, municipal utility or utility district in any areas annexed by the City or new developments.

3.6. Erection, Removal and Joint Use of Poles. No poles, conduits, or other wire-holding structures shall be erected or installed by the Grantee without prior approval of the City with regard to location, height, type and other pertinent aspects.

3.7. Safety Requirements.

- a. The Grantee shall at all times employ ordinary and reasonable care and shall install and maintain in use nothing less than commonly accepted methods and devices for preventing failures and accidents which are likely to cause damage, injuries, or nuisances to the public.
- b. The Grantee shall install and maintain its System wires, cables, fixtures and other equipment in substantial compliance with the requirements of the National Electric Safety Code and all FCC, state and local regulations, and in a manner that they will not interfere with any installations of the City or of any public utility serving the City.
- c. All System structures and all System lines, equipment and connections in, over, under and upon the Streets, sidewalks, alleys, and public ways and places of the City, wherever situated or located, shall at all times be kept and maintained in good condition, order, and repair so that the same shall not menace or endanger the life or property of any Person.

3.6. Status of Existing Cable System. The Cable System as constructed as of the date of the passage and final adoption of this Franchise substantially complies with the material construction and design provisions of this Franchise.

SECTION 4. DESIGN PROVISIONS

4.1. Minimum Channel Capacity. The Grantee shall provide a System which utilizes at least 550 MHz equipment and which is capable of delivering a minimum of seventy (70) analog Video or 300 digital QAM channels.

4.2. Internet Services. The Grantee shall provide a System which is capable of electronic mail (email) and other communications services, information services, the "Internet". The provisions of these services shall be subject only to compliance with applicable federal and state laws, rules, and regulations and further compliance with the terms of any agreement with the user of such services.

4.3. Operation and Maintenance of System. The Grantee shall render effective service, make repairs promptly, and interrupt service only for good cause and for the shortest time possible. Any interruption, to the extent feasible, shall be preceded by notice in accordance with Section 2.9 of this Franchise and shall occur during periods of minimum use of the System.

4.4. Technical Standards. The technical standards used in the operation of the System shall comply, at minimum, with applicable rules, regulations, and technical standards promulgated by the FCC relating to cable communications systems. These rules, regulations, and technical standards are expressly incorporated herein by reference.

4.5. Special Testing. The City may require special testing of a location or locations within the System if there is a particular matter of controversy or unresolved complaints pertaining to the location. Demand for special tests may be made on the basis of complaints received or other evidence indicating an unresolved controversy or noncompliance. These tests shall be limited to the particular matter in controversy or unresolved complaints. The City shall endeavor to arrange its request for special testing so as to minimize hardship or inconvenience to the Grantee or to the Subscribers caused by testing. Before ordering special tests, the Grantee shall have thirty (30) days to correct problems or complaints upon which tests were ordered. The City shall meet with the Grantee prior to requiring special tests to discuss the need for them and, if possible, visually inspect those locations which are the focus of concern. If, after the meetings and inspections, the City wishes to commence special tests and the thirty (30) days have elapsed without correction of the matter in controversy or unresolved complaints, the tests shall be conducted by a qualified engineer selected by the City. In the event that special testing is required by the City to determine the source of technical difficulties, the cost of the testing shall be borne by the Grantee if the testing reveals the source of the technical difficulty to be within the Grantee's reasonable control. If the testing reveals the difficulties to be caused by factors beyond the Grantee's reasonable control, the cost of the test shall be borne by the City.

4.6. FCC Reports. The results of tests required to be filed by the Grantee with the FCC shall also be copied to the City, as required by federal and state laws, rules, and regulations.

4.7. Non-voice Return Capability. The Grantee is required to use cable having the technical capacity for nonvoice return communications.

4.8. Lockout Device. Upon the request of a Subscriber, the Grantee shall provide by sale or lease a Lockout Device.

SECTION 5. SERVICES PROVISIONS

5.1. Regulation of Service Rates.

- a. The City may regulate rates for the provision of cable service, equipment, or any other communications service provided over the System to the extent allowed under federal and state laws, rules, and regulations.
- b. A list of the Grantee's current Subscriber rates and charges shall be maintained on file with the City and shall be available for public inspection. The Grantee shall give the City and Subscribers written notice of any change in a rate or charge no less than thirty (30) days prior to the effective date of the change.

5.2. Sales Procedures. The Grantee shall not exercise deceptive sales procedures when marketing its Cable Television Services within the City. The Grantee shall have the right to market its cable services door-to-door during reasonable hours consistent with local ordinances and regulation.

5.3. Subscriber Inquiry and Complaint Procedures.

- a. The Grantee shall have a publicly listed toll-free telephone number and be operated so as to receive Subscriber complaints and requests on a twenty-four (24) hour-a-day, seven (7) days-a-week basis.
- b. The Grantee shall maintain adequate numbers of telephone lines and personnel to respond in a timely manner to schedule service calls and answer Subscriber complaints or inquiries in a manner consistent with regulations adopted by the FCC.
- c. Subscriber requests for repairs shall be performed, to the extent possible, within twenty-four (24) hours of the request unless conditions beyond the control of the Grantee prevent performance.
- d. Subject to the privacy provisions of state and federal law, the City and the Grantee shall prepare and maintain written records of all complaints made to them and the resolution of the complaints, including the date of the resolution. These written records shall be on file at the office of the Grantee.

5.4. Refund Policy. In the event a Subscriber establishes or terminates service and receives less than a full month's service, the Grantee shall prorate the monthly rate on the basis of the number of days in the period for which service was rendered to the number of days in the billing.

SECTION 6.

OPERATION AND ADMINISTRATION PROVISIONS

6.1. Access to Records. The City shall have the right to inspect, upon reasonable notice, at any time during normal business hours, those records maintained by the Grantee which relate to System operations and to Gross Revenues, subject to the privacy provisions of state and federal ("Cable Act").

6.2. Reports to be Filed with the City. The Grantee shall prepare and furnish to the City, at the times and in the form prescribed, reports with respect to the operations, affairs, transactions or property, as they relate to the System, which the Grantee and the City may agree upon.

SECTION 7.
GENERAL FINANCIAL AND INSURANCE PROVISIONS

7.1. Indemnification of the City.

- a. The City, its officers, boards, committees, commissions, elected officials, employees, and agents shall not be liable for any loss or damage to any real or personal property of any Person, or for any injury to or death of any Person, arising out of or in connection with the construction, operation, maintenance, repair, or removal of, or other action or event with respect to the System.
- b. The Grantee shall indemnify, defend, and hold harmless the City, its officers, boards, committees, commissions, elected officials, employees, and agents, from and against all liability, damages, and penalties which they may legally be required to pay as a result of the exercise of the franchise.
- c. Nothing in this Franchise relieves a Person from liability arising out of the failure to exercise reasonable care to avoid injuring the Grantee's facilities while performing work connected with grading, regarding, or changing the line of a Street or public place or with the construction or reconstruction of a sewer or water system.
- d. In order for the City to assert its rights to be indemnified, defended, and held harmless, the City must with respect to each claim:
 - (1) promptly notify the Grantee in writing of any claim or legal proceeding which gives rise to the right;
 - (2) afford the Grantee the opportunity to participate in and fully control any compromise, settlement or other resolution or disposition of any claim or proceeding; and
 - (3) fully cooperate with reasonable requests of the Grantee in its participation in, and control, compromise, settlement, or resolution or other disposition of the claim or proceeding subject to Section 8.2(d)(2).

7.3 Insurance.

- a. The Grantee shall maintain in full force and effect, at its own cost and expense, during the term of this Franchise, comprehensive general liability insurance in the minimum amount of \$1,000,000 general liability insurance, with a \$3,000,000 umbrella policy.

- b. The insurance shall be with a company acceptable to the City and shall otherwise be in form and substance acceptable to the City. The Grantee shall provide evidence of insurance at the time of acceptance of this Franchise. The above minimum insurance amount may be changed from time to time by the Grantee as mutually agreed with the City. The Grantee shall immediately give notice to the City of any threatened or pending litigation affecting this insurance.

SECTION 8.

SALE, ABANDONMENT, TRANSFER AND REVOCATION OF FRANCHISE

8.1. The City's Right to Revoke.

- a. In addition to all other rights which the City has pursuant to law or equity, the City reserves the right to revoke, terminate or cancel this Franchise, and all rights and privileges pertaining thereto, if after the hearing required by Section 8.2(b), it is determined that:
 - (1) the Grantee has violated any material provision of this Franchise;
 - (2) the Grantee has attempted to evade any of the material provisions of the Franchise; or
 - (3) the Grantee has practiced fraud or deceit upon the City or subscriber.
- b. The City may revoke this Franchise without the hearing required by Section 8.2(b) herein if the Grantee is adjudged a bankrupt.

8.2. Procedures for Revocation.

- a. The City shall provide the Grantee with written notice of a cause for revocation and the intent to revoke and shall allow the Grantee sixty (60) days subsequent to receipt of the notice in which to correct the violation or to provide adequate assurance of performance in compliance with the Franchise. Together with the notice required herein, the City shall provide the Grantee with written findings of fact which are the basis of the revocation.
- b. The Grantee shall be provided the right to a public hearing affording due process before the City council prior to revocation, which public hearing shall follow the sixty (60) day notice provided in paragraph (A) above. The City shall provide the Grantee with written notice of its decision together with written findings of fact supplementing the decision.

- c. After the public hearing and upon written determination by the City to revoke the Franchise, the Grantee may appeal the decision to any state or federal court or agency with jurisdiction.
- d. During the appeal period, the Franchise shall remain in full force and effect unless the term of the Franchise sooner expires.
- e. Upon satisfactory correction by the Grantee of the violation upon which the notice was given, as determined in the City's sole discretion, the initial notice shall become void.

8.2. Procedures for Revocation.

- a. The City shall provide the Grantee with written notice of a cause for revocation and the intent to revoke and shall allow the Grantee sixty (60) days subsequent to receipt of the notice in which to correct the violation or to provide adequate assurance of performance in compliance with the Franchise. Together with the notice required herein, the City shall provide the Grantee with written findings of fact which are the basis of the revocation.
- b. The Grantee shall be provided the right to a public hearing affording due process before the City council prior to revocation, which public hearing shall follow the sixty (60) day notice provided in paragraph (A) above. The City shall provide the Grantee with written notice of its decision together with written findings of fact supplementing the decision.
- c. After the public hearing and upon written determination by the City to revoke the Franchise, the Grantee may appeal the decision to any state or federal court or agency with jurisdiction.
- d. During the appeal period, the Franchise shall remain in full force and effect unless the term of the Franchise sooner expires.
- e. Upon satisfactory correction by the Grantee of the violation upon which the notice was given, as determined in the City's sole discretion, the initial notice shall become void.

8.3. Abandonment of Service. The Grantee may not abandon the System or any portion thereof without having first given three (3) months written notice to the City. The Grantee may not abandon the System or any portion thereof without compensating the City for damages resulting from the abandonment.

8.4. Sale or Transfer of Franchise.

- a. No sale, transfer, or “fundamental corporate change”, as defined in Minnesota Statutes, Section 23 8.083, of this Franchise shall take place until the parties to the sale, transfer, or fundamental corporate change files a written request with the City for its approval; provided, however, that the approval shall not be required where the Grantee grants a security interest in its Franchise or assets to secure an indebtedness.
- b. The City shall have thirty (30) days from the time of the request to reply in writing and indicate approval of the request or its determination that a public hearing is necessary due to potential adverse affect on the Grantee’s Subscribers resulting from the sale or transfer. The approval or determination shall be expressed by City Board resolution within thirty (30) days of receipt of the request, or the request shall be deemed approved as a matter of law.
- c. If a public hearing is deemed necessary pursuant to Section 8.2(b), the hearing shall be commenced within thirty (30) days of the determination, and notice of any hearing shall be given in accordance with local law or fourteen (14) days prior to the hearing by publishing notice thereof once in a newspaper of general circulation in the City. The notice shall contain the date, time and place of the hearing and shall briefly state the substance of the action to be considered by the City. The hearing may be continued only with the Grantee’s written consent.
- d. Within thirty (30) days after the closing of the public hearing, the City shall approve or deny in writing the sale or transfer request. The City shall set forth in writing with particularity its reason(s) for denying approval. The City shall not unreasonably withhold its approval.
- e. Any sale or transfer of stock in the Grantee so as to create a new controlling interest in the System shall be subject to the requirements of this Section 8.4. The term “controlling interest” as used herein is not limited to majority stock ownership, but includes actual working control in whatever manner exercised.
- f. In no event shall a transfer or assignment of ownership or control be approved without the transferee assuming in writing Grantee’s rights and obligations under this Franchise.
- g. In the event of any proposed sale or assignment pursuant to paragraph (A.) of this Section the City shall have the right of first refusal of any bona fide offer to purchase the System. Bona fide offer, as used in this Section, means an offer received by the Grantee which it intends to accept subject to the City’s rights under this Section. This written offer must be conveyed to the City along with the Grantee’s written acceptance of the offer contingent upon the rights of the City provided for in this Section.

- h. The City shall be deemed to have waived its rights under this Section in the following circumstances:
 - (1) if it does not indicate to the Grantee in writing, within 30 days of notice of a proposed sale or assignment, its intention to exercise its right of purchase; or
 - (2) it approves the assignment or sale of the Franchise as provided within this Section.

**SECTION 9.
PROTECTION OF INDIVIDUAL RIGHTS**

9.1. Discriminatory Practices Prohibited. The Grantee shall not deny service, deny access, or otherwise discriminate against Subscribers on the basis of race, color, religion, national origin, sex, or age, except as permitted by federal, state, and local laws, rules, and regulations.

9.2. Subscriber Privacy.

- a. No signals, including signals of a Class IV Channel, may be transmitted from a Subscriber terminal for purposes of monitoring individual viewing patterns or practices without the express written permission of the Subscriber. The request for the permission shall be contained in a separate document with a prominent statement that the Subscriber is authorizing the permission in full knowledge of its provisions. The written permission shall be for a limited period of time not to exceed one (1) year which shall be renewed at the option of the Subscriber. No penalty shall be invoked for a Subscriber's failure to provide or renew the authorization. The authorization shall be revocable at any time by the Subscriber without penalty of any kind whatsoever. The permission shall be required for each type or classification of Class IV Channel activity planned for the purpose of monitoring individual viewing patterns or practices.
- b. No information or data obtained by monitoring transmission of a signal from a Subscriber terminal, or any other means, including but not limited to lists of the names and addresses of Subscribers or any lists that identify the viewing habits of Subscribers, shall be sold or otherwise made available to any party other than to the Grantee and its employees for internal business use, and also to the Subscriber who is subject of that information, unless the Grantee has received specific written authorization from the Subscriber to make the data available.
- c. Written permission from the Subscriber shall not be required for the purposes of conducting of System wide or individually addressed electronic sweeps, verifying System integrity, or monitoring for the purpose of billing. Confidentiality of the information shall be subject to the provision set forth in Section 10.2(b).

SECTION 10.
PROTECTION OF INDIVIDUAL RIGHTS

10.1. Discriminatory Practices Prohibited. The Grantee shall not deny service, deny access, or otherwise discriminate against Subscribers on the basis of race, color, religion, national origin, sex, or age, except as permitted by federal, state, and local laws, rules, and regulations.

10.2. Subscriber Privacy.

- a. No signals, including signals of a Class IV Channel, may be transmitted from a Subscriber terminal for purposes of monitoring individual viewing patterns or practices without the express written permission of the Subscriber. The request for the permission shall be contained in a separate document with a prominent statement that the Subscriber is authorizing the permission in full knowledge of its provisions. The written permission shall be for a limited period of time not to exceed one (1) year which shall be renewed at the option of the Subscriber. No penalty shall be invoked for a Subscriber's failure to provide or renew the authorization. The authorization shall be revocable at any time by the Subscriber without penalty of any kind whatsoever. The permission shall be required for each type or classification of Class IV Channel activity planned for the purpose of monitoring individual viewing patterns or practices.
- b. No information or data obtained by monitoring transmission of a signal from a Subscriber terminal, or any other means, including but not limited to lists of the names and addresses of Subscribers or any lists that identify the viewing habits of Subscribers, shall be sold or otherwise made available to any party other than to the Grantee and its employees for internal business use, and also to the Subscriber who is subject of that information, unless the Grantee has received specific written authorization from the Subscriber to make the data available.
- b. Written permission from the Subscriber shall not be required for the purposes of conducting of System wide or individually addressed electronic sweeps, verifying System integrity, or monitoring for the purpose of billing. Confidentiality of the information shall be subject to the provision set forth in Section 10.2(b).

SECTION 11.
UNAUTHORIZED CONNECTIONS AND MODIFICATIONS

11.1. Unauthorized Connections or Modifications Prohibited. It shall be unlawful for any firm, Person, group, company, corporation, or governmental body or agency, without the express consent of the Grantee, to make or possess, or assist anybody in making or possessing, any connection, extension, or division, whether physically, acoustically, inductively, electronically or otherwise, with or to any segment of the System.

11.2. Removal or Destruction Prohibited. It shall be unlawful for any firm, Person, group, company, corporation, or government body or agency to willfully interfere, tamper, remove, obstruct, or damage, or assist thereof, any part or segment of the System for any purpose whatsoever.

11.3. Criminal Penalties. Any person in violation of any of the provisions in this ordinance will be guilty of a misdemeanor. Each day on which such violation continues will constitute a separate offense.

11.4. Civil Enforcement. This ordinance may be enforced by mandamus, injunction, or any other appropriate remedy, in addition to any criminal penalties imposed hereunder.

SECTION 12. MISCELLANEOUS PROVISIONS

12.1. Franchise Renewal. Any renewal of this Franchise shall be done in accordance with applicable federal and state, laws, rules, and regulations.

12.2. Amendment of Franchise Ordinance. The Grantee and the City may agree, from time to time, to amend this Franchise. The written amendments may be made subsequent to a review session pursuant to Section 12.6 or at any other time if the city and the Grantee agree that such an amendment will be in the public interest or if such an amendment is required due to changes in federal, state, or local laws. The City shall act pursuant to local law pertaining to the ordinance amendment process.

12.3. Compliance with Federal, State, and Local Laws.

- a. If any federal or state law, rule, or regulation shall require or permit the City or the Grantee to perform any service or act or shall prohibit the City or the Grantee from performing any service or act which may be in conflict with the terms of this Franchise, then as soon as possible following knowledge thereof, either party shall notify the other of the point in conflict believed to exist between the law or regulation. The Grantee and the City shall conform to state laws and rules regarding cable communications not later than one year after they become effective, unless otherwise stated, and conform to federal laws and regulations regarding cable as they become effective.
- b. If any term, condition, or provision of this Franchise or the application thereof to any Person or circumstance shall, to any extent, be held to be invalid or unenforceable, the remainder hereof and the application of the term, condition, or provision to Persons or circumstances other than those as to whom it shall be held invalid or unenforceable shall not be affected thereby, and this Franchise and all the terms, provisions and conditions hereof shall, in all other respects, continue to be effective and complied with, provided the loss of the invalid or unenforceable

clause does not substantially alter the agreement between the parties. In the event the law, rule, or regulation is subsequently repealed, rescinded, amended, or otherwise changed so that the provision which had been held invalid or modified is no longer in conflict with the law, rules, and regulations then in effect, the provision shall thereupon return to full force and effect and shall thereafter be binding on the Grantee and the City.

12.4. Nonenforcement by the City. The Grantee shall not be relieved of its obligations to comply with any of the provisions of this Franchise by reason of any failure or delay of the City to enforce prompt compliance. Any waiver by the City of a breach or violation of any provision of this Franchise shall not operate as or be construed to be a waiver of any subsequent breach or violation.

12.5. Administration of Franchise. The City Clerk shall have continuing regulatory jurisdiction and supervision over the System and the Grantee's operation under the Franchise. The City may issue reasonable rules and regulations concerning the construction, operation and maintenance of the System as are consistent with the provisions of the Franchise and law.

12.6. Periodic Evaluation. The field of cable communications is rapidly changing and may see many regulatory, technical, financial, marketing, and legal changes during the term of this Franchise. Therefore, in order to provide for a maximum degree of flexibility in this Franchise, and to help achieve a continued advanced and modern System, the following evaluation provisions shall apply:

- a. The City may require an evaluation session ten (10) years from the Effective Date of this Franchise and upon thirty days written notice to the Grantee.
- b. All evaluation sessions shall be open to the public and notice of sessions published in the same way as a legal notice.
- c. Topics which may be discussed at any evaluation session may include, but are not limited to, application of new technologies, System performance, programming offered, access channels, facilities and support, municipal uses of cable, customer complaints, amendments to this Franchise, judicial rulings, FCC rulings, line extension policies and any other topics the City and the Grantee deem relevant.
- d. As a result of a periodic review or evaluation session, the City and the Grantee may develop changes and modifications to the terms and conditions of the Franchise as are mutually agreed upon.

12.7. Rights Cumulative. All rights and remedies given to the City by this Franchise shall be in addition to and cumulative with any and all other rights and remedies, existing or implied, now or hereafter available to the City, at law or in equity, and these rights and remedies shall not be exclusive, but each and every right and remedy specifically given by this Franchise or otherwise existing or given may be exercised from time to time and as often and in the order

as may be deemed expedient by the City and the exercise of one or more rights or remedies shall not be deemed a waiver of the right to exercise at the same time or thereafter any other right or remedy.

SECTION 13.
PUBLICATION EFFECTIVE DATE; ACCEPTANCE AND EXHIBITS

13.1. Publication: Effective Date. This Franchise shall be published in accordance with applicable Minnesota law. The effective date of this Franchise shall be the date of acceptance by the Grantee in accordance with the provisions of Section 13.2.

13.2. Acceptance.

- a. The Grantee shall accept this Franchise within sixty (60) days of its enactment by the City Board, unless the time for acceptance is extended by the City. This acceptance by the Grantee shall be deemed the grant of this Franchise for all purposes.
- b. Upon acceptance of this Franchise, the Grantee shall be bound by all the terms and conditions contained herein.
- c. The Grantee shall accept this Franchise by properly executing, and acknowledging, and delivering it to the City.

Passed and adopted this 5th day of May, 2025.