
CITY CODE
of the
CITY OF COURTLAND, MINNESOTA
(2009)

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(up to and including Ordinance No. _____)

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CHAPTER I.

GENERAL PROVISIONS

100.01. City Code.

Subdivision 1. How cited. This Code of ordinances shall be known as The Courtland City Code and may be so cited.

Subdivision 2. Additions. New ordinances proposing amendments or additions to the Code shall be assigned appropriate Code numbers and shall be incorporated into the Code as of their effective date. Reference or citation to the Code shall be deemed to include such amendments and additions. When an ordinance is integrated into the Code, there may be omitted from the ordinance the title, enacting clause, section numbers, definitions of terms identical to those contained in this ordinance, the clause indicating date of adoption, and validating signatures and dates. In integrating ordinance into the Code, the City Clerk, in cooperation with the city attorney, may correct obvious grammatical, punctuation, and spelling errors; change reference numbers to conform with sections, articles, and chapters; substitute figures for written words and vice versa; substitute dates for the words "the effective date of this ordinance"; and perform like actions to insure a uniform Code of ordinance without altering the meaning of the ordinance enacted.

Subdivision 3. Numbering. Each section number of this Code consists of two component parts separated by a decimal. The first digit of the number refers to the chapter number and the digits after the period refer to the position of the section within the chapter. If the chapter is divided into parts, the figure immediately to the left of the decimal corresponds to the part number.

Subdivision 4. Title headings; cross-references. Chapter, part, section, subdivision, and other titles shall not be considered part of the subject matter of this Code but are intended for convenience only and not necessarily as comprehensive titles.

Subdivision 5. Copies. Copies of this Code shall be kept in the office of the City Clerk for public inspection or sale for a reasonable charge.

100.02. Definitions.

Subdivision 1. General. Unless the context clearly indicates otherwise, the following words and phrases have the meaning given them in this Code.

Subdivision 2. City. "City" means City of Courtland.

Subdivision 3. State. "State" means State of Minnesota.

Subdivision 4. City Council. "City Council" means the City Council of the City of Courtland.

Subdivision 5. City Clerk. "City Clerk" means the City Clerk.

Subdivision 6. Person. "Person" means any natural individual, firm, partnership, association, or corporation. As applied to partnerships or associations, the term includes the partners or members; as applied to corporations the term includes the officers, agents, or employees.

100.03. Statutory Rules Adopted.

The definitions and rules of construction, presumptions, and miscellaneous provisions pertaining to construction contained in Minnesota Statutes, Chapter 645 are adopted by reference and made a part of this Code. As so adopted, references in that chapter to laws and statutes mean provisions of this Code and references to the legislature mean the City Council.

100.04. Hearings.

Subdivision 1. General. Unless otherwise provided in this Code, or by law, every public hearing required by law, ordinance, or resolution to be held on any legislative or administrative matter shall be conducted in accordance with this section.

Subdivision 2. Notice. Every hearing shall be preceded by 10 days' mailed notice to all persons entitled thereto by law, ordinance, or regulation unless only published notice is required. The notice shall state the time, place, and purpose of the hearing. Failure to give the notice or defects in it shall not invalidate the proceedings if a good faith effort has been made to comply with this subdivision.

Subdivision 3. Conduct of hearing. At the hearing, each party in interest shall have an opportunity to be heard and to present such evidence as is relevant to the proceedings. The City Council may adopt rules governing the conduct of hearing, records to be made, and such other matters as it deems necessary.

Subdivision 4. Record. Upon the disposition of any matter after hearing, the City Council shall have prepared a written summary of its findings and decisions and enter the summary in the official City Council minutes.

100.05. Penalties.

Subdivision 1. Petty offenses. Whenever an act or omission is declared by this Code to be a petty offense or a petty misdemeanor, any person violating the provision shall, upon conviction, be subject to the penalty provided by state law for petty misdemeanors.

Subdivision 2. General misdemeanors. In any other case, unless another penalty is expressly provided in this Code, any person violating any provision of this Code, or any rule or regulation adopted in pursuance thereof, or any other provision of any Code adopted in this Code by reference, including any provision declaring an act or omission to be a misdemeanor, shall, upon conviction, be subject to the penalty provided by state law for misdemeanors, plus, in either case, the costs of prosecution.

Subdivision 3. Separate violations. Unless otherwise provided, each act of violation and every day on which a violation occurs or continues constitutes a separate offense.

Subdivision 4. Application to city personnel. The failure of any officer or employee of the city to perform any official duty imposed by this Code shall not subject the officer or employee to the penalty imposed for violation unless a penalty is specifically provided for such failure.

100.06. Separability.

If any ordinance or part thereof in the Courtland City Code or hereafter enacted is held invalid or suspended, such invalidity or suspension shall not apply to any other part of the ordinance or any other ordinance unless it is specifically provided otherwise.

CHAPTER II.

OPERATIONS AND ADMINISTRATION

PART 1. THE CITY COUNCIL

201.01. Meetings.

Subdivision 1. Regular meetings. Regular meetings of the City Council shall be held on the first Thursday of each calendar month at 7:00 p.m. Any regular meeting falling upon a holiday shall be held on the next following Thursday at the same time and place. All meetings shall be held in the City Council Chambers in the Recreational Center. (Source Ord. 14, 2nd Series 2/7/85)

Subdivision 2. A. Special meetings. The mayor or any two members of the City Council may call a special meeting of the City Council upon at least 24 hours written notice. Notices shall indicate the date, time, place and purpose of the meeting. Notices shall be mailed or personally delivered to each City Council member. Written notice shall be posted on the City's principal public bulletin board and shall be mailed to each person who has filed a written request for notice of special meetings; such notice must be made at least three days prior to the meeting. As an alternative to the posted and mailed notice, the City may publish the notice in the official newspaper at least three days prior to the meeting.

B. Emergency Meetings. In circumstances that, in the judgment of the City, require immediate consideration by the City Council, the Mayor or any two members of the City Council may call an emergency meeting. Notices shall indicate the date, time, place, and purpose of the meeting and shall be posted on the City's principal public bulletin board. Notice shall be given by telephone or by any other method used to notify the City Council members. The City shall make a good faith effort to provide notice by telephone to each news medium that has filed written request for notice of special meetings.

(Revised by Ord. 06-106, 08/03/06)

Subdivision 3. Initial meeting. At the first regular City Council meeting in January of each year the City Council shall

- (1) Designate the depositories of city funds;
- (2) Designate the official newspaper;
- (3) Choose one of the City Council as acting mayor, who shall perform the duties of the mayor during the disability or absence of the mayor from the city or, in case

of a vacancy in the office of mayor, until a successor has been appointed and qualified;

- (4) Appoint such officers and employees and such members of boards, commissions, and committees as may be necessary.

Subdivision 4. Public meetings. All City Council meetings, including special meetings and meetings of City Council committees, shall be open to the public unless otherwise permitted or required to be closed under state statute or any applicable court ruling.

(Revised by Ord. 06-106. 08/03/06)

201.02. Presiding Officer.

Subdivision 1. Who presides. The mayor shall preside at all meetings of the City Council. In the absence of the mayor, the acting mayor shall preside. In the absence of both, the City Clerk shall call the meeting to order and shall preside until the City Council members present at the meeting choose one of their number to act temporarily as presiding officer.

Subdivision 2. Procedure. The presiding officer shall preserve order, enforce the rules of procedure, and determine without debate, subject to the final decision of the City Council on appeal, all questions of procedure and order. Except as otherwise provided by statute or by this code, the proceedings of the City Council shall be conducted in accordance with Robert's Rules of Order, Revised.

201.03. Minutes.

Subdivision 1. Who keeps. Minutes of each City Council meeting shall be kept by the City Clerk or, in the City Clerk's absence, by the deputy City Clerk. In the absence of both, the presiding officer shall appoint a secretary pro tem. Ordinances, resolutions, and claims need not be recorded in full in the minutes if they appear in other permanent records of the City Clerk and can be accurately identified from the description given in the minutes.

Subdivision 2. Approval. The minutes of each meeting shall be reduced to typewritten form, shall be signed by the City Clerk, and copies shall be delivered to each City Council member as soon as practicable after the meeting. At the next regular meeting following such delivery, approval of the minutes shall be considered by the City Council. The minutes need not be read aloud, but the presiding officer shall call for any additions or corrections. If there is no objection to a proposed addition or correction, it may be made without a vote of the City Council. If there is an objection, the City Council shall vote upon the addition or correction. If there are no additions or corrections, the minutes shall stand approved.

201.04. Quorum and Voting.

Subdivision 1. Quorum. At all City Council meetings a majority of all the City Council members elected shall constitute a quorum for the transaction of business.

Subdivision 2. Voting. The votes of the members on any question may be taken in any manner, which signifies the intention of the individual members, and the votes of the members on any action taken shall be recorded in the minutes. The vote of each member shall be recorded on each appropriation of money, except for payments of judgments, claims, and amounts fixed by statute. If any member is present but does not vote, the minutes, as to his name, shall be marked "Present-Not Voting."

Subdivision 3. Vote required. A majority vote of all members of the City Council shall be necessary for approval of any ordinance unless a larger number is required by statute. Except as otherwise provided by statute, a majority vote of a quorum shall prevail in all other cases.

201.05. Ordinances, Resolutions, Motions, Petitions and Communications.

Subdivision 1. Readings An ordinance or resolution need to be read in orally.

(Repealed by Ord. 06-106, 08/03/06)

Subdivision 2. Signing and publication; proof. Every ordinance and resolution passed by the City Council shall be signed by the mayor, attested by the City Clerk, and filed by the City Clerk. Proof of publication of every ordinance shall be attached and filed with the ordinance. In lieu of publication, a summary of any codification ordinance may be published.

Subdivision 3. Repeals and amendments. Every ordinance or resolution repealing a previous ordinance or resolution or a section or subdivision thereof shall give the number, if any, and the title or code number of the ordinance or resolution to be repealed in whole or in part. Each ordinance or resolution amending an existing ordinance or resolution or part thereof shall set forth in full each amended section or subdivision as it will read with the amendment.

Subdivision 4. Motions, petitions, communication. Every motion shall be stated in full before it is submitted to a vote by the presiding officer and shall be recorded in the minutes. Every petition or other communication addressed to the City Council shall be in writing and shall be read in full upon presentation to the City Council unless the City Council dispenses with the reading. Each petition or other communication shall be recorded in the minutes by title and filed with the minutes in the office of the City Clerk.

201.06. Committees.

The City Council may create such committees, standing or special, as it deems necessary. Committees shall consist of as many members, and perform such duties, as the City Council may require.

201.07. Suspension or Amendment of Rules. – Deleted.

(Repealed by Ord. 06-106, 08/03/06)

201.08. Salaries.

City Council. The salary of the mayor shall be \$1,560.00 per year or \$130.00 per month, and the salary of each City Council member shall be \$1,320.00 or \$110.00 per month. Said salaries shall be paid bi-annually for attendance or non-attendance for all regular meetings of the City Council. In addition to said salaries, the mayor shall be paid \$65.00 for attendance of each special meeting of the City Council, and each City Council member shall be paid \$55.00 for attendance of each special meeting of the City Council. Each public hearing, including those held on the same day as a meeting of the City Council, shall be considered a separate special meeting of the City Council.

(Revised by Ord. 105, 10/3/02)

PART 2. FIRE DEPARTMENT

202.01. Fire Department Continued.

There is hereby continued in this City a volunteer fire department consisting of a chief, an assistant chief, a fire marshall, and not fewer than 10 firefighters.

202.02. Selection.

The chief of the fire department and the assistant chief shall be elected annually by the members of the department, subject to confirmation by the City Council. Each shall hold office for one year and until his successor has been elected, except that he may be removed by the City Council for cause after a public hearing. Firefighters shall be appointed by the members of the department, subject to confirmation by the City Council. Firefighters shall continue as members of the department during good behavior and may be removed by the City Council only for cause after a public hearing.

202.03. Members.

All members of the fire department shall be able-bodied individuals of not less than 18 years of age. Each Fire Department member shall maintain his/her permanent residence within an eight-minute response time. This response time shall be determined by dispatch time to arrive at the Courtland Fire. Hall. Driving time shall be determined by following all state driving statutes. (Revised by Ord. 98-102, 03/05/98)

202.04. Compensation.

Compensation for all members and officers of the fire department shall be determined by resolution of the City Council.

PART 3. PLANNING COMMISSION

203.01. Planning Commission Continued.

There is hereby continued in this city a city planning commission. The commission shall be the city-planning agency authorized by Minnesota Statutes, Section 462.354, Subdivision 1.

203.02. Composition.

Subdivision 1. Membership. The city planning commission shall consist of five members, three appointed by the City Council and two ex-officio, appointed by the Mayor. All members have the full right and duty to enter in the deliberations, voting, and decisions of the commission.

(Revised by Ord. 06-106, 08/03/06)

Subdivision 2. Terms, vacancies, oath. The terms of appointed members shall be for three years, staggered such that one terms expires each year. Vacancies during the term shall be filled by appointment by the City Council for the unexpired portion of the term. Before entering into the discharge of his duties, every member shall take an oath that he will faithfully discharge the duties of his office. Compensation of commission members shall be as set by the City Council.

(Revised by Ord. 06-106, 08/03/06)

203.03. Organization, Meetings.

Subdivision 1. Officers. The City Council shall appoint a chairman from among the appointed members for a term of one year. The City Clerk shall act as secretary of the planning commission. The commission may create and fill such offices as it deems necessary.

(Revised by Ord. 06-106, 08/03/06)

Subdivision 2. Meetings, records, reports. The commission shall hold at least one regular meeting each month. It shall adopt rules for the transaction of business and shall keep a public record of its resolutions, transactions, and findings. On or before January 1 of each year the commission shall submit to the City Council a report of its work during the preceding year.

203.04. Powers and Duties of the Commission.

The planning commission shall have the powers and duties given planning agencies generally by law. The commission shall also exercise the duties conferred upon it by this Code and by the City Council.

203.05. Zoning Ordinances; Public Hearings.

No zoning ordinance or amendment thereto shall be adopted by the City Council until a public hearing has been held by the planning commission or the City Council upon notice as provided in Minnesota Statutes, Section 462.367, Subdivision 3.

203.06. Plats; Approval.

Any plat of land submitted to the City Council for approval shall, prior to final approval, be referred to the planning commission for review and recommendation in accordance with Chapter III, Part 5.

PART 4. DEFERRAL OF SPECIAL ASSESSMENTS

204.01. Deferral of special assessment installments.

The City Council may, in its discretion, defer the payment of any special assessment made at any time for local improvements constructed by the City, when it determines that the property to be assessed is homestead property, that one or more of the owners of said property is 65 years of age or more, and that payment of the assessment would be a hardship for the owner thereof. No deferral of assessment shall be granted for an installment, including principal and interest, of \$50.00 or less.

204.02. Hardship.

A hardship shall be deemed to exist when:

1. The annual installment for all assessments exceeds 1% of the previous year's total adjusted gross incomes, for federal income tax purposes, of all owners of the property; provided, however, that "adjusted gross income" shall not include Social Security benefits, railroad retirement benefits, retirement benefits attributable to employee contributions, disability benefits, personal injury awards, or workers' compensation benefits.
2. Nothing herein shall prohibit the City Council from determining that a hardship exists for other reasons on a case-by-case basis, provided, that such determination shall be made on a non-discriminating basis.

(Revised by Ord. 06-107, 11/02/06)

204.03. Application.

In each year in which a property owner wishes to defer the payment of an annual installment for special assessment, the property owner shall, on or before September 15, submit to the City Clerk the following:

- (1) An application for deferral of the current year's installment for special assessments.
- (2) A copy of the previous year's federal income tax returns for all of the owners of the property or, if no return was filed, a statement setting forth under oath all information which would have been used to determine the adjusted gross income.

204.04. Approval.

The City Clerk shall submit to the City Council, on or before its second regular meeting in October of each year, a list of all property owners qualifying for deferral of the current year's special assessment installment.

- (1) For all assessments for which the City Council approves a deferral, it shall set an interest rate to be charged upon such deferred installment until the date of its payment.
- (2) The City Clerk shall annually, before November 15, certify to the County Auditor the legal description, amount of deferred assessment installment and interest rate for all deferred assessments.

204.05. Conditions.

The deferral of payment of special assessment installments shall state, and all deferred amounts plus interest shall be due and payable 60 days, after the occurrence of one or more of the following:

- (1) A property owner who has previously received an assessment deferral fails to submit a deferral application for the current year's assessment installment as required by Section 204.03.
- (2) The death of the owner, when there is no other owner who is eligible for a deferral.
- (3) The sale, transfer, or subdivision of all or a part of the property.
- (4) Loss of homestead status of the property.
- (5) Determination by the City Council that there would be no hardship to the owner if immediate or partial payment is required.

204.06. Payment terms on cessation.

Upon termination of assessment deferral, the City Council may determine such other terms for payment of deferred assessment amounts as it deems appropriate; provided, however, that remaining assessment installments which have not previously been deferred shall be payable in the same manner as the original assessment.

(Source Ord. 98-103, 09/03/98)

PART 5. CITY ADMINISTRATOR POWERS AND DUTIES

205.01 Delegation of responsibilities to City Administrator; reservation of powers.

The supervision of the administrative branch of the City government and responsibility to the City Council for the proper administration of all affairs relating to the City are hereby delegated to the administrative officer of the City to be known as the City Administrator; except, that the City Council hereby reserves to itself the legislative power of the City and the determination of all matters of policy.

205.02 Powers and duties of City Administrator.

The City Administrator shall have the powers and duties necessary for the supervision of the administrative branch of the City and responsibility to the Council for the proper administration of all affairs relating to the City including the following:

1. Ensuring that laws, ordinances, and resolutions are enforced within the City.
2. Appointment and removal of City employees.
3. Control over the administrative service of the City and all departments and divisions thereof.
4. Attendance at all meetings of the City Council, other than meetings at which the City Administrator's removal is considered, and may take part in discussion but shall not vote.
5. Recommend to the City for adoption such measures as may be deemed necessary for the welfare of the people and the efficient administration of City affairs.
6. Keep the Council fully advised as to the financial condition and needs of the City and shall prepare and submit to the Council an annual budget and recommended tax levy, with such segregation as to objects and purposes of expenditures as the Council deems necessary for the purpose of budget control.
7. Enforcement of the budget and prescribe the manner of ordering expenditures pursuant thereto, subject to the provisions of any ordinance or administrative code adopted by the Council.
8. Recommend, prepare, and submit to the Council for adoption an administrative code incorporating the details of administrative procedure, and amendments thereto.
9. Perform such other duties as may be required by law, ordinance or directive of the City Council.

CHAPTER III.

BUILDING, FIRE AND LAND USE REGULATIONS

PART 1. BUILDING CODE

(Repealed by Ord. 4, 2nd series 2/7/80)

PART 2. FIRE CODE

302.01. Uniform Fire Code.

The Minnesota Uniform Code, one copy of which is on file in the office of the City Clerk, is hereby adopted as the fire code for the city and incorporated in this Code as completely as if set out in full, except such portions as modified or amended by this ordinance.

302.02. Enforcement.

The chief of the fire department serving the City or his authorized representative shall enforce the provisions of this ordinance. The chief of the fire department may detail such members of the fire department as inspectors as shall from time to time be necessary.

302.03. Definitions. (Deleted)

302.04. Establishment of Limits of Districts in which Storage of Flammable or Combustible Liquids in Outside Aboveground Tanks is to be Prohibited.

Subdivision 1. Storage of flammable or combustible liquids. The limits referred to in Section 15.201 of the Minnesota Uniform Fire Code in which storage of flammable or combustible liquids in outside aboveground tanks is prohibited, are hereby established as follows: those portions of the City zoned R-1, R-2 and B-1.

Subdivision 2. Bulk plants for flammable or combustible liquids. The limits referred to in Section 15.601 of the Minnesota Uniform Fire Code, in which new bulk plants for flammable or combustible liquids are prohibited, are hereby established as follows: those portions of the City zoned R-1, R-2 and B-1.

302.05. Establishment of Limits in which Bulk Storage of Liquefied Petroleum Gases is to be Restricted.

The limits referred to in Section 20.105(a) of the Minnesota Uniform Fire Code, in which bulk storage of liquefied petroleum gas is restricted, are hereby established as follows: those portions of the City zoned R-1, R-2 and B-1.

302.06. Establishment of Limits of Districts in which Storage of Explosives and Blasting Agents is to be Prohibited.

The limits referred to in Section 11.106(b) of the Minnesota Uniform Fire Code, in which storage of explosives and blasting agents is prohibited, are hereby established as follows: those portions of the City zoned R-1, R-2 and B-1.

302.07. Appeals.

Whenever the fire chief shall disapprove an application or refuses to grant a permit applied for, or when it is claimed that the provisions of the Code do not apply or that the true intent and meaning of the Code have been misconstrued or wrongly interpreted, the applicant may appeal from the decision of the chief to the City Council within 30 days from the date of the decision appealed.

302.08. Penalties.

It shall be unlawful for any person to violate any of the provisions of this Code or to violate any order made thereunder, or to build in violation of any detailed statement of specifications or plans submitted and approved thereunder, or any certificate or permit issued thereunder, and from which no appeal has been taken. The imposition of a penalty for any violation shall not excuse the violation or permit it to continue; and all such persons shall be required to correct or remedy such violations or defects within a reasonable time; and when not otherwise specified, each day that prohibited conditions are maintained shall constitute a separate offense.

The imposition of a penalty shall not prevent the enforced removal of prohibited conditions.

PART 3. ZONING ORDINANCE

303.01. Description.

This part shall be known as the “Zoning Code of the City of Courtland.” (Revised by Ord. 99-102, 06/17/99)

303.02. Definitions.

For the purpose of this Part and Part 5 of this Section the following definitions are adopted:

1. **Accessory Building:** A subordinate building, the use of which is incidental to that of a main building on the same lot.
2. **Agriculture:** The business of raising crops on the land.
3. **Animal Agriculture:** The business of raising animals for consumption by humans or boarding animals for other uses, but does not include the keeping of cats and dogs as pets.
4. **Block:** Each of those areas designated as blocks on the plats of the City recorded in the office of the County Recorder for the County of Nicollet, and those areas lying without those plats but within the City limits of the City of Courtland and within any area surrounded by the City limit lines, zoning map lines, plat lines, roads or highways.
5. **City:** The City of Courtland.
6. **Commercial Recreation:** Private outdoor recreation such as golf courses.
7. **City Council:** The City Council of the City of Courtland.
8. **Detached Garage:** Any Accessory Building over 100 square feet in floor size.
9. **Dwelling:** A structure in which one or more people reside.
10. **Dwelling, Temporary:** A manufactured home, recreational vehicle, or travel trailer used as a base of operations during construction or other temporary situation where housing is needed. (Revised by Ord. 06-105, 06/01/06).

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

12. Group Home – Level 1: A state licensed residential facility or a housing with services establishment registered under Minnesota Statutes Chapter 144D serving six or fewer persons, a licensed day care facility serving 12 or fewer persons, and a group family day care facility licensed under Minnesota Rules, parts 9502.0315 to 9502.0445, to serve 14 or fewer children, except that a residential facility whose primary purpose is to treat juveniles who have violated, or have been adjudicated delinquent for violation of, criminal statutes relating to sex offenses. (Revised by Ord. 06-105, 06/01/06)

13. Group Home – Level 2: A state licensed residential facility serving from 7 through 16 persons or a licensed day care facility serving from 13 to 16 persons.

14. Home Occupation: A money producing activity consisting of producing goods or providing services which is subordinate and incidental to the main use a Dwelling in a Residence District.

15. Home Occupation – Level One: A Home Occupation that creates off site impacts (including but not limited to noise, light, visual, traffic generation, waste, air particles and other emissions) no greater than those normally found with the permitted uses of the zoning district.

16. Home Occupation – Level Two: A Home Occupation that creates off site impacts greater than as allowed with Level One but that can be mitigated through the Conditional Use Permit process.

17. Light Industry- A manufacturing or assembly facility in which, (a) the primary activities take place inside a permanent structure, and (b) does not involve the emission of significant noise, odor or smoke.

18. Lot: A parcel or portion of land in a subdivision or plat of land, separated from other parcels or portions by descriptions as on a subdivision or record of survey map or by metes and bounds, for the purpose of sale or lease to, or separate use of, another.

19. Manufactured Home: A structure transportable in one or more sections, which in the traveling mode, is eight body feet or more in width or 40 body feet or more in length, or, when erected on site, is 320 or more square feet, and which is built on a permanent chassis and designed to be used as a Dwelling with or without a permanent foundation when connected to the required utilities, and includes the plumbing, heating, air conditions, and electrical systems contained therein.

20. Manufactured Home Park: An area under central ownership where space is leased to people for Manufactured Homes or where Manufactured Homes are available to lease.

21. Official Map: The map established by the City Council showing the streets, highways and parks theretofore laid out, adopted and established by law and any amendments thereto adopted by the City Council or additions thereto resulting from the approval of subdivision plats by the Planning and the subsequent filing of such approved plats.

22. Owner: Any individual, firm, association, syndicate, co-partnership, corporation, trust or any other legal entity having possessing a fee title interest in the land regulated under this Ordinance. (Revised by Ord. 06-105, 06/01/06)

23. Planning Commission or Commission: The Planning Commission of the City of Courtland.

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

25. Sign: A name, identification, description, display, illustration or device which is affixed to or represented directly or indirectly on a building, structure or land in view of the general public an which directs attention to a product, place, activity, person, institution or business not necessarily conduct ed, sold or offered upon the premises where said sign is located.

26. Streets and Alleys:

a. Street: A way for vehicular traffic, whether designated as a street, highway, thoroughfare, parkway, throughway, road, avenue, boulevard, lane, place, or however otherwise designated.

b. Alley: A minor way that is used primarily for vehicular service access to the back or side of properties otherwise abutting on a street.

c. Arterial Street: A fast or heavy traffic street of considerable continuity and used primarily as a traffic artery for intercommunication among large areas.

d. Collector Street: A street that carries traffic to arterial streets, including the principal entrance streets of a residential development and streets for circulation within such a development.

e. Cul-de-Sac or Dead-end Street: A minor street with only one outlet.

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

27. Subdivider: Any individual, firm association, syndicate, co-partnership, corporation, trust or any other legal entity commencing proceedings under this Part to effect a subdivision of land hereunder for himself or for another.

28. Subdivision: The division of a parcel of land into two or more lots or parcels for the purpose of transfer of ownership or building development, or, if a new street is involved, any division of a parcel of land.

29. Width, Lot: The horizontal distance between the side lot lines, ordinarily measured at the front setback and parallel to the front lot line. (Source Ord. 06-105, 06/01/06)

30. Yard Setback: Required minimum distance from abutting lot lines and public rights-of-way within which no structure may be ordinarily placed. (Revised by Ord. 99-102, 06/17/99) & (Revised by Ord. 06-105, 06/01/06)

303.03. Zoning Map.

A map entitled “Official Zoning Map” of the City of Courtland, Minnesota: on file with the City is hereby made a part of this ordinance, and the zoning districts identified thereon and as amended and supplemented from time to time are hereby established and designated. (Revised by Ord. 99-102, 06/17/99)

303.04. Zoning Districts.

For the purpose of this Part, the City of Courtland is divided into seven (7) zoning districts: R-1 Single Family Residential, R-2 Multifamily Residential, R-3 Medium Density Residential, B-1 Business/Residential Mix, B-2 Business, I-1 Light Industry/Highway Business, I-2 Industry and A-1 Agriculture. (Revised by Ord. 99-102, 06/17/99) & (Revised by Ord. 06-105, 06/01/06)

303.05. R-1 District.

Subdivision 1. Purpose: For the placement of one single family Dwelling on each Lot. Of the planned R-1 areas, only the portions closer to the sewer, water and roads will actually be zoned R-1. The remaining area remains A-1 until such time as sanitary sewer, water and roads become available.

Subdivision 2. Permitted Use: Single-Family Dwelling; Manufactured Home (with width restrictions, etc.), Public Parks, Home Occupation 1; Group Homes-Level One.

Subdivision 3. Uses Allowed With Conditional Use Permit: Temporary Dwelling; Agriculture; Commercial Recreation; Church/School; Home Occupation 2; Utilities (public & other). (Source Ord. 99-102, 06/17/99)

303.06. R-2 District.

Subdivision 1. Purpose: To permit a more intense but compatible multifamily dwelling use in proximity to the R-1 district on land which, because of size, topography or adjacent land use, is most appropriately used at higher density.

Subdivision 2. Permitted Use: Duplex, Tri-Plex, Quad, Home Occupation 1; Group Homes-Level 1.

Subdivision 3. Uses Allowed With Conditional Use Permit: Temporary Dwelling; Multi-Family Dwelling; Manufactured Home Park; Agriculture; Public/parks; Home occupation 2; Nursing Home; Utilities (public & other; Group Homes–Level 2. (Revised by Ord. 99-102, 06/17/99)

303.06.1. R-3 District

Subdivision 1. Purpose: Demographic changes and economic vitality necessitate the production of a range of housing options throughout the community. The R-3 district is created in order to enable and to encourage new production of modest, basic housing. Medium – to high-density zoning standards assist the efficient production of affordable housing.

Subdivision 2. Permitted Use: Single-Family Dwelling; Manufactured Home (with width restrictions, etc.); Public Parks; Home Occupation 1; Group Homes-Level 1.

Subdivision 3. Uses allowed with Conditional Use Permit: Temporary Dwelling; Agriculture; Commercial Recreation; Church/School; Home Occupation 2; Utilities (public and other).

(Source Ord. 01-103, 09/06/01)

303.07 A-1 District

Subdivision 1. Purpose: For portions of planned R-1 that are not ready for development because of the lack of availability of sanitary sewer, water and roads. Also, for preservation of land for long term Agricultural use in conformance with the Comprehensive Plan.

Subdivision 2. Permitted Use: Single-Family Dwelling; Manufactured Home (with width requirements, etc.); Agriculture; Public/Parks; Home Occupation 1.

Subdivision 3. Uses Allowed with Conditional Use Permit: Temporary Dwelling; Duplex; Animal Agriculture; Commercial Recreation; Church/School; Home Occupation 2; Utilities (public & other; Warehouses (storage); Mineral Extraction. (Revised by Ord. 99-102, 06/17/99)

303.08. B-1 District.

Subdivision 1. Purpose: For low density business and residential mix in Western downtown area. Existing homes are permitted, but reuse to business is promoted. New business use must be managed to protect existing homes. (Revised by Ord. 99-102, 06/17/99)

Subdivision 2. Permitted Use: All uses permitted in the R-1 District. (Revised by Ord. 00-104, 05/04/00)

Subdivision 3. Uses Allowed with Conditional Use Permit: Temporary Dwelling; Home Occupation-2; Agriculture; Public/Parks; Utilities (public & other; Stores (smaller); Offices (smaller); Service Shops (plumbing, electric, etc.); Gas Stations; Food/Bars/Convenience Stores; Gas/Garages; Bowling, Movies, etc. (Revised by Ord. 99-102, 06/17/99)

303.09. B-2 District.

Subdivision 1. Purpose: For more dense, traditional downtown commercial, retail, service and office. Also, for future compact commercial at highway intersection in growth area.

Subdivision 2. Permitted Use: Stores (smaller); Offices (smaller); Food/Bars/Convenience Stores; Home Occupation-1.

Subdivision 3. Uses Allowed with Conditional Use Permit: Temporary Dwelling; Agriculture; Public/Parks; Home Occupation-2; Utilities (public & other); Service Shops (plumbing, electric, etc.); Gas Stations; Gas/Garages; Bowling, Movies, etc. (Revised by Ord. 99-102, 06/17/99)

303.10. I-1 District

Subdivision 1. Purpose: For mixed highway businesses, office parks and light industry. Industrial processing not allowed.

Subdivision 2. Permitted Use: Warehouses (storage); Motor Freight Terminals; Gas/Garages; Office Park; Light Manufacturing and Industry; Auto/Implement Sales. (Revised by Ord. 06-105, 06/01/06)

Subdivision 3. Uses Allowed with Conditional Use Permit: Temporary Dwelling; Agriculture; Public/Parks; Utilities (public & other; Service Shops (plumbing, electric, etc.); Gas Stations; Food/Gas/Convenience Stores; Bowling, Movies, etc.; Contractor Yards.

(Revised by Ord. 99-102, 06/17/99)

303.11. Regulations for I-2 District.

Subdivision 1. Purpose: For existing industry uses and some growth of similar uses including research, development and testing, limited manufacturing and assembly and service activities, but not heavy industrial processing.

Subdivision 2. Permitted Use: Light Industry. Light industrial use as that term is defined herein, plus associated and ancillary uses such as parking, materials storage, loading

docks and offices.

Subdivision 3. Uses Allowed with Conditional Use Permit: Temporary Dwelling; Agriculture; Public/Parks; Utilities (public & other); Warehouses (storage); Auto/Implement Sales; Mineral Extraction; Elevators; Medium Industry (similar to existing); Bulk Stations; Contractor Yards.

(Revised by Ord. 99-102, 06/17/99)

Subdivision 4. Animal Feedlot (Revised by Ord. 08-104, 10/02/08)

A. Definitions.

(1) Animal feedlot. As used in this subdivision “Animal feedlot” means a lot or building or combination of lots and buildings intended for the confined feeding, breeding, raising, or holding of animals and specifically designed as a confinement area in which manure may accumulate, or where the concentration of animals is such that a vegetative cover cannot be maintained within the enclosure. For purposes of this subdivision, open lots used for feeding and rearing of poultry (poultry ranges) shall be considered to be animal feedlots. Pastures shall not be considered animal feedlots under this subdivision.

(2) Animal unit. Animal unit means a unit of measure used to compare differences in the production of animal manures that employs as a standard the amount of manure produced on a regular basis by a slaughter steer or heifer. For purposes of this subdivision, the following equivalents shall apply:

- a. one mature dairy cow, 1.4 animal unit;
- b. one slaughter steer or heifer, 1.0 animal unit;
- c. one horse, 1.0 animal unit;
- d. one swine over 55 pounds, 0.4 animal unit;
- e. one duck, 0.2 animal unit;
- f. one sheep, 0.1 animal unit
- g. one swine under 55 pounds, 0.05 animal unit;
- h. one turkey, 0.018 animal unit;
- i. one chicken, 0.01 animal unit.

For animals not listed in items a to i, the number of animal units shall be defined as the average weight of the animal divided by 1,000 pounds.

(3) Animal Research Facility. Animal Research Facility means a facility where not more than 250 total animal units of livestock and/or poultry are raised as part of research and development activities intended and operated primarily for the scientific study of animal breeding, management, feed or other animal husbandry techniques.

B. Animal feedlots shall not be a permitted or conditional use within any zoning district of the City of Courtland. (Revised by Ord. 08-104, 10/02/08)

C. Any animal feedlot in operation within the City of Courtland on the effective date of this subdivision shall be a non-conforming use. No building permit shall be issued to replace, repair, expand or modify any element of such non-conforming use. (Revised by Ord. 08-104, 10/02/08)

D. For any existing feedlot in existence on the effective date of this subdivision, the same may continue to exist provide, however:

(1) The use will not create an excessive burden on existing parks, schools, streets and other public facilities and utilities, which serve or are proposed to serve the area.

(2) The use will be sufficiently compatible or separated by distance or screening from agricultural or residentially zoned or used land so that existing homes will not be depreciated in value and there will be no deterrence to development of vacant land.

(3) The structure and site shall have an appearance that will not have an adverse effect upon adjacent residential properties.

(4) There shall be no business or advertising signs visible to adjacent dwellings.

(5) The use in the opinion of the City Council is reasonably related the overall needs of the City and to the existing land use.

(6) The use is consistent with the purposes of the zoning code and the purposes of the zoning district in which the applicant intends to locate the purposed use.

(7) The use is not in conflict with the policies plan of the City.

(8) The use will not cause traffic hazard or congestion.

(9) Existing businesses nearby will not be adversely affected because of curtailment of customer trade brought about the intrusion of noise, glare or general unsightliness.

(Source Ord. 94-01, 02/02/94)

303.12. Sign Regulations.

Subdivision 1. General: All signs hereafter erected or maintained, except official traffic and street signs, shall conform to the requirements herein and any other regulations and ordinances of the City.

Subdivision 2. Residential Districts: In residential districts, only the following signs may be erected: name plate signs identifying the address and owner or occupant of a building or

dwelling unit, provided such sign does not exceed two (2) square feet in surface area and is not illuminated; temporary signs pertaining to the lease or sale of a building or property, or advertising a new subdivision or development; and political signs .

Subdivision 3. Business Districts: In business districts, only the following signs may be erected: signs allowed in residential districts; business identification or advertising signs located on the same lot as the business being identified or advertised, which signs may be illuminated; rotating signs and any other sign, provided however, that each shall be reviewed separately and allowed only when it can be determined that the proposed sign has no adverse effect on the public health, safety and welfare.

Subdivision 4. Industrial District: In industrial districts, the following signs may be erected: signs allowed in business districts and outdoor advertising (billboards) in compliance with Minnesota Statutes, chapter 173.16, except that such signs may not be closer than five-hundred (500) feet of another such advertising device. (Revised by Ord. 06-105, 06/01/06)

Subdivision 5. Agricultural Districts: In agricultural districts, the following signs may be erected: signs allowed in residential districts and signs approved in a conditional use permit as on-site identification or advertising for a more intensive use of the property. (Source Ord. 06/105, 06/01/06)

(Revised by Ord. 99-102, 06/17/99)

303.13. General Provisions.

Subdivision 1. Non-Conforming Use or Lot: The lawful use of a building or lot, existing at the time this ordinance takes affect, may be continued, subject to the requirements of this subdivision, although such use does not conform to the provisions of this ordinance.

A. To the extent permitted by Minnesota law, if any non-conforming use is discontinued for twelve (12) months or more, or is damaged to 50% or more of its assessed value, any future use of the lot or building must be in conformity with the provisions of this ordinance.

B. No non-conforming use shall be expanded, changed, altered or enlarged except in conformity with the provisions of this Chapter, nor shall such expansion, change, alteration or enlargement increase the non-conformity of use.

C. Normal maintenance of a Dwelling or other structure constituting a lawful non-conforming use is permitted, including necessary repairs and incidental alterations which do not extend or intensify the non-conforming use.

Lots of record that are non-conforming in area can be developed with structures upon receipt of all necessary variances. Any lot that is contiguous to a lot owned by the same or substantially

the same owner shall be combined to create a lot conforming with this Chapter in order to receive a zoning permit.

(Revised by Ord. 06-105, 06/01/06)

Subdivision 2. Permits and Applications: Before proceeding with any building, construction, erection or structural alteration in the City, a zoning permit shall be obtained. Application therefore shall be in writing to the Zoning Administrator in such form and with such information as shall be required, including the use, nature, size, location and cost of the intended work. Applications shall also be made to the Zoning Administrator for any zoning amendments, conditional use permits or variances necessary in connection with desired zoning permits. The applications shall be accompanied by payment of the prescribed fee, which shall be set by resolution of the City Council. Zoning permits shall be submitted by the Zoning Administrator to the Planning Commission for informational purposes.

Subdivision 3. Individual Sewage Treatment Systems (ISTS): ISTS, where allowed, will conform with MPCA standards as administered by Nicollet County. All costs for permits and inspections will be the responsibility of the applicant.

Subdivision 4. Manufactured Home Parks: Where allowed, a Manufactured Home Park will conform with the Minnesota Department of Health Regulations for Manufactured Home Parks. Additionally, there shall be a fifty (50) foot minimum setback requirements for structures from any lot line that is adjacent to residential or agricultural zoned land.

Subdivision 5. Detached Garages: Detached garages in residential zones shall not exceed sixteen (16) feet in height, shall not have an area of over twelve hundred (1200) square feet, and shall have sidewalls of ten (10) feet or less in height. The siding material and appearance shall be similar to that of the principal Dwelling on the Lot. Detached garages shall not be situated such that they project beyond the front of the principal Dwelling unless they meet a fifty (50) foot setback from the front of the property line or right-of-way.

Subdivision 6. Mineral Extraction: Mineral extraction from any area within the City shall be allowed only by conditional use permit.

A. An Application for a conditional use permit shall include location maps and other documentation identifying existing conditions, proposed operations, drainage and a detailed reclamation plan. The Application must also identify the proposed duration of the Mineral Extraction operation and a specific timetable within which reclamation will be completed after cessation of the Mineral Extraction operation.

B. Activities other than the removal of mineral material will be considered as a separate conditional use permit application.

C. General Regulations.

1. The Mineral Extraction operation shall not interfere with surface water drainage beyond the boundaries of the mining operation.

2. The Mineral Extraction operation shall not adversely affect the quality of surface or subsurface water resources.

3. Surface water originating outside and passing through the Mineral Extraction Area shall, at its point of departure from the mining site, be of equal quality to that of the water at the point where it enters the Mineral Extraction site. The Mineral Extraction operator shall perform any water treatment necessary to attain such objective.

D. Any Mineral Extraction operation located on land adjacent to a residential zone or within three hundred (300) feet of two (2) or more residential structures shall be subject to the following standards:

1. Holding or Pond Areas: Where collections of water occur that are one and one half (1 ½) feet or more in depth existing for any period of at least one (1) month, and occupy an area of seven hundred (700) square feet or more, all access to such collections of water shall be barred by a fence or some similarly effective barrier such as snow fence of at least four (4) feet in height.

2. Steep Slopes. In locations where slopes occur that are steeper than one (1) foot vertical to three (3) feet horizontal existing for a period of one (1) month or more, access to the top of such slope shall be barred by a fence or some similarly effective barrier such as a snow fence at least four (4) feet in height.

E. The location of the intersection of mining access roads with any public roads shall be established such that traffic on the access roads will have a sufficient distance of public road in view so that any turns onto the public road can be completed with a margin of safety and have the approval of the appropriate Road Authority.

F. Processing of minerals shall not be conducted closer than one hundred (100) feet to the property line AND not closer than five hundred (500) feet to any residential or commercial structures in existence prior to commencement of processing operations without the written consent of all owners and residents of said structures. All access roads from mining operations to public highways, roads or streets or to adjoining property shall be paved or surfaced with gravel to minimize dust conditions.

G. Mineral Extraction operations shall not be conducted closer than one hundred (100) feet to the boundary of any zone where such operations are not permitted, nor shall such production or processing be conducted closer than thirty (30) feet from the boundary of an adjoining property, unless written consent of all owners, is first secured in writing. Mining operations shall not be conducted closer than thirty (30) feet to the right-of-way line of any existing or platted street, road or highway, except that Mineral Extraction may be conducted within such limits in order to reduce the elevation thereof in conformity to the existing or platted street, road or highway, as specifically allowed in the Conditional Use Permit.

H. All equipment used for mining operations shall be constructed, maintained and operated in such a manner as to minimize, as far as is practicable, dust conditions which are injurious or substantially annoying to persons living within six hundred (600) feet of the mining operations lot line.

Subdivision 7. General Exceptions: The following regulations qualify or supplement, as the case may be, the district regulations elsewhere in this Part.

A. Chimneys, church steeples, towers, aerials, flagpoles and similar objects not used for human occupancy shall not exceed 50 feet in height, unless permitted pursuant to the terms of a Conditional Use Permit.

B. Architectural features such as cornices, eaves, canopies, sunshades, gutters, chimneys and flues shall not project more than twenty-four (24) inches into a required Yard Setback area.

C. If there are buildings on abutting lots and the buildings have front yards of less than the required depth for the zone, the depth of the front yard setback for the intervening lot need not exceed the average depth of the front yards of the abutting lots.

D. An open unenclosed porch or paved terrace no higher than twelve (12) inches above ground level may project into a front yard for a distance not exceeding ten (10) feet. An unenclosed vestibule containing not more than forty (40) square feet may project into a front yard for a distance not to exceed four (4) feet.

E. A Liquefied Petroleum gas (LP) tank may be located within the utility easement along the side or rear of a yard provided it is at least one (1) foot off the property line to allow maintenance of the yard below and around the tank. (Source Ord. 06-105, 06/01/06)

F. A handicapped accessible ramp is permitted to be located up to ten (10) feet into a front yard setback provided it does not encroach on the public right-of-way or any utility or drainage easement. A handicapped accessible ramp may be located in a side or rear yard setback or more than ten (10) feet into a front yard setback only with an approved variance. (Source Ord. 06-105, 06/01/06)

(Revised by Ord. 99-102, 06/17/99)

303.14. Additional Design Standards.

Subdivision 1. Design Standards: All Dwellings located in any Residential District shall conform to the following minimum requirements in addition to the specific requirements applicable to the individual Residential Districts:

A. All Dwellings shall be placed on a permanent foundation which complies with the Uniform Building Code as adopted in Minnesota, and which are solid for the complete circumference of the house.

B. All Dwellings shall have minimum width and depth of twenty-four (24) feet, exclusive of porches, entryways or attached storage sheds and garages or other accessory structure.

C. All Dwellings and accessory buildings shall have a pitched roof of four (4) inches of rise per twelve (12) inches of run which is covered by permanent roofing material and shall have eaves of not less than six (6) inches.

D. In addition to standards applicable to all Dwellings in Residential Districts, Manufactured Homes, as defined by Minnesota Statutes Section 327.31, Subd. 6, shall be built in compliance with Minnesota Manufactured Homes Building Code, Minnesota Statutes Section 327.3 – 327.35.

Subdivision 2. Lot Area and Setback Requirements: The following minimums shall apply with respect to buildings constructed in each zoning classification:

Zoning Class	R-1	R-2	R-3	B-1	B-2	I-1	I-2	A-1
Minimum Lot Area	8,000 s. f.	10,000 s.f.	5500/ 6500 sf	None	None	None	None	5 Acres
Minimum Depth	100 ft	100 ft.	100 ft	None	None	None	None	None
Minimum Width	80 ft.	100 ft.	55/65 ft	None	None	None	None	None
Maximum Building Coverage	35%	50%	35%	50%	80%	50%	50%	None
Sideyard Setback	10 ft.	10 ft.	5 ft	5 ft	0	20 ft	20 ft	20 ft
Front Yard Setback	20/50 ft	20/50 ft	20/50 ft	5 ft	0	20 ft	20 ft	20 ft
Rear Yard Setback	10 ft	10 ft	10 ft	5 ft	10 ft	20 ft	20 ft	20 ft
County and State Highway right-of-way	20 ft	20 ft	20 ft	10 ft	20 ft	20 ft	20 ft	20 ft

(Revised by Ord. 99-102, 06/17/99), (Revised by Ord. 01-103, 09/06/01), & (Revised by Ord. 06-105 06/01/06)

303.15. Zoning Administrator.

Subdivision 1. The City Council shall appoint a Zoning Administrator, whose responsibilities shall be as follows:

A. Issue zoning permits, and make and maintain records thereof.

B. Direct City employees to conduct inspections of buildings and use of land to

determine compliance with the terms of this Part.

C. Maintain permanent and current records of this Part, including but not limited to all maps, amendments and conditional uses, variances, appeals, and applications therefore.

D. Institute in the name of the City, any appropriate actions or proceedings against a violator as provided for in this Ordinance.

E. Set meetings and public hearings and make necessary notifications and mailings.

(Revised by Ord. 99-102, 06/17/99)

303.16. Board of Adjustments and Appeals.

The City Council is hereby appointed as the Board of Adjustment and Appeals.

Subdivision 1. Duties of Board of Adjustment and Appeals. The Board of Appeals has the following powers and duties with respect to the Zoning Ordinance:

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 Zoning Administrator in the enforcement of this Part.

B. To hear requests for variances from the literal provisions of this Part in instances where their strict enforcement would cause undue hardship because of circumstance unique to the individual property under consideration, and to grant such variances only when it is demonstrated that such actions will be in keeping with the spirit and intent of this Part.

(Source Ord. 99-102, 6/17/99)

303.17 Variances.

Subdivision 1. A variance from the strict Application of this Part may be granted where:

A. The property in question cannot be put to a reasonable use if used under conditions allowed by the official controls.

B. The plight of the landowner is due to circumstances unique to the property not created by the landowner.

C. The variance, if granted, will not alter the essential character of the locality.

D. Economic considerations alone shall not constitute an undue hardship if reasonable use for the property exists under the terms of this Part.

E. When in harmony with this Part, a variance for earth sheltered construction shall be granted.

F. Undue hardship, as used in connection with the granting of a variance, includes direct sunlight for solar energy systems.

Subdivision 2. Conditions may be imposed in the granting of variances to ensure compliance with the intent of this Part and to protect adjacent properties.

Subdivision 3. A variance may not be granted to allow any use that is not permitted under this Part for property in the zone where the land is located.

(Source Ord. 99-102, 6/17/99)

303.18. Variances and Appeals Procedure.

The procedure for taking action on a variance or an appeal shall be as follows:

Subdivision 1. An application for a variance or an appeal of the requirement, decision, or determination of an Zoning Administrator shall be filed with the Zoning Administrator stating the particular difficulties claimed.

Subdivision 2. The request shall be referred to the Board of Adjustment and appeals for consideration.

Subdivision 3. The Board of Adjustment and Appeals shall schedule a public hearing and shall cause to be published, a notice of public hearing, in the official newspaper at least ten (10) days prior to the date of the hearing.

A. The Board of Adjustment and Appeals shall make no decision on an appeal or petition until the Planning Commission has had reasonable opportunity, to review and report to the Board of Appeals upon the appeal or petition.

Subdivision 4. The Board of Adjustment and Appeals shall within 60 days of receipt of a complete Variance Application or appeal make its order deciding the matter and shall serve a copy of such order upon the appellant or petitioner by mail.

A. The decisions of the Board of Adjustment and Appeals are final subject to judicial review in the district court.

B. The Board of Adjustment and Appeals 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 the final order.

Subdivision 5. A certified copy of the variance granted, including the legal description of the property involved, shall be filed by the Applicant with the Nicollet County Recorder before such Variance become effective.

(Source Ord. 99-102, 6/17/99)

303.19. Conditional Uses.

Subdivision 1. A conditional use listed in this Part may be established, permitted, enlarged or altered in accordance with the standard and conditions of this Part. In addition to those standards and requirements expressly specified by this Part, additional conditions considered necessary to protect the best interests of the surrounding area or the City as a whole, may be imposed. These conditions may include, but are not limited to the following:

A. Ingress and egress to the property and proposed structures thereon with particular reference to automotive and pedestrian safety and convenience, traffic flow and control, and access in case of fire or catastrophe;

B. Off-street parking and loading areas where required with particular attention to the items in the preceding paragraph and the economic, noise, glare, or odor effects of the conditional use on adjoining properties generally in the area;

C. Refuse and service areas, with particular reference to the items in one and two above;

D. Utilities, with reference to locations, availability and compatibility;

E. Screening and buffering is required to separate industrial and residential districts, with reference to type, dimensions, and character of screening or buffer; (Revised by Ord. 06-105, 06/01/06)

F. Signs if any, and proposed exterior lighting with reference to glare, traffic safety, economic effect, and compatibility and harmony with properties in the district;

G. Required yards and other open space;

H. General compatibility with adjacent properties and other property in the area.

(Source Ord. 99-102, 6/17/99)

303.20. Conditional Use Permit Procedure.

The procedure for taking action on a conditional use application shall be as follows:

Subdivision 1. A complete application for a conditional use permit shall be filed with the Zoning Administrator along with the appropriate fee.

A. The application shall be accompanied by a site plan of the proposed use showing such information as may be necessary or desirable, including, but not limited to, the following:

1. site plan drawn to scale showing parcel and building dimensions,
2. location of all buildings and their square footages,
3. curb cuts, driveways, access roads, parking spaces and off-street loading areas,
4. existing topography,
5. finished grading and drainage plan,
6. sanitary sewer and water plan with estimated use per day,
7. soil type of soil limitations for the intended use,
8. a map showing all principal land uses within two hundred and fifty (250) feet of the parcel for which application is being made.

Subdivision 2. The application and related documentation shall be referred to the Planning Commission for study concerning the effect of the proposed use on the character and development of the neighborhood, and compliance of the proposed use with the City's comprehensive plan.

A. The Planning Commission shall schedule a public hearing and shall cause to be published, a notice of public hearing, in the official newspaper at least ten (10) days prior to the date of hearing.

B. The Planning Commission shall transmit its findings and recommendations to the City Council within sufficient time to permit final action on the application by the City Council within sixty (60) days of the date of filing the complete application.

Subdivision 3. The City Council shall consider the advice and recommendation of the Planning Commission. Should the City Council find that the proposed use when conducted under the specified conditions will not be detrimental to the health, safety and general welfare of the City, it may grant a Conditional Use Permit specifying the conditions as are deemed necessary and appropriate.

Subdivision 4. Any use permitted under the terms of any Conditional Use Permit shall be established and conducted in conformity to the terms of such permit and of any conditions designated in connection therewith.

Subdivision 5. A Conditional Use Permit issued hereunder shall become void one (1) year after it was granted unless the conditional use is established within such period.

A. A Conditional Use Permit shall remain in effect as long as the conditions specified therein are observed, but nothing shall prevent the City from enacting or amending this Part to change the status of conditional uses.

B. A certified copy of the Conditional Use Permit shall be filed by the applicant with the Nicollet County Recorder before the same become effective. The Conditional Use Permit shall include the legal description of the property for which it is granted.

(Source Ord. 99-102, 6/17/99)

303.21. Amendments.

An amendment to the text of this Part or to a zone boundary may be initiated by the City Council, the City Planning Commission, or by petition of an affected property owner. A petition by a property owner shall be filed with the City Council.

(Source Ord. 99-102, 6/17/99)

303.22. Amendment Procedure.

The procedure for taking action on a proposed amendment to this Part shall be as set forth in this Section.

Subdivision 1. Upon receipt of an Application or Petition for Amendment to this Part, the Planning Commission shall schedule a public hearing and shall cause to be published a notice of public hearing in the official newspaper at least ten (10) days prior to the date of the hearing.

A. When the petition involves changes in zone boundaries affecting an area of five (5) acres or less, a similar notice shall be mailed at least ten (10) days before the day of the hearing to each owner of affected property and property situated wholly or partly within three hundred and fifty (350) feet of the property to which the petition relates.

B. For the purpose of giving mailed notice, the person responsible for mailing the notice may use any appropriate records to determine the names and addresses of owners. A copy of the notice and a list of the owners and addresses to which the notice was sent shall be attested to by the responsible person and shall be made a part of the records of the proceedings. The failure to give mailed notice to individual property owners, or defects in the notice shall not invalidate the proceedings, provided a bona fide attempt was made to comply.

Subdivision 2. The Planning Commission shall refer its recommendation to the City Council within sufficient time to permit final action thereon within sixty (60) days of the date of

application or petition at which time the City Council shall act thereon. Notice of City Council action shall be made in writing to the applicant.

Subdivision 3. No petition from a property owner for an amendment to this Part shall be considered by the City within the one-year period immediately following a previous denial of the same or essentially the same request, except the City may consider a new petition if in the opinion of the Planning Commission new evidence or a change of circumstances warrant it.

(Source Ord. 99-102, 6/17/99)

303.23. Fences, Walls and Hedges.

Subdivision 1. All fences, walls, hedges, and similar barriers, all referred to herein as “FENCE,” shall be constructed or erected in a complete and substantial manner and of materials reasonably suited to the purpose for which the fence is proposed. A fence shall be maintained in a condition of reasonable repair and shall not be constructed or maintained in a manner, which is dangerous to the public health, safety, or welfare. All fences shall comply with the provisions of this Ordinance and the City’s Public Nuisance Ordinance.

Subdivision 2. No person shall erect, construct, or replace any fence, which is greater than thirty (30) inches in height or twenty (20) feet in length unless such person shall have secured a permit from the City. A permit application shall be prepared and submitted to the City on such forms as the City may prescribe, and shall be accompanied by the fee for such permit as established by the City Council. Prior to the issuance of a fence permit, the City requires that the applicant secure a surety by a registered land survey to be paid by the applicant. Such a survey shall be required if the fence is proposed to be located within twelve (12) inches of an adjoining property or right-of-way.

Subdivision 3. The owner of property upon which any fence is proposed to be erected shall be solely responsible for determining the location of property lines and the conformance of the proposed fence with the terms of this section.

Subdivision 4. The finished side of all fences shall face the adjoining property or right-of-way.

Subdivision 5. A fence may be located in a side or rear yard area, provided that:

1. No fence located within a side or rear yard area shall exceed seventy-eight (78) inches in height.
2. No fence located in a rear yard area shall be closer than five (5) feet to an alley right-of-way.

Subdivision 6. A fence within a side or rear yard setback area may not exceed forty-two (42) inches in height if:

1. It is located closer than five (5) feet from a permanent structure of one hundred twenty square feet or more on an adjoining lot,
2. Such structure is in existence at the time the fence is originally constructed, and
3. The fence is to be constructed parallel to, or substantially parallel to, the property line.

The provisions of this subdivision shall not apply to a fence to be constructed perpendicular to, or substantially perpendicular to, the property line.

Subdivision 7. A fence may be located within a front yard area, provided that:

1. No fence located within a front yard area shall exceed seventy-eight (78) inches in height.
2. No fence within the front yard setback shall exceed thirty (30) inches in height.

Subdivision 8. Swimming pools, or the property upon which said pool is located, shall be enclosed by a fence of a type, which effectively controls the entrance by children to the pool area. Said fence is to be at least sixty (60) inches in height. Gates shall be equipped with an automatic closing and latching device to protect against uncontrolled access to the pool.

Subdivision 9. Electric, barbed wire or other similar types of special purpose fences shall be permitted only with a conditional use permit.

Subdivision 10. The provisions of this Ordinance shall not apply to silt fences, snow fences or other temporary fencing.

Subdivision 11. The provisions of this Ordinance shall not apply to the mere repair of existing fences, except as noted in Subdivision 12. Repair shall be deemed to be replacement of less than twenty (20) percent of the fence's length within a two (2) year period.

Subdivision 12. Upon determination by the City Council, after notice to and opportunity for the owner of property upon which such fence is located to be heard, that an existing fence or lack of fence which does not comply with the provisions of this ordinance constitutes a potential threat to public health or safety, the City Council may order the removal of such non-complying fence.

(Source Ord. 06-104, 06/01/06)

303.24. Penalties.

Any person, firm or corporation who violates any of the provisions of this Part shall be guilty of a misdemeanor, and upon conviction thereof be subject to a fine and/or imprisonment. Each day that a violation is permitted to exist shall constitute a separate offense. The City may also seek injunctive relief, or any other available remedy, to or prohibit any violation of this Part.

(Source Ord. 99-102, 6/17/99)

303.25. Severability.

The provisions of this Part are severable. If a section, sentence, clause or phrase of this Part is adjudged by a court of competent jurisdiction to be invalid, the decision shall not affect the validity of the remaining portions of this Part.

(Source Ord. 99-102, 6/17/99)

PART 4. MOBILE HOMES

That Chapter III, Part 4 of the City Code of the City of Courtland is hereby repealed.

(Repealed by Ord. 99-102, 6/2/99)

PART 5. SUBDIVISION REGULATIONS

305.01. Interpretation and Purpose.

This Part shall be known as the “Subdivision Regulations for the City of Courtland”. In their interpretation and application the provisions of this Part shall be held to be the minimum requirements adopted for the protection of the public health safety and welfare. To protect the public, among other purposes, such provisions are intended to provide for permanently wholesome community environment, adequate municipal services and safe streets.

305.02. Scope.

This Part shall not apply to any lot or lots forming a part of a subdivision created and recorded prior to June 1, 1991; provided however that any subdivision of any existing parcel or lot subsequent to such date shall comply with the provisions of this Part.

305.03. Definitions.

Terms used in this Part shall have the meaning set forth in Part 3 of this Section. (Revised by Ord. 99-102, 06/17/99)

305.04. Application of Regulations.

Except as provided in this Part, no person shall subdivide any tract of land which is located entirely or partially within the City except in conformity with the provisions of this Ordinance.

305.05. Enforcement.

Subdivision 1. Recording of Plat. No plat of any subdivision shall be entitled to record in the Nicollet County Recorder’s office or have any validity until it shall have been approved in the manner prescribed herein. In the event any such unapproved plat is recorded it shall be considered invalid.

Subdivision 2. Sale of Land in Subdivision. No owner or agent of the owner of any land located within a subdivision shall transfer, sell, agree to sell, or negotiate to sell any land by reference to, exhibition of, or by the use of a plan or plat of a subdivision before such plan or plat has been approved and recorded in the manner prescribed herein. The description of such lot or parcel by metes and bounds in the instrument of transfer or other documents used in the process of selling or transferring shall not exempt the transaction from the provisions of this Part.

Subdivision 3. Permits. No building permit shall be issued for any structure on a lot in a subdivision for which a plat has not been approved and recorded in the manner prescribed herein.

Subdivision 4. Public Improvements. The City hereby defines its policy to be that the City will withhold all public improvements of whatsoever nature, including the maintenance of streets and the furnishing of water service and sanitary water service from all subdivisions which have not been approved, and from all areas dedicated to the public which have not been accepted by the City Council, in the manner prescribed herein. (Revised by Ord. 99-102, 06/17/99)

Subdivision 5. Revision of Plats after Approval. No changes, erasures, modifications or revisions shall be made in any plat of a subdivision after approval has been given by the City Council, and endorsed in writing on the plat, unless the said plat is first resubmitted to the City Council and approved. (Revised by Ord. 99-102, 06/17/99)

Subdivision 6. Fees.

A. Filing. The subdivider shall pay an Application fee as established by the City Council for every preliminary plat submitted to the Commission. (Revised by Ord. 99-102, 06/17/99)

B. Checking and Investigating. The subdivider shall pay to the City Engineer the actual cost of checking, investigating and other matters required by law and these regulations.

C. Other City Costs. The subdivider shall be responsible for all administrative costs of the City in processing any Application. (Revised by Ord. 99-102, 06/17/99)

305.06. Procedure, Preliminary Plat.

Subdivision 1. Contents. The preliminary plat shall show, on a map, all the facts needed to enable the Commission to determine whether the proposed layout of the land in a subdivision is in compliance with this Part and satisfactory from the standpoint of public interest. (Revised by Ord. 99-102, 06/17/99)

Subdivision 2. Preparation. The preliminary plat shall be prepared by a registered engineer or surveyor.

Subdivision 3. Filing. The subdivider, two weeks prior to the Commission meeting at which consideration is desired, shall file an application for preliminary approval with the Commission and as many copies of the preliminary plat as may be required by the Commission.

Subdivision 4. Approval.

A. Official Recommendation. The Commission may transmit copies of the plat for their study and recommendations to the City Engineer.

B. Notice and Hearing. The Commission shall provide for an adequate hearing and shall notify by mail at least ten days prior to the hearing all property owners within three hundred (300) feet of the extreme limits of the subdivision as their names appear on the county tax records. Said notice shall state the time and place of hearing, a brief description of the subdivision and that a copy of the preliminary plat of said subdivision is on file with the City Clerk for public inspection. The Commission shall also cause notice of the hearing to be published in the official newspaper, or a newspaper of general circulation, at least five days prior to the hearing.

C. Time Requirement. The Commission shall act on the preliminary plat within thirty days after filing unless such time is extended by agreement with the subdivider or his agent, during which period it shall recommend and comment. If no action is taken by the Commission within said thirty days after filing or such longer period as may have been agreed upon, the preliminary plat as filed shall be forwarded to the City Council for its consideration. (Revised by Ord. 99-102, 06/17/99)

D. Notice of Action Taken. The Commission and City Council shall determine whether the preliminary plat shall be approved, approved with modifications or disapproved and shall give notice to the subdivider in the following manner:

1. If approved, the Mayor shall affix his signature to the plat and attached thereto a notation that it has received preliminary approval and return it to the subdivider for compliance with final approval requirements.

2. If approved with modifications or disapproved, the City Clerk shall attach to the plat a statement of the reasons for such action and return it to the subdivider.

3. Final City action on a Preliminary Plat shall occur within sixty (60) days of the receipt of a completed application for Preliminary Plat approval.

(Source Ord. 99-102, 06/02/99)

E. Effect of Approval. Approval of the preliminary plat by the Commission and City Council shall not constitute final acceptance of the subdivision.

F. Right of Subdivider After Approval. Preliminary approval shall confer upon the subdivider the right for a one (1) year period from the date of approval that the general terms and

conditions under which the preliminary approval was granted will not be changed.

305.07. Procedure, Final Plat.

Subdivision 1. Scope. The final plat will have incorporated all changes or modifications required by the Commission, otherwise it shall conform to the preliminary plat, and it may constitute only that portion of the approved preliminary plat, which the subdivider proposes to record and develop at the time, provided that such portion conforms with all the requirements of this Part.

Subdivision 2. Preparation. The final plat shall be prepared by a registered engineer or surveyor.

Subdivision 3. Filing. After receiving notice of the action of the Commission approving the preliminary plat, the subdivider shall proceed to file with the Commission:

- A. Copies of the final plat in the amount required by the Commission.
- B. A written application for final approval.
- C. Cross-sections and profiles of streets, and all other construction drawings related to the improvements to be constructed in the subdivision.
- D. A statement by the City Engineer certifying that he is in receipt of a map showing all utilities in exact location and elevation, identifying those portions already installed and those to be installed and that the subdivider has complied with this Part.

Subdivision 4. Review and Approval.

A. **Official Recommendation.** The Commission may transmit copies of the plat for their study and recommendations to the City Engineer and such other official, body, company or agency as may be directed by the Commission.

B. **Notice and Hearing.** The Commission shall provide for an adequate hearing and shall notify by mail at least ten days prior to the hearing all property owners within three hundred (300) feet of the extreme limits of the subdivision as their names appear on the municipal tax records. Said notice shall state the time and place of hearing, a brief description of the subdivision and that a copy of the final plat of said subdivision is on file with the City Clerk for public inspection. The Commission shall also cause notice of the hearing to be published in the official newspaper, or a newspaper of general circulation, at least five days prior to the hearing.

C. **Final Tracing.** The Commission shall notify the subdivider of any recommended changes or suggestions so that the subdivider may correct the final tracing and submit the same for final approval.

D. Time Requirements. The final plat, in the form of a final tracing, shall then be resubmitted at least five (5) working days prior to the meeting at which the plan is to be considered by the Commission. The Commission shall act on the final plat within thirty days after filing and shall thereupon forward the same to the City Council for its consideration.

E. Notice of Action Taken. The Commission and City Council shall determine whether the final plat shall be approved or disapproved and shall give notice to the subdivider in the following manner:

1. If approved, the Mayor shall affix his signature to the plat and attach thereto a notation that it has received final approval and return it to the subdivider for compliance with recording requirements.

2. If disapproved, the City Clerk shall attach to the plat a statement of the reasons for such action and return it to the subdivider.

3. Final City action on a Final Plat shall occur within sixty (60) days of the receipt of a completed application for Final Plat approval.

(Source Ord. 99-102, 06/1799)

F. Recording. The subdivider shall record the Final Plat in the Office of the County Recorder within thirty days after the date of approval, otherwise the final plat shall be considered void.

305.08 Subdivision Design Standards.

Subdivision 1. Conformity.

A. Conformity. The arrangement, character, extent, width, grade and location of all streets shall be considered in their relation to (i) the goals of the Comprehensive Plan, (ii) existing and planned streets, (iii) topographical conditions, (iv) public convenience and safety, and (v) the proposed uses of the land to be served by such streets. The arrangement and other design standards of streets shall conform to the provisions found herein.

(Revised by Ord. 99-102, 06/17/099)

B. Relation to Adjoining Street System. The arrangement of streets in new subdivisions shall make provision for the continuation of the existing streets in adjoining areas.

C. Projection of Streets. Where adjoining areas are not subdivided the arrangement of streets in new subdivisions shall make provision for the proper future projection of streets.

(Revised by Ord. 99-102, 06/17/099)

D. Streets to Be Carried to Property Lines. When a new subdivision adjoins non-subdivided land susceptible of being subdivided, then the new streets shall be carried to the boundaries of the tract proposed to be subdivided. (Revised by Ord. 99-102, 06/17/99)

E. Curb, Gutter and Sidewalk. The City may require curb and gutter on both sides of arterial and collector roads. The City may require sidewalks on at least one side of arterial and collector roads. Sidewalks are not required for cul-de-sacs.

(Source Ord. 99-102, 06/17/99 & Revised by Ord. 06-105, 06/01/06)

F. Dead-End Street or Cul-de-Sac. Dead-end streets or cul-de-sacs, designed to be so permanently, shall not be longer than five hundred (500) feet and shall be provided at the closed end with a turn-around having a right-of-way street property line diameter of at least fifty feet. If a dead-end street is of a temporary nature, a similar turn-around shall be provided and provision made for future extension of the street into adjoining properties.

(Revised by Ord. 99-102, 06/17/99)

G. The following are minimum street right of way widths.

<u>Street Type</u>	<u>Width</u>
Arterial	100 Feet
Collector	80 Feet
Marginal Access	60 Feet
Alleys	20 Feet

1. In front of areas designed and zoned commercial, or where a petition for a change in Zoning is contemplated for commercial use, the street width shall be increased by such amount on each side as may be deemed necessary by the Commission to assure the free flow of through traffic without interference by parked or parking vehicles and to provide safe parking space for such commercial or business district.

(Revised by Ord. 99-102, 06/17/99)

H. Intersections. The intersection of more than two streets at one point shall be avoided except where it is impracticable to secure a proper street system otherwise. Streets shall intersect one another at an angle, as near to a right angle as possible, and no intersections of streets at angles less than forty-five (45) degrees shall be approved. Street intersections shall be rounded with a curve of a radius acceptable to the Commission. (Revised by Ord. 99-102, 06/17/99)

I. Subdivision into Tracts Larger than Ordinary Building Lots. Where a tract is subdivided into larger parcels than ordinary building lots, such parcels shall be arranged so as to allow the dedication of future streets and logical further re-subdivision. (Revised by Ord. 99-102, 06/17/99)

J. Highway on or Abutting Subdivision. Where a subdivision borders on or contains a major right-of-way, the Commission may require a street approximately parallel to and on each side of such right-of-way, at a distance suitable for the appropriate use of the intervening land, including for park purposes in residential districts, or for commercial or industrial purposes in appropriate districts. Such distances shall also be determined with due regard for the requirements of approach grades and future grade separations. (Revised by Ord. 99-102, 06/17/99)

K. Half-Streets Prohibited. Half-streets are prohibited except where essential to the reasonable development of the subdivision in conformity with the other requirements of these regulations and where the Commission finds it will be practicable to require the dedication of the other half when the adjoining property is subdivided. Wherever a half-street is adjacent to a tract to be subdivided, the other half of the street shall be platted within such tract. (Revised by Ord. 99-102, 06/17/99)

L. Street Names and Numbers. Names of new streets shall not duplicate existing or platted street names unless a new street is a continuation of, or in alignment with the existing or platted street. All street names shall be subject to approval by the City Council. House numbers shall be assigned by the City in accordance with the system now in effect in the City. (Revised by Ord. 99-102, 06/17/99)

M. Access to Streets Across Ditches. The subdivider shall provide access to all proposed streets, across all ditches in a standard method approved by the City Engineer. (Revised by Ord. 99-102, 06/17/99)

N. Private Streets. Private streets shall not be approved nor shall public improvements be approved for or made on any private street. (Source by Ord. 99-102, 06/17/99)

O. Hardship to Owners of Adjoining Property Avoided. The street arrangements shall not be such as to cause hardship to owners of adjoining property in platting their own land and providing convenient access to it. (Source by Ord. 99-102, 06/17/99)

Subdivision 2. Alleys:

A. Residential Areas. The City may require alleys in residential areas.

B. Commercial and Industrial Districts. Alleys shall be provided in commercial and industrial districts, except that the Commission may waive this requirement where other definite and assured provision is made for service access, such as off-street loading, unloading, and parking consistent with and adequate for the uses proposed.

C. Dead-End. Dead-end alleys are not permitted, except that the Commission may waive this requirement where such dead-end alley is unavoidable and where adequate turn-around facilities have been provided.

Subdivision 3. Easements.

A. Provided for Utilities. Easements with a right-of-way width of ten feet shall be provided along all front and rear property lines, of five feet width on each side of all lot lines where necessary for utilities. (Revised by Ord. 06-105, 06/01/06)

B. Provided for Drainage. Where a subdivision is traversed by a water course, drainage way, channel, or stream, there shall be provided a storm water easement or drainage right-of-way conforming substantially with such water course, and such further width or construction, or both, as will be adequate for the purpose. (Revised by Ord. 99-102, 06/17/99)

Subdivision 4. Blocks.

A. Factors Governing Dimensions. Block length and width or acreage within bounding roads shall be such as to accommodate the size of lot required in the area by Part 3, Zoning Code and to provide for convenient access, circulation control and safety of street traffic.

Subdivision 5. Lots.

A. Dimensions. Lot dimensions, lot area and setbacks shall not be less than the requirements of Part 3 of the Zoning Code. (Revised by Ord. 99-102, 06/17/99)

B. Location. All lots shall abut by their full frontage on a publicly dedicated right-of-way.

C. Lines. Side lot lines shall be substantially at right angles to straight street right-of-way lines or radial to curved street lines.

D. Corner Lots. Corner lots for residential use shall have extra width to permit appropriate building setback from and orientation to both streets.

E. Uninhabitable Lots. Lots subject to flooding and lots deemed by the Commission to be uninhabitable shall not be platted or developed for residential occupancy, nor for such other uses as may increase danger to health, life or property or aggravate the flood hazard, but such land within the plat shall be set aside for such uses as shall not be endangered by periodic or occasional inundation or shall not produce unsatisfactory living conditions.

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

Subdivision 6. Public Sites and Open Spaces.

A. The subdivision shall dedicate or reserve adequate space for park, playground, school or other public uses within the subdivision when the Commission finds the requirement to be reasonably necessary to the public health and welfare. In lieu thereof, the City may require the

payment of a fee to defray the cost of providing alternative public sites or open spaces. Open space, as identified in the Comprehensive Plan, shall be reserved as non-developable land. (Revised by Ord. 99-102, 06/17/99)

305.09. Required Improvements.

Prior to the granting of final approval, the subdivider shall have installed the following:

Subdivision 1. Monuments. Permanent monuments shall be placed at all block corners, angle points, points of curves in streets, and at intermediate points as shall be required by the City Engineer. The monuments shall be of such material, size, and length as may be approved by the City Engineer.

Subdivision 2. Water Supply.

A. Accessible Public Water Supply. Where a public water supply approved by the City is reasonably accessible, each lot within the subdivision area shall be provided with a connection thereto. All connections shall be subject to the approval of the City Engineer. Initial installation of the corporation stop, service line and curb stop shall be done at the property owner's expense. Thereafter, repair and replacement of the service line from the main to the curb stop.

B. Fire Hydrants. Fire hydrants shall be installed in all subdivisions where a public water supply is available. Fire hydrant standards shall be subject to the approval of the City Fire Department and the City Engineer.

Subdivision 3. Sanitary Sewer shall be installed in accordance with Chapter VIII, Part 3. (Source Ordinance 99-102, 06/17/99)

305.10. Plat Format.

Subdivision 1. Form. The Preliminary Plat and the Final Plat shall be clearly and legibly drawn. The size of the map shall not be less than twelve (12) inches by eighteen (18) inches. The map of a subdivision containing five acres or less shall be drawn at a scale of one (1) inch equals fifty (50) feet. All other sub-divisions shall be drawn at a scale of one (1) inch equals one hundred (100) feet, unless otherwise required by the Commission. (Source Ord. 99-102, 06/17/99)

Subdivision 2. Map Contents.

A. Description.

1. Name of the subdivision.

2. Names of adjacent sub-divisions and owners of adjoining parcels of non-subdivided land. (Revised by Ord. 99-102, 06/17/99)

3. Names and addresses of the subdivider, owner and engineer.

4. Location by section, town, range, township, county, state.

5. Names of streets within the adjoining plat.

B. Existing Conditions.

1. All plat boundaries.

2. Bearings and distances to the nearest established street lines, section corners or other recognized permanent monuments that shall be accurately described on the plat.

3. Municipal, township, county or section lines accurately tied to the lines of the subdivision by distance and bearings.

4. Accurate location of all monuments.

C. Survey Data.

1. Length of all arcs, radii, internal angles, points of curvature and tangent bearings.

2. When lots are located on a curve or when side lot lines are at angles other than ninety (90) degrees, the width at the building line shall be shown.

D. Drafting of Plat. Date of preparation, scale of map, North points.

E. Proposals.

1. All easements for right-of-way provided for public services or utilities, and any limitations of such easements.

2. All lot numbers and lines, with accurate dimensions in feet and hundredths, and with bearings or angles to street and alley or crosswalk-way lines.

3. Accurate outlines of any areas to be dedicated or temporarily reserved for public use with the purpose indicated thereon.

4. Building setback lines, with dimensions.

Subdivision 3. Other Information.

A. Certification shall be furnished from the County Auditor that all taxes and assessments have been paid on the land within the proposed subdivision.

B. If a Zoning change is request in connection with the platting process, certification from the Zoning Commission shall be furnished indicating that the proposed change has been approved and is in effect.

C. Certification by a registered civil engineer or surveyor to the effect that the plat represents a survey made by him and that all monuments shown thereon actually exist, and that their location is correctly shown.

D. An instrument of dedication by the owner or owners of all property within the proposed subdivision, dedicating all streets and other public areas and easements to the public use in perpetuity. (Revised by Ordinance 99-102, 06/17/99)

305.11. Simple Lot Division.

Subdivision 1. Where an Owner desires to subdivide an existing Lot, and the resulting lot or lots will have lot lines that are parallel to or at right angles to pre-existing Lot lines, the City Council may by resolution approve a simple lot division without the preparation or filing of a Preliminary or Final Plat.

Subdivision 2. An applicant for a simple lot division shall provide to the City the following:

A. A copy of the existing Plat for the Lot proposed to be further subdivided which shall identify all proposed new lot lines and the resulting dimensions of all such lot lines and the locations of utilities and streets to serve the proposed new lots. (Revised by Ord. 06-105, 06/01/06)

B. A proposed legal description for each lot within the Lot to be subdivided. Such description shall be in clear, unambiguous language.

C. An explanation of the applicant's reasons for subdivision of the Lot.

Subdivision 3. Each application for a simple lot division shall be referred to the Planning Commission for consideration and recommendation to the City Council.

Subdivision 4. The City Council may require the preparation of a formal plat pursuant to this Part should it be determined that such action is necessary or appropriate for proper planning or development of the City.

Subdivision 5. Final City action on an application for a simple lot division shall occur within sixty (60) days of the receipt of a completed application for approval.

(Revised by Ordinance 99-102, 06/17/99)

PART 6. FLOOD PLAIN REGULATION

306.01. Designation of the Flood Plain District.

The Flood Insurance Study, Nicollet County, Minnesota and Incorporated Areas and The Flood Insurance Rate Map panel number 27103C0265 G, prepared by the Federal Emergency Management Agency, and both dated July 21, 1999 are hereby declared to be Official Floodplain Zoning Map for the City of Courtland and are hereby adopted by reference and declared to be part of this Ordinance. These materials as adopted by reference herein shall be on file in the office of the City Clerk. The Floodplain District for the City of Courtland shall include those areas which lie within the 100-year Flood Boundary and are shown as Zone AE on the Flood Insurance Rate Map, panel 27103C0265 G dated July 21, 1999 and as the same is established or amended from time to time. (Revised by Ord. 99-103, 06/17/99)

306.02. Permitted Uses.

The following uses have a low flood damage potential and do not obstruct flood flows. These uses shall be permitted within the Floodplain District to the extent that they are not prohibited by any other ordinance and provided they do not require structures, fill, or storage of materials or equipment.

Subdivision 1. Agricultural uses such as general farming, pasture, grazing, forestry, sod farming, and wild crop harvesting.

Subdivision 2. Industrial-Commercial uses such as parking areas and airport landing strips.

Subdivision 3. Private and Public recreational uses such as golf courses, tennis courts, driving ranges, archery ranges, picnic grounds, boat launching ramps, swimming areas, parks, wildlife and nature preserves, game farms, shooting preserves, target ranges, trap and skeet ranges, hunting and fishing areas, and single or multiple purpose recreational trails.

Subdivision 4. Residential uses such as lawns, gardens, parking areas, and play areas.

Subdivision 5. All other uses and all uses that require structures, fill, or the storage of materials or equipment shall be prohibited.

(Source Ord. 93-04, 05/06/93)

306.03. Administration.

Zoning Administrator: A Zoning Administrator 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.

(Source Ord. 93-04, 05/06/93)

306.04. Permit Requirements.

Subdivision 1. Permit Required. A Permit issued by the Zoning Administrator in conformity with the provisions of this Ordinance shall be applied for and secured prior to the addition, alteration of any building, structure, or portion thereof; prior to the use or change of use of a building, structure, or land; and prior to the change or extension of a nonconforming use.

Subdivision 2. Application for Permit. Applications 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.

Subdivision 3. 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.

(Source Ord. 93-04, 05/06/93)

306.05. Variance Procedures.

Subdivision 1. Board of Adjustment. A Board of Adjustment is hereby established consisting of the Planning and Zoning Board for the City of Courtland. The Board of Adjustment may adopt rules for the conduct of business and may exercise all of the powers conferred on such Boards by State law. All variances approved by the Board of Adjustment shall be subject to final review and approval by the City Council.

Subdivision 2. Administrative Review. The Board shall hear and decide appeals where it is alleged there is error in any order, requirement, decision, or determination made by an administrative official in the enforcement or administration of this Ordinance.

Subdivision 3. 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 as appropriate. In the granting of such variance, the Board of Adjustment shall clearly identify in writing the specific conditions that existed consistent with the criteria specified in the respective enabling legislation, which 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.

Subdivision 4. Hearings. Upon filing with the Board of Adjustment of any appeal from a decision of the Zoning Administrator, or an application for a variance, the Board shall fix a reasonable time for a hearing and give due notice to the parties in interest as specified by law. The Board 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 days notice of the hearing.

Subdivision 5. Decisions. The Board shall arrive at a decision on such appeal or Variance within thirty (30) days. In appeal, the Board may, so long as such action is in conformity with the provisions of this Part, reverse or affirm, wholly or in part, or modify the order, requirement, decision or determination of the Zoning Administrator or other public officials. 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 may prescribe appropriate conditions and safeguards, which are in conformity with the purposes of this Part. 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 Part punishable under Section 306.07. 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.

Subdivision 6. Appeals. Appeals from any decision of the board may be made to the City Council for final determination in accordance with the rules for such appeals set forth in the City Code and under Minnesota Statutes.

(Source Ord. 93-04, 05/06/93)

306.06 Nonconforming Uses.

A structure or the use of a structure or premises which were lawful before the 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:

Subdivision 1. No such use shall be expanded, changed, enlarged, or altered in a way, which increases its nonconformity.

Subdivision 2. If any nonconforming use is discontinued for twelve (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 twelve (12) months.

Subdivision 3. In any nonconforming use or structure is destroyed by any means, including floods, to an extent of fifty (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.

(Source Ord. 93-04, 05/06/93)

306.07. Penalties for Violation.

Violation of the provisions of this Part or failure to comply with any of its requirements (including violations of conditions and safeguards established in connection with the grants of Variances or Conditional Uses) shall constitute a misdemeanor and shall be punishable as defined by law. Each day of violation shall be considered a separate violation.

(Source Ord. 93-04, 05/06/93)

306.08. Amendments.

Subdivision 1. The flood plain designation on the Official zoning Map shall not be removed from 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 regional flood and is 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.

Subdivision 2. All amendments to this Part, 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 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.

(Source Ord. 93-04, Third Series, 05/06/93)

PART 7. ADULT USES

307.01. Short Title

This Ordinance shall be known, cited and referred to as the *Adult Use Zoning Ordinance* except as referred to herein, where it shall be know as “this Ordinance.”

307.02. Definitions

A. Specified Anatomical Areas:

1. Less than completely and opaquely covered human genitalia, pubic region, perineum anal region, natal cleft, or the nipple and/or areola of the female breast(s).
2. Human male genitals in a discernibly turgid state, even if completely and opaquely covered.

B. Specified Sexual Activities:

1. Actual or simulated sexual intercourse, oral copulation, anal intercourse, oral-anal copulation, bestiality, direct physical stimulation of unclothed genitals, flagellation or torture in he context of a sexual relationship, or the use of excretory functions in the context of a sexual relationship, and any of the following sexual-oriented acts or conduct: anilingus, buggery, coprophagy, coprophilia, cunnilingus, fellatio, necrophilia, pederasty, pedophilia, piquerism, sapphism, zoerasty, pygmalionism, urolagia;
2. Clearly depicted human genitals in the state of sexual stimulation, arousal or tumescence;
3. Use of human or animal ejaculation, sodomy, oral copulation, coitus, or masturbation;
4. Fondling or touching of nude human genitals, pubic region, buttocks, or female breast;
5. 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;
6. Erotic or lewd touching, fondling or other sexually-oriented contact with any animal by a human being; or

7. Human erection, urination, menstruation, vaginal or anal irrigation.

C. Adult Media. Adult Media includes printed matter, magazines, newspapers, books, pictures, slides, records, audio tape, videotape, motion picture film, compact discs, digital video discs, floppy discs, and other communicative materials which are distinguished or characterized by their emphasis on the presentation, display, depiction or description of Specified Sexual Activities or Specified Anatomical Areas.

D. Adult Uses. Adult Uses include Adult Bookstores, Adult Motion Picture Theaters, Adult Mini-Motion Picture Theaters, Adult Massage Parlors, Adult Steam room/Bathhouse/Sauna facilities, Adult Companionship Establishments, Adult Rap/Conversation Parlors, Adult Health/Sport Clubs, Adult Cabarets, Adult Novelty Businesses, Adult Motion Picture Arcades, Adult Modeling Studios, Adult Hotels/Motels, Adult Body Painting Studios, and other premises, enterprises, establishments, businesses or places open to some or all members of the public, at or in which there is an emphasis on the presentation, display, depiction, or description of Specified Sexual Activities or Specified Anatomical Areas which are capable of being seen by members of the public. Licensed or accredited veterinary, medical, or educational establishments shall not be considered Adult Uses.

E. Adult Use-Incidental. A use, business, or establishment having ten percent (10%) or less of its stock in trade or floor area allocated to, or twenty percent (20%) or less of its gross receipts derived from Adult Media rentals or sales for the customer's private use off-premises.

F. Adult Use-Nonprotected. An Adult Body Painting Studio, Adult Companionship Establishment, Adult conversation/Rap Parlor, Adult Health/Sport club, Adult Hotel/Motel, Adult Massage Parlor, Adult Modeling Studio, Adult Sauna, Adult Steam Room/Bathhouse/Spa, or other use, business, or establishment providing on-premises, personal encounters with an emphasis on the presentation, display, depiction or description of Specified Sexual Activities or Specified Anatomical Areas.

G. Adult Use-Primary. An Adult Bookstore Adult Cabaret, Adult Mini-Motion Picture Theater, Adult Motion Picture Arcade, Adult Motion Picture Theater, Adult Novelty Business, or any other use, business, or establishment meeting any of the following:

1. Advertising, or otherwise holding itself out, in any forum as featuring "adult," "Hardcore," "XXX," "sex" or otherwise as an adult use, despite having ten percent (10%) or less of its stock in trade or floor area allocated to, or twenty percent (20%) or less of its gross receipts derived from Adult Media rentals or sales for the customer's private use off-premises.

2. Having more than ten percent (10%) of its stock in trade or floor area allocated to, or more than twenty percent (20%) of its gross receipts derived from Adult Media rentals or sales.

3. Providing any form of on-premises entertainment with an emphasis on the presentation, display, depiction or description of Specified Sexual Activities or Specified Anatomical Areas.

4. An Adult Use not meeting the definition of Adult Use-Incidental or Adult Use-Nonprotected.

H. Adult Body Painting Studio. An establishment or business which provides the service of applying paint or other substance, whether transparent or non-transparent, to or on the body of a person when such body is wholly or partially nude in terms of Specified Anatomical Areas.

I. Adult Bookstore. A building or portion of a building used for the barter, rental or sale of items consisting of Adult Media if such building or portion of a building is not open to the public generally but only to one or more classes of the public excluding any minor by reason of age or if a substantial or significant portion of such items are distinguished or characterized by an emphasis on the depiction or description of Specified Sexual Activities or Specified Anatomical Areas.

J. Adult Cabaret. A building or portion of a building used for providing dancing or other live entertainment, if such building or portion of a building excludes minors by virtue of age or if such dancing or other live entertainment is distinguished or characterized by an emphasis on the presentation, display, depiction or description of Specified Sexual Activities or Specified Anatomical Areas.

K. Adult Companionship Establishment. A companionship establishment which excludes minors by reason of age, or which provides the service of engaging in or listening to conversation, talk or discussion between an employee of the establishment and a customer, if such service is distinguished or characterized by an emphasis on Specified Sexual Activities or Specified Anatomical Areas.

L. Adult Conversation/Rap Parlor. A conversation/rap parlor which excludes minors by reason of age, or which provides the service of engaging in or listening to conversation, talk, or discussion, if such service is distinguished or characterized by an emphasis on Specified Sexual Activities or Specified Anatomical Areas.

M. Adult Health/Sport Club. A health/sport club which excludes minors by reason of age, or if such club is distinguished or characterized by an emphasis on Specified Sexual Activities or Specified Anatomical Areas.

N. Adult Hotel/Motel. Adult hotel/motel means a hotel or motel from which minors are specifically excluded from patronage and wherein material is presented which is distinguished or characterized by an emphasis on matter depicting, describing or relating to Specified Sexual Activities or Specified Anatomical Areas.

O. Adult Massage Parlor. A massage parlor which restricts minors by reason of age, and which provides the services of massage, if such service is distinguished or characterized by an emphasis on Specified Sexual Activities or Specified Anatomical Areas.

P. Adult Mini-Motion Picture Theater. A building or portion of a building with a capacity for less than fifty (50) persons used for presenting material if such building or portion of a building as a prevailing practice excludes minors by virtue of age, or if such material is distinguished or characterized by an emphasis on Specified Sexual Activities or Specified Anatomical Areas for observation by patrons therein.

Q. Adult 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.

R. Adult Motion Picture Arcade. Any place to which the public is permitted or invited wherein coin or slug-operated or electronically, electrically or mechanically controlled or operated still or motor picture machines, projectors or other image-producing devices are maintained to show images to five (5) or fewer persons per machine at any one time, and where the images so displayed are distinguished or characterized by an emphasis on depicting or describing Specified Sexual Activities or Specified Anatomical Areas.

S. Adult Motion Picture Theater. A building or portion of a building with a capacity of fifty (50) or more persons used for presenting material in such building or portion of a building as a prevailing practice excludes minors by virtue of age or if such material is distinguished or characterized by an emphasis on Specified Sexual Activities or Specified Anatomical Areas for observation by patrons therein.

T. Adult Novelty Business. A business which has as a principal activity the sale of devices which stimulate human genitals or devices which are designated for sexual stimulation.

U. Adult Sauna. A sauna which excludes minors by reason of age, or which provides a steam bath or heat bathing room used for the purpose of bathing, relaxation, or reducing, utilizing steam or hot air as a cleaning, relaxing or reducing agent, if the service provided by the steam room/bathhouse facility is distinguished or characterized by an emphasis on Specified Sexual Activities or Specified Anatomical Areas.

V. Adult Steam Room/Bathhouse/Spa. 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 or if the service provided by the steam room/bathhouse facility is distinguished or characterized by an emphasis on Specified Sexual Activities or Specified Anatomical Areas.

307.03. Severability.

Every section, provision, sentence, or phrase of this Ordinance is separate from every other section provision, sentence, or phrase of this Ordinance. If any section, provision, sentence, or

phrase is adjudicated to be invalid by a court of competent jurisdiction, preempted by state or federal law, or otherwise held invalid, such judgment shall not invalidate any other section, provision, sentence, or phrase of this Ordinance.

307.04. General.

1. No Adult Use shall be permitted as an accessory use.

2. An Adult Use-Incidental may locate as a permitted use in the B-2 Business/Residential Mix Zone and the I-1 Light Industry/Highway Business Zone subject to the provisions of this Ordinance and other ordinances, including the standards of said zones. An Adult Use-Incidental may locate as a conditional use in the B-1 Business Zone subject to the provisions of this Ordinance and other ordinances, including the standards of said zones.

3. An Adult Use-Nonprotected may not locate as a permitted or conditional use in any zone of the City.

4. An Adult Use-Primary may locate as permitted uses in the I-1 Light Industry/ Highway Business Zone subject to the provisions of this Ordinance and other ordinances, including the standards of said zone.

5. No Adult Use-Primary shall be permitted within one-thousand (1000) feet of a R-1 Single Family Residential, R-2 Multifamily Residential, or R-3 Small Lot Residential. The distance is to be measured in a direct line from property line to property line without regard for intervening properties or structures.

6. When a property owner petitions for the simple subdivision of a large parcel in order to accommodate the one-thousand (1000) foot requirement for an Adult Use-Primary, and both resulting parcels would be buildable lots in terms of setbacks, lot width and depth, lot area, building coverage, parking, access, and utilities, the City Council may allow the simple subdivision to accommodate the one-thousand (1000) foot requirement for an Adult Use-Primary.

7. An Adult Use involving new construction shall have off-street parking to accommodate normal traffic generated by the business.

a. When the determination of the required number of parking spaces results in a fraction, the fraction of one-half or less may be disregarded and the fraction in excess of one-half shall be counted as one space.

b. An Adult Cabaret, Adult Mini-Motion Picture Theater, Adult Motion Picture Arcade, Adult Motion Picture Theater, or other Adult Use-Primary providing on-premises entertainment shall have a minimum of one space for each four (4) seats based upon the designed maximum occupancy or one space for each four-hundred (400) square feet of floor area.

c. An Adult Use-Incidental, Adult Bookstore, Adult Novelty Business, or other Adult Use providing retail sales or rental shall have a minimum of one space for each six-hundred (600) square feet of floor area.

(Source Ord. 02-103, 10/03/02)

CHAPTER IV.

STREETS, PARKS AND PUBLIC PROPERTY

PART 1. PUBLIC RIGHT-OF-WAY

401.01. Permit Required.

No person, except an authorized city employee or a contractor performing work under a contract with the City, shall make any excavation in a street, alley, sidewalk or public ground without first posting a security deposit with the City Clerk. Said deposit shall be used for any expense incurred by the City in repairing the damage caused by work performed under the permit; any moneys remaining over and above such expense shall be returned to the applicant. (Revised by Ord. 06-107, 11/02/06)

401.02. Definitions.

The definitions included in Minnesota Statue Section 237.162 and Minnesota Rules 7819.0100 subps. 1 through 23 are hereby adopted by reference and are incorporated into this part as if set out in full.

401.03. Permit Requirement.

Subdivision 1. Permit Required. Except as otherwise provided in this Code, no person may obstruct or excavate any right-of-way without first having obtained the appropriate permit from the City.

A. **Excavation Permit.** An excavation permit is required to excavate that part of the right-of-way described in such permit and to hinder free and open passage over the specified portion of the right-of-way by placing Facilities described therein, to the extent and for the duration specified therein.

B. **Obstruction Permit.** An obstruction permit is required to hinder free and open passage over the specified portion of right-of-way by placing equipment described therein on the right-of-way, to the extent and for the during specified therein. An obstruction permit is not required if a person already possesses a valid excavation permit for the same project.

Subdivision 2. Permit Extensions. No person may excavate or obstruct the right-of-way beyond the date or dates specified in the permit unless such person (i) makes a supplementary application for another firth-of-way permit before the expiration of the initial permit, and (ii) a new permit or permit extension is granted.

Subdivision 3. Delay Penalty. In accordance with Minnesota Rule 7819.1000 subp. 3 and notwithstanding subd. 2 of this section, the City shall establish and impose a delay penalty for unreasonable delays in right-of-way excavation, obstruction, patching, or restoration. The delay penalty shall be established from time to time by City Council resolution.

Subdivision 4. Permit Display. Permits issued under this chapter shall be conspicuously displayed or otherwise available at all times at the indicated work site and shall be available for inspection by the director.

(Source Ordinance 99-__/_/, adopted as 08-103, 10/02/08)

401.04. Gopher State One Call.

Under Minnesota Statutes, Chapter 216D, excavators, including property owners, are responsible for notifying Gopher State One Call (GSOC) at least 48 hours, excluding weekends and holidays, in advance of any excavation, so GSOC can notify facility operators with underground facilities in proximity to the excavation site. (Revised by Ord. 06-107, 11/02/06)

401.05. Right-of-Way Access.

The owner or occupant of property in Courtland shall have reasonable, convenient and suitable access to the property via a dedicated right-of-way. The access shall be situated to the greatest extent possible to minimize creation of a traffic or safety hazard. (Revised by Ord. 06-107, 11/02/06)

401.06. Residential Access.

Residential properties shall be permitted one access per parcel, except where said parcel has frontage on both a municipal street and an alley, in which case access will be permitted to both rights-of-way. Permitted accesses shall be situated to minimize creation of traffic or safety hazards. (Revised by Ord. 06-107, 11/02/06)

401.07. Commercial or Industrial Access.

Commercial and industrial properties shall be permitted one access to a public right-of-way per parcel, except where the additional means of ingress and egress will facilitate the efficient use of the property for a particular lawful purpose without unreasonably interfering with pedestrian and vehicular traffic, in which case additional access will be permitted. Permitted accesses shall be situated to minimize creation of traffic or safety hazards. (Revised by Ord. 06-107, 11/02/06)

401.08. Access on State and County Highways.

Access will not be permitted directly onto any state and county highways where a reasonably convenient alternative is available or attainable. Such alternatives may include parallel or frontage roads, shared access, or side streets on the municipal road system. (Revised by Ord. 06-107, 11/02/06)

401.09. Appeal for Access.

The City Council will consider an application for access deviating from these standards and may impose conditions in permitting the access. In application, the City may consider factors including, but not limited to, the structural and geometric design of the street, locations of intersections and turn lanes, visibility and sight lines, traffic volumes, traffic speeds, and alternative means of access. (Revised by Ord. 06-107, 11/02/06)

401.10. Installation Requirements.

The excavation, backfilling, patching and restoration, and all other work performed in the right-of-way shall be done in conformance with Minnesota Rules 7819.1100 and other applicable local requirements, in so far as they are not inconsistent with the Minnesota Statutes Secs. 237.162 and 237.163.

401.11. Inspection.

Subdivision 1. Notice of Completion. When the work under any permit hereunder is completed, the permittee shall furnish a Completion Certificate in accordance Minnesota Rules 7819.1300.

Subdivision 2. Site Inspection, Permittee shall make the work-site available to City personnel and to all others as authorized by law for inspection at all reasonable times during the execution of and upon completion of the work.

Subdivision 3. Authority of Director.

a. At the time of inspection the director may order the immediate cessation of any work which poses a serious threat to the life, health, safety or well-being of the public.

b. The director may issue an order to the permittee for any work which does not conform to the terms of the permit or other applicable standards, conditions, or codes. The order shall state that failure to correct the violation will be cause for revocation of the permit within ten (10) days after issuance of the order, the permittee shall present proof to the director that the violation has been corrected. If such proof has not been presented within the required time, the director may revoke the permit pursuant to 401.14.

401.12. Work Done Without a Permit.

Subdivision 1. Emergency Situations. Each person with facilities in the right-of-way shall immediately notify the City of any event regarding its facilities, which it considers to be an emergency. The owner of the facilities may proceed to take whatever actions are reasonably necessary to respond to the emergency, Within two business days after the occurrence of the emergency the owner shall apply for the necessary permits, pay the fees associated therewith and fulfill the rest of the requirements necessary to bring itself into compliance with this chapter for the actions it took in response to the Emergency.

If the City becomes aware of an emergency regarding facilities, the City will attempt to contact the local representative of each facility owner affected, or potentially affected, by the emergency, In any event, the City may take whatever action it deems necessary to respond to the emergency, the cost of which shall be borne by the person and property whose facilities occasioned the emergency.

Subdivision 2. Non-Emergency Situations. Except in an emergency, any person who, without first having obtained the necessary permit, obstructs or excavates a right-of-way must subsequently obtain a permit, and as a penalty pay double the normal fee for said permit, pay double all the other fees required by this code, deposit with the City the fees necessary to correct any damage to the right-of-way and comply with all of the requirements of this chapter.

401.13. Supplementary Notification.

If the obstruction or excavation of the right-of-way begins later or ends sooner than the date given on the permit, permittee shall notify the director of the accurate information as soon as this information is known.

401.14. Revocation of Permits.

Subdivision 1. Substantial Breach. The City reserves its right, as provided herein, to revoke any right-of-way permit, without a fee refund, if there is a substantial breach of the terms and conditions of any statute, ordinance, rule or regulation, or any material condition of the permit. A substantial breach by permittee shall include, but shall not be limited to, the following:

- A. The violation of any material provision of the right-of-way permit;
- B. An evasion or attempt to evade any material provision of the right-of-way permit, or the perpetration or attempt to perpetrate any fraud or deceit upon the city or its citizens;
- C. Any material misrepresentation of fact in the application for a right-of-way permit;

D. The failure to complete the work in a timely manner; unless a permit extension is obtained or unless the failure to complete work is due to reasons beyond the permittees control; or

E. The failure to correct, in a timely manner, work that does not conform to a condition indicated on an order issued pursuant to Sec. 401.03.

Subdivision 2. Written Notice of Breach. If the City determines that the permittee has committed a substantial breach of a term or condition of any statute, ordinance, rule, regulation or any condition of the permit the City shall make a written demand upon the permittee to remedy such violation. The demand shall state that continued violations may be cause for revocation of the permit. A substantial breach, as stated above, will allow the City, at its discretion, to place additional or revised conditions on the permit to mitigate and remedy the breach.

Subdivision 3. Response to Notice of Breach. Within twenty-four (24) hours of receiving notification of the breach, permittee shall provide the City with a plan, acceptable to the City, that will cure the breach. Permittee's failure to so contact the City, or the permittee's failure to submit an acceptable plan, or permittee's failure to reasonably implement the approved plan, shall be cause for immediate revocation of the permit.

Subdivision 4. Reimbursement of City Costs. If a permit is revoked, the permittee shall also reimburse the City for the City's reasonable costs, including restoration costs and the costs of collection and reasonable attorneys' fees incurred in connection with such revocation and/or the restoration of the right-of-way.

401.15. Mapping Data.

Each permittee shall provide mapping information required by the City in accordance with Minnesota Rules 7819.4000 and 7819.4100.

401.16. Location of Facilities.

Subdivision 1. Placement, location, and relocation of facilities must comply with the act, with other applicable law, and with Minnesota Rules 7819.3100, 7819.5CXJO and 7819.5100, to the extent the rules do not limit authority otherwise available to cities.

Subdivision 2. Corridors. The City may assign specific corridors within the right-of-way, or any particular segment thereof as may be necessary, for each type of facilities that is or, pursuant to current technology, the city expects will someday be located within the right-of-way. All excavation, obstruction, or other permits issued by the City involving the installation or replacement of facilities shall designate the proper corridor for the facilities at issue.

Subdivision 3. Limitation of Space. To protect health, safety, and welfare or when necessary to protect the right-of-way and its current use, the City shall have the power to prohibit

the proposed use, or the City will strive to the extent possible to accommodate all existing and potential users of the right-of-way, but shall be guided primarily by considerations of the public interest, the public's needs for the particular Utility Service, the condition of the right-of-way, the time of year with respect to essential utilities, the protection of existing facilities in the right-of-way, and future City plans for public improvements and development projects which have been determined to be in the public interest.

401.17. Damage to Other Facilities.

When the City does work in the right-of-way and finds it necessary to maintain, support, or move facilities to protect it, the City will notify the local representative as early as is reasonably possible and placed as required. The costs associated therewith will be billed to that facility owner and must be paid within thirty (30) days from the date of billing. Each facility owner shall be responsible for the cost of repairing any facilities in the right-of-way which it or its facilities damages. Each facility owner shall be responsible for the cost of repairing any damage to the facilities of another caused during the City's response to an emergency occasioned by that owner's facilities.

401.18. Right-of-Way Vacation.

If the City vacates a right-of-way, which contains facilities, the facility owner's rights in the vacated right-of-way are governed by Minnesota Rules 7819.3200.

401.19. Indemnification and Liability.

By applying for and accepting a permit under this chapter, a permittee agrees to defend and indemnify the City in accordance with the provisions of Minnesota Rule 7819.1250.

401.20. Abandoned Facilities.

Any person who has abandoned facilities in any right-of-way shall remove them from that right-of-way if required in conjunction with other right-of-way repair, excavation, or construction, unless this requirement is waived by the City.

401.21. Appeal.

A right-of-way user that (1) has been denied registration; (2) has been denied a permit; (3) has had permit revoked; or (4) believes that the fees imposed are invalid, may have the denial, revocation, or fee imposition reviewed, upon written request, by the City Council. The City Council shall act on a timely written request at its next regularly scheduled meeting. A decision by the City Council affirming the denial, revocation, or fee imposition will be writing and supported by written findings establishing the reasonableness of the decision.

401.22. Reservation of Regulatory and Police Powers.

A permittee's rights are subject to the regulatory and police powers of the City to adopt and enforce general ordinances necessary to protect the health, safety and welfare of the public.

(Source Ord. 08-103, 10/02/08)

PART 2. ASSESSABLE CURRENT SERVICES;
OBLIGATION OF PROPERTY OWNERS AND OCCUPANTS

402.01. Assessable Current Services.

The following constitute assessable current services:

Subdivision 1. Removal of Snow and Ice. The City removes snow or ice from public sidewalks at least twenty-four (24) hours after the precipitation has ceased to fall because the abutting property owner responsible for the same is in violation of Section 701.04, Subdivision 1, of the City Code

Subdivision 2. Weed Elimination. The City, cuts or removes any weeds, whether noxious as defined by law or not, growing upon any lot or parcel of land, including within the adjacent right-of-way outside the traveled portion of the street or alley, to a height greater than eight (8) inches or which have gone or are about to go to seed because the property owner responsible for the same is in violation of Section 701.02, Subdivision 8, of the City Code.

Subdivision 3. Public Health and Safety Hazards. The City removes or eliminates public health or safety hazards from private property because the property in violation of Chapter VII, Part 1, of the City Code or as otherwise determined under Minnesota Statute 412.221, subd. 23. This does not apply to hazardous buildings under Minnesota Statutes 463.15 to 463.26.

Subdivision 4. Installation and Repair of Water Service Lines. The City installs or repairs water service lines serving private property as required of the property owner under Section 801.01, Subdivisions 5-6, of the City Code or wastewater service lines serving private property under Section 803.05 of the City Code.

Subdivision 5. Repair of Right-of-Way. The City restores disturbed or excavated right-of-way to its previous condition as required of the property owner responsible therefore under Section 401 of the City Code or as otherwise determined under Minnesota Rules 7819.1100.

(Revised by Ord. 06-107, 11/02/06)

402.02. Notice.

Subdivision 1. The city shall provide ten days written notice to the owner of a property requiring a current service prior to its performance of the current service.

Subdivision 2. The notice requirement for snow and ice removal may be satisfied by a single published public notice in the city's official newspaper at the start of the snow and ice season.

Subdivision 3. The notice requirement for weed elimination may be satisfied by a single published public notice in the city's official newspaper at the start of the weed and mowing season.

Subdivision 4. Any notice requirement may be waived in cases requiring immediate action by the city or at the request of the owner or affected property.

Subdivision 5. Any notice shall specify that the property owner will be liable for the expense of the work to perform a current service if made by the City and that if not paid the charge for such work will be imposed as a special assessment against the property.

(Revised by Ord. 06-107, 11/02/06)

402.03. Record.

The City shall keep a record showing the cost of current services attributable to each separate lot and parcel. Such cost may include reimbursement to the City for reasonable administrative costs, including the costs of collection. (Revised by Ord. 06-107, 11/02/06)

402.04. Liability.

The owner of property on which, or adjacent to a right-of-way, to which a current service has been provided by the City shall be liable for the cost of such service. Upon completion of the current service and determination of the cost, the City Clerk will bill the property owner and thereupon the amount shall be immediately due and payable. Amounts not paid within 30 days of the billing date shall accrue interest at the rate of 6% per annum until paid in full. (Revised by Ord. 06-107, 11/02/06)

402.05. Certification.

Prior to certifying the unpaid cost of a current service as a special assessment against the property benefited by the same, the city shall provide two weeks mailed notice to the owner for

each such lot or parcel. The city shall provide the opportunity for a hearing under Minnesota Statute 429.061. The City Council may impose the charges against the benefited property as a special assessment pursuant to Minnesota Statute 429.101, for collection with interest along with current taxes the following year or in annual installments, not exceeding ten, as the City Council may determine in each case. (Revised by Ord. 06-107, 11/02/06)

PART 3. PARKING REGULATION

403.01. Prohibited Parking.

Parking upon city streets shall be prohibited as follows:

Subdivision 1. Upon any area of a street adjacent to an area where curb areas have been painted yellow.

Subdivision 2. Upon any area of a street where parking prohibitions or regulations are posted by signs.

403.02. Restrictions on Parking.

No parking shall be permitted upon any city street between October 1 and April 1 between the hours of 2:00 A.M. and 7:00 A.M.

403.03. Violations.

Violations of the provisions of this Part shall be petty misdemeanors.

(Source Ord. 8, 2nd Series 10/6/83).

PART 4. PARK REGULATION

404.01. Liquor and Non-intoxicating Malt Liquor in City Parks.

Except as permitted or authorized herein, no person shall keep, possess, allow to be kept or possessed, consume, or sell within any city park any intoxicating liquor or non-intoxicating malt liquor.

404.02. Exceptions.

Persons may keep, possess and consume non-intoxicating malt liquor within the city parks between the hours of 10:00 a.m. and 10:00 p.m.; provided, however, that no glass receptacle or bottle shall be permitted which contains such non-intoxicating malt liquor.

404.03. Violations

Violation of the provisions of this ordinance shall be a petty misdemeanor.

(Source Ord. 21, 2nd Series, 1990).

PART 5. NAMING AND NUMBERING OF STREETS

405.01. System of Numbering.

Address numbers for platted properties and buildings shall be assigned in accord with the following numbering system:

1. Even numbers shall be used on the north and west sides of streets.
2. Odd numbers shall be used on the south and east sides of streets.
3. Each twenty-five (25) feet, or fractional part thereof, of street frontage shall be allowed a number.
4. All platted properties and buildings on east-west streets to the south of Railroad Street shall be numbered commencing at County Road 24.
5. All platted properties and buildings on east-west streets to the north of, and including, Railroad Street shall be numbered commencing at the eastern City limit.
6. All platted properties and buildings on north-south streets shall be numbered commencing at Main Street.
7. Any properties currently using a rural route address shall continue to do so until such time as adjoining property along the street is platted.

405.02. Renumbering of Addresses.

All existing address numbers in the City shall retain their current numbers, with the exception of the following to be assigned new numbers:

<u>Current Address</u>	<u>New Address</u>
101 Second Street	200 Foothills Road
101 Third Street	300 Foothills Road
101 Fourth Street	400 Foothills Road
City Water Tower	410 Foothills Road
100 Fifth Street	500 Foothills Road
104 Fifth Street	508 Foothills Road
apartment behind 221 Main	220 Terrace Road
City Maintenance Garage	311 Terrace Road

apartment behind 321 Main

320 Terrace Road

405.03. Renaming of Streets.

All existing streets in the City shall retain their current names, with the exception of the following currently unnamed streets:

<u>New Name</u>	<u>Location</u>
Foothills Road	running east-west parallel to and one block north of Main
Terrace Road	running east-west parallel to and one block south of Main

(Source Ord. 00-105, 05/04/00).

PART 6. CABLE TV FRANCHISE

M-TEK CATV Franchise

406.01. Definitions.

Unless the language or context clearly indicates that a different meaning is intended or unless inconsistent with definitions under federal law, the following words, terms and phrases for the purpose of this section, shall have the meanings and inclusions subjoined to them:

- A. “City” is the City of Courtland, Minnesota.
- B. “City Council” is the Courtland, Minnesota City Council.
- C. “Franchisee” is M-Tek Systems, Inc.
- D. “FCC” is the Federal Communications Commission of the United States.
- E. The work “shall” is always mandatory.
- F. The work “may” allows discretion.
- G. “Basic Cable Service” means a cable service tier, which at a minimum includes the lawful retransmission of local broadcast signals and any public, educational, and government programming required by the franchise to be carried on the basic tier. Nothing herein shall limit the Franchisee to offer additional services on the basic cable service tier. Basic Cable Service is intended by City and franchisee to be a low subscriber-cost cable service.
- H. “Cable Programming Service” means a cable service, regardless of service tier, including installation or rental of equipment, used for the reception of such cable service other than: (a) cable service carried on a basic cable service tier; or (b) cable service offered on a pay-per-program or a pay-per-channel basis; or (c) a combination of pay-per-program or pay-per-channel cable service offered on a multiplexed or time-shifted basis, so long as the combined service consists of commonly-identified video programming and is not bundled with any regulated tier of cable service.
- I. “Cable Service” means the one way transmission to subscribers of video programming or information that a cable operator makes available to all subscribers generally, for direct or indirect compensation, including any subscriber interaction required for the selection or use of such video programming or other programming services, over a cable system.

J. “Cable System” or “System” means a system including but not limited to antennas, cables, amplifiers, lines, wires, towers, wave guides, equipment, and facilities designed and constructed for the purposes of receiving, amplifying, distributing, or producing audio, video, and other information for the provision of cable service.

K. “Channel” means a six Megahertz (MHZ) frequency band, which is capable of carrying either one standard video signal, a number of audio, digital or other non-video signals, or some combination of such signals.

L. “Class IV Channel” means a signaling path provided by a cable system to transmit signals of any type from a subscriber terminal to another point in the cable system.

M. “Converter” means an electronic device which converts signals to frequencies compatible with subscribers’ televisions, and by an appropriate channel selector also permits a subscriber to view all basic subscriber signals included in the basic service delivered at designated converter dial locations.

N. “Pay-Cable” shall mean the delivery over the system of per-channel or per-program audio-visual signals to subscribers for a fee or charge in addition to the charge for basic service or cable programming services tiers.

406.02. Compliance With State and Federal Laws.

A. Franchisee and the City shall conform to all state and federal laws and rules regarding cable communications not later than one (1) year after they become effective, unless otherwise stated, and to all federal laws and regulations regarding cable as they become effective.

B. Franchisee shall comply with all ordinances and regulations of general application of City now in place or hereafter adopted pursuant to the City’s police power. To the extent that the terms of this franchise agreement conflict with such ordinances or regulations, the terms of such ordinances or regulations shall prevail.

406.03. Term and Renegotiation of Franchise Terms.

This franchise shall expire ten (10) years from and after March 1, 2001. Renegotiations of any or all of the terms of the franchise may occur at such times as may be mutually agreed upon by City and Franchisee. This franchise shall be non-exclusive.

406.04. 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 such 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. Such 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 such an authorization. The authorization shall be revocable at any time by the subscriber without penalty of any kind whatsoever. Such 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. Written permission from the subscriber shall not be required for the conducting of system wide or individually addressed electronic sweeps for the purpose of verifying system integrity or monitoring for the purpose of billing. Confidentiality of such information shall be subject to the provision set forth in paragraph C of this Subdivision.

C. 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 such subscribers or any lists that identify the viewing habits of subscribers, shall be sold or otherwise made available to any party other than to Franchisee unless Franchisee has received specific written authorization from the subscriber to make such data available.

406.05. Regulation of Service Rates.

A. While the City has no current right to regulate Franchisee's rates and charges, at such time as the City is permitted to regulate such rates and charges 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 or state law(s). In exercising its jurisdiction to regulate any such rates, City will adhere to regulations adopted by the Federal Communications Commission at 47 C.F.R., 76.900, et.seq.as they may be amended from time to time.

B. In the event that City is permitted by applicable state or federal law to, and does elect to exercise jurisdiction over locally regulatable rates, it shall, after notice, hold a public hearing for the consideration of views of interested parties with respect to initial rates filed and any subsequent proposed change in rates.

406. 06. Repairs and Complaints.

A. Franchisee shall provide a toll-free telephone number for subscriber complaints. The Franchisee shall attempt to respond to any complaint within 24 hours after receipt and shall maintain a repair service capable of responding to subscriber complaints within 48 hours of receipt of the complaint. Franchisee shall comply with all applicable Federal Communications Commission customer service standards, which are incorporated herein by reference.

B. Except during a plant upgrade, whenever it is necessary to shut off or interrupt services for an extended period for the purpose of making repairs, adjustments, or installation, Franchisee shall do so during the periods of minimum use by subscribers. Unless such interruption is unforeseen, Franchisee shall give reasonable notice thereof to the subscriber

affected. All costs incurred in making such repairs, adjustments, or installation shall be borne by Franchisee unless otherwise provided for in this ordinance or subscriber contract.

C. All complaints by City, subscribers, or other citizens regarding the quality of service, equipment, malfunction, billing disputes, and any other matters relative to the cable television system shall be investigated by Franchisee promptly. Franchisee shall rectify the cause of the complaint if reasonably possible. If a subscriber or citizen's complaint cannot be resolved within five (5) days, the complainant may then file the complaint with the City that Franchisee and complainant have been unable to resolve the complaint.

D. Cable System outages in excess of forty-eight hours in any billing period shall result in pro-rata refunds to the affected customers at the request of the customer.

406.07. Design and Construction Provisions.

A. The Cable System shall at a minimum consist of a single trunk, single feeder, and shall have the technical capacity for non-voice return communications. When market-place demands economically justify the added capital and operating costs, the cable system shall be modified to allow for two-way and non-voice return communications.

B. Franchisee shall ultimately provide and construct a network providing at least 40 channels of service. The system shall be capable of accepting equipment necessary to provide the capacity to pass video, audio and/or data signals downstream and when economically viable upstream.

C. Before commencing construction of any additions or improvements to its system, Franchisee shall apply for all necessary governmental permits, licenses, certificates, and authorizations.

D. Franchisee shall strictly adhere to all building and zoning codes currently or hereafter in force in the city. Franchisee shall arrange its lines, cables and appurtenances, on both public and private property, in such a manner as to cause no unreasonable interference with the use of said public or private property by any person. In the event of such interference, City may require the removal of Franchisee's lines, cables and appurtenances from the property in question. If City determines to require the removal of Franchisee's lines, cables and appurtenances, it shall give Franchisee ninety (90) days' notice within which to accomplish the removal. Franchisee shall, upon Franchisee's request, be provided hearing before City regarding this requirement.

E. Any and all streets which are disturbed or damaged during the construction, operation, maintenance, upgrade or reconstruction of the system shall be properly repaired by Franchisee, at its expense and to a condition equivalent to that before the cable was installed.

F. Franchise shall not erect, for any reason, any pole on or along any street in an existing aerial utility system. If additional poles in an existing aerial route are required, Franchisee shall negotiate with the City for the installation of the needed poles.

G The placement of cables underground is encouraged. In any event, cables shall be installed underground at the Franchisee's cost where all existing utilities are already underground. Previously installed aerial cable shall be placed underground in concert, and on a cost-sharing basis, with other utilities, when such other utilities may convert from aerial to underground construction. City shall notify Franchisee of all pending changes from aerial to underground utility installations.

H. Construction standards and procedures shall be maintained and performed in strict compliance with the rules, regulations, and requirements of the City.

I. Franchisee shall comply with all ordinances and regulations of general applicability of City now in force or here after adopted relative to the use of any City property or rights-of-way. To the extent that the terms of this subdivision conflict with any such ordinances or regulations shall prevail.

J. Franchise shall at all times comply with:

1. National Electric Safety Code (National Bureau of Standards).
2. National Electrical Code (National Bureau of Fire Underwriters).
3. Bell System Code of Pole Line Construction.
4. Applicable FCC or other Federal and State Regulations.

K. Converters provided by Franchisee shall be of high technical quality and shall be maintained at Franchisee's cost unless damaged by Subscriber, and replaced when necessary. Said converters shall be compatible with the subscriber's television and shall allow the ability for remote control.

L. The Franchisee shall provide to each of its Subscribers who receive some or all of the services offered on the system, reception on at least one specially designated access channel. The specially designated access channel may be used by local educational authorities and local government on a first-come, first-served nondiscriminatory basis. The Franchisee may use this specially designated access channel for other purposes during those hours when the channel is not in use by local educational authorities or local government. The VHF spectrum must be used for the designated access channel. The City Council of the City shall determine by resolution which channel in the VHF spectrum shall be used as the specially designated access channel. The City shall establish rules for the administration of the specially designated access channel. Nothing in this paragraph shall be deemed to require Franchisee to provide equipment for or operate such access channel.

406.08. Operating Standards.

Franchisee shall provide, providing the Subscriber's television receiver is in good repair and property adjusted, a minimum operational standard as indicated below:

A. The Cable System shall be designed, constructed and operated so as to meet those technical standards promulgated by the Federal Communications Commission relating to Cable Television Systems contained in part 76 of the Federal Communications Commission's rules and regulations relating to Cable Television systems under one thousand subscribers and found in Code of Federal Regulations, Title 47, Sections 76.601 and 76.630. City shall be able to enforce these standards to the extent allowable under local, state or federal law. Any tests required by the Federal Communications Commission pursuant to these rules must be filed with City upon request.

B. Franchisee shall perform additional tests if requested by City. The tests may be done at such times as is determined by City, with notice to Franchisee. All expenses for all such tests shall be paid by City, unless otherwise agreed upon.

C. Franchisee shall provide to the City one free cable drop, such drop to be located at the Courtland Fire Hall. Such drop shall provide service at the expanded basic level, but no premium or pay per view channel offerings.

406.09. Operating Area.

A. Franchisee shall not deny service, deny access, or otherwise discriminate against subscribers or general citizens on the basis of race, color, religion, national origin, sex or age. Franchisee shall comply at all times with all other applicable federal, state, and City laws, and all executive and administrative order relating to nondiscrimination.

406.10. Liability.

A. Franchisee shall indemnify and hold harmless City with regard to all legal damages and penalties which may result from the exercise of this franchise at all times during the term of the franchise and shall maintain throughout the term of the franchise liability insurance in an amount of at least \$500,000.00 for property damage, \$1,000,000.00 damages per occurrence, \$1,000,000.00 for bodily injury to any one person, and \$1,000,000.00 for bodily injury in any one occurrence.

406.11. Transfer of Franchise.

A. A Franchise shall not be assigned or transferred, either in whole or in part, or leased, sublet or mortgaged in any manner, nor shall title thereto, either legal or equitable or any right,

interest or property therein, pass to or vest in any person other than an Affiliate of Franchisee without the prior written consent of City, which consent shall not be unreasonably withheld. Further, Franchisee shall not sell or transfer any stock or ownership interest so as to create a new controlling interest except with the consent of City, which consent shall not be unreasonably withheld.

B. Any sale or transfer of franchise, including a sale or transfer by means of a fundamental corporate change, requires the written approval of City. The parties to the sale or transfer of Franchise shall make a written request to the City for consent. City shall reply in writing within 30 days of actual receipt of the request and shall indicate its approval of the request or its determination that a public hearing is necessary. City shall conduct a public hearing on the request within 30 days of such determination if it determines that a sale or transfer of Franchise may adversely affect Franchisee's subscribers.

C. Unless otherwise already provided for by local law, notice of any such hearing shall be given 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 City. Within 30 days after the public hearing, City shall approve or deny in writing the sale or transfer request.

D. For purposes of this section, fundamental corporate change means the sale or transfer of a controlling interest in the stock of a corporation or the sale or transfer of all or a majority of a corporation's assets, merger (including a parent and its subsidiary corporation), consolidation or creation of a subsidiary corporation. For the purposes of this Section, fundamental partnership change means the sale or transfer of all or a majority of a partnership's assets, change of a general partner in a limited partnership, incorporation of a partnership, or change in the control of a partnership.

E. The word "control" as used herein, shall apply to the sale or transfer of all or a majority of Franchisee's assets or shares of stock, merger (including any parent and its subsidiary corporation), consolidation, creation of a subsidiary corporation of the parent company, or sale or transfer of stock in Franchisee so as to create a new controlling interest. The term "controlling interest" as used herein is not limited to majority stock ownership, but includes actual working control in whatever manner exercised, including the creation or transfer of decision-making authority to a new or different board of directors. Every change, transfer or acquisition of control of Franchise shall make the Franchise subject to cancellation unless and until City shall have consented in writing thereto, which consent shall not be unreasonably withheld. For the purpose of determining whether it shall consent to such change, transfer or acquisition of control, City may inquire into the qualifications of the prospective controlling party. City reserves the right to seek reimbursement of its costs for conducting an inquiry to the extent permitted by applicable state and federal law. The preceding statement does not constitute an agreement by any party to reimburse City.

F. In no event shall a transfer or assignment of ownership or control be approved without transferee becoming a signatory to a Franchise.

G. Any transferee of a Franchise shall be subordinate to any right, title or interest of City.

H. Notwithstanding anything to the contrary, no such consent or approval shall be required for a transfer or assignment to any Person controlling, controlled by or under the same common control as Franchisee.

406.12. Termination.

A. City shall give written notice of default to Franchisee if City, in its sole discretion determines that Franchisee has:

1. Violated any provision of a Franchise or the acceptance hereof, or any rule, order, regulation or determination of City, state or federal government, no in conflict with a Franchise;
2. Attempted to evade any provision of a Franchise or the acceptance hereof,
3. Practiced any fraud or deceit upon City or subscribers;
4. Made a material misrepresentation of fact in the application for or negotiation of a Franchise; or
5. Incurred a 4 month or more delay in the construction schedule.

B. If Franchisee fails to cure such default within 30 days after the giving of such notice (or if such default is of such a character as to require more than 30 days within which to cure the same, and Franchisee fails to commence to cure the same within 30 day period and thereafter fails to use reasonable diligence, in City's sole opinion, to cure such default as soon as possible), then, and in any event, such default shall be a substantial breach and City may elect to terminate the Franchise. City may place the issue of revocation and termination of a Franchise before the governing body of City at a regular meeting. City decides there is cause or reason to terminate, the following procedure shall be followed:

1. City shall provide Franchisee with a written notice of the reason or cause for proposed termination and shall allow Franchisee a minimum of 30 days subsequent to receipt of the notice in which to correct the default.
2. Franchisee shall be provided with an opportunity to be heard and present evidence and witnesses at a public hearing before the City Council prior to any decision to terminate a Franchise.
3. If, after notice is given and an opportunity to cure, Franchisee's option, a public hearing is held, and City Council determines there was a violation, breach, failure, refusal or neglect, City may declare by resolution the Franchise revoked and of no further force and effect

unless there is compliance within such period as City may fix, such period may not be less than 30 days provided no opportunity for compliance need be granted for fraud or misrepresentation.

4. Upon determination by City to revoke the franchise, Franchisee may exercise its rights of appeal under state and federal law. During the appeal period, the franchise shall remain in full force and effect unless the term thereof sooner expires.

C. Foreclosure. Upon the foreclosure or other judicial sale of a System, franchisee shall notify City of such fact and such notification shall be treated as a notification that a change in control of Franchisee has taken place, and the provisions of a Franchise governing the consent to transfer or change in ownership shall apply without regard to how such transfer or change in ownership occurred.

406.13. Procedure Upon Termination.

Upon termination or forfeiture of the franchise, Franchisee shall, upon request of City, remove its cable, wires and all other appliances relating to the cable communications system from the streets, alleys, and other public places within the franchise area, and in the event of failure to do so, the following procedure shall be followed: City may remove or have removed the cable, wires and all other appliances relating to the communications system, then cost of such removal to be charged to Franchisee. Franchisee shall also pay to City the cost of attorney's fees incurred in the cost of the enforcement of this provision.

406.14. Public Improvements.

Whenever City shall undertake any public improvement which affects cable communications equipment, it shall, with due regard to reasonable working conditions, direct Franchisee to remove or relocate its wires, conduits, cables and other property located in said street, right-of-way or public place. Franchisee shall relocate or protect its facilities at its own expense provided, however, if any other party not owned by City is reimbursed for all or part of their cost of relocation, Franchisee shall be similarly reimbursed. City shall give Franchisee reasonable notice of the undertaking of public improvements, which affect Franchisee's cable communication equipment.

406.15. Technical Standards.

Franchisee shall adhere to the applicable technical standards promulgated by the FCC relating to cable communications system of less than one thousand subscribers contained in rules and regulations relating to cable communications systems, as the same now provide and may from time to time be amended. The results of any tests required by the FCC shall be filed with the City within (30) days of completion.

406.16. Abandonment and Continuity of Service.

A. Franchisee may not abandon any portion of the cable communications service provided hereunder, without having given three (3) months' prior notice to City and the board. Further, Franchisee may not abandon any portion of the distribution system without compensating City for damages resulting from the abandonment to the extent required under FCC Rules and Regulations.

B. Franchisee is required to provide service to all subscribers in return for payment of the established fees. In the event Franchisee fails to operate the system for 30 consecutive days, without prior approval of City unless due to a force majeure, City or its agent may take title to and operate the system and may sell or transfer the system to another. City may also elect to terminate the franchise.

406.17. Acceptance of Franchise.

This franchise, and every extension or renewal hereof, shall be accepted in writing by Franchisee within thirty (30) days after its passage by the City Council of City. Such acceptance shall be constructed to be an acceptance of and consent to all of the terms, conditions, and limitations contained in this franchise, and also all of the provisions of this Charter. This franchise shall not be binding upon City until accepted by Franchisee as provided in this subdivision.

406.18. Pass-Through Costs.

Nothing in this franchise shall be deemed to prohibit Franchisee from passing through to subscribers as an external cost any and all costs associated with fulfilling the requirements undertaken by Franchisee under this franchise, so long as the same is done in accordance with the rules and regulations of the FCC.

406.19. Force Majeure.

Franchisee shall not be found to be in violation of the terms of this franchise or subject to any sanction, penalty or damage of any kind under this franchise when Franchisee's performance hereunder is unreasonably prevented or impaired due to cause beyond the Franchisee's reasonable ability, after diligent effort, to control.

406.20. 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 the City's Franchise Administrator, or forty-eight (48) hours after it is deposited in the United States mail in a sealed envelope with registered or certified mail postage prepared thereon, addressed to the party to whom notice is being given, as follows:

If to City:
City of Courtland
300 Railroad Street

Courtland, Minnesota 56021
Attention: City Clerk

With copies to:
Hugh T. Nierengarten
Courtland City Attorney
P.O. Box 214
New Ulm, Minnesota 56073-0214

If to Franchisee: M-Tek Systems, Inc.
P.O. Box 109
200 Lake Drive
Redwood Falls, Minnesota 56283

Such addresses may be changed by either party upon notice to the other party given as provided in this Section.

406.21. Technical Ability.

Franchisee's technical ability, financial condition and legal qualification were considered and approved by City in full public proceeding which afforded reasonable notice and a reasonable opportunity to be heard.

(Source Ord. 01-101, 04/05/01)

COMCAST CATV Franchise

406.22 Definition of Terms.

For the purpose of this Franchise Agreement, capitalized terms, phrases, words, and abbreviations shall have the meanings ascribed to them in the Cable Communications Policy Act of 1984, as amended from time to time, 47 U.S.C. §§ 521 et seq. (the "Cable Act"), unless otherwise defined herein.

A. "Customer" means a Person or user of the Cable System who lawfully receives Cable Service therefrom with the Grantee's express permission.

B. "Effective Date" means the date on which all persons necessary to sign this Agreement in order for it to be binding on both parties have executed this Agreement as indicated on the signature page(s), unless a specific date is otherwise provided in the "Term" section herein.

C. "FCC" means the Federal Communications Commission, or successor governmental entity thereto.

D. “Franchise” means the initial authorization, or renewal thereof, issued by the Franchising Authority, whether such authorization is designated as a franchise, agreement, permit, license, resolution, contract, certificate, ordinance or otherwise, which authorizes the construction and operation of the Cable System.

E. “Franchise Agreement” or “Agreement” shall mean this Agreement and any amendments or modifications hereto.

F. “Franchise Area” means the present legal boundaries of Courtland as of the Effective Date, and shall also include any additions thereto, by annexation or other legal means.

G. “Franchising Authority” means the Courtland City Council or the lawful successor, transferee, designee, or assignee thereof.

H. “Grantee” shall mean Comcast of Arkansas/Florida/Louisiana/Minnesota/Mississippi/Tennessee, Inc. and its permitted successors and assigns.

I. “Gross Revenue” means the Cable Service revenue derived by the Grantee from the operation of the Cable System in the Franchise Area to provide cable services, calculated in accordance with generally accepted accounting principles. Cable service revenue includes monthly basic, premium and pay-per-view video fees, advertising and home shopping revenue, installation fees and equipment rental fees. Gross Revenue shall not include refundable deposits, bad debt, late fees, investment income, programming launch support payments, advertising sales commissions, nor any taxes, fees or assessments imposed or assessed by any governmental authority.

J. “Person” means any natural person or any association, firm, partnership, joint venture, corporation, or other legally recognized entity, whether for-profit or not-for profit, but shall not mean the Franchising Authority.

K. “Public Way” shall mean the surface of, and the space above and below, any public street, highway, freeway, bridge, land path, alley, court, boulevard, sidewalk, way, lane, public way, drive, circle or other public right-of-way, including, but not limited to, public utility easements, dedicated utility strips, or easements dedicated for compatible uses and any temporary or permanent fixtures or improvements located thereon now or hereafter held by the Franchising Authority in the Franchise Area, which shall entitle the Franchising Authority and the Grantee to the use thereof for the purpose of installing, operating, repairing, and maintaining the Cable System. Public Way shall also mean any easement now or hereafter held by the Franchising Authority within the Franchise Area for the purpose of public travel, or for utility or public service use dedicated for compatible uses, and shall include other easements or rights-of-way as shall within their proper use and meaning entitle the Franchising Authority and the Grantee to the use thereof for the purposes of installing, operating, and maintaining the Grantee’s Cable System over poles, wires, cables, conductors, ducts, conduits, vaults, manholes, amplifiers, appliances, attachments, and other property as may be ordinarily necessary and pertinent to the Cable System.

406.23 Grant of Authority

A. The Franchising Authority hereby grants to the Grantee a nonexclusive Franchise authorizing the Grantee to construct and operate a Cable System in the Public Ways within the Franchise Area, and for that purpose to erect, install, construct, repair, replace, reconstruct, maintain, or retain in any Public Way such poles, wires, cables, conductors, ducts, conduits, vaults, manholes, pedestals, amplifiers, appliances, attachments, and other related property or equipment as may be necessary or appurtenant to the Cable System, and to provide such services over the Cable System as may be lawfully allowed.

B. Term of Franchise. The term of the Franchise granted hereunder shall be Fifteen (15) years, commencing upon June 25, 2009, the Effective Date of the Franchise, unless the Franchise is renewed or is lawfully terminated in accordance with the terms of this Franchise Agreement and the Cable Act.

C. Renewal. Any renewal of this Franchise shall be governed by and comply with the provisions of Section 626 of the Cable Act, as amended.

D. Reservation of Authority. Nothing in this Franchise Agreement shall (A) abrogate the right of the Franchising Authority to perform any public works or public improvements of any description, (B) be construed as a waiver of any codes or ordinances of general applicability promulgated by the Franchising Authority, or (C) be construed as a waiver or release of the rights of the Franchising Authority in and to the Public Ways.

406.24 Construction and Maintenance of the Cable System

A. Construction Schedule.

1. Construction of the cable communications system will commence no later than 240 days after the granting of the franchise.

2. Construction of the cable communications system must proceed at a reasonable rate of not less than 50 plant miles constructed per year of the franchise term.

3. Construction throughout the authorized franchise area must be substantially completed within five years of the granting of the franchise.

4. The requirement of this section will be waived by the Franchising Authority only upon occurrence of unforeseen events or acts of God.

B. Permits and General Obligations. The Grantee shall be responsible for obtaining, at its own cost and expense, all generally applicable permits, licenses, or other forms of approval or authorization necessary to construct, operate, maintain or repair the Cable System, or any part thereof, prior to the commencement of any such activity. Construction, installation, and maintenance of the Cable System shall be performed in a safe, thorough and reliable manner using materials of good and durable quality. All transmission and distribution structures, poles, other lines, and equipment installed by the Grantee for use in the Cable System in accordance with the terms and conditions of this Franchise Agreement shall be located so as to minimize the interference with the proper use of the Public Ways and the rights and reasonable convenience of property owners who own property that adjoins any such Public Way.

C. Conditions of Street Occupancy.

1. New Grades or Lines. If the grades or lines of any Public Way within the Franchise Area are lawfully changed at any time during the term of this Franchise Agreement, then the Grantee shall, upon reasonable advance written notice from the Franchising Authority (which shall not be less than ten (10) business days) and at its own cost and expense, protect or promptly alter or relocate the Cable System, or any part thereof, so as to conform with any such new grades or lines. If public funds are available to any other user of the Public Way for the purpose of defraying the cost of any of the foregoing, the Franchising Authority shall notify Grantee of such funding and make available such funds to the Grantee.

2. Relocation at request of Third Party. The Grantee shall, upon reasonable prior written request of any Person holding a permit issued by the Franchising Authority to move any structure, temporarily move its wires to permit the moving of such structure; provided (i) the Grantee may impose a reasonable charge on any Person for the movement of its wires, and such charge may be required to be paid in advance of the movement of its wires; and (ii) the Grantee is given not less than ten (10) business days advance written notice to arrange for such temporary relocation.

3. Restoration of Public Ways. If in connection with the construction, operation, maintenance, or repair of the Cable System, the Grantee disturbs, alters, or damages any Public Way, the Grantee agrees that it shall at its own cost and expense replace and restore any such Public Way to a condition reasonably comparable to the condition of the Public Way existing immediately prior to the disturbance.

4. Safety Requirements. The Grantee shall, at its own cost and expense, undertake all necessary and appropriate efforts to maintain its work sites in a safe manner in order to prevent failures and accidents that may cause damage, injuries or nuisances. All work undertaken on the Cable System shall be performed in substantial accordance with applicable FCC or other federal and state regulations. The Cable System shall not unreasonably endanger or interfere with the safety of Persons or property in the Franchise Area.

5. Trimming of Trees and Shrubbery. The Grantee shall have the authority to trim trees or other natural growth overhanging any of its Cable System in the Public Way in the Franchise Area so as to prevent contact with the Grantee's wires, cables, or other equipment. All such

trimming shall be done at the Grantee's sole cost and expense. The Grantee shall be responsible for any damage caused by such trimming.

6. **Aerial and Underground Construction.** At the time of Cable System construction, if all of the transmission and distribution facilities of all of the respective public or municipal utilities in any area of the Franchise Area are underground, the Grantee shall place its Cable Systems' transmission and distribution facilities underground, provided that such underground locations are actually capable of accommodating the Grantee's cable and other equipment without technical degradation of the Cable System's signal quality. In any region(s) of the Franchise Area where the transmission or distribution facilities of the respective public or municipal utilities are both aerial and underground, the Grantee shall have the discretion to construct, operate, and maintain all of its transmission and distribution facilities, or any part thereof, aerially or underground. Nothing in this Section shall be construed to require the Grantee to construct, operate, or maintain underground any ground-mounted appurtenances such as customer taps, line extenders, system passive devices, amplifiers, power supplies, pedestals, or other related equipment.

7. **Undergrounding and Beautification Projects.** In the event all users of the Public Way relocate aerial facilities underground as part of an undergrounding or neighborhood beautification project, Grantee shall participate in the planning for relocation of its aerial facilities contemporaneously with other utilities. Grantee's relocation costs shall be included in any computation of necessary project funding by the municipality or private parties. Grantee shall be entitled to reimbursement of its relocation costs from public or private funds raised for the project and made available to other users of the Public Way.

406.25 Service Obligations

A. **General Service Obligation.** The Grantee shall make Cable Service available to every residential dwelling unit within the Franchise Area where the minimum density is at least thirty (30) dwelling units per mile and is within one (1) mile of the existing Cable System. Subject to the density requirement, Grantee shall offer Cable Service to all new homes or previously unserved homes located within 125 feet of the Grantee's distribution cable.

The Grantee may elect to provide Cable Service to areas not meeting the above density and distance standards. The Grantee may impose an additional charge in excess of its regular installation charge for any service installation requiring a drop in or line extension in excess of the above standards. Any such additional charge shall be computed on a time plus materials basis to be calculated on that portion of the installation that exceeds the standards set forth above.

B. **Programming.** The Grantee shall offer to all Customers a diversity of video programming services.

C. No Discrimination. The Grantee shall not discriminate or permit discrimination between or among any Persons in the availability of Cable Services or other services provided in connection with the Cable System in the Franchise Area. It shall be the right of all Persons to receive all available services provided on the Cable System so long as such Person's financial or other obligations to the Grantee are satisfied. Nothing contained herein shall prohibit the Grantee from offering bulk discounts, promotional discounts, package discounts, or other such pricing strategies as part of its business practice.

D. New Developments. The Franchising Authority shall provide the Grantee with written notice of the issuance of building or development permits for planned developments within the Franchise Area requiring undergrounding of cable facilities. The Franchising Authority agrees to require the developer, as a condition of issuing the permit, to give the Grantee access to open trenches for deployment of cable facilities and at least ten (10) business days written notice of the date of availability of open trenches.

406.26 Fees and Charges to Customers

A. All rates, fees, charges, deposits and associated terms and conditions to be imposed by the Grantee or any affiliated Person for any Cable Service as of the Effective Date shall be in accordance with applicable FCC's rate regulations. Before any new or modified rate, fee, or charge is imposed, the Grantee shall follow the applicable FCC notice requirements and rules and notify affected Customers, which notice may be by any means permitted under applicable law.

B. Current subscriber charges and the length and terms of any residential subscriber contracts will be available for public inspection at the office of the City Clerk.

C. Subscriber rates and charges shall be established in a manner consistent with applicable law.

406.27 Customer Service Standards; Customer Bills; and Privacy Protection

A. Customer Service Standards. The Franchising Authority hereby adopts the customer service standards set forth in Part 76, §76.309 of the FCC's rules and regulations, as amended. The Grantee shall comply in all respects with the customer service requirements established by the FCC.

B. Consumer Complaints. Any person may file a complaint regarding quality of service, equipment malfunction, billing disputes, or other matters pertaining to the Cable System by contacting the Grantee during normal business hours.

C. Repairs and Maintenance

1. Calls about service problems during normal business hours will be handled by the Grantee's Customer Service Representative (CSR). When possible, problems will be resolved over the phone. Subscribers may be charged for service calls. Franchisee will maintain and staff repair service capable of responding within 1 ½ business days.

2. Calls made outside normal business hours may be answered by a pre-recorded message giving the subscriber the option to speak to an operator. The operator will attempt to resolve the problem over the phone. If unable to correct the problem, the operator will have the call returned during normal business hours.

D. Customer Bills. Customer bills shall be designed in such a way as to present the information contained therein clearly and comprehensibly to Customers, and in a way that (A) is not misleading and (B) does not omit material information. Notwithstanding anything to the contrary in Section 6.1, above, the Grantee may, in its sole discretion, consolidate costs on Customer bills as may otherwise be permitted by Section 622(c) of the Cable Act (47 U.S.C. §542(c)).

E. Privacy Protection.

1. The Grantee shall comply with all applicable federal and state privacy laws, including Section 631 of the Cable Act and regulations adopted pursuant thereto.

2. No signals of a class IV cable communications 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 permission must 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 must be for a limited period of time not to exceed one year, which is renewable at the option of the subscriber. No penalty may be invoked for a subscriber's failure to provide or renew the authorization. The authorization is revocable at any time by the subscriber without penalty of any kind. For purposes of this provision, a "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 communications system.

3. No information or data obtained by monitoring transmission of a signal from a subscriber terminal, including but not limited to lists of the names and addresses of the subscribers or lists that identify the viewing habits of subscribers, may be sold or otherwise made available to any person other than to the company and its employees for internal business use, or to the subscriber who is the subject of that information, unless the company has received specific written authorization from the subscriber to make the data available.

4. Written permission from the subscriber must not be required for the systems conducting systemwide or individually addressed electronic sweeps for the purpose of verifying system integrity or monitoring for the purpose of billing. Confidentiality of this information is subject to clause.

406.28 Oversight and Regulation by Franchising Authority

A. Franchise Fees. Effective no earlier than March 1, 2011, and upon passage by the City Council of an appropriate enabling ordinance and ninety-days notice to the Grantee, the Grantee shall pay to the Franchising Authority a franchise fee in an amount set forth in the enabling ordinance, but not to exceed five percent (5%) of annual Gross Revenues received from the operation of the Cable System to provide Cable Service in the Franchise Area; provided, however, that Grantee shall not be compelled to pay any higher percentage of franchise fees than any other video service provider providing service in the Franchise Area. The payment of franchise fees shall be made on an annual basis and shall be due forty-five (45) days after the close of each calendar year. Each franchise fee payment shall be accompanied by a report prepared by a representative of the Grantee showing the basis for the computation of the Franchise Fees paid during that period.

B. Franchise Fees Subject to Audit.

1. Upon reasonable prior written notice, during normal business hours at Grantee's principal business office, the Franchising Authority shall have the right to inspect the Grantee's financial records used to calculate the Franchising Authority's franchise fees; provided, however, that any such inspection shall take place within two (2) years from the date the Franchising Authority receives such payment, after which period any such payment shall be considered final.

2. Upon the completion of any such audit by the Franchising Authority, the Franchising Authority shall provide to the Grantee a final report setting forth the Franchising Authority's findings in detail, including any and all substantiating documentation. In the event of an alleged underpayment, the Grantee shall have thirty (30) days from the receipt of the report to provide the Franchising Authority with a written response agreeing to or refuting the results of the audit, including any substantiating documentation. Based on these reports and responses, the parties shall agree upon a "Finally Settled Amount." For purposes of this Section, the term "Finally Settled Amount(s)" shall mean the agreed upon underpayment, if any, to the Franchising Authority by the Grantee as a result of any such audit. If the parties cannot agree on a "Final Settlement Amount," the parties shall submit the dispute to a mutually agreed upon mediator within sixty (60) days of reaching an impasse. In the event an agreement is not reached at mediation, either party may bring an action to have the disputed amount determined by a court of law.

3. Any "Finally Settled Amount(s)" due to the Franchising Authority as a result of such audit shall be paid to the Franchising Authority by the Grantee within thirty (30) days from the date the parties agree upon the "Finally Settled Amount." Once the parties agree upon a Finally Settled Amount and such amount is paid by the Grantee, the Franchising Authority shall have no further rights to audit or challenge the payment for that period. The Franchising Authority shall bear the expense of its audit of the Grantee's books and records.

C. Oversight of Franchise. In accordance with applicable law, the Franchising Authority shall have the right to, on reasonable prior written notice and in the presence of

Grantee's employee, periodically inspect the construction and maintenance of the Cable System in the Franchise Area as necessary to monitor Grantee's compliance with the provisions of this Franchise Agreement.

D. Technical Standards and Testing.

1. The Grantee shall comply with all applicable technical standards of the FCC as published in subpart K of 47 C.F.R. § 76. To the extent those standards are altered, modified, or amended during the term of this Franchise, the Grantee shall comply with such altered, modified or amended standards within a reasonable period after such standards become effective.

2. The Franchising Authority shall have, upon written request, the right to obtain a copy of tests and records required to be performed pursuant to the FCC's rules.

3. The Franchising Authority may request a special test of the cable system in the event of complaints or evidence of an unresolved controversy or other technical noncompliance. If the test demonstrates that the Grantee has substantially complied with FCC technical standards, the cost of testing will be borne by the Franchising Authority. If the test demonstrates that the Grantee has not substantially complied with FCC technical standards, the cost will be borne by the Grantee.

E. Maintenance of Books, Records, and Files.

1. Books and Records. Throughout the term of this Franchise Agreement, the Grantee agrees that the Franchising Authority may review the Grantee's books and records regarding customer service performance levels in the Franchise Area to monitor Grantee's compliance with the provisions of this Franchise Agreement, upon reasonable prior written notice to the Grantee, at the Grantee's business office, during normal business hours, and without unreasonably interfering with Grantee's business operations. All such documents that may be the subject of an inspection by the Franchising Authority shall be retained by the Grantee for a minimum period of three (3) years.

2. Proprietary Information. Notwithstanding anything to the contrary set forth in this Section, the Grantee shall not be required to disclose information which it reasonably deems to be proprietary or confidential in nature. The Franchising Authority agrees to treat any information disclosed by the Grantee as confidential and only to disclose it to those employees, representatives, and agents of the Franchising Authority that have a need to know in order to enforce this Franchise Agreement and who agree to maintain the confidentiality of all such information. The Grantee shall not be required to provide Customer information in violation of Section 631 of the Cable Act or any other applicable federal or state privacy law. For purposes of this Section, the terms "proprietary or confidential" include, but are not limited to, information relating to the Cable System design, customer lists, marketing plans, financial information unrelated to the calculation of franchise fees or rates pursuant to FCC rules, or other information that is reasonably determined by the Grantee to competitively sensitive. Grantee may make proprietary or confidential information available for inspection but not copying or removal by the Franchise Authority's representative. In the event that the Franchising Authority has in its

possession and receives a request under a state “sunshine,” public records, or similar law for the disclosure of information the Grantee has designated as confidential, trade secret or proprietary, the Franchising Authority shall notify Grantee of such request and cooperate with Grantee in opposing such request.

406.29 Transfer of Cable System or Franchise or Control of Grantee

A. Neither the Grantee nor any other Person may sell or transfer the Cable System or the Franchise, pursuant to Minnesota Section 238.083, without the prior written consent of the Franchising Authority, which consent shall not be unreasonably withheld or delayed. No transfer of control of the Grantee, defined as an acquisition of 51% or greater ownership interest in Grantee, shall take place without the prior written consent of the Franchising Authority, which consent shall not be unreasonably withheld or delayed. No consent shall be required, however, for (i) a transfer in trust, by mortgage, hypothecation, or by assignment of any rights, title, or interest of the Grantee in the Franchise or in the Cable System in order to secure indebtedness, or (ii) a transfer to an entity directly or indirectly owned or controlled by Comcast Corporation. Within thirty (30) days of receiving a request for consent, the Franchising Authority shall, in accordance with FCC rules and regulations, notify the Grantee in writing of the additional information, if any, it requires to determine the legal, financial and technical qualifications of the transferee or new controlling party. If the Franchising Authority has not taken final action on the Grantee’s request for consent within one hundred twenty (120) days after receiving such request, consent shall be deemed granted.

B. In the event that the Franchise or cable system is to be transferred or sold, the Franchising Authority has the right to purchase the system in a manner consistent with applicable state law.

406.30 Insurance and Indemnity

A. Insurance. Throughout the term of this Franchise Agreement, the Grantee shall, at its own cost and expense, maintain Comprehensive General Liability Insurance and provide the Franchising Authority certificates of insurance designating the Franchising Authority and its officers, boards, commissions, councils, elected officials, agents and employees as additional insureds and demonstrating that the Grantee has obtained the insurance required in this Section. Such policy or policies shall be in the minimum amount of One Million Dollars (\$1,000,000.00) for bodily injury or death to any one person, and One Million Dollars (\$1,000,000.00) for bodily injury or death of any two or more persons resulting from one occurrence, and One Million Dollars (\$1,000,000.00) for property damage resulting from any one accident. Such policy or policies shall be non-cancelable except upon thirty (30) days prior written notice to the Franchising Authority. The Grantee shall provide workers’ compensation coverage in accordance with applicable law. The Grantee shall indemnify and hold harmless the Franchising Authority from any workers compensation claims to which the Grantee may become subject during the term of this Franchise Agreement

B. Indemnification. The Grantee shall indemnify, defend and hold harmless the Franchising Authority, its officers, employees, and agents from and against any liability or claims resulting from property damage or bodily injury (including accidental death) that arise out of the Grantee's construction, operation, maintenance or removal of the Cable System, including, but not limited to, reasonable attorneys' fees and costs, provided that the Franchising Authority shall give the Grantee written notice of its obligation to indemnify and defend the Franchising Authority within ten (10) business days of receipt of a claim or action pursuant to this Section. If the Franchising Authority determines that it is necessary for it to employ separate counsel, the costs for such separate counsel shall be the responsibility of the Franchising Authority.

C. Nothing contained in the franchise relieves any entity from liability arising out of the failure to exercise reasonable care to avoid injuring the Grantee's facilities while performing work connected with grading, regrading, or changing the line of a street or public place or with the construction or reconstruction of a sewer or water system.

406.31 System Description and Service

A. System Capacity. During the term of this Agreement the Grantee's Cable System shall be capable of providing a minimum of 85 channels of video programming with satisfactory reception available to its customers in the Franchise Area.

B. Service to School Buildings. The Grantee shall provide free "Basic" Cable Service and free installation at one outlet to each public and private school, not including "home schools," located in the Franchise Area within 125 feet of the Grantee's distribution cable.

C. Service to Governmental and Institutional Facilities. The Grantee shall provide free "Basic" Cable Service and free installation at one outlet to each municipal building located in the Franchise Area within 125 feet of the Grantee's distribution cable. "Municipal buildings" are those buildings owned or leased by the Franchising Authority for government administrative purposes, and shall not include buildings owned by Franchising Authority but leased to third parties or buildings such as storage facilities at which government employees are not regularly stationed.

D. Access Channel. Grantee shall provide to each of its subscribers who receive some or all of the services offered on the system, reception on at least one specially designated access channel. The specially designated access channel may be used by local educational authorities and local government on a first-come, first-served, nondiscriminatory basis. The Grantee may use this specially designated channel for other purposes during those hours when the channel is not in use by local educational authorities or local government. The Franchising Authority shall establish rules for the administration of the specially designated access channel. Nothing in this section shall be deemed to require the Grantee to provide equipment for or operate such access channel.

406.32 Enforcement and Termination of Franchise

A. Notice of Violation or Default. In the event the Franchising Authority believes that the Grantee has not complied with the material terms of the Franchise, it shall notify the Grantee in writing with specific details regarding the exact nature of the alleged noncompliance or default.

B. Grantee's Right to Cure or Respond. The Grantee shall have forty-five (45) days from the receipt of the Franchising Authority's written notice: (A) to respond to the Franchising Authority, contesting the assertion of noncompliance or default; or (B) to cure such default; or (C) in the event that, by nature of the default, such default cannot be cured within the forty-five (45) day period, initiate reasonable steps to remedy such default and notify the Franchising Authority of the steps being taken and the projected date that the cure will be completed.

C. Public Hearings. In the event the Grantee fails to respond to the Franchising Authority's notice or in the event that the alleged default is not remedied within forty-five (45) days or the date projected by the Grantee, the Franchising Authority shall schedule a public hearing to investigate the default. Such public hearing shall be held at the next regularly scheduled meeting of the Franchising Authority that is scheduled at a time that is no less than ten (10) business days therefrom. The Franchising Authority shall notify the Grantee in writing of the time and place of such meeting and provide the Grantee with a reasonable opportunity to be heard.

D. Enforcement. Subject to applicable federal and state law, in the event the Franchising Authority, after such public hearing, determines that the Grantee is in default of any material provision of the Franchise, the Franchising Authority may:

1. seek specific performance of any provision that reasonably lends itself to such remedy as an alternative to damages, or seek other equitable relief; or
2. in the case of a substantial default of a material provision of the Franchise, declare the Franchise Agreement to be revoked in accordance with the following:

(i) The Franchising Authority shall give written notice to the Grantee of its intent to revoke the Franchise on the basis of a pattern of noncompliance by the Grantee, including two or more instances of substantial noncompliance with a material provision of the Franchise. The notice shall set forth with specificity the exact nature of the noncompliance. The Grantee shall have ninety (90) days from the receipt of such notice to object in writing and to state its reasons for such objection. In the event the Franchising Authority has not received a response from the Grantee or upon receipt of the response does not agree with the Grantee's proposed remedy, it may then seek termination of the Franchise at a public hearing. The Franchising Authority shall cause to be served upon the Grantee, at least ten (10) days prior to such public hearing, a written notice specifying the time and place of such hearing and stating its intent to request termination of the Franchise.

(ii) At the designated hearing, the Franchising Authority shall give the Grantee an opportunity to state its position on the matter, present evidence and question witnesses, after which it shall determine whether or not the Franchise shall be terminated. The public hearing shall be on the record and a written transcript shall be made available to the Grantee within ten (10) business days. The decision of the Franchising Authority shall be in writing and shall be delivered to the Grantee by certified mail. The Grantee may appeal such determination to an appropriate court, which shall have the power to review the decision of the Franchising Authority “de novo” and to modify or reverse such decision as justice may require.

E. Technical Violation. The Franchising Authority agrees that it is not its intention to subject the Grantee to penalties, fines, forfeitures or revocation of the Franchise for so-called “technical” breach(es) or violation(s) of the Franchise, which shall include, but not be limited, to the following:

1. in instances or for matters where a violation or a breach of the Franchise by the Grantee was good faith error that resulted in no or minimal negative impact on the Customers within the Franchise Area; or

2. where there existed circumstances reasonably beyond the control of the Grantee and which precipitated a violation by the Grantee of the Franchise, or which were deemed to have prevented the Grantee from complying with a term or condition of the Franchise.

F. Performance Bond. During the Term of this Agreement, Grantee shall provide to the Franchise Authority a performance bond to guarantee the Grantee’s faithful performance of its obligations under this Agreement. The performance bond shall be in the amount of \$20,000. If Grantee fails to timely pay any sum required to be paid pursuant to this Agreement, the Franchising Authority shall give Grantee twenty (20) business days’ notice of its intent to draw the amount owed from the performance bond. The Franchising Authority may not draw from the security bond while any action, appeal or other process has been instituted by Grantee to challenge the amount owed. The Franchising Authority may, from year to year and in its sole discretion, reduce the amount of the performance bond.

G. Abandonment.

Grantee may not abandon Cable System or a portion of it without having given three months prior written notice to the Franchising Authority. Upon termination or forfeiture of the Franchise, unless otherwise required by applicable law, the Grantee shall remove its cable, wires, and appliances from the streets, alleys, and other public places within the Franchise Area if the Franchising Authority so requests. Grantee may not abandon Cable System or a portion of it without compensating the Franchising Authority for damages resulting from its abandonment or failure to remove its facilities if so directed by the Franchising Authority in the event of termination or forfeiture as permitted by law.

406.33 Competitive Equity and Subsequent Action Provisions

A. Purposes. The Grantee and the Franchising Authority acknowledge that there is increasing competition in the video marketplace among cable operators, direct broadcast satellite providers, telephone companies, broadband content providers and others; new technologies are emerging that enable the provision of new and advanced services to City residents; and changes in the scope and application of the traditional regulatory framework governing the provision of video services are being considered in a variety of federal, state and local venues. To foster an environment where video service providers using the public rights-of-way can compete on a competitively neutral and nondiscriminatory basis; encourage the provision of new and advanced services to City residents; promote local communications infrastructure investments and economic opportunities in the City; and provide flexibility in the event of subsequent changes in the Law, the Grantee and the Franchising Authority have agreed to the provisions in this Section 12, and they should be interpreted and applied with such purposes in mind.

B. New Video Service Provider. Notwithstanding any other provision of this Agreement or any other provision of Law, if any Video Service Provider (“VSP”) (i) enters into any agreement with the Franchising Authority to provide video services to subscribers in the City, or (ii) otherwise begins to provide video services to subscribers in the City (with or without entering into an agreement with the Franchising Authority), the Franchising Authority, upon written request of the Grantee, shall permit the Grantee to construct and operate its Cable System and to provide video services to subscribers in the City under the same agreement and/or under the same terms and conditions as apply to the new VSP. The Grantee and the Franchising Authority shall enter into an agreement or other appropriate authorization (to the extent the Grantee determines such an agreement or authorization is necessary) containing the same terms and conditions as are applicable to the VSP within sixty (60) days after the Grantee submits a written request to the Franchising Authority.

1. If there is no written agreement or other authorization between the new VSP and the Franchising Authority, the Grantee and the Franchising Authority shall use the sixty (60) day period to develop and enter into an agreement or other appropriate authorization (to the extent the Grantee determines such an agreement or authorization is necessary) that to the maximum extent possible contains provisions that will ensure competitive equity between the Grantee and other VSPs, taking into account the terms and conditions under which other VSPs are allowed to provide video services to subscribers in the City.

C. Subsequent Change in Law. If there is a change in federal, state or local Law that provides for a new or alternative form of authorization for a VSP to provide video services to subscribers in the City, or that otherwise changes the nature or extent of the obligations that the Franchising Authority may request from or impose on a VSP providing video services to subscribers in the City, the Franchising Authority agrees that, notwithstanding any other provision of Law, upon the written request and at the option of the Grantee, the Franchising Authority shall: (i) permit the Grantee to provide video services to subscribers in the City on the same terms and conditions as are applicable to a VSP under the changed Law; (ii) modify this Agreement to comply with the changed Law; or (iii) modify this Agreement to ensure competitive equity between the Grantee and other VSPs, taking into account the conditions under

which other VSPs are permitted to provide video services to subscribers in the City. The Franchising Authority and the Grantee shall implement the provisions of this Section 12.3 within sixty (60) days after the Grantee submits a written request to the Franchising Authority. Notwithstanding any provision of Law that imposes a time or other limitation on the Grantee's ability to take advantage of the changed Law's provisions, the Grantee may exercise its rights under this Section 12.3 at any time, but not sooner than thirty (30) days after the changed Law goes into effect.

D. Effect on This Agreement. Any agreement, authorization, right or determination to provide video services to subscribers in the Franchise Area under Sections 12.2 or 12.3 shall supersede this Agreement, and the Grantee, at its option, may terminate this Agreement or portions thereof, upon written notice to the Franchising Authority, without penalty or damages.

406.34 Miscellaneous Provisions

A. Force Majeure. The Grantee shall not be held in default under, or in noncompliance with, the provisions of the Franchise, nor suffer any enforcement or penalty relating to noncompliance or default (including termination, cancellation or revocation of the Franchise), where such noncompliance or alleged defaults occurred or were caused by strike, riot, war, earthquake, flood, tidal wave, unusually severe rain or snow storm, hurricane, tornado or other catastrophic act of nature, labor disputes, failure of utility service necessary to operate the Cable System, governmental, administrative or judicial order or regulation or other event that is reasonably beyond the Grantee's ability to anticipate or control. This provision also covers work delays caused by waiting for utility providers to service or monitor their own utility poles on which the Grantee's cable or equipment is attached, as well as unavailability of materials or qualified labor to perform the work necessary.

B. Notice. All notices shall be in writing and shall be sufficiently given and served upon the other party by hand delivery, first class mail, registered or certified, return receipt requested, postage prepaid, or by reputable overnight courier service and addressed as follows:

To the Franchising Authority:

City Clerk
City of Courtland
300 Railroad Street
Courtland, MN 56021

with a copy to:

Hugh T. Nierengarten
Nierengarten & Hippert, Ltd.
Attorneys at Law
11 North Minnesota Street
PO Box 214

New Ulm, MN 56073-0214

To the Grantee:

Comcast
Attn.: Vice President of Government Affairs
9705 Data Park
Minnetonka, MN 55343

with a copy to:

Comcast Cable
Attn.: Government Affairs Department
1500 Market Street
Philadelphia, PA 19102

C. Entire Agreement. This Franchise Agreement, including all Exhibits, embodies the entire understanding and agreement of the Franchising Authority and the Grantee with respect to the subject matter hereof and supersedes all prior understandings, agreements and communications, whether written or oral. All ordinances or parts of ordinances that are in conflict with or otherwise impose obligations different from the provisions of this Franchise Agreement are superseded by this Franchise Agreement.

D. Severability. If any section, subsection, sentence, clause, phrase, or other portion of this Franchise Agreement is, for any reason, declared invalid, in whole or in part, by any court, agency, commission, legislative body, or other authority of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent portion. Such declaration shall not affect the validity of the remaining portions hereof, which other portions shall continue in full force and effect.

E. Governing Law. This Franchise Agreement shall be deemed to be executed in the State of Minnesota, and shall be governed in all respects, including validity, interpretation and effect, and construed in accordance with, the laws of the State of Minnesota, as applicable to contracts entered into and performed entirely within the State. The Grantee and the Franchising Authority shall conform to state laws and rules regarding cable communications no later than one year after they become effective, unless otherwise stated, and conform to federal laws and regulations regarding cable as they become effective.

F. Modification. No provision of this Franchise Agreement shall be amended or otherwise modified, in whole or in part, except by an instrument, in writing, duly executed by the Franchising Authority and the Grantee, which amendment shall be authorized on behalf of the Franchising Authority through the adoption of an appropriate resolution or order by the Franchising Authority, as required by applicable law.

G. No Third-Party Beneficiaries. Nothing in this Franchise Agreement is intended to confer third-party beneficiary status on any member of the public to enforce the terms of this Franchise Agreement.

H. No Waiver of Rights. Nothing in this Franchise Agreement shall be construed as a waiver of any rights, substantive or procedural, Grantee may have under federal or state law unless such waiver is expressly stated herein.

(Source Ordinance 09-101, 06/04/09)

PART 7. ELECTRIC FRANCHISE

407.01. Definitions.

1. "City" means the City of Courtland, County of Nicollet, State of Minnesota.
2. "City Utility System" means the facilities used for providing non-energy related public utility service owned or operated by City or agency thereof, including sewer and water service, but excluding facilities for providing heating, lighting or other forms of energy.
3. "Commission" means the Minnesota Public Utilities Commission, or any successor agency or agencies, including an agency of the federal government which preempts all of part of the authority to regulate electric retail rates now vested in the Minnesota Public Utilities Commission.
4. "Company" means Northern States Power Company, a Minnesota corporation, d/b/a Xcel Energy, its successors and assigns.
5. "Notice" means a writing served by any party or parties on any other party or parties. Notice to Company shall be mailed to the General Counsel, Legal Services, 800 Nicollet Mall, Suite 3000, Minneapolis, MN 55402. Notice to City shall be mailed to the City Clerk, 300 Railroad St. Courtland, MN 56021-9764. Either party may change its respective address for the purpose of this Ordinance by written notice to the other party.
6. "Public Ground" means land owned by the City for park, open space or similar purpose, which is held for use in common by the public.
7. "Public Way" means any street, alley, walkway or other public right-of-way within the City.

407.02. Grant of Franchise.

City hereby grants Company, for a period of twenty (20) years and after February 3, 2005 hereof, the right to transmit and furnish electric energy for light, heat, power and other purposes for public and private use within and through the limits of City as its boundaries now exist or as they may be extended in the future. For these purposes, Company may construct, operate, repair and maintain electric distribution system and electric transmission lines, including poles, lines, fixtures, and any other necessary appurtenances in, on, over, under and across the Public Ways and Public Grounds of City. Company may do all reasonable things necessary or customary to accomplish these purposes, subject, however, to the further provisions of this franchise agreement.

407.03. Restrictions.

Subdivision 1. Company facilities included in such electric distribution system, transmission lines and appurtenances thereto, shall be located and constructed so as not to interfere with the safety and convenience of ordinary travel along and over said Public Ways and so as not to disrupt normal operation of any City Utility System previously installed therein. Company's construction, operation, repair, maintenance and location of such facilities shall be subject to permits if required by separate ordinance and to other reasonable regulations of the City to the extent not inconsistent with the terms of this franchise agreement. Company may abandon its underground electric facilities in place, provided, at the City's request, Company will remove abandoned metal or concrete encased conduit interfering with a City improvement project, but only to the extent such conduit is uncovered by excavation as part of the City improvement project.

Subdivision 2. Company shall not construct any new installations within or upon any Public Grounds without receiving the prior written consent of an authorized representative of City for each such installation.

Subdivision 3. In constructing, removing, replacing, repairing, or maintaining said poles, lines, fixtures and appurtenances, Company shall, in all cases, place the Public Ways in, on, under or across which the same are located in as good condition as they were prior to said operation and maintain any restored paved surface in such condition for two years thereafter. City hereby waives any requirement for Company to post a construction performance bond, certificate of insurance, letter of credit or any other form of security or assurance that may be required, under a separate existing or future ordinance of the City, of a person or entity obtaining the City's permission to install or maintain facilities in a Public Way.

407.04. Tree Trimming.

Company is also granted the permission and authority to trim all trees and shrubs in the Public Ways and Public Grounds of City interfering with the proper construction, operation, repair and maintenance of any poles, lines, fixtures or appurtenances installed in pursuance of the authority hereby granted, provided that Company shall save City harmless from any liability in the premises.

407.05. Service and Rates.

The service to be provided and the rates to be charged by Company for electric service in City are subject to the jurisdiction of the Public Utilities Commission of this State or its successor agency.

407.06. Relocating.

Subdivision 1. Whenever City at its cost shall grade, regrade or change the line of any Public Way, or construct or reconstruct any City Utility System therein and shall, in the proper exercise of its police power, and with due regard to seasonable working conditions, when necessary, and after approval of its final plans have been obtained, order Company to relocate permanently its lines, services and other property located in said Public Way materially interfering with the City's

planned construction, Company shall relocate its facilities at its own expense. City shall give Company reasonable notice of plans to grade, regrade or change the line of any Public Way or to construct or reconstruct any City Utility System therein. However, after Company has so relocated, if a subsequent relocation or relocations shall be ordered within five (5) years from and after first relocation, City shall reimburse Company for such non-betterment relocation expense which Company may incur on a time and material basis; provided, if subsequent relocations are requested because Company facilities materially and necessarily interfere with the extension of a City Utility System to previously unserved areas, Company may be required to relocate at its own expense.

Subdivision 2. Nothing contained in this franchise shall require Company to relocate, remove, replace or reconstruct at its own expense its facilities where such relocation, removal, replacement or reconstruction is solely for the convenience of the City and is not reasonably necessary for the construction or reconstruction of a Public Way or City Utility System or other City improvement.

Subdivision 3. Any relocation, removal, or rearrangement of any Company facilities made necessary because of the extension into or through City of a federally-aided highway project shall be governed by the provisions of Minnesota Statutes Section 161.46 as supplemented or amended; and further, it is expressly understood that the right herein granted to Company is a valuable property right and City shall not order Company to remove or relocate its facilities without compensation when a Public Way is vacated, improved or re-aligned because of a renewal or a redevelopment plan which is financially subsidized in whole or in part by the Federal Government or any agency thereof, unless the reasonable non-betterment costs of such relocation and the loss and expense resulting therefrom are first paid to Company.

Subdivision 4. The provisions of this franchise apply only to facilities constructed in reliance on a franchise from the City and shall not be construed to waive or modify any rights obtained by Company for installations within a Company right-of-way acquired by easement or prescriptive right before the applicable Public Way or Public Ground was established, or Company's rights under state or county permit.

407.07. Indemnification.

Subdivision 1. Company shall indemnify, keep and hold the City free and harmless from any and all liability on account of injury to persons or damage to property occasioned by the construction, maintenance, repair, inspection, the issuance of permits, or the operation of the electric facilities located in the Public Ways and Public Grounds. The City shall not be indemnified for losses or claims occasioned through its own negligence except for losses or claims arising out of or alleging the City's negligence as to the issuance of permits for, or inspection of, Company's plans or work. The City shall not be indemnified if the injury or damage results from the performance in a proper manner of acts reasonably deemed hazardous by Company, and such performance is nevertheless ordered or directed by City after notice of Company's determination.

Subdivision 2. In the event a suit is brought against the City under circumstances where this agreement to indemnify applies, Company at its sole cost and expense shall defend the City in such

suit if written notice thereof is promptly given to Company within a period wherein Company is not prejudiced by lack of such notice. If Company is required to indemnify and defend, it will thereafter have control of such litigation, but Company may not settle such litigation without the consent of the City, which consent shall 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 Company, in defending any action on behalf of the City shall be entitled to assert in any action every defense or immunity that the City could assert in its own behalf.

407.08. Vacation of Public Ways.

The City shall give Company at least two (2) weeks prior written notice of a proposed vacation of a Public Way. Except where required solely for a City improvement project, the vacation of any Public Way, after the installation of electric facilities, shall not operate to deprive 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 Company. In no case, however, shall the City be liable to pay damages to Company for failure to specifically preserve a right-of-way, under Minnesota Statutes, Section 160.29.

407.09. Written Acceptance.

Company shall, if it accepts this Ordinance and the rights and obligations hereby granted, file a written acceptance of the rights hereby granted with the City Clerk within ninety (90) days after the final passage and any required publication of this Ordinance

407.10. General Provisions.

Subdivision 1. Every section, provision, or part of this Ordinance is declared separate from every other section, provision or part; and if any section, provision or part shall be held invalid, it shall not affect any other section, provision or part. Where a provision of any other City ordinance conflicts with the provisions of this Ordinance, the provisions of this Ordinance shall prevail.

Subdivision 2. 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 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 thirty (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 for breach of contract, or either party may take any other action permitted by law.

Subdivision 3. This Ordinance constitutes a franchise agreement between the City and 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.

Subdivision 4. Any change in the form of government of the City shall not affect the validity of this Ordinance. Any governmental unit succeeding the City shall, without the consent of Company, succeed to all of the rights and obligations of the City provided in this Ordinance.

Subdivision 5. Nothing in this Ordinance relieves any person from liability arising out of the failure to exercise reasonable care to avoid damaging Company's facilities while performing any activity.

(Source Ord. 05-101, 02/03/05)

CHAPTER V.

MUNICIPAL REGULATION AND LICENSING

PART 1. GENERAL LICENSING AND PERMIT PROVISIONS

501.01. Licenses and Permits.

Subdivision 1. General rule. Except as otherwise provided in this code, all licenses and permits granted by the city shall be governed by the provisions of this ordinance.

Subdivision 2. Acts prohibited. No person shall conduct any activity or use any property for which a license or permit is required by law or this code without a currently valid license or permit for such activity or use.

Subdivision 3. Application. Every application for a license shall be made to the City Clerk on a form provided by the City Clerk and containing such information as the City Clerk or City Council requires. It shall be accompanied by payment to the City Clerk of the prescribed fee, which fee shall be refunded if the application is rejected. If, after investigation, the City Clerk is satisfied that all requirements of law and this code have been met, the application shall be presented to the City Council for action or, if the license or permit does not require City Council approval, the City Clerk may issue the license or permit. It shall be unlawful to make any false statement in an application.

501.02. Duration of License.

Unless otherwise specified, a license shall be valid for a calendar year or the part of the year for which it is issued and shall expire on December 31.

501.03. Transfers.

No license issued under this code may be transferred to any other person. Where a license relates to specific premises, the license shall not be changed to another location without approval of the City Council or other licensing authority; nor may the licensed operation be conducted outside of the structure on the licensed premises unless specifically authorized in the license.

501.04. Inspection.

Authorized personnel. Any city official or employee having a duty to perform with reference to a license under this code and any police officer may enter, inspect and search any licensed

business or premises during business hours and without a warrant to enforce compliance with applicable provisions of this code.

501.05. Duties of Licensee.

Subdivision 1. Compliance required. Every licensee and permittee shall have the duties set forth in this chapter.

Subdivision 2. Inspection. At reasonable time each licensee shall permit inspection of the licensed business premises and examination of the business books and records by authorized officers or employees.

Subdivision 3. Compliance with law. Each licensee shall comply with laws, ordinance, and regulations applicable to the licensed business, activity, or property.

Subdivision 4. Display of license. Each licensee shall display the license or other insignia issued by the City as evidence of the license in a conspicuous place on the premises, vehicle, or device to which the license relates. If the license is not so related, the license shall be carried on the licensee's person whenever that person is carrying on the licensed activity.

Subdivision 5. Unlawful disposition. The licensee shall not lend or give to any other person a license issued to the licensee or license insignia.

501.06. Suspension or Revocation.

The City Council may suspend for a period not exceeding 60 days or revoke any license or permit for violation of any provision of law, ordinance, or regulation applicable to the license or permitted activity or property. Except where mandatory revocation is provided by law without notice and hearing, and except where suspension may be made without a hearing, the holder of the license or permit shall be granted a hearing before the City Council upon at least 10 days notice before revocation or suspension is ordered. The notice shall state the time and place of the hearing and the nature of the charges against the licensee.

PART 2. DOGS & CATS

502.01. Running at Large Prohibited.

No dog shall be allowed to run at large within the city limits by the owner or person in control of such dog. This restriction does not prohibit the appearance of any dog upon streets or public property when the dog is on a leash and is kept under control by a person of suitable age.

502.02. Licenses.

Subdivision 1. License required. No person shall keep any dog over three months of age within the City without securing a license therefor from the City Clerk.

Subdivision 2. Fee. The annual license fee shall be set by resolution of the City Council.

502.03. Date of Payment, Receipts, and Tags.

It shall be the duty of each dog owner to pay the license fee to the City Clerk on or before the 2nd day of January each year. Upon payment, the City Clerk shall make a receipt in duplicate, give the original to the owner and retain the duplicate. Upon payment of the fee, the City Clerk shall deliver to the owner a metal tag, which tag shall be permanently secured to the collar of the dog so licensed.

502.04. Impounding and Impounding Notice.

After the 2nd day of January of each year, the City may impound any dogs found in the city that do not have a metal tag or are running at large. The City is empowered and instructed to enter upon any private premises where there is reasonable cause to believe there is an unlicensed dog or dog which has been running at large. Upon impounding any dog, the City shall give notice to the owner of the dog, if known. If the owner is unknown, the City shall post the notice at the City Council chambers. If the dog is not claimed within three days after notice is given, the City may dispose of it.

502.05. Redemption.

Any dog may be redeemed from the City by the payment of the license fee for the current year, if unpaid, together with an impounding fee for each day the dog is impounded.

502.06. Seeing Eye Dogs.

Seeing eye dogs shall adhere to all the provisions of this section with the exception that licenses do not have to be secured for them.

502.07. Fees Collected.

The fees collected by the City shall be deposited to the general fund of the city on or before the 31st of December of each year.

502.08. Dog Nuisances.

The owner or custodian of any dog shall prevent the dog from committing in the city any act, which constitutes a nuisance. It is a nuisance for any dog to habitually or frequently bark or cry at night, to run at large, to molest or annoy any person away from the property of its owner or custodian, or to damage, defile, or destroy public or private property.

502.09. Limitation on Numbers.

Subdivision 1. No person shall keep, or allow to be kept at any one location within the City more than three (3) dogs. Provided, however, that such limitation does not apply to 1) a City owned or operated dog pound, 2) a licensed veterinarian, 3) a kennel licensed by the Minnesota Board of Animal Health, or 4) a litter of pups for a period not to exceed 90 days after birth.

502.10. Location of Dogs.

Subdivision 1. No person shall keep any number of dogs at a location within the City except on a parcel or lot where there is a resident human occupant, except for such locations which are 1) a City owned or operated dog pound, 2) a licensed veterinarian, or 3) a kennel licensed by the Minnesota Board of Animal Health.

502.11. Impounding.

The owner or person in control of any dog or cat, that does not have a current rabies vaccination and that has bitten a person, shall immediately cause such animal to be impounded for a period of not less than 14 days. Such dog or cat shall be impounded with a licensed veterinarian at the expenses of the owner or person in control thereof. The owner or person in control thereof shall cause such dog or cat to be destroyed if 1) it is determined that such animal is rabid, or 2) said animal has previously been impounded for biting a person. No such animal shall be released unless vaccinated against rabies.

502.12. Habitual Nuisances.

Upon sworn complaint that any dog or cat has, 1) destroyed property or habitually trespassed in a destructive or annoying manner upon property other than that of the owner of such dog or cat, 2) in a previous documented case attacked or bitten a person other than the owner or custodian or his or her family member, 3) shown vicious habits, molested pedestrians or interferes with traffic, or attacked other domestic animals, or 4) acted in violation of other provisions of this section, the District Court may issue a Summons directed to the owner or person in control of such dog or cat requiring such person to appear before the Court and show cause why such animal should not be destroyed. Such summons shall be returnable not less than two nor more than six days after service, and may require the owner or person in control of such animal to confine said animal pending the Court's determination. Upon hearing the Court may, among other things, order the destruction or other disposition of such animal.

502.13. Location of Kennels.

No commercial kennel, including facilities for boarding or breeding, which is licensed by the Minnesota Board of Animal Health shall be located in any zoned residential district.

PART 3. BINGO

(Repealed by Recodification)

PART 4. AMUSEMENT DEVICES AND MACHINES

504.01. Mechanical Amusement Devices.

Subdivision 1. Definition. Mechanical amusement devices include all amusement machines, which may be operated upon the insertion of a coin, currency or token.

Subdivision 2. License required. No person, firm, corporation or association shall keep or maintain any mechanical amusement device available for public use without first having obtained a license from the city.

Subdivision 3. Fee. The annual fee for a license shall be set by resolution of the City Council.

504.02. Billiards, Pool and Bowling.

Subdivision 1. License required. No person, firm, corporation or association shall keep or maintain any pool, billiard, or other game table, or any bowling alley (lane) available for public use without first having obtained a license from the city.

Subdivision 2. Fee. The annual fee for a license shall be set by resolution of the City Council.

PART 5. SNOWMOBILES

505.01. In General.

Subdivision 1. The provisions of this par apply to snowmobiles, golf carts and off-highway vehicles, as defined by Minn. Stat. § 84.771, hereinafter referred to as OHVs.

The operation of OHVs within the City of Courtland is subject to the provisions of this ordinance and Minnesota Statutes Section 84.81 through 84.88, as the same may be amended or replaced from time to time.

505.02. Hours of Operation.

No person shall operate a OHVs within the City between the hours of 1:15 A.M. and 7:00 A.M., except in an emergency.

505.03. Sidewalks and Boulevards.

No person shall operate a OHVs on a public sidewalk or boulevard, except in making a direct crossing.

505.04. Operation on Public Roads, Lands and Waters.

OHVs may be operated on public roads, lands, and waters provided that: no OHVs is operated at a speed in excess of 10 m.p.h.; all OHVs are operated in single file on roads; and the operation of OHVs on roads is specifically limited to travel from the owner's residence or place of business or place where the OHVs is generally stored to a destination where OHVs may lawfully be operated or vice versa, in a direct route only, or when snow upon roads renders travel by automobiles impractical.

PART 6. REFUSE COLLECTION

506.01. Definitions.

For the purpose of this Part, the following words and phrases have the meanings given them in this section.

Subdivision 1. "Refuse": Refuse shall mean wastes, garbage and rubbish of all kinds that accumulate in the ordinary operation of a household, or commercial or industrial establishment, including without limitation, grass trimmings, ashes, tin cans and tree branches.

Subdivision 2. "Place or premises": Place or premises shall mean any dwelling house; dwelling unit; apartment house or multiple dwelling building; trailer or mobile home park; retail store; restaurant; rooming house; hotel; motel; office building; department store; manufacturing, processing or assembling shop or plant; warehouse; and every other place or premises where any person resides or any business is carried on or conducted within the City of Courtland.

Subdivision 3. "Person": Person shall mean and include any natural person, corporation, firm, or association.

Subdivision 4. "Unit Service Fee": Unit Service Fee shall mean that monthly charge for each Residential Unit or dwelling unit within a Multiple Residence made by the City for Refuse disposal and shall be composed of the following:

1. The actual cost to the City for Refuse collection, transportation, and disposal - including additional cost(s) (agreed upon by the City and its Contractor) that are imposed upon Contractor by reason of state statute and/or governmental regulations;
2. The City's cost of collection of the Unit Service Fee, including bad debts; and
3. Any applicable sales tax.

Subdivision 5. "Multiple Residence": Multiple Residence shall mean any single structure containing two (2) or more dwelling units.

Subdivision 6. "Residential Unit": Residential Unit means a single-family dwelling unit or home, or, in the case of a multiple dwelling unit, each separate dwelling unit within such multiple dwelling. Vacant premises or premises where all Persons are absent for a period of thirty (30) days or more are not Residential Units during said vacancy or absence.

506.02. General Regulations.

Subdivision 1. Unauthorized Accumulation. Any unauthorized accumulation of refuse on any premises is a nuisance and prohibited.

Subdivision 2. Refuse in Streets, Etc. No person shall place any refuse in any street, alley, or public place or upon any private property except in proper containers for collection. No person shall throw or deposit refuse in any stream or other body of water.

Subdivision 3. Scattering of Refuse. No person shall deposit anywhere within the City any refuse in such manner that it may be carried or deposited by the elements upon any public or private premises within the City.

Subdivision 4. Burying of Refuse; Composting. No person shall bury any refuse in the City except in an approved sanitary landfill, but leaves, grass clippings, and easily biodegradable, non-poisonous garbage may be composted on the premises where such refuse has been accumulated. Garbage may be composted only in a rodent-proof structure and in an otherwise sanitary manner and after the City Council gives its approval to such composting after it finds that the composting will be done in accordance with these standards.

506.03. Disposal Required.

Every person shall, in a sanitary manner, dispose of refuse that may accumulate upon property owned or occupied by him. Garbage shall be collected, or otherwise lawfully disposed of, at least once each week.

506.04. Containers.

Subdivision 1. General Requirement. Every Person who produces or accumulates refuse shall provide on the premises one or more containers to receive and contain all refuse which may accumulate between collections. All normal accumulation of refuse shall be deposited in such containers. Leaves, trimmings, from shrubs, grass clippings, shavings, and other rubbish of similar volume and weight may be stored in closed containers not meeting the requirements of Subdivision 2; provided that branches must be cut into lengths no larger than four (4) feet and shall be tied in bundles that can be easily handled.

Subdivision 2. General Container Requirements. Except as provided in Subdivision 6, each container shall be water-tight, shall be impervious to insects and rodents, shall be fireproof, and shall not exceed 32 gallons in capacity, except that any commercial or business establishment having refuse volume exceeding two cubic yards per week shall provide bulk or box-type refuse storage containers of an approved type. Containers shall be maintained in good and sanitary condition. Any container not conforming to the requirements of this part or having ragged or sharp edges or any other defect likely to hamper or injure the person collecting the contents shall be promptly replaced after notice by the City.

Subdivision 3. Placement. Where an alley open to traffic is available, each container for premises abutting the alley shall be placed at the rear of the property next to the alley. Where no alley exists, the container shall be placed near the street providing access to the building, but only on the day preceding or of refuse collection.

Subdivision 4. Use of Containers. Refuse shall be drained of liquid and household garbage shall be wrapped before being deposited in a container. Highly inflammable or explosive material and hazardous material shall not be placed in containers.

Subdivision 5. Weekly Disposal. All Refuse shall be collected once weekly during each and every week of the year. All Refuse containers shall be placed at the point of pickup by the resident not later than 8:00 o'clock a.m. on the collection day. The schedule for pickup shall be established by the City.

Subdivision 6. Residential and Multiple Dwelling Container Requirements. Owners and occupants of all Residential Units and Multiple Residences shall keep and dispose of garbage and recyclable materials only in approved bags or containers purchased or provided for such purpose. (Revised by Ord. _____, __/__/__)

506.05. Contract for Refuse Collection.

Subdivision 1. City Council to Let Contract. Subject to the provisions of this part, the City Council shall grant by contract let to the lowest bidder in accordance with law the authority to collect and dispose of all Residential Unit and Multiple Residence refuse originating within the City. The City Council shall prepare specifications for advertising for bids for such contract and it shall see that when let, the contract is executed in accordance with its terms and this part.

Subdivision 2. Terms. The contract shall be made for a term of one year, subject to extension by mutual consent for additional years and to termination during the period of the contract as provided in the contract.

Subdivision 3. Liability Insurance. It shall be a condition of the contract that the applicant filed with the City Clerk a current policy of public liability insurance with such terms and limits as the City Council may establish.

Subdivision 4. Contract Collector. No Person shall collect refuse within the City from a Residential Unit or Multiple Residence except a Person holding a contract with the City to do so. No Person shall permit refuse to be picked up from such premises except by such contractor.

506.06. Rates and Collection.

Subdivision 1. Charges. The owner of each Residential Unit or Multiple Residence shall pay to the City a Unit Service Fee as established from time to time by resolution of the City Council.

Subdivision 2. Billing. The Unit Service Fee shall be billed to the owner of each Residential Unit or Multiple Residence in the City. If the Residential Unit or Multiple Residence is served by City water or sewer, the unit service fee shall be billed as a separate entry on the water or sewer bill. If the premises are not so served, the Unit Service Fee shall be separately billed by the City Clerk.

1. The owner of a Multiple Residence may request in writing that the Unit Service Fee be billed directly to the occupants of each dwelling within the Multiple Residence. Such request shall be accompanied by the name and address of each such dwelling, and shall be supplemented and modified with the same information for any replacement occupants. Upon approval by the City of such request, the Unit Service Fee shall be billed directly to the identified occupants; provided, however, that nothing herein shall relieve the owner of such Multiple Residence from responsibility for payment of the Unit Service Fee, nor shall it restrict the ability of the City to collect any unpaid amount from the property in the manner described in Subd. 3 of this section. Any amount billed to an occupant of a Multiple Residence unit which remains unpaid thirty (30) days after it is due shall be billed directly to the owner of the property.

Subdivision 3. Payment. Unit Service Fees shall be payable at the same time as bills for water service and subject to the same conditions of payment. If any charge is unpaid on September 1 of any year, the City Council shall levy an assessment against the premises equal to the unpaid charge as of that date plus interest at the rate of 6 percent from that date and a penalty of 10 percent. The City Clerk shall certify the assessment to the county auditor for collection in the same manner as assessments for local improvements. (Revised by Ord. 93-105, Third Series, 05/06/93)

(Source Ord. 18, 2nd Series, 1990)

PART 7. OUTDOOR BURNING AND OUTDOOR FURNACES

507.01. Minnesota Rules on Open Burning.

Minnesota Rules, Parts 7005.00700 to 7005.0820, adopted by the Minnesota Pollution Control Agency, and thereafter amended, is adopted by reference pursuant to Minnesota Statutes, Section 471.62.

507.02. Open Burning Permits.

Subdivision 1. Except as otherwise set forth in this Part, no open burning may be conducted unless a permit as required herein is secured. "Open burning" shall be deemed to be any combustion of any material outside the contiguous confines of a building, when the same is not a recreational fire as defined herein.

Subdivision 2. Upon determining that all necessary precautions have been taken to protect life and property, the Fire Chief is authorized to issue an open burning permit for the purpose of burning leaves. (See Section 3 for materials prohibited from burning at any time.)

Subdivision 3. Any permit issued for open burning will be subject to the restrictions imposed by state regulations, this ordinance, and such other restrictions as may be imposed by the Fire Chief, to protect the public health, safety, and welfare. Any permit application will be denied in cases provided by regulation. The permit is subject to revocation as regulation provides, or for any violation of this ordinance. An open burning permit issued under this ordinance or Minnesota Rules, Parts 7005.0700 to 7005.0820, does not excuse the permittee from the consequences, damages, or injuries that may result therefrom.

Subdivision 4. A recreational fire of not more than three (3) feet in diameter or more than three (3) feet high shall not be considered an open burning and no permit shall be required. Provided, however, that (i) the ground surrounding a recreational fire must be clear of combustible materials for a radius of five (5) feet around the fire, (ii) only vegetative fuels such as leaves, brush and wood may be burned, and (iii) the recreational fire must be attended by an adult person at all times.

Subdivision 5. The following materials shall not be burned:

- A. Tires, rubber, or rubber products;
- B. Chemically treated lumber;
- C. Railroad ties, telephone poles, and other creosote-treated wood;

- D. Plastic liners from the bags of seed, feed, or pesticide;
- E. Plastic pesticide or herbicide containers;
- F. Plastic containers such as milk, motor oil, household, or other containers;
- G. Tar paper, shingles, or other asphalt material
- H. Insulation and materials containing asbestos;
- I. Composition board or sheet rock;
- J. Wiring, insulation on wiring, or cable;
- K. Hazardous waste (including household hazardous waste)
- L. Commercial or institutional structures;
- M. Paint or paint filters;
- N. Used motor oil or other petroleum-base liquids;
- O. Vehicles, motors, or parts of vehicles or motors.

507.03. Leaf Burning.

No leaf burning shall be permitted except as limited herein, and upon receipt of a permit therefore from the Fire Chief.

Subdivision 1. Any permit issued for leaf burning shall be subject to the following: (i) The cost of obtaining a permit to burn dried leaves shall be at such rate as approved from time to time by the City City Council. The fee will be paid by the permittee upon receipt of the permit, (ii) The permit shall be valid for a period of five (5) days beginning from the date of issuance, and (iii) A permit may be purchased at City Hall or from the City's authorized agent during normal business hours.

Subdivision 2. Leaf burning shall be subject to the following limitations:

A. Dried leaves may be burned between October 15th and November 15th of each year on Monday through Friday between the hours of 5:00 p.m., and 8:00 p.m., and Saturday and Sunday between the hours of noon and 8:00 p.m.

B. Leaves may not be ignited or burned on the land of another without the permission of the owner thereof or the owner's agent.

C. Leaves may not be burned or ignited on any publicly owned or controlled lot or parcel of land, bridge, street, sidewalk, undesignated area, or other public place which has not been set aside by public authorities for such purpose.

D. No leaf burning will take place during an air pollution alert, warning, or emergency declared by the Minnesota Pollution Control Agency.

E. No leaf burning may take place during a high wind or when a traffic hazard might be created thereby in any nearby street or highway.

F. No burning shall take place without an adult attendant present.

G. No leaf burning shall be permitted or conducted when prohibited by the Fire Chief.

H. No running fires shall be allowed.

I. Fire extinguishing equipment such as a garden hose connected to the water supply must be readily available for use until the fire is extinguished.

507.04. Open Burning Nuisances.

Except as open burning is otherwise authorized by this Part, open burning without a permit is hereby declared a public nuisance. The Fire Chief may summarily abate such nuisance without notice to any party.

507.05. Outdoor Furnaces.

Subdivision. 1. Definitions. The following terms as used in this section shall have the meanings stated:

A. "Outdoor furnace" means any equipment, device, appliance, or apparatus, or any part thereof, which is installed, affixed, or situated outdoors for the primary purpose of combustion of fuel to produce heat or energy used as a component of a heating system providing heat for any interior space or water source.

B. "Chimney" means any flue that carries off exhaust from an outdoor furnace's firebox or burn chamber.

C. "Natural wood" means wood that has not been painted, varnished, or coated with a similar material, has not been pressure-treated with preservatives, and does not contain resins or glues as in plywood or other composite wood products.

D. "Existing outdoor furnace" means an outdoor furnace that was installed and put into use prior to the effective date of this ordinance.

Subdivision 2. Applicability. This ordinance applies to the use of all outdoor furnaces within the City. This ordinance does not apply to the following:

A. Grilling or cooking food using charcoal, wood, propane, or natural gas in cooking or grilling appliances.

B. Burning for the purpose of generating heat in a stove, furnace, fireplace, or other heating device located within a building used for human or animal habitation.

C. The use of propane, acetylene, natural gas, gasoline, or kerosene in a device intended for heating, construction, or maintenance activities.

D. The use of recreational fires as defined and regulated in Section 507.02, Subd.4.

Subdivision 3. Conditional use permit required for new outdoor furnaces. No outdoor furnace may be newly installed or used without a conditional use permit issued by the City upon application by the owner. The permit shall specify that:

A. The furnace shall meet or exceed emission standards currently recommended by the U.S. Environmental Protection Agency (EPA) and shall be laboratory tested and listed to appropriate safety standards such as UL, CAN/CSA, ANSI or other applicable safety standards.

B. The furnace shall be constructed, established, installed, operated, and maintained in conformance with the manufacturer's instructions and the requirements of the conditional use permit. In the event of a conflict, the requirements of this ordinance shall apply unless the manufacturer's instructions are stricter, in which case the manufacturer's instructions shall apply.

C. The furnace shall have a setback of at least 25 feet from each property line. It shall be located on the property in compliance with manufacturer's requirements for clearance to combustible materials.

D. The furnace shall have a chimney high enough to minimize the likelihood that smoke will adversely affect building occupants or neighbors. The chimney shall extend at least two feet above the peak of the building it serves or at least two feet above the peak of any building that is within 100 feet of the furnace, whichever is greater.

E. The outdoor furnace shall burn only clean dry natural wood, wood pellets, corn products, biomass pellets, or other fuels specifically permitted by the manufacturer's instructions, such as fuel oil, natural gas, or propane backup.

F. Corn or pelletized fuel shall at all times be stored in securely-covered bins or enclosures so as to prevent the attraction of rodents or other vermin.

G. Additional requirements may be imposed in a conditional use permit as appropriate for the location and circumstances.

Subdivision. 4. Existing outdoor furnaces.

A. Existing outdoor furnaces may be used without a conditional use permit only if constructed, established, installed, operated, and maintained in conformance with the manufacturer's instructions.

B. Existing outdoor furnaces shall burn only clean dry natural wood, wood pellets, corn products, biomass pellets, or other fuels specifically permitted by the manufacturer's instructions, such as fuel oil, natural gas, or propane backup.

C. Corn or pelletized fuel shall at all times be stored in securely-covered bins or enclosures so as to prevent the attraction of rodents or other vermin.

D. Any modification or replacement of an existing outdoor furnace requires a conditional use permit as in Subdivision 3 above.

507.06. Penalties.

Failure to adhere to the requirements of this Part or to the requirements of a permit or conditional use permit authorized under this section is hereby declared to be a misdemeanor, and the owner or operator of the open fire or outdoor furnace may be subject to one or more of the following penalties:

A. Criminal prosecution. Each day of infraction may be deemed to constitute a separate violation.

B. Cease and desist order issued by the City Fire Chief. The order shall require the owner or operator to discontinue use of the outdoor furnace until the infraction is eliminated and the cease and desist order is withdrawn. Each incident of violation of a cease and desist order is a misdemeanor.

C. Revocation of conditional use permit.

(Source Ord. 08-102, 06/05/08)

PART 8. THE COURTLAND TRADE AREA FOR LAWFUL GAMBLING

508.01. The Courtland Trade Area for Lawful Gambling.

Subdivision 1. Courtland Trade Area. Any licensed organization conducting lawful gambling within the City of Courtland shall expend at least fifty percent (50%) of its net proceeds for lawful purposes within the Courtland Trade Area, defined as the City of Courtland and all contiguous townships including Courtland and Cambria Townships. The City Council may, in its sound discretion, on a case by case basis, grant a variance authorizing the organization to make expenditures for lawful purposes outside of the Courtland Trade Area.

Subdivision 2. Report to City. Any licensed organization conducting lawful gambling within the City of Courtland shall report its expenditures to the City Council on a semi-annual basis. Said report shall include copies of the organization's Form(s) G-1 Lawful Gambling Activity Summary and Return with all associated schedules, submitted to Minnesota Department of Revenue, and Form(s) LG1010 - Schedule C/D, submitted to Minnesota Gambling Control Board. Where not readily apparent, said report shall indicate which expenditures were for lawful purposes located within and outside of the Courtland Trade Area.

Subdivision 3. Revocation and Nonrenewal. Notwithstanding any other civil or criminal penalties, the organization's failure to make the required expenditures within the Courtland Trade Area or failure to provide the necessary reports may be deemed reason for the City Council to recommend the Minnesota Gambling Control Board revoke or not renew the organization's license and/or premises permit.

(Source Ord. 05-103, 12/05/05)

PART 9. ADULT USES - PRIMARY

509.01. Short Title.

This Ordinance shall be known, cited and referred to as the *Adult Use Licensing Ordinance* except as referred to herein, where it shall be known as “this Ordinance.”

509.02. Definitions.

The following terms are defined for purposes of this Ordinance:

A. Specified Anatomical Areas:

1. Less than completely and opaquely covered human genitalia, pubic region, perineum anal region, natal cleft, or the nipple and/or areola of the female breast(s).
2. Human male genitals in a discernibly turgid state, even if completely and opaquely covered.

B. Specified Sexual Activities:

1. 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 sexual-oriented acts or conduct: anilingus, buggery, coprophagy, coprophilia, cunnilingus, fellatio, necrophilia, pederasty, pedophilia, piquerism, sapphism, zooerasty, pygmalionism, urolagia;
2. Clearly depicted human genitals in the state of sexual stimulation, arousal or tumescence;
3. Use of human or animal ejaculation, sodomy, oral copulation, coitus, or masturbation;
4. Fondling or touching of nude human genitals, pubic region, buttocks, or female breast;
5. Situations involving a person or persons, any of whom are in a State of Nudity, or 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;

6. Erotic or lewd touching, fondling or other sexually-oriented contact with an animal by a human being; or

7. Human erection, urination, menstruation, vaginal or anal irrigation.

C. State of Nudity:

1. The showing of the human male or female genitalia, pubic hair, perineum anal region, or natal cleft with less than a fully opaque covering;

2. The showing of the female breast with less than a fully opaque covering of any part of the nipple and/or areola;

3. The exposure of any device, costume, or covering which gives the appearance of or simulates the genitals, pubic hair, natal cleft, perineum anal region or pubic hair region; or

4. The exposure of any device worn as a cover over the nipple and/or areola of the female breast, which device simulates and gives the realistic appearance of nipples and/or areola.

D. Adult Media. Adult Media includes printed matter, magazines, newspapers, books, pictures, slides, records, audio tape, videotape, motion picture film, compact discs, digital video discs, floppy discs, and other communicative materials which are distinguished or characterized by their emphasis on the presentation, display, depiction or description of Specified Sexual Activities or Specified Anatomical Areas.

E. Principal Owner(s). Sole proprietor if the business is a sole proprietorship, all individual partners in a partnership who hold more than a 5% interest in the partnership, the general and/or limited partners in a limited liability partnership if such partner or limited partner holds more than a 5% interest in the limited liability partnership, all members of a limited liability company who hold more than a 5% interest in the limited liability company, principal stockholders of a corporation (having ownership of more than 5% of outstanding issued shares). In the event no Principal Owner for the business entity is identified pursuant to the foregoing criteria, the Principal Owner shall be determined to be the individual or individuals with managerial decision making power, i.e. the right to hire, fire, and enter into contracts on behalf of the Adult Use-Primary.

F. Patron. Any spectator, customer, club member, invitee or member of the public invited or allowed to attend, whether or not an admission charge or dues is levied, an Adult Use-Primary for the purpose of viewing, purchasing, or renting an exhibition, performance, presentation, display, depiction or description of Specified Sexual Activities or Specified Anatomical Areas.

G. Live Entertainment. An employee, agent, or independent contractor of an Adult Use-Primary, whether or not paid a salary, wages or other compensation, who performs a dance routine, exhibition or other live performance distinguished or characterized by an emphasis on

the presentation, display, depiction or description of Specified Sexual Activities or Specified Anatomical Areas during the course of such routine, exhibition or performance.

H. Premises. The real property upon which the Adult Use-Primary is located, and all appurtenances thereto and buildings thereon, including, but not limited to, the licensed establishment, the grounds, sidewalks and walkways not in the public right-of-way and parking lots or garages under the ownership, control or supervision of the Adult Use-Primary.

I. Specified Criminal Activity:

1. Prostitution or promotion of prostitution; dissemination of obscenity of a sexual nature; sale, distribution, or display of harmful material to a minor; sexual performance by a child; possession or distribution of child pornography; public lewdness; indecent exposure; indecency with a child; sexual assault; molestation of a child; or any similar sex-related offenses to those described above under the criminal or penal code of this state, other states, or other countries.

2. For which:

a. less than three (3) years have elapsed since the date of conviction or the date of release from confinement imposed for the conviction, whichever is the later date, if the conviction is of a misdemeanor offense, or offense with a maximum penalty of one (1) year or less imprisonment; or

b. less than ten (10) years have elapsed since the date of conviction or the date of release from confinement imposed for the conviction, whichever is the later date, if the conviction is of a felony offense, or offense with a maximum penalty of greater than one (1) year imprisonment.

3. Whether or not a conviction is being appealed shall not be considered in the implementation of this Ordinance.

J. Adult Uses. Adult Uses include enterprises, establishments, businesses or places open to some or all members of the public, at or in which there is an emphasis on the presentation, display, depiction or description of Specified Sexual Activities or Specified Anatomical Areas which are capable of being seen by members of the public. Licensed or accredited veterinary, medical, or educational establishments shall not be considered Adult Uses.

K. Adult Use-Primary. An Adult Bookstore, Adult Cabaret, Adult Mini-Motion Picture Theater, Adult Motion Picture Arcade, Adult Motion Picture Theater, Adult Novelty Business, or any other use, business, or establishment meeting any of the following:

1. Advertising, or otherwise holding itself out, in any forum as featuring “adult,” “hardcore,” “XXX,” “sex” or otherwise as an Adult Use, despite having ten percent (10%) or less of its stock in trade or floor area allocated to, or twenty percent (20%) or less of its gross receipts derived from Adult Media rentals or sales for the customer’s private use off-Premises.

2. Having more than ten percent (10%) of its stock in trade or floor area allocated to, or more than twenty percent (20%) of its gross receipts derived from Adult Media rentals or sales.

3. Providing any form of on-premises entertainment with an emphasis on the presentation, display, depiction or description of Specified Sexual Activities or Specified Anatomical Areas.

4. An Adult Use not meeting the definition of Adult Use-Incidental or Adult Use-Nonprotected in the *Adult Use Zoning Ordinance*.

L. Adult Bookstore. A building or portion of a building used for the barter, rental or sale of items consisting of Adult Media if such building or portion of a building is not open to the public generally but only to one or more classes of the public excluding any minor by reason of age or if a substantial or significant portion of such items are distinguished or characterized by an emphasis on the depiction or description of Specified Sexual Activities or Specified Anatomical Areas.

M. Adult Cabaret. A building or portion of a building used for providing dancing or other Live Entertainment, if such building or portion of a building excludes minors by virtue of age or if such dancing or other Live Entertainment is distinguished or characterized by an emphasis on the presentation, display, depiction or description of Specified Sexual Activities or Specified Anatomical Areas.

N. Adult Mini-Motion Picture Theater. A building or portion of a building with a capacity for less than fifty (50) persons used for presenting material if such building or portion of a building as a prevailing practice excludes minors by virtue of age, or if such material is distinguished or characterized by an emphasis on Specified Sexual Activities or Specified Anatomical Areas for observation by Patrons therein.

O. Adult Motion Picture Arcade. Any place to which the public is permitted or invited wherein coin or slug-operated or electronically, electrically or mechanically controlled or operated still or motor picture machines, projectors or other image-producing devices are maintained to show images to five (5) or fewer persons per machine at any one time, and where the images so displayed are distinguished or characterized by an emphasis on depicting or describing Specified Sexual Activities or Specified Anatomical Areas.

P. Adult Motion Picture Theater. A building or portion of a building with a capacity of fifty (50) or more persons used for presenting material if such building or portion of a building as a prevailing practice excludes minors by virtue of age or if such material is distinguished or characterized by an emphasis on Specified Sexual Activities or Specified Anatomical Areas for observation by Patrons therein.

Q. Adult Novelty Business. A business which has as a principal activity the sale of devices which stimulate human genitals or devices which are designated for sexual stimulation.

509.03. Severability.

Every section, provision, sentence or phrase of this Ordinance is separate from every other section, provision, sentence or phrase of this Ordinance. If any section, provision, sentence or phrase is adjudicated to be invalid by a court of competent jurisdiction, preempted by state or federal law or otherwise held invalid, such judgment shall not invalidate any other section, provision, sentence or phrase of this Ordinance.

509.04. Approval of Business License.

Subdivision 1. License Required.

A. Business License. It shall be unlawful for any person or entity to operate an Adult Use(s)-Primary at any Premises without a valid Adult Use-Primary Business License issued by the City Clerk pursuant to this Ordinance. An Adult Use(s)-Primary operating without a valid Adult Use-Primary Business License shall be considered a public nuisance under the *Chapter VII. Nuisances and Offenses* of the *Courtland City Code*. The applicant or licensee has an affirmative duty to supplement an application with new information received subsequent to the date the application was completed or license was issued.

Subdivision 2. License Fees.

A. The fee for an Adult Use-Primary Business License is five-hundred dollars (\$500.00). The City Council may amend from time to time by ordinance the license fee. The license fee may not exceed the cost of issuing the license and other costs directly related to the enforcement of this Ordinance; no license fee shall be increased without providing mailed notice of a hearing on the proposed increase to all affected licenses at least forty-five (45) days before the hearing.

B. 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.

Subdivision 3. Term and Expiration of License.

Each Business License shall be issued for a maximum period of one year from the date of issuance by the City Clerk.

Subdivision 4. Application for License.

A. Form. Every application for a license issued under this Ordinance shall be on a form provided by the City. The form shall be verified and filed with the City. No person shall make a false statement in an application. In the event the applicant is an entity, the Principal Owner(s) shall be considered the applicant. The following information shall be provided on the application form:

1. The name, street address (and mailing address if different) of the applicant(s);
2. The applicant's state or federally issued tax identification number;
3. The name under which the Adult Use-Primary is to be operated and a general description of the services to be provided;
4. If the applicant intends to operate the Adult Use-Primary under a name other than that of the applicant; he or she must 1) state the Adult Use-Primary's fictitious name and 2) submit any required registration documents;
5. Whether the applicant has been convicted, or is awaiting trial on pending charges, of a Specified Criminal Activity and, if so, the Specified Criminal Activity involved, the date, place, and jurisdiction of each;
6. Whether the applicant has had a previous license under this Ordinance or other similar Adult Use ordinance from another city or county denied, suspended or revoked, including the name and location of the Adult Use for which the Business License was denied, suspended or revoked, as well as the date of the denial, suspension or revocation, and whether the applicant is or has been a partner in a partnership or an officer, director or principal stockholder of a corporation that is or was licensed under an Adult Use ordinance whose Business License has previously been denied, suspended or revoked, including the name and location of the Adult Use for which the Business License was denied, suspended or revoked as well as the date of denial, suspension or revocation;
7. Whether the applicant holds any other licenses under this Ordinance or other similar Adult Use ordinance from another city or county and, if so, the names and locations of such other licensed businesses;
8. The telephone number of the Adult Use-Primary;
 - i. The address, and legal description of the tract of land on which the Adult Use-Primary is to be located;
 - ii. If the Adult Use-Primary is in operation, the date on which the owner(s) acquired the establishment for which the Business License is sought, and the date on which the establishment began operations as an Adult Use-Primary at the location for which the Business License is sought;
 - iii. If the Adult Use-Primary is not in operation, the expected startup date and an explanation of the construction, repair or remodeling work or other cause of the expected delay.

B. Each application for a Business License shall be accompanied by the following:

1. Payment of the application fee in full;

2. If the applicant is a corporation formed under the laws of the State of Minnesota, a certified copy of the articles of incorporation, together with all amendments thereto;

3. If the applicant is a foreign corporation, a certified copy of the certificate of authority to transact business in this state, together with all amendments thereto;

4. If the applicant is a limited partnership formed under the laws of the State of Minnesota, a certified copy of the certificate of limited partnership, together with all amendments thereto;

5. If the applicant is a foreign limited partnership, a certified copy of the certificate of limited partnership and the qualification documents, together with all amendments thereto;

6. A current straight-line drawing or survey prepared within thirty (30) days prior to application depicting the property lines and zoning districts within one-thousand (1000) feet of the property lines of the Adult Use-Primary to be licensed;

7. A current straight-line drawing or blueprint prepared within thirty (30) days prior to application depicting the interior of the Premises, clearly indicating the specific locations of manager station(s), public areas and non-public areas;

8. A current straight-line drawing prepared within thirty (30) days prior to application depicting the exterior of the Premises, clearly indicating the specific locations of parking areas and all entrances to the Adult Use-Primary, whether public or non-public.

9. Any of Paragraphs 2 through 8, above shall not be required for a renewal application if the applicant states that the documents previously furnished the City Clerk with the original application or previous renewals thereof remain correct and current.

C. Attached to the application form for a license shall be the following:

1. A color photograph of the applicant(s) clearly showing the applicant's face. Any fees for the photograph(s) shall be paid by the applicant.

2. A statement detailing the Adult Use license history of the applicant for the five (5) years immediately preceding the date of the filing of the application, including whether such applicant, in this or any other city, county, state, or country, has ever had any similar Adult Use license, permit, or authorization denied, revoked, or suspended. In the event of any such denial, revocation, or suspension, state the name(s) under which the license was sought and/or issued, the name(s) of the issuing or denying jurisdiction, and describe in full the reason(s) for the denial, revocation, or suspension. A copy of any order of denial, revocation, or suspension shall be attached to the application.

3. A statement whether the applicant has been convicted, or is awaiting trial on pending charges, of a Specified Criminal Activity and, if so, the Specified Criminal Activity involved, the date, place and jurisdiction of each.

D. Every application for a license shall contain a statement under oath that:

1. The applicant has personal knowledge of the information contained in the application, and that the information contained therein and furnished therewith is complete, true and correct; and

2. The applicant has personal knowledge of the provisions of this Ordinance, the Adult Use Zoning Ordinance, and the Zoning Code of the City of Courtland.

Subdivision 5. Managerial Responsibility.

Prior to the issuance of an Adult Use-Primary Business License, the applicant shall demonstrate proof of managerial responsibility. Proof of managerial responsibility shall consist of one or more licensed manager(s) with valid Adult Use-Primary Manager License(s), or complete application for such license(s). Proof of managerial responsibility is a continuing condition of the Business License.

Subdivision 6. Investigation.

A. Preliminary Background Investigation. On an initial application for a license or transfer of a license the City Council shall cause to be conducted a preliminary background investigation. The applicant shall pay with the application an investigation fee of five-hundred dollars (\$500) which shall be in addition to any license fee. If the cost of the preliminary investigation is less than five-hundred dollars (\$500), the unused portion shall be returned to the applicant.

B. Comprehensive Background Investigation. If the results of a preliminary investigation warrant, in the sound discretion of the City Council, a comprehensive background investigation, the City may cause to be conducted a comprehensive background investigation. The investigation fee for this comprehensive background investigation to be paid by the applicant is five-hundred dollars (\$500), less any amount paid for the preliminary investigation, if the investigation is to be conducted within the state, and ten-thousand dollars (\$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.

Subdivision 7. City Council Approval of License.

Pursuant to Section 310 of this Ordinance, the City Council may either grant or deny the initial application, including transfer, for any license. The City Council shall complete any investigation and make its decision within forty-five (45) days of the City's receipt of a completed application. No applicant has a right to a license under this Ordinance.

Subdivision 8. Applications for Renewal.

Applications for renewal shall be made at least fifteen (15), and not more than thirty (30), days before the expiration of a license issued under this Ordinance. An application shall be filed with the City Clerk. No background investigation pursuant to Section 306 of this Ordinance. Pursuant to Section 310 of this Ordinance, the decision whether or not to renew a license rests within the sound discretion of the City Council. The City Council shall make its decision within fifteen (15) days of the City's receipt of a completed application. No licensee has a right to have the license renewed.

Subdivision 9. Transfer of License.

No license issued under this Ordinance may be transferred without the approval of the City Council. Any transfer of stock of a corporate licensee resulting in a change in the Principal Owners is deemed to be a transfer of the license, and such a transfer of stock without prior City 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 Ordinance applying to applications for a license shall apply.

Subdivision 10. Restrictions on Issuance.

A. Each Adult Use-Primary Business License shall be issued only to the applicant for only the Premises described in the application.

B. No Adult Use-Primary Business License shall be granted to an individual, or entity in the event a Principal Owner, is under the age of eighteen (18).

C. No Adult Use-Primary Business License shall be granted or renewed for operation on any Premises without evidence of the legally enforceable right of the owner or proposed owner of the Adult Use-Primary to have or obtain the use and possession of the tract.

D. No Adult Use-Primary Business 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.

E. No Adult Use-Primary Business License shall be granted or renewed for operation on any Premises located in a zone other than a Commercial or Industrial Zone.

F. No Adult Use-Primary Business License shall be granted or renewed for operation on any Premises located on property within one-thousand (1000) feet of any Single Family Residential Zone, Multifamily Residential Zone, or Small Lot Residential Zone. The distance is to be measured in a direct line from property line to property line without regard for intervening properties or structures.

G. No Adult Use-Primary Business License shall be granted to an individual, or an entity in the event one or more Principal Owner (s), has been convicted of a Specified Criminal Activity which is a felony.

H. No Adult Use-Primary Business License shall be granted to an individual, or an entity in the event one or more Principal Owner (s), has been convicted of Specified Criminal Activities or had similar Adult Use licenses, at one or more locations, suspended, denied or revoked, whereby the violations would exceed ten (10) accumulated points under Section 501 of this Ordinance.

I. No Adult Use-Primary Business License shall be granted or renewed to an individual, or an entity in the event one or more Principal Owner(s), has had an Adult Use-Primary Business License revoked under the provisions of this Ordinance within the past five (5) years.

Subdivision 11. Appeal of denied license.

If the applicant alleges that a license was denied in error, the status quo will remain in effect pending the outcome of a hearing pursuant to the Administrative Procedures Act, Minnesota Statutes, Sections 14.57 through 14.70, as it may be amended from time to time. The City Council may act as the hearing body under that act, or it may contract with the Office of Hearing Examiners for a hearing officer.

509.05 Conditions of Business License.

Subdivision 1. General Conditions.

The failure of a licensee to meet any one of the following conditions of the license specified below shall result in a suspension or revocation of the license.

A. Every licensee is responsible for the conduct within the place of business. The act of any employee, while on the 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. The licensee is responsible for having the issued Adult Use-Primary Business License posted and clearly visible and readable to the public in a prominent location.

C. The licensee is responsible for having posted and clearly visible and readable to the public in a prominent location a sign indicating the following information:

1. The Adult Use-Primary is licensed by the City of Courtland.
2. No Patron is allowed on a stage, if applicable, or in any area posted as non-public.

3. No person shall interfere with a peace officer.
 4. All Patrons must leave the Premises within thirty (30) minutes after the close of hours of operation.
 5. Use and possession of controlled substances is prohibited.
 6. Sale and consumption of alcohol is prohibited, if applicable.
 7. State of Nudity is prohibited in public areas, excluding restrooms.
 8. Prostitution and solicitation are prohibited.
 9. Intercourse, masturbation and other directly physical sexual stimulation are prohibited.
 10. If applicable, touching between Patrons and Live Entertainment is prohibited.
- D. The licensee is responsible for having entrances to non-public areas clearly posted or marked as non-public or otherwise held out as off-limits to Patrons.
- E. The licensee is responsible for having the issued Adult Use-Primary Manager License(s) for the on duty manager(s) posted and clearly visible and readable to the public. Any such posted license is deemed evidence that said manager is on duty and responsible for conduct on the Premises.
- F. Every licensee shall allow, without a warrant, any peace officer, health officer, City employee, or any other person designated by the City 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 Patrons remain on the Premises.
- G. One or more manager stations are required to maintain visibility of all public areas within the Adult Use-Primary.
1. The interior of the Adult Use-Primary shall be configured in such a manner that there is an unobstructed view from the manager station(s) of the entire area of the Adult Use-Primary to which any Patron is permitted access for any purpose excluding restrooms. If the Adult Use-Primary has two or more manager stations designated, then the interior shall be configured in such a manner that there is an unobstructed view of the every area of the Adult Use-Primary to which any Patron is permitted access for any purpose from at least one of the manager stations. The view required in this subsection must be by direct line of sight from the manager station.
 2. A manager station may not exceed thirty-two (32) square feet in a compact and contiguous area.

3. It is the duty of the licensee of the Adult Use-Primary to ensure that at least one licensed manager is on duty and situated in each manager station at all times that any Patron is present inside the Adult Use-Primary.

4. It shall be the duty of the licensee, and it shall also be the duty of any licensed manager present in the Adult Use-Primary, to ensure that the view area specified in Paragraph 1 remains unobstructed by any doors, walls, merchandise, display racks or other materials at all times.

5. It shall be the duty of the licensee, and it shall also be the duty of any licensed manager present in the Adult Use-Primary, to ensure that no Patron is permitted access to any area of the Premises that has been designated as a non-public area.

H. The Adult Use-Primary shall be equipped with overhead lighting fixtures of sufficient intensity to illuminate every place to which Patrons are permitted access at an illumination of not less than five (5.0) foot-candle as measured at three (3) feet above floor level. It shall be the duty of the operator, and it shall also be the duty of any licensed manager present in the Adult Use-Primary, to ensure that the illumination described above is maintained at all times that any Patron is present in the Adult Use-Primary.

I. The exterior of the Premises shall be equipped with overhead lighting fixtures of sufficient intensity to illuminate every parking area, driving lanes, sidewalks and an area twenty (20) feet in front of all doors at an illumination of not less than one-and-a-half (1.5) foot-candle as measured at the ground. It shall be the duty of the operator, and it shall also be the duty of any licensed manager present at the Premises, to ensure that the illumination described above is maintained at all times that any Patron is present at the Premises.

J. Hours of operation, open to Patrons, are limited to between eight o'clock (8:00) a.m. and twelve-thirty (12:30) a.m. of the subsequent calendar day on Sundays through Thursdays.

K. Hours of operation, open to Patrons, are limited to between eight o'clock (8:00) a.m. and two-thirty (2:30) a.m. of the subsequent calendar day on Fridays and Saturdays.

L. No Patron shall remain on the Premises, including parking and other exterior areas, more than thirty (30) minutes after the close of hours of operation.

M. The possession or use of a controlled substance as defined under Minnesota Statutes, Chapter 152, is prohibited on the Premises.

N. The sale or consumption of intoxicating liquor or 3.2 percent malt liquor in violation of *Chapter VI. Liquor and Beverage Control* of the *Courtland City Code* is prohibited at the Adult Use-Primary.

O. Prostitution, solicitation, inducement or promotion of prostitution, or coercion of prostitution as defined under Minnesota Statutes, Sections 609.321 to 322 and 611A.80, is prohibited on the Premises.

P. No person shall be in a State of Nudity in any area of the Premises to which any Patron is permitted access for any purpose, excluding restrooms.

Q. Engaging in sexual intercourse, oral copulation, anal intercourse, oral-anal copulation, masturbation, bestiality; direct physical stimulation of the male or female genitalia, pubic hair, perineum anal region or natal cleft or the female breast, whether clothed or unclothed; flagellation or torture in the context of a sexual relationship; use of human or animal ejaculation, or the use of excretory functions in the context of a sexual relationship; and any of the following sexual-oriented acts or conduct: anilingus, buggery, coprophagy, coprophilia, cunnilingus, fellatio, necrophilia, pederasty, pedophilia, piquerism, sapphism, zoerasty, pygmalionism, urolagia is prohibited on the Premises.

R. The Licensee is responsible for maintaining the cleanliness and sanitary condition of the Premises.

Subdivision 2. Conditions on Physical Design.

A. No openings of greater than one (1) square inch or less than four (4) square feet shall be permitted in any wall or partition adjoining between rooms, booths, or other enclosed or semi-enclosed areas of under one-hundred-fifty (150) square feet.

B. All surfaces within forty-eight inches (48") of the floor in all rooms, booths or other enclosed or semi-enclosed areas of under one-hundred-fifty (150) square feet shall be constructed of, or permanently covered by, nonporous, easily cleanable material.

C. Restrooms may not contain video transmission or reproduction equipment.

D. Exterior windows shall be opaque, screened or otherwise maintained to prevent viewing of merchandise or entertainment from outside the Adult Use-Primary.

E. Exterior signage shall not include any photograph, drawing, silhouette or other caricature depicting Specified Anatomical Areas or Specified Sexual Activities.

F. An Adult Use-Primary offering Live Entertainment must have a stage or surface at least eighteen inches (18") above floor level. The stage must have a bar, railing, fence or similar barrier, with a height between forty-two inches (42") and fifty-four inches (54"), at least sixty inches (60") away from the stage or a solid, floor-to-ceiling wall, window or similar barrier. The stage and the area between stage and railing shall be designated a non-public area.

Subdivision 3. Conditions on Live Entertainment.

- A. Live Entertainment, whether in a State of Nudity or clothed, shall not touch any Patron.
- B. No Patron shall touch any Live Entertainment, whether in a State of Nudity or clothed.
- C. Live Entertainment, whether in a State of Nudity or clothed, shall be performed only upon a stage or surface at least eighteen inches (18") above floor level. No Patron shall be allowed on the stage.
- D. Live Entertainment, whether in a State of Nudity or clothed, shall be performed behind one of the following:
 - 1. A bar, railing, fence or other similar barrier to keep Patrons at least sixty inches (60") away from all parts of the stage. The bar, railing, fence or other similar barrier shall be at least forty-two inches (42") and not more than fifty-four inches (54") above floor level.
 - 2. A solid, floor-to-ceiling wall, window or other similar barrier to prevent physical contact between Patrons and Live Entertainment. No opening in the barrier is permitted.
- E. Live Entertainment, in a State of Nudity, is prohibited at a licensed liquor establishment.
- F. The licensee shall keep on file the full name, any aliases, including stage names, addresses, and proof of age of all Live Entertainment. Such records shall be maintained for a period of at least three (3) years.

509.06. Violations of Business License.

Subdivision 1. Suspension and Revocation.

- A. The City Council shall either suspend or revoke any license upon finding that the licensee has failed to comply with any provision of this Ordinance. No suspension or revocation shall take effect until the licensee has been afforded an opportunity for a hearing pursuant to the Administrative Procedures Act, Minnesota Statutes, Sections 14.57 through 14.70, as it may be amended from time to time. The City 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. Points are to be assigned according to the following schedule:
 - 1. Violations meriting five (5) points include commission by the licensee, or Principal Owner, of a Specified Criminal Activity that is a misdemeanor, whether on or off the Premises; commission by the licensee, or Principal Owner, of use or possession of a controlled substance while on the Premises; revocation of an Adult Use license issued by another

municipality or county; operation of an Adult Use-Primary without a valid Adult Use-Primary Business License.

2. Violations meriting three (3) points include false statement or omission in the license application or failure to provide subsequent information that would not have resulted in the revocation or denial of the license; non-payment of civil fines imposed under Section 900 of this Ordinance; interference with inspections or enforcement; commission by licensed manager of a Specified Criminal Activity that is a felony while on the Premises; allowing Live Entertainment under age eighteen (18); occurrence of prostitution, solicitation, inducement or promotion of prostitution or coercion for prostitution on the Premises.

3. Violations meriting two (2) points include commission by any person other than the licensee, or Principal Owner, or a licensed manager of a Specified Criminal Activity that is a felony while on the Premises; commission by a licensed manager of a Specified Criminal Activity that is a misdemeanor while on the Premises; failure to have a licensed manager on duty; allowing a minor to patronize the Adult Use-Primary; allowing Live Entertainment in a prohibited area; allowing the Patrons into a non-public area, including remaining on the Premises after hours; allowing prohibited touching between Patron and Live Entertainment; allowing on the Premises sexual intercourse, oral copulation, anal intercourse, oral-anal copulation, masturbation, bestiality, direct physical stimulation of the male or female genitalia, pubic hair, perineum anal region or natal cleft or the female breast, whether clothed or unclothed, flagellation or torture in the context of a sexual relationship, use of human or animal ejaculation, or the use of excretory functions in the context of a sexual relationship; failure to maintain visibility or lighting requirements.

4. Violations meriting one (1) point include suspension of an Adult Use license issued by another municipality or county; failure to post license; failure to post any required signs; failure to maintain required Live Entertainment records; failure to maintain physical design requirements; allowing prohibited sale or consumption of intoxicating liquor or 3.2 percent malt liquor on the Premises; failure to maintain cleanliness; commission by any person other than the licensee, or Principal Owner, or a licensed manager of a Specified Criminal Activity that is a misdemeanor while on the Premises.

C. Points are cumulative and remain on license, including a renewed license, for three (3) years. Occurrences continuing for more than one day shall be considered separate occurrences for each day. Each occurrence of a violation shall be considered a separate violation; where the occurrence of a single violation may be assigned more than one point classification under Paragraph B, the greater value shall be assigned. Violations will be cited in writing with opportunity for appeal. Failure to appeal shall be deemed to indicate no contest to the charge.

D. The license shall be suspended by the City Council after a finding under Paragraph A that the licensee has failed to comply with any provision of this Ordinance for at least the minimum periods below. The City Council shall select the day or days during which the license will be suspended.

1. For one (1) point, a one (1) day suspension in addition to any criminal or civil penalties which may be imposed.

2. For two (2) points accumulated within any three year period, a three (3) consecutive days suspension in addition to any criminal or civil penalties which may be imposed.

3. For three (3) points accumulated within any three year period, a four (4) consecutive days suspension in addition to any criminal or civil penalties which may be imposed.

4. For four (4) points accumulated within any three year period, a seven (7) consecutive days suspension in addition to any criminal or civil penalties which may be imposed.

5. For five (5) points accumulated within any three year period, a ten (10) consecutive days suspension in addition to any criminal or civil penalties which may be imposed.

6. For six (6) points accumulated within any three year period, a fourteen (14) consecutive days suspension in addition to any criminal or civil penalties which may be imposed.

7. For seven (7) points accumulated within any three year period, a twenty-one (21) consecutive days suspension in addition to any criminal or civil penalties which may be imposed.

8. For eight (8) points accumulated within any three year period, a twenty-eight (28) consecutive days suspension in addition to any criminal or civil penalties which may be imposed.

9. For nine (9) points accumulated within any three year period, a thirty-five (35) consecutive days suspension in addition to any criminal or civil penalties which may be imposed.

10. For ten (10) points accumulated within any three year period, a forty-two (42) consecutive days suspension in addition to any criminal or civil penalties which may be imposed.

E. The following are cause for revocation which shall be imposed by the City Council for violations of the provisions of this Ordinance. Revocations shall occur within sixty (60) days following a violation for which the revocation is imposed.

1. For over ten (10) points violation within any three (3) year period.

2. For discovery of a false statement or omission in the license application or failure to provide subsequent information that would have resulted in the denial or revocation of the license.

i. For commission by the licensee, or a Principal Owner, of a Specified Criminal Activity that is a felony, whether on or off the Premises.

509.07. Approval of Manager License.

Section 1. License Required.

A. Manager License. It shall be unlawful for any person to manage an Adult Use-Primary without a valid Adult Use-Primary Manager License issued by the City Clerk pursuant to this Ordinance. The applicant or licensee has an affirmative duty to supplement an application with new information received subsequent to the date the application was completed or license was issued.

Subdivision 2. License Fees.

A. The fee for an Adult Use-Primary Manager License is fifty dollars (\$50.00). The City Council may amend from time to time by ordinance the license fee. The license fee may not exceed the cost of issuing the license and other costs directly related to the enforcement of this Ordinance; no license fee shall be increased without providing mailed notice of a hearing on the proposed increase to all affected licenses at least forty-five (45) days before the hearing.

B. 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.

Subdivision 3. Term and Expiration of License.

A Manager License shall be valid only at a specific licensed Adult Use-Primary. Each license shall coincide with the expiration date of the Adult Use-Primary Business License for which it is issued.

Subdivision 4. Application for License.

A. Form. Every application for a license issued under this Ordinance shall be on a form provided by the City. The form shall be verified and filed with the City. No person shall make a false statement in an application. The following information shall be provided on the application form:

1. The name, street address (and mailing address if different) of the applicant;
2. The applicant's driver's license number, or state-issued identification number, and social security number;
3. The name, address, and phone number of the Adult Use-Primary to be managed;
4. Whether the applicant has been convicted, or is awaiting trial on pending charges, of a Specified Criminal Activity and, if so, the Specified Criminal Activity involved, the date, place, and jurisdiction of each;
 - i. Whether the applicant has had a previous license under this Ordinance or other similar Adult Use ordinance from another city or county denied, suspended or revoked, including the name and location of the Adult Use for which the license was denied, suspended or

revoked, as well as the date of the denial, suspension or revocation, and whether the applicant is or has been a partner in a partnership or an officer, director or principal stockholder of a corporation that is or was licensed under an Adult Use ordinance whose license has previously been denied, suspended or revoked, including the name and location of the Adult Use for which the license was denied, suspended or revoked as well as the date of denial, suspension or revocation;

ii. Whether the applicant holds any other license(s) under this Ordinance or other similar Adult Use ordinance from another city or county and, if so, the names and locations of such other licensed business(es).

B. Each application for a Manager License shall be accompanied by the following:

1. Payment of the application fee in full.

C. Attached to the application form for a license shall be the following:

1. A color photograph of the applicant clearly showing the applicant's face. Any fees for the photographs shall be paid by the applicant.

2. A statement detailing the Adult Use license history of the applicant for the five (5) years immediately preceding the date of the filing of the application, including whether such applicant, in this or any other city, county, state, or country, has ever had any license, permit, or authorization to do business denied, revoked, or suspended, or had any professional or vocational license or permit denied, revoked, or suspended. In the event of any such denial, revocation, or suspension, state the name(s) under which the license was sought and/or issued, the name(s) of the issuing or denying jurisdiction, and describe in full the reason(s) for the denial, revocation, or suspension. A copy of any order of denial, revocation, or suspension shall be attached to the application.

3. A statement whether the applicant has been convicted, or is awaiting trial on pending charges, of a Specified Criminal Activity and, if so, the Specified Criminal Activity involved, the date, place and jurisdiction of each.

D. Every application for a license shall contain a statement under oath that:

1. The applicant has personal knowledge of the information contained in the application, and that the information contained therein and furnished therewith is complete, true and correct;

2. The applicant has personal knowledge of the provisions of this Ordinance, the *Adult Use Zoning Ordinance*, and the *Zoning Code of the City of Courtland*; and

3. The applicant acknowledges the responsibility of management provisions of this Ordinance.

Subdivision 5. Investigation.

A. Preliminary Background Investigation. On an initial application for a license the City Council shall cause to be conducted a preliminary background investigation. The applicant shall pay with the application an investigation fee of five-hundred dollars (\$500) which shall be in addition to any license fee. If the cost of the preliminary investigation is less than five-hundred dollars (\$500), the unused portion shall be returned to the applicant.

B. Comprehensive Background Investigation. If the results of a preliminary investigation warrant, in the sound discretion of the City Council, a comprehensive background investigation, the City may cause to be conducted a comprehensive background investigation. The investigation fee for this comprehensive background investigation to be paid by the applicant is five-hundred dollars (\$500), less any amount paid for the preliminary investigation, if the investigation is to be conducted within the state, and ten-thousand dollars (\$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.

Subdivision 6. City Council Approval of License.

The City Council in its sound discretion, pursuant to Section 609 of this Ordinance, may either grant or deny the initial application for any license for any license. The City Council shall complete any investigation and make its decision within fifteen (15) days of the City's receipt of a completed application. No applicant has a right to a license under this Ordinance.

Subdivision 7. Applications for Renewal.

At least fifteen (15) days, and not more than thirty (30) days, before the expiration of a license issued under this Ordinance, an application shall be filed with the City Clerk. No background investigation pursuant to Section 605 of this Ordinance. Pursuant to Section 609 of this Ordinance, the decision whether or not to renew a license rests within the sound discretion of the City Council. The City Council shall make its decision within fifteen (15) days of the City's receipt of a completed application. No licensee has a right to have the license renewed.

Subdivision 8. Transfer of License.

No Manager License issued under this Ordinance may be transferred to another individual, Premises or licensed Adult Use-Primary.

Subdivision 9. Restrictions on Issuance.

A. Each Adult Use-Primary Manager License shall be issued only to the applicant for the Adult Use-Primary described in the application.

B. No Adult Use-Primary Manager License shall be granted or renewed for operation on any Adult Use-Primary which does not hold a valid Business License.

C. No Adult Use-Primary Manager License shall be issued to an individual under the age of eighteen (18).

D. No Adult Use-Primary Manager License shall be issued to an individual who has been convicted of a Specified Criminal Activity, which is a felony.

E. No Adult Use-Primary Manager License shall be granted to an individual who has been convicted of Specified Criminal Activities or had similar Adult Use licenses, at one or more locations, suspended, denied or revoked, whereby the violations would exceed ten (10) accumulated points under Section 801 of this Ordinance.

F. No Adult Use-Primary Manager License shall be granted or renewed to an individual who has had an Adult Use-Primary Business License or Adult Use-Primary Manager License revoked under the provisions of this Ordinance within the past five (5) years.

Subdivision 10. Appeal of denied license.

If the applicant alleges that a license was denied in error, the status quo will remain in effect pending the outcome of a hearing pursuant to the Administrative Procedures Act, Minnesota Statutes, Sections 14.57 through 14.70, as it may be amended from time to time. The City Council may act as the hearing body under that act, or it may contract with the Office of Hearing Examiners for a hearing officer.

509.08. Conditions of License.

Subdivision 1. General Conditions.

The failure of a licensee to meet any one of the following conditions of the license specified below shall result in a suspension or revocation of the license.

A. When the licensee is managing the Adult Use-Primary, he or she is responsible for the conduct on the Premises.

B. When the licensee is managing the Adult Use-Primary, he or she is responsible for ensuring that his or her Adult Use-Primary Manager License is posted and clearly visible and readable to the public. Any such posted license is deemed evidence that said manager is on duty and responsible for conduct on the Premises.

C. When the licensee is managing the Adult Use-Primary, he or she is responsible for maintaining his or her position in the designated manager station.

D. When the licensee is managing the Adult Use-Primary, he or she shall not be in a State of Nudity.

E. When the licensee is managing the Adult Use-Primary, he or she shall not have a blood alcohol content exceeding 0.04 or be in the possession or use of a controlled substance.

509.09. Violations of License.

Subdivision 1. Suspension and Revocation.

A. The City Council shall either suspend or revoke any license upon finding that the licensee has failed to comply with any provision of this Ordinance. No suspension or revocation shall take effect until the licensee has been afforded an opportunity for a hearing pursuant to the Administrative Procedures Act, Minnesota Statutes, Sections 14.57 through 14.70, as it may be amended from time to time. The City 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. Points are to be assigned according to the following schedule:

1. Violations meriting five (5) points include commission by the licensee of a Specified Criminal Activity that is a misdemeanor, whether on or off the Premises; commission by the licensee of use or possession of a controlled substance while on the Premises; revocation of an Adult Use license issued by another municipality or county; managing without a valid Adult Use-Primary Manager License.

2. Violations meriting three (3) points include false statement or omission in the license application or failure to provide subsequent information that would not have resulted in the revocation or denial of the license; non-payment of civil fines imposed under Section 900 of this Ordinance interference with inspections or enforcement; failure to post Manager License or maintain position at manager station while on duty; allowing performance by Live Entertainment under age eighteen (18); occurrence of prostitution, solicitation, inducement or promotion of prostitution or coercion for prostitution on the Premises.

3. Violations meriting two (2) points include allowing a minor to patronize the Adult Use-Primary; allowing Live Entertainment in a prohibited area; allowing prohibited touching between Patron and Live Entertainment; allowing the Patrons into a non-public area, including remaining on the Premises after hours; allowing on the Premises sexual intercourse, oral copulation, anal intercourse, oral-anal copulation, masturbation, bestiality, direct physical stimulation of the male or female genitalia, pubic hair, perineum anal region or natal cleft or the female breast, whether clothed or unclothed, flagellation or torture in the context of a sexual relationship, use of human or animal ejaculation, or the use of excretory functions in the context of a sexual relationship; failing to maintain visibility or lighting requirements; allowing prohibited sale or consumption of intoxicating liquor or 3.2 percent malt liquor on the Premises.

4. Violations meriting one (1) point include suspension of an Adult Use license issued by another municipality or county; having blood alcohol content exceeding 0.04; failure to maintain cleanliness, failure to maintain physical design requirements.

C. Points are cumulative and remain on license, including a renewed license, for three (3) years. Occurrences continuing for more than one day shall be considered separate occurrences for each day when the licensee was on duty; each occurrence shall be considered a separate violation. Where the occurrence of a single violation may be assigned more than one point classification under Paragraph B, the greater value shall be assigned. Violations will be cited in writing with opportunity for appeal. Failure to appeal shall be deemed to indicate no contest to the charge.

D. The license shall be suspended by the City Council after a finding under Paragraph A that the licensee has failed to comply with any provision of this Ordinance for at least the minimum periods below. The City Council shall select the day or days during which the license will be suspended.

1. For one (1) point, a one (1) day suspension in addition to any criminal or civil penalties which may be imposed.

2. For two (2) points accumulated within any three year period, a three (3) consecutive days suspension in addition to any criminal or civil penalties which may be imposed.

3. For three (3) points accumulated within any three year period, a four (4) consecutive days suspension in addition to any criminal or civil penalties which may be imposed.

4. For four (4) points accumulated within any three year period, a seven (7) consecutive days suspension in addition to any criminal or civil penalties which may be imposed.

5. For five (5) points accumulated within any three year period, a ten (10) consecutive days suspension in addition to any criminal or civil penalties which may be imposed.

6. For six (6) points accumulated within any three year period, a fourteen (14) consecutive days suspension in addition to any criminal or civil penalties which may be imposed.

7. For seven (7) points accumulated within any three year period, a twenty-one (21) consecutive days suspension in addition to any criminal or civil penalties which may be imposed.

8. For eight (8) points accumulated within any three year period, a twenty-eight (28) consecutive days suspension in addition to any criminal or civil penalties which may be imposed.

9. For nine (9) points accumulated within any three year period, a thirty-five (35) consecutive days suspension in addition to any criminal or civil penalties which may be imposed.

10. For ten (10) points accumulated within any three year period, a forty-two (42) consecutive days suspension in addition to any criminal or civil penalties which may be imposed.

E. The following are cause for revocation, which shall be imposed by the City Council for violations of the provisions of this Ordinance. Revocations shall occur within sixty (60) days following a violation for which the revocation is imposed.

1. For over ten (10) points violation within any three year period.
2. For discovery of a false statement or omission in the license application or failure to provide subsequent information that would have resulted in the denial or revocation of the license.
3. For commission by the licensee of a Specified Criminal Activity that is a felony, whether on or off the Premises.

Subdivision 2. Penalties.

A. Any person violating the provisions of this Ordinance is guilty of a misdemeanor, punishable by up to ninety (90) days imprisonment and/or a one-thousand dollar (\$1000) fine, and upon conviction shall be punished as provided by law.

B. The City Council shall impose a civil penalty of up to two-thousand dollars (\$2000) for each violation of this Ordinance as provided by the minimum schedule of presumptive civil penalties. These civil penalties shall be in addition to any criminal penalties imposed under Paragraph A or any suspension or revocation imposed under Section 501 or Section 801 of this Ordinance. Conviction of a violation in a court of law is not required for the City Council to impose the civil penalty. A hearing under the Administrative Procedures Act, Minnesota Statutes, Sections 14.57 through 14.70, as it may be amended from time to time, is not required before the penalty is imposed, but the City 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 in addition to any suspensions which must be imposed unless the license is revoked:

1. For the first violation within any three year period, five-hundred dollars (\$500).
2. For the second violation within any three year period, one-thousand dollars (\$1000).
3. For the third and subsequent violations within any three year period, two-thousand dollars (\$2000) for each violation.

(Source Ordinance 02-104, 10/03/02)

CHAPTER VI.

LIQUOR AND BEVERAGE CONTROL

PART 1. INTOXICATING LIQUOR

601.01. Provisions of State Law Adopted.

The provisions of Minnesota Statutes, Chapter 340, with reference to the definition of terms, applications for license, granting of on-sales, conditions of bonds of licensees, and all other matters pertaining to the retail sale, distribution and consumption of intoxicating liquor are hereby adopted and made a part of this section as if set out in full.

601.02. License Required.

Subdivision 1. General requirement. No person, firm, corporation, or association, except wholesalers and manufacturers to the extent authorized by law, shall deal in, sell, offer to sell, or keep for sale any intoxicating liquor in the City without having first obtained a license as hereafter provided. Licenses shall be of four kinds" "on-sale", "on-sale wine", "off-sale", and "special license for Sunday sales".

Subdivision 2. On-sale licenses. On-sale licenses shall be issued only to exclusive liquor stores and shall permit on-sale of liquor only. Not more than three on-sale licenses shall be granted or be in effect at any one time. (Revised by Ord. 04-101,01/08/04)

Subdivision 3. On-sale wine licenses. On-sale wine licenses shall be issued only to restaurants meeting the qualifications of Minnesota Statutes, Section 340A.404, Subdivision 5, and shall permit only the sale of wine not exceeding 14 percent alcohol by volume, for consumption on the licensed premises only, in conjunction with the sale of food.

Subdivision 4. Off-sale. Off-sale licenses shall be issued only to exclusive liquor stores and shall permit off-sale of liquor only. Not more than two off-sale licenses shall be granted or be in effect at any one time.

Subdivision 5. Special Sunday on-sale license. Special on-sale licenses for sale of intoxicating liquor on Sunday shall be issued only to hotels, restaurants, bowling centers and clubs as defined in Minnesota Statutes Section 340A.504, and which have facilities for serving not less than 30 guests at one time.

601.03. Application for License.

Subdivision 1. Form. In addition to containing such information as the City Clerk or City Council requires, each application for a license shall be in the form prescribed by the liquor control commissioner.

(Repealed by Ord. 01-102, 04/05/01)

Subdivision 2. Liability insurance. Prior to the issuance of a liquor license, the applicant shall file with the City Clerk a liability insurance policy in the amount of \$10,000 coverage for one person and \$20,000 coverage for more than one person, and shall comply with the provisions of Minnesota Statutes, Section 340.12 relating to liability insurance policies. If a liability insurance policy is made subject to all of the conditions of a bond as set forth in subdivision 2, the policy may be accepted by the City Council in lieu of the bond required under that subdivision.

Subdivision 3. Approval of security. The security offered under subdivision 3 shall be approved by the City Council and in the case of applicants for on-sale wine licenses and off-sale licenses, by the state liquor control director. Liability insurance policies shall be approved as to form by the city attorney. Operation of a licensed business without having on file with the city at all times effective security as provided in subdivision 3 is a cause for revocation of the license. (Revised by Ord. 00-06, ___/___/00) & (Revised by Ord. 01-102, 04/05/01)

601.04. License Fees.

Subdivision 1. Fees. The annual fee for licenses shall be set by resolution of the City Council prior to issuance of licenses each year, provided, however, that the annual fee for an on-sale license or an on-sale wine license shall not exceed \$2,000, the annual fee for an off-sale license shall not exceed \$100 and the annual fee for a special license for Sunday sales shall not exceed \$200.

Subdivision 2. Term; pro rata fee. All licenses shall expire on the 30th day of June each year. Each license shall be issued for a period of one year except that if a portion of the license year has elapsed when the application is made, a license may be issued for the remainder of the year for a pro rata fee. In computing such fee, any expired fraction of a month shall be counted as a full month.

Subdivision 3. Refunds. No refund of any fee shall be permitted except as authorized under Minnesota Statutes, Section 340.112.

601.05. Granting of Licenses.

Subdivision 1. The City Council shall investigate all facts set out in the application. Opportunity shall be given to any person to be heard for or against the granting of the license. After such investigation and hearing, the City Council shall grant or refuse the application in its

discretion. No on-sale wine license or off-sale license shall become effective until it, together with security furnished by the applicant, has been approved by the liquor control commissioner.

Subdivision 2. Any license issued hereunder shall be limited to the compact, contiguous interior of the licensee's premises unless otherwise provided in the action authorizing the issuance of the license.

601.06. Persons Ineligible for License.

No license shall be granted to or held by any person made ineligible for such a license by state law.

601.07. Places Ineligible for License.

Subdivision 1. General prohibition. No license shall be issued for any place or any business ineligible for such a license under state law.

Subdivision 2. Delinquent taxes and charges. No license shall be granted for operation on any premises on which taxes, assessments, or other financial claims of the city are delinquent and unpaid.

Subdivision 3. Distance from school or church. No license shall be granted for a premises within 300 feet of any school or within 300 feet of any church.

601.08. Conditions of License.

Subdivision 1. In general. Every license shall be granted subject to the provisions of this section and any other applicable section of the city code or state law.

Subdivision 2. Licensee's responsibility. Every licensee shall be responsible for the conduct of the licensee's place of business and the conditions of sobriety and order in it.

Subdivision 3. Sales to minors or intoxicated persons. No intoxicating liquor shall be sold or served to any intoxicated person or to any person under 21 years of age.

601.09. Restrictions on Purchase and Consumption.

Subdivision 1. Misrepresentation of age. No minor shall misrepresent his age for the purpose of obtaining intoxicating liquor.

Subdivision 2. Inducing a minor. No person shall induce a minor to purchase or procure liquor.

Subdivision 3. Liquor in unlicensed or public place. No person shall mix or prepare liquor for consumption in any public place or place of business not licensed to sell liquor on-sale and no person shall consume liquor in any such place.

601.10. Suspension and Revocation.

The City Council may suspend or revoke any liquor license for a violation of any provision of this code or any state law regulating the sale of intoxicating liquor, and shall revoke such license if a licensee willfully violates any provision of Minnesota Statutes Sections 340A. Except in the case of suspension pending hearing, revocation or suspension shall be preceded by written notice to the licensee and a public hearing. Notice shall be given at least eight days prior to the hearing and shall state the time and place of the hearing and the nature of the charges against the licensee. The City Council may, without any advance notice, suspend any license pending a hearing for a period of not exceeding 30 days.

601.11. Restrictions on Operation.

Subdivision 1. Hours of on-sale. No sale of intoxicating liquor for consumption on the licensed premises may be made:

- a. Between 2:00 a.m. and 8:00 a.m. on the days Monday through Saturday;
- b. After 2:00 a.m. on Sundays, except as provided in c. hereof;
- c. Between the hours of 2:00 a.m. and 10:00 a.m. on Sunday for a licensee holding a Sunday liquor license.

(Revised by Ord. 08-101, 04/03/08)

Subdivision 2. Hours of off-sale. No off-sale shall be made before 8:00 A.M. or after 10:00 P.M. on any weekday, or between the hours of 10:00 P.M. Saturday and 8:00 A.M. Monday, or on any day prohibited by Minnesota Statutes.

Subdivision 3. Sale of other items, hours prohibited. No cigars, cigarettes, tobacco, candies, soft drinks or non-intoxicating malt liquor shall be sold during the hours when the sale of intoxicating liquor is prohibited according to this section.

Subdivision 4. Live Music. No live music at a licensed premises shall commence before 12:00 noon or continue after 12:30 A.M.

601.12. Minors on Premises.

No minor under the age of 18 years shall be allowed to enter any liquor establishment unless accompanied by an adult, parent or guardian. It shall be unlawful for any person, firm, or corporation to permit a minor under the age of 18 years to be or remain in an establishment licensed to sell intoxicating liquor, unless accompanied by an adult, parent, or guardian.

PART 2. NON-INTOXICATING LIQUOR

602.01. Definition of terms.

Subdivision 1. Beer. As used in this section, "beer" or "non-intoxicating malt liquor" means any malt beverage with an alcoholic content of more than one-half of one percent by volume and not more than three and two-tenths percent by weight.

602.02. License Required.

Subdivision 1. Licenses. No person, association, firm or corporation, except wholesalers and manufacturers to the extent authorized by law, shall deal in, sell or offer to sell at retail any non-intoxicating malt liquor, in the City, without having first obtained a license as hereafter provided.

Subdivision 2. Kinds of Licenses. The City may issue off-sale or on-sale 3.2 percent malt liquor licenses, and may issue a temporary on-sale license to qualified applicants. On-sale licenses shall permit the sale of 3.2 percent malt liquor for consumption on the premises only. Off-sale licenses shall permit the sale of 3.2 percent malt liquor in the original package for consumption off the premises only. (Revised by Ord. 08-101, 04/03/08)

Subdivision 3. Term; pro rata fee. All licenses shall expire on the 30th day of June each year. Each license shall be issued for a period of one year except that if a portion of the license year has elapsed when the application is made, a license may be issued for the remainder of the year for a pro rata fee. In computing such fee, any expired fraction of a month shall be counted as a full month.

Subdivision 4. Fee. The annual fee for licenses shall be set by resolution of the City Council prior to issuance of licenses each year.

602.03. Granting of License.

Subdivision 1. Investigation and hearing. The City Council shall investigate all facts set out in the application. Opportunities shall be given to any person to be heard for or against the granting of a license. After such investigation and hearing, the City Council shall grant or refuse the application in its discretion.

602.04. Conditions of License.

Subdivision 1. General conditions. Every license shall be granted subject to the provisions of this ordinance and any other applicable provision of this code or state law.

Subdivision 2. Sales to minors or intoxicated persons. No non-intoxicating malt liquor shall be sold or served to any intoxicated person or to any person under 21 years of age.

Subdivision 3. Presence of minors. It shall be unlawful for any minor under the age of 18 years to enter an establishment having an "on-sale" license unless such minor is accompanied by an adult, parent or guardian. It shall be unlawful for any person, firm or corporation to permit a minor under the age of 18 years to be or remain in an establishment having an "on-sale" license unless accompanied by an adult, parent or guardian.

Subdivision 4. Hours of Sale. No sale of 3.2 percent malt liquor may be made between 2:00 a.m. and 8:00 a.m. on the days Monday through Saturday, nor between 2:00 a.m. and 10:00 a.m. on Sunday. (Revised by Ord. 08-101, 04/03/08)

602.05. Restrictions on Purchase and Consumption.

Subdivision 1. Consumption by minors. No minor shall be permitted to consume beer on a licensed premises unless accompanied by his parent or legal guardian.

Subdivision 2. Misrepresentation of age. No minor shall misrepresent his age for the purpose of obtaining non-intoxicating malt liquor.

Subdivision 3. Inducing a minor. No person shall induce a minor to purchase or procure non-intoxicating liquor.

Subdivision 4. Public place. No person shall consume non-intoxicating malt liquor in any public place.

602.06. Suspension and Revocation.

The City Council may suspend or revoke any license to sell non-intoxicating malt liquor for violation of any provision of this code or any state law regulating the sale of non-intoxicating liquor. Except in the case of suspension pending a hearing, revocation or suspension shall be preceded by written notice to the licensee and a public hearing. Notice shall be given at least 8 days prior to the hearing and shall state the time and place of the hearing and the nature of the charges against the licensee. The City Council, may, without any advance notice, suspend any license pending a hearing for a period of not exceeding 30 days.

CHAPTER VII.

NUISANCES AND OFFENSES

PART 1. NUISANCES

701.01. Public nuisance defined.

Whoever by that person's act or failure to perform a legal duty intentionally does any of the following is guilty of maintaining a public nuisance, which is a misdemeanor:

Subdivision 1. 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

Subdivision 2. Interferes with, obstructs, or renders dangerous for passage, any public highway or right-of-way, or waters used by the public; or

Subdivision 3. Is guilty of any other act or omission declared by law or this code to be a public nuisance and for which no sentence is specifically provided. (Revised by Ord. 06-108, 11/02/06)

701.02. Public Nuisances Affecting Health.

The following are hereby declared to be nuisances affecting health:

1. Exposed accumulation of decayed or unwholesome food or vegetable matter;
2. All diseased animals running at large;
3. All ponds of stagnant water; (Revised by Ord. 06-108, 11/02/08)
4. Carcasses of animals not buried or destroyed within twenty-four (24) hours after death;
5. Accumulations of manure, refuse, or other debris;
6. 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;
7. The pollution of any public well or cistern, stream or lake, canal or body of water by sewage, industrial waste, or other substances;

8. All noxious weeds and other rank growths of vegetation upon public or private property;
9. Dense smoke, noxious fumes, gas and soot, or cinders, in unreasonable quantities;
10. All public exposure of persons having a contagious disease;
11. Any offensive trade or business as defined by statute not licensed by the city board of health as defined by law.

701.03. Public Nuisances Affecting Morals and Decency.

The following are hereby declared to be nuisances affecting public morals and decency:

1. All gambling devices, slot machines, and punch boards, except those permitted by law;
2. Betting, bookmaking, and all apparatus used in such occupations, except those permitted by law;
3. All houses kept for the purpose of prostitution or illegal gambling.
4. All places where intoxicating 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 liquor, or where intoxicating liquor is kept for sale or other disposition in violation of law, and all liquor and other property used for maintaining such a place. (Revised by Ord. 06-108, 11/02/06)

701.04. Public Nuisances Affecting Peace and Safety.

The following are declared to be nuisances affecting public peace and safety:

1. All snow and ice not removed from public sidewalks twenty-four (24) hours after the snow or other precipitation causing the condition has ceased to fall; (Revised by Ord. 06-108, 11/02/06)
2. For the owner of any structure to allow rain water, ice, or snow to fall from any building or structure upon any street or sidewalk or to flow across any sidewalk;
3. Waste water cast upon or permitted to flow upon streets or other public property;
4. All trees, hedges, billboards or other obstructions which prevent persons from having a clear view of all traffic approaching an intersection;

5. All wires and limbs of trees which are so close to the surface of a sidewalk or street as to constitute a danger to pedestrians or vehicles;

6. All unnecessary noises and annoying vibrations;

7. Obstructions and excavations affecting the ordinary use of streets, alleys, sidewalks, drainage ditches, or public grounds except under such conditions as are permitted by this Code or other applicable law. (Revised by Ord. 06-108, 11/02/06)

8. Any well, hole, or similar excavation which 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. (Revised by Ord. 06-108, 11/02/06)

9. Obstruction to the free flow of water in a natural waterway or a public street drain, gutter, or ditch with trash or other materials;

10. Radio aerials or television antennae erected or maintained in a dangerous manner;

11. All hanging signs, awnings, and other similar structures over streets or sidewalks, or so situated so as to endanger public safety, or not constructed and maintained as provided by city ordinance or other applicable law; (Revised by Ord. 06-108, 11/02/06)

12. All dangerous, unguarded machinery in any public place, or so situated or operated on private property as to attract the public;

13. Accumulations in the open of discarded or disused machinery, household appliances, automobile bodies, automobiles that are not currently licensed, or other material, 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 safety hazards from such accumulation; (Revised by Ord. 06-108, 11/02/06)

14. Vehicles not currently licensed or not roadworthy under the laws of the State of Minnesota, while parked or stored outside on private property or on public streets;

a. Hobby Raceway stock cars are excluded from this section 4. "Hobby Raceway Stock Cars" are those vehicles which contain the following: 1) A caged one passenger interior with roll bars and glass removed, and 2) With safety racing belts installed.

b. Demolition Derby vehicles are allowed between the months of May and September of any given year, provided no more than two (2) demolition derby vehicles are visible on any given private property. No Demolition Derby vehicle may be parked or stored on a public street. "Demolition Derby Vehicles" are those that have had the glass removed and have been prepared in such a fashion as to be utilized in Demolition Derbies, as that term is commonly known. (Revised by Ord. 06-108, 11/02/06)

15. The placing or throwing on any street, sidewalk, or other public property of any glass, tacks, nails, bottles, or other substance which may injure any person or animal or damage any pneumatic tire when passing over such substance;

16. The depositing of garbage or refuse on a public right-of-way or on adjacent private property;

17. All other conditions or things which are likely to cause injury to the person or property of anyone.

701.05. Duties of City Officers.

The City Council or other designated official shall enforce the provisions of this part 701. Such officers shall have the power to inspect private premises and take all reasonable precautions to prevent the commission and maintenance of public nuisances. (Source Ord. 06-108, 11/02/06)

701.06. Abatement.

Subdivision 1. Notice. Written notice of violation; notice of the time, date, place and subject of any hearing before the City Council order; and notice of motion for summary enforcement hearing shall be given as set forth in this subdivision.

1. Notice of Violation. Written notice of violation shall be served by the officer charged with enforcement on the owner of record or occupant of the premises either in person or by certified or registered mail. If the premises is not occupied, the owner of record is unknown, or the owner or occupant refuses to accept notice of violation, notice of violation shall be served by posting it on the premises.

2. Notice of City Council Hearing. Written notice of any City Council hearing to determine or abate nuisance shall be served on the owner of record and occupant of the premises either in person or by certified or registered mail. If the premises is not occupied, the owner of record is unknown, or the owner of record or occupant refuses to accept notice of City Council hearing, notice of City Council hearing shall be served by posting it on the premises.

3. Notice of City Council Order. Except for those cases determined by the city to require summary enforcement, written notice of any City Council order shall be made as provided in Minnesota Statutes 463.17 (Hazardous and Substandard Building Act).

4. Notice of Motion for Summary Enforcement. Written notice of any motion for summary enforcement shall be made as provided or in Minnesota Statutes 463.17 (Hazardous and Substandard Building Act).

Subdivision 2. Procedure. Whenever the officer charged with enforcement determines that a public nuisance is being maintained or exists on premises in the city, the officer shall

notify in writing the owner of record or occupant of the premises of such fact and order such 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 enforcing officer shall report that fact forthwith to the City Council. Thereafter, the City Council may, after notice to the owner or 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 orders and notice of motion for summary enforcement.

Subdivision 3. Emergency Procedure; Summary Enforcement. In cases of emergency, where delay in abatement required to complete the notice and procedure requirements set forth in subdivisions 1 and 2 above 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 officer charged with enforcement shall determine that a public nuisance exists or is being maintained on premises in the city and that delay in abatement of the nuisance will unreasonably endanger public health, safety, or welfare. The enforcement officer shall notify in writing the occupant or owner of the premises of the nature of the nuisance and of the city's intention to seek summary enforcement and the time and place of the City Council meeting to consider the question of summary enforcement. The City Council shall determine whether or not the condition identified in the notice to the owner or occupant is a nuisance, whether public health, safety, or welfare will be unreasonably endangered by delay in abatement required to complete the procedure set forth in subdivision 1 above, and may order that such 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.

Subdivision 4. Immediate Abatement. Nothing in this section 6 shall prevent the city, without notice or other process, from immediately abating any condition which poses an imminent and serious hazard to human life or safety.

(Source Ord. 06-108, 11/02/06)

701.07. Recovery of Cost.

Subdivision 1. Personal Liability. The owner of premises on which a nuisance has been abated by the city and the premises itself shall be 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 official designated by the City Council 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.

Subdivision 2. Assessment. 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 the City Council's regular October meeting each year, list the total unpaid charges along with all other such charges as well as other charges for current services to be assessed under part 402 of the City Code against each separate lot or parcel to which the charges are attributable. The City Council may then spread the charges against such property under Minnesota Statutes 429.101 and other pertinent statutes for certification to the county auditor and collection along with interest at the rate of 6% per annum with current taxes the following year or in annual installments, not exceeding 10, as the City Council may determine in each case.

(Source Ord. 06-108, 11/02/06)

701.08. Penalty.

Any person convicted of violating any provision of this Ordinance is guilty of a misdemeanor. (Source Ord. 06-108, 11/02/06)

PART 2. OFFENSES

702.01. Peddlers.

Subdivision 1. Definition. The term "peddler" as used in this section means door-to-door, street-to-street, place-to-place or temporary vendors of sales or services without a fixed, determined and permanent location at which he transacts his business, carries on his occupation or practices his profession, and includes, but is not limited to, persons commonly referred to as peddlers, solicitors, transient merchants or canvassers.

Subdivision 2. License required. It is unlawful for any person to engage in peddling without a license therefor from the city.

Subdivision 3. License fee. The license fee for a peddler shall be set by resolution of the City Council.

Subdivision 4. Bond required. No peddler's license shall issue unless and until the applicant shall have filed with the City Clerk a bond in the penal sum of \$250, and in favor of the city, for the benefit of any resident who may sustain individual loss by means of fraud, artifice, trick or other means of theft practiced by the licensee on such resident. Provided, however, that a certificate evidencing such bond coverage and the availability of the penalty for the uses and purposes herein expressed, shall be sufficient to satisfy this section without a separate bond, in order that the applicant might be spared the necessity for duplicate bonding.

Subdivision 5. Conditions of licensing. Each individual engaged as a peddler or accompanying a licensee at work must secure a separate license. It is unlawful for any person, licensed under this section, to call attention to his business or his merchandise by crying out, blowing a horn, ringing a bell, or by any loud or unusual noise, or by use of any amplifying device.

Subdivision 6. Exceptions. This section shall not apply to any sale under court order, nor to any bona fide auction sale, nor to news boys, nor to a sale at wholesale to a retail dealer in the article sold, nor to the sale of farm or garden products by the person producing the same, nor to sales of admissions by local school students to a school function. Nor shall this section apply to solicitations for philanthropic, religious, and educational charitable causes if the following procedure has been accomplished: Sworn application has been made to the City Clerk showing name or organization, its purposes, its officers and directors, period of solicitation and solicitors form of remuneration; and the City Clerk has investigated and found such statements true and issued a permit without charge.

702.02. Curfew.

Subdivision 1. Minors under the age of 16. It is unlawful for any minor person under the age of 16 years to be or loiter upon the streets or public places between the hours of 12:00 midnight and 5:00 A.M.

Subdivision 2. Parents and guardians. It is unlawful for any parent, guardian or other person having the legal care or custody of any minor person to allow or permit such minor person to be or loiter upon the streets or public places in violation of this section unless such minor is accompanied by a person of lawful age having such minor person in charge.

Subdivision 3. Places of amusement, entertainment or refreshment. It is unlawful for any person operating, or in charge of, any place of amusement, entertainment or refreshment, or other place of business, to allow or permit any minor person to be or loiter in such place in violation of this section unless such minor is accompanied by a person of lawful age having such minor person in charge. This section shall not be construed to permit the presence, at any time, of any person under age in any place where his presence is otherwise prohibited by law.

Subdivision 4. Exception. Such curfew shall not apply to any students under the age of 16 years who are lawfully attending, going to or returning from school, church or community sponsored athletic, musical, or social activities or events.

702.03. Discharge of Firearms.

It shall be unlawful for any person to:

Subdivision 1. Discharge within or into the city limits of the City of Courtland any cannon, gun, pistol, rifle, or similar device except those commonly referred to as B-B guns.

Subdivision 2. Exceptions. Nothing in Subdivision 1 of this Section shall apply to:

- A. A peace officer in the discharge of his or her duty,
- B. A person in the lawful defense of his or her person or family within their own home or dwelling,
- C. A person discharging a weapon commonly referred to as a shotgun in an area of the City zoned as A-1 Agricultural District, but then only when:
 - 1. The shells are only loaded with shot, pellets, or B-Bs, and
 - 2. There is not a permanent structure within five hundred (500) feet of the discharge.

Subdivision 3. Penalties. Violation of this ordinance shall be a misdemeanor.

(Source Ord. 11, 2nd Series 1/5/84).

CHAPTER VIII.

MUNICIPAL UTILITIES

PART 1. WATER

801.01. Connection to Municipal Water System.

Subdivision 1. Definitions. As used in this section, the following terms shall have the meaning set forth herein:

A. "Private Water System" means any non-public system of wells, pumps, water lines, storage tanks and/or treatment facilities to extract ground water for use in any fashion.

B. "Substantial Repair" means a new well or any other repair, replacement or modification of a Private Water System, which consists of re-sleeving or re-drilling such well. (Revised by Ord. 03-101, 02/06/03)

C. "Water Service" means that connection from the municipal water main to serve an individual building or property.

Subdivision 2. The owner of any house, building or property used for human occupancy, employment, recreation or other purpose situated within the City and abutting on any street, alley or right-of-way in which there is now or hereafter located a municipal water main shall not establish or use a Private Water System to supply water to such house, building or property.

Subdivision 3. Exceptions. The owners of property, which would otherwise be subject to Subd. 2 and which has a Private Water System, which was established prior to June 1, 1990, may continue to use and operate such Private Water System until it has become obsolete or does not produce water suitable for human consumption, or requires substantial repair. In addition existing wells may continue to be used indefinitely for outdoor applications; provided, however, that there shall be no interconnection of any sort or nature between such Private Water System and the municipal water system.

A. Properties served by a Private Water System which was established prior to June 1, 1990 that connect to the municipal water system on or after January 1, 2004 shall pay the current water hook-up fee.

(Revised by Ord. 03.101, 02/06/03)

Subdivision 4. Supply from one service. No more than one tax ID parcel shall be supplied from one Water Service Connection except by special permission of the City Council.

Where a single structure, including a multifamily residence building, has more than one occupant or unit which obtains water from a single Water Service a single stop box and water meter for such structure may be permitted. Provided, however, that the City's charge for water usage for such structure shall be equal to (a) the minimum residential charge for an individual water service times the number of units in such structure receiving water; plus (b) the normal City charge for water usage in such structure in excess of the sum of usage covered by the minimum total number of units in the structure for which a minimum residential charge is due. All charges for water supplied to multifamily structures shall be billed to and payable by the owner of such structure and the City shall not be required to bill tenants individually unless each such tenant has a separate water meter. (Revised by Ord. 93-06, Third Series __/__/93) & (Revised by Ord. 03-101, 02/06/03)

Subdivision 5. Turning on water, tapping mains. No person, except upon authorization by the City, shall turn on or off any water supply at the stop box or tap any water main or pipe of the water supply system or insert a stop cock or other appurtenance therein.

A. Installation of a water service line shall conform to the requirements of the Minnesota Plumbing Code, Minnesota Rules, Chapter 4715.

B. An appropriate construction license is required to install a water service line. Any person desiring a license shall apply in writing to the City's City Council, providing satisfactory evidence of applicant's qualification. Said qualification shall consist of state licensure, a pipelayer's card or owner occupancy consistent with the requirements of Minnesota Statutes, Chapter 326.40. If approved by the City Council, and upon the filing of a bond, the City Clerk shall issue the license as hereinafter provided.

C. A license for water service line installation shall not be issued until a \$25,000.00 bond issued in favor of the City, or the State of Minnesota for all work performed within the State, is filed and approved by the City Council. The licensee will indemnify the City from all suits, accidents and damage that may arise by reason of any opening on any street, alley or public ground, made by the licensee or by those in the licensee's employment.

D. The cost of a license for making service connection is as determined in the city's approved fee schedule. All licenses shall expire on December 31 of the license year unless the license is suspended or revoked as to ensure that there is no illegal or improper connection.

(Source Ord. 06-107, 11/02/06)

Subdivision 6. Repair of leaks. The consumer or owner of each property shall be responsible for maintaining the Water Service pipe from the curb stop into the building served. If he/she fails to repair any leak in such service pipe within 24 hours after notice by the City, the City may turn the water off. When the waste of water is great or damage is likely to result from the leak, the City may turn the water off immediately upon the giving of notice if repair is not commenced immediately. (Revised by Ord. 03-101, 02.06.03)

Subdivision 7. Private water supply. No part of the water distribution system of the City shall be connected with any pump, well or tank that is connected with any other source of water supply or Private Water System. When any such connection is found, the City shall notify the owner to sever the connection and if this is not done immediately, the City shall turn off the public water supply forthwith. Before any new connection to the City system is permitted, the City shall ascertain that no cross connection will exist when the new connection is made.

(Source Ord. 11, 2nd Series 1/5/84).

&

(Source Ord. 19, 2nd Series 1990).

PART 2. PRIVATE SEPTIC SYSTEM

802.01. Definitions.

As used in this Part, the following terms shall have the meaning set forth herein:

Subdivision 1. “Private septic system” means a sewage treatment system, or part thereof, serving a dwelling, or other establishment, or group thereof, which uses subsurface soil treatment and disposal.

Subdivision 2. “MCR 7080” means rules Chapter 7080 Individual Sewage Treatment Systems as adopted and promulgated by the State of Minnesota and as may be amended, supplemented, or replaced from time to time.

802.02. Regulation of Private Septic Systems.

The installation, use, maintenance, repair, and replacement of any private septic system within the City shall be done in accordance with this Part and in accordance with MCR 7080.

802.03. Application.

Prior to the installation, repair or replacement of any private septic system within the City, the owner of the premises upon which such private septic system is located or to be located shall apply to the City for a permit therefor in the same mode and manner as is required for the application for any other building permit within the City. Such application shall include all information required by MCR 7080 including, but not limited to: a soil percolation test certified by qualified and licensed engineers, the location and dimensions of the lot upon which the private septic system will be placed, the dimensions, location, design, and capacity of the proposed septic system. In addition, such application shall be accompanied by a permit fee in such amount as is set and determined by the City Council of the City from time to time. The applicant shall also be responsible for all charges for inspection of the private septic system as required herein or under MCR 7080.

802.04. Installation, Repair, and Maintenance Supervision.

The installation, repair and maintenance of any private septic system shall be done under the supervision of, and subject to approval by, an inspector certified by the State of Minnesota to administer the provisions of MCR 7080. The owner of the property upon which the private septic system is placed or is to be placed and/or the applicant in the permit for placement of such

private septic system shall be responsible to arrange for and to secure the inspection and approval required by this Part.

802.05. Notice.

Upon the determination of the city or any other regulatory body that any private septic system is not operating properly or that any permit for the installation, repair or replacement of the same has not been properly obtained, the City may give notice in writing to such affect to the owner of the property upon which the private septic system is located. Thereafter, the owner of such property shall have thirty (30) days within which to correct any problem with the operation of such private septic system and/or obtain the necessary permits, inspection and approval.

802.06. Violations.

Any violations of the Part shall constitute a misdemeanor and each day of non-compliance shall constitute a separate offense.

(Source Ord. 93-01, Third Series, 04/01/93)

PART 3. SANITARY SEWER

803.01. Definitions.

Unless the context specifically indicates otherwise, the terms used in this Part shall have the meanings hereby designated;

1. "Act" - The Federal Water Pollution Control Act, also referred to as the Clean Water Act, as amended, 33, U.S.C 1251 et seq.
2. "BOD5" or "Biochemical Oxygen Demand" - The quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedures in five (5) days at 20 degrees Centigrade and as expressed in terms of milligram per liter (mg/l).
3. "Base Charges" - The minimum monthly charge imposed by the City for each Sewer Service, regardless of the actual amount of Wastewater produced by the property served by such Sewer Service
4. "Building Drain" - That point of a building which conveys wastewater to the Sewer Service, beginning immediately outside the building wall.
5. "City" - The area within the corporate boundaries of the City of Courtland, the City of Courtland, the City Council, or its Wastewater Supervisor. (Revised by Ord. 06-107, 11/02/06)
6. "Connection Charge" - A charge imposed by the City for the connection of a Sewer Service to the Sanitary Sewer after the initial construction of the Wastewater Treatment Facilities.
7. "Debt Service Charge" - A charge to users of the wastewater treatment facility for the purpose of repaying capital costs,
8. "Equivalent Residential Unit" (ERU) - A unit of wastewater volume of 100 gallons per day at a strength not greater than NDSW.
9. "Industrial User"
 - a. Any entity as defined in the Standard Industrial Classification Manual (latest edition) as categorized herein that discharge water to the Sanitary Sewer.

Division A: Agriculture, Forestry and Fishing

Division B: Mining

Division D: Manufacturing

Division E: Transportation, Communications, Electric, Gas and Sanitary Sewers

(Revised by Ord. 06-107, 11/02/06)

- b. Any user who's discharges, single or by interaction with other wastes:
 - i. Contaminate the sludge of the wastewater treatment system.
 - ii. Injure or interfere with the treatment process.
 - iii. Create a public nuisance or hazard.
 - iv. Have an adverse effect on the waters receiving wastewater treatment plant discharges.
 - v. Exceed NDSW limitations.
 - vi. Exceed normal residential unit volumes of wastewater.
- 10. "Infiltration/Inflow (III)" - Water other than wastewater that enters the sewer system from the ground or from surface runoff, as defined in Minnesota Rules.
- 11. "MPCA" - Minnesota Pollution Control Agency.
- 12. "National Categorical Pretreatment Standards" - Federal regulations establishing pretreatment standards for introduction of pollutants in publicly owned Wastewater Treatment Facilities. Section 307(b) of the Act.
- 13. "National Pollutant Discharge Elimination System (NPDES) Permit" - A permit issued by the MPCA, setting limits on pollutants that a permittee may legally discharge pursuant to Sections 402 and 405 of the Act.
- 14. "Natural Outlet" - Any outlet, including storm sewers and combined waters, which flows into a body of surface water or ground water.
- 15. "Non-assessed Property" - Any real property within the City, (i) against which a special assessment for the original construction of the Wastewater Treatment Facilities has not been lawfully imposed and collected, or (if) for which a Connection Charge has not been previously charged and collected.

16. "Normal Domestic Strength Waste" (NDSW) - Wastewater that is primarily introduced by residential users with BOD5 concentrations not greater than 200 mg/l and total suspended solids (TSS) concentrations not greater than 240 mg/l.

17. "Non-residential User" - A user of the treatment facility who's building is not used as a private residence and discharges NDSW.

18. "Operation, Maintenance and Replacement Costs (OM&R)" Expenditures necessary to provide for the dependable, economical and efficient functioning of the treatment facility throughout its design life, including operator training and permit fees. Replacement refers to equipment replacement costs, not the cost of future replacement of the entire facility.

19. "Residential User" - A user of the treatment facility who's building is used primarily as a private residence and discharges NDSW.

20. "Sewer" - A pipe or conduit that carries wastewater or drainage water.

a. Sewer Service - The extension from the building drain to the Sanitary Sewer or other place of disposal, also referred to as a service connection.

b. Sanitary Sewer - The City's sewer designed to carry only liquid and water-carried wastes from residential, non-residential and industrial sources together with minor quantities of III, which is part of the Wastewater Treatment Facilities.

c. Storm Sewer - A sewer intended to carry unpolluted surface and subsurface water from any source.

21. "Slug" - A discharge of water or wastewater which in concentration or in quantity of flow exceeds for any period of duration longer than 15 minutes, more than 5 times the average 24 hour concentration of flows during normal operation.

22. "State Disposal System (SDS) Permit" - A permit issued by the MPCA pursuant to Minnesota Statutes 115.07 for a disposal system as defined by Minnesota Statutes 115.01, subd. 8.

23. "Total Suspended Solids (TSS)" - The total suspended matter that either floats on the surface of, or is in suspension in water, wastewater or other liquids, and is removable by laboratory filtering as prescribed in "Standard Methods for the Examination of Water and Wastewater" (latest edition).

24. "Treatment Costs" means the amount charged to the City per 1000 gallons of wastewater by the City of New Ulm for treatment of municipal Wastewater pursuant to the terms of the Wastewater Treatment Agreement.

25. "Unpolluted Water" - Water of quality equal to or better than the effluent criteria in effect, or water that would not cause violation of receiving water quality standards. An example could be non-contact cooling water.

26. "User Charge" - The charge to users of the Wastewater Treatment Facilities computed pursuant to Section 803.12 for collection and treatment of the user's wastewater.

27. "User Unit" Each separate dwelling unit within a structure or complex of structures, or each separate use of a structure or complex of structures, where such structures or complex of structures is served by a single Sewer Service (Source Ord. 99-101, 03/04/99)

28. "Wastewater" - Liquid and water-carried wastes from residential, nonresidential and industrial users, together with any ground water, surface water and storm water that may be present.

29. "Wastewater Treatment Agreement" - The agreement entered into by and between the City of Courtland and the City of New Ulm (and any extension, modification or amendment of the same) providing for the treatment of the City's Wastewater at the New Ulm Wastewater Treatment Facility.

30. "Wastewater Treatment Facilities" or "Treatment Facilities" - The land, devices, facilities, structures, equipment, sanitary sewer and processes owned or used by the City for the purpose of the transmission, storage, treatment, recycling and reclamation of municipal wastewater and the disposal of residues resulting from such treatment.

803.02. Control by the Wastewater Supervisor.

The City's City Council shall appoint a Wastewater Supervisor who shall have control and general supervision of all Sanitary Sewers and Sewer Services in the City or as part of the Wastewater Treatment Facilities, and shall be responsible for administering the provisions of this Part to ensure that a proper and efficient Wastewater Treatment Facilities are maintained. The Wastewater Supervisor may delegate responsibilities to designated assistants. (Revised by Ord. 06-107, 11/02/06)

803.03. Use of Sanitary Sewers Required.

Within 30 days of receiving official notification, the owners of all properties which generate or produce wastewater and which are located within 500 feet of a Sanitary Sewer shall install a suitable Sewer Service connection to the Sanitary Sewer, at the property owner's expense, in accordance with the provisions of this Part.

Subdivision 1. In the event an owner shall fail to connect to a Sanitary Sewer in compliance with a notice given under this Part, the City will have said connection made and shall assess the cost against the benefited property.

Subdivision 2. Except as provided hereinafter, it shall be unlawful to construct or maintain any private facility intended or used for the disposal of wastewater.

803.04. Private Wastewater Disposal.

Where a Sanitary Sewer is not available under the provisions of Section 803.03, the Sewer Service shall be connected to a private wastewater disposal system complying with the provisions of Chapter VIII, Part 2.

803.05. Sewer Services and Connections Design.

Subdivision 1. No person(s) shall make any alterations to the Sanitary Sewer or any appurtenances thereof without first obtaining a written permit from the City. No private building drain shall extend beyond the limits of the building or property for which the permit has been given. Any new connection to the Sanitary Sewer shall be prohibited unless sufficient capacity is available in all downstream facilities, including but not limited to, capacity for flow, BOD5, and TSS as determined by the Wastewater Supervisor. (Revised by Ord. 06-107, 11/02/06)

Subdivision 2. A separate and independent Sewer Service shall be provided for each building. Old Sewer Services may be used to service new buildings only when they are found to meet all requirements of this Part. Whenever possible, the Sewer Service shall be brought to the building at an elevation below the basement floor. In all buildings in which any building drain is too low to permit gravity flow to the Sanitary Sewer main, wastewater shall be lifted by an approved means and discharged to the Sanitary Sewer.

Subdivision 3. The construction and connection of the Sewer Service to the Sanitary Sewer main shall conform to the requirements of the State of Minnesota Building and Plumbing Code, applicable rules and regulations of the City and the materials and procedural specifications set forth in the American Society of Testing Materials (ASTM) and the Water Pollution Control Federation (WPCF) Manual of Practice No.9. All such connections shall be made gas and watertight and verified by proper testing to prevent III.

Subdivision 4. No unpolluted water sources (including, without limitation, stormwater and sump water) shall be connected to the Sanitary Sewer.

Subdivision 5. The applicant for the Sewer Service permit shall notify the City when the Sewer Service is ready for connection to the Sanitary Sewer. The connection shall be made under the supervision of a designated Wastewater Supervisor. (Revised by Ord. 06-107, 11/02/06)

Subdivision 6. An appropriate construction license is required to install a Sewer Service. Any person desiring a license shall apply in writing to the City's City Council, providing satisfactory evidence of the applicant's qualification. Said qualification shall consist of state licensure, a pipelayer's card or owner occupancy consistent with the requirements of Minnesota

Statutes, Chapter 326.40. If approved by the City Council, and upon the filing of a bond, the City Clerk shall issue the license as hereinafter provided. (Revised by Ord. 06-107, 11/02/06)

Subdivision 7. A license for Sewer Service connection installation shall not be issued until a \$25,000.00 bond issued in favor of the City, or the State of Minnesota for all work performed within the State, is filed and approved by the City Council. The licensee will indemnify the City from all suits, accidents and damage that may arise by reason of any opening on any street, alley or public ground, made by the licensee or by those in the licensee's employment. (Revised by Ord. 06-107, 11/02/06)

Subdivision 8. The cost of a license for making service connection is as determined in the City's approved fee schedule. All licenses shall expire on December 31 of the license year unless the license is suspended or revoked as to ensure that there is no discharge therefrom except into the Sanitary Sewer. (Revised by Ord. 06-107, 11/02/06)

Subdivision 9. The City Council may suspend or revoke any license issued under this Article for any of the following causes:

- a. Giving false information in connection with the application for a license.
- b. Incompetence of the licensee.
- c. Willful violation of any provisions of this Part or any rules or regulation pertaining to the making of Sewer Service connections.
- d. Failure to adequately protect and indemnify the City and the user.

Subdivision 10. The owner of property served by a Sewer Service shall be solely responsible for all costs associated with the maintenance, repair and replacement of such Sewer Service, and shall maintain such Sewer Service at all times as to ensure that there is no discharge therefrom except into the Sanitary Sewer. Where a grinder pump lift station has been installed in a Sewer Service, the City shall be responsible for all costs of maintenance, repair and replacement of the grinder pump lift station. (Revised by Ord. 06-107, 11/02/06)

803.06. Use of Public Wastewater Treatment Facilities.

Subdivision 1. No unpolluted water or stormwater shall be discharged to the Sanitary Sewer. Such water shall be discharged only to a Storm Sewer or to natural outlets approved by the City and/or other regulatory agencies. Upon notice to the owner or occupant of any property served by the Sanitary Sewer, the City may inspect such property for purposes of determining whether unpolluted water or stormwater sources are connected to the Sanitary Sewer. Any owner or occupant of any property served by the Sanitary Sewer that refuses such reasonable inspection requests shall be subject to termination of all utility services provided by the City.

Subdivision 2. No person(s) shall discharge any of the following substances to the Sanitary Sewer.

- a. Liquids, solids, gases or other substances, which singly or by interaction with others may cause fire or explosion.
- b. Solid or viscous substances, which may cause obstruction to the flow in a sewer.
- c. Wastewater having a pH of less than 5.0 or greater than 9.5 or having any other corrosive or caustic property capable of causing damage or hazard.
- d. Wastewater containing toxic pollutants, as defined in Section 307(a) of the Water Pollution Control Act and Minnesota Statutes 115.01, subd. 14.

Subdivision 3. Discharges of the following substances shall be limited to concentrations or quantities that will not harm the wastewater facility, streams, soils, vegetation, ground water, and will not otherwise create a hazard or nuisance or cause the City to be in violation of, or subject to penalties or surcharges under, the Wastewater Treatment Agreement. The Wastewater Supervisor may set limitations lower than the prohibition limits outlined below. Consideration will be given to such factors as the quantity of waste in relation to flows and velocities, materials of construction, the community's NPDES and SDS permits, capacity of the treatment plant, degree of treatability of wastes and other pertinent factors. (Revised by Ord. 06-107, 11/02/06)

- a. Wastewater having a temperature greater than 1500 (65.60 C), or causing, individually or in combination with other wastewater, the influent at the treatment facilities to have a temperature exceeding 104°F (40°C), or having heat in amounts which will be detrimental to biological activity in the treatment facilities.
- b. Wastewater containing fats, wax, grease or oils in excess of 100 mg/l or containing substances which may solidify or become viscous at temperatures between 32°F and 150°F (0°C and 65.6°C).
- c. A discharge of water or wastewater which in connection or in quantity of flow exceeds for any period of duration longer than 15 minutes, more than 5 times the average 24 hour concentration of flows during normal operation.
- d. Food wastes not properly shredded to such a degree that all particles will be carried freely under normal flow conditions with no particle greater than 1/2 inch in any dimension.
- e. Noxious or malodorous liquids, gases or solids.
- f. Wastewater with objectionable color not removed in the treatment process.

g. Wastewater containing inert suspended solids in such quantities that would cause disruption to the Wastewater Treatment Facilities.

h. Radioactive wastes or isotopes in concentrations that exceed limits established by applicable state and federal regulations.

i. Wastewater, with BOD5 or suspended solid levels that require additional treatment, except as may be permitted by specific written agreement with the City.

j. Wastewater containing substances which cannot be treated to produce effluent quality required by the permit or causes a violation of any applicable local, state or federal regulation or the Wastewater Treatment Agreement.

Subdivision 4. In the event of discharges to the Sanitary Sewers which contain substances or pose characteristics prohibited in this Part, or which, in the judgment of the Wastewater Supervisor, may have a deleterious effect to the treatment facility, receiving water, soils, vegetation, or which create a hazard to nuisance, the Wastewater Supervisor may: (Revised by Ord. 06-107, 11/02/06)

a. Refuse to accept the wastes.

b. Require pretreatment to an acceptable condition for discharge to the Sanitary Sewers, pursuant to Section 307(b) of the Act and all addenda thereof.

c. Require control over the quantities and rates of discharge.

d. Require payment to cover all the added costs of handling, treating, and disposing of wastes not covered by existing taxes or sewer charges.

(Revised by Ord. 06-107, 11/02/06)

Subdivision 5. If the Wastewater Supervisor permits the pretreatment or equalization of waste flows, the design, installation, maintenance and efficient operation of the facilities and equipment shall be at the owner's expense and shall be subject to review and approval by the City pursuant to the requirements of the MPCA. (Revised by Ord. 06-107, 11/02/06)

Subdivision 6. No user shall increase the use of process water or in any manner attempt to dilute a discharge as a partial or complete substitute for adequate treatment to achieve compliance with the limitations contained in this Part, the National Categorical Pretreatment Standards and any state or local requirements.

Subdivision 7. Grease, oil and sand interceptors shall be provided at the owner's expense when, in the opinion of the Wastewater Supervisor, they are necessary for the proper handling of liquid wastes containing floatable grit in excessive amounts, any flammable wastes, sand or other harmful ingredients. All interceptors shall be readily and easily accessible for

cleaning and inspection. The owner shall be responsible for the maintenance of interceptors, including proper removal and disposal of the captured materials by appropriate means and shall maintain a record of dates and means of disposal, which are subject to review by the Wastewater Supervisor. Any material removal and hauling must be performed by the owner's personnel or a currently licensed waste disposal firm and in compliance with all applicable laws and regulations. (Revised by Ord. 06-107, 11/02/06)

Subdivision 8. Where required by the Wastewater Supervisor, industrial users shall install and maintain, at their own expense, a suitable structure or control manhole with such necessary meters and other sampling and testing equipment needed to facilitate observation sampling and measurement of wastewater. The manhole will be safe and accessible at all times. The City Council may require submission of laboratory analyses to illustrate compliance with this Part and any special conditions for discharge established by the City Council or responsible regulatory agency. All measurements, tests and analyses to which reference is made in this Part shall be determined in accordance with the latest edition of "Standard Methods of the Examination of Water and Wastewater," published by the American Public Health Association and kept for a period of one year. (Revised by Ord. 06-107, 11/02/06)

Subdivision 9. Where required by the Wastewater Supervisor, users shall provide protection from an accidental discharge of substances regulated by this Part. Where necessary, facilities to prevent accidental discharges of prohibited materials shall be provided and maintained at the owner's expense. Detailed plans and operating procedures of said facilities shall be submitted to the Wastewater Supervisor for review and approval prior to construction of the facility. Approval of such plans and operating procedures shall not relieve user from the responsibility of modifying the facility as necessary to meet the requirements of this Part. (Revised by Ord. 06-107, 11/02/06)

Subdivision 10. Users shall notify the Wastewater Supervisor immediately if a slug or accidental discharge of wastewater occurs in violation of this Part. Notification will allow measures to be taken to minimize damage to the treatment facilities. Notification will not relieve users of liability for any expense, loss or damage to the treatment facilities or for fines or surcharges imposed against the City by any state or federal agency or under the Wastewater Treatment Agreement as a result of their actions. A notice shall be permanently posted on the user's bulletin board or other prominent place advising employees of the emergency notification procedure in the event of a slug or accidental discharge. (Revised by Ord. 06-107, 11/02/06)

Subdivision 11. No person shall permit any substance or matter, which may form a deposit or obstruction of flow to be discharged into the Sanitary Sewer. Whenever any Sewer Service connection becomes clogged, obstructed, detrimental to the use of the Sanitary Sewer, or unfit for the purpose of drainage, the owner shall make repairs as directed by the Wastewater Supervisor. Each day after 30 days that the owner neglects to make said repairs, shall constitute a separate violation of this Section. The Wastewater Supervisor may then cause the work to be done and recover related expenses from the owner or agent by an action in the name of the City. (Revised by Ord. 06-107, 11/02/06)

Subdivision 12. In addition to penalties that may be imposed for violation of any provision of this Article, the City may assess against the user/owner the cost of repairing or restoring sewers and associated facilities damaged as a result of the discharge of prohibited wastes and may collect the assessment as an additional charge for the use of the Sanitary Sewer system,

Subdivision 13. No statement contained in this Part shall prevent any special agreement or arrangement between the City of Courtland and any Industrial User. Industrial waste of unusual strength or character may be accepted by the facility for treatment, subject to adequate payment by the Industrial User, providing that National Categorical Pretreatment Standards and the City's NPDES and SDS permit limitations are not violated.

803.07. Damage to System.

It shall be unlawful for any person to:

Subdivision 1. Willfully or negligently break, damage, destroy, uncover, deface or tamper with any structure, appurtenances, or equipment, which is part of the Wastewater Treatment Facilities.

(Revised by Ordinance 99-101, 03/04/99)

Subdivision 2. Tamper with, bypass, disconnect, modify or otherwise interfere with the proper operation of any meter or other device to measure Wastewater, including water meters installed at any Industrial User, Non-residential User or Residential User location. (Revised by Ord. 06-107, 11/02/06)

Subdivision 3. Introduce or attempt to introduce into the Wastewater Treatment Facilities any Wastewater which has not been properly metered and reported to the City. (Source Ordinance 99-101, 03/04/99)

Subdivision 4. Introduce or attempt to introduce into the Wastewater Treatment Facilities any Wastewater which exceeds the limits set forth in this Part or the limits set forth by the MPCA. (Source Ordinance 99-101, 03/04/99)

803.08. Powers and Authority of Wastewater Supervisor.

The Wastewater Supervisor, bearing proper credentials and identification shall be permitted to enter all properties for inspection, observation, measurement, sampling, testing, repair and maintenance in accordance with the provisions of this Part. (Revised by Ord. 06-107, 11/02/06)

Subdivision 1. Industrial Users shall be required to provide information concerning industrial processes that have a direct bearing on the type and source of discharge to the collection system. An industry may withhold information considered confidential; however, the industry must establish that the information in question might result in an advantage to

competitors and that the industrial process does not have deleterious results on the treatment process.

803.09. The Sewer Service Charge System.

The City hereby establishes a Sewer Service Charge System. All revenue collected from users of the Wastewater Treatment Facilities will be used for annual operation, treatment, maintenance, replacement and capital costs of the same. Each user shall pay a proportionate share of operation, maintenance and replacement costs based on the users proportionate contribution to the total wastewater loading.

Subdivision 1. Charges to users of the wastewater treatment facility shall be determined and fixed in a Sewer Service Charge System (SSCS) developed according to the provisions of this Part. The SSCS, adopted by resolution upon enactment of this Part, shall be published in the local newspaper and shall be effective upon publication. Subsequent changes in the sewer service rates and charges shall be adopted by City Council resolution and published in the local paper.

Subdivision 2. Revenues collected through the SSCS shall be deposited in a separate fund known as the Sewer Service Fund (SSF).

Subdivision 3. The City hereby establishes a Sewer Service Fund (SSF) as an income fund to receive all revenues generated by the SSCS, including Connection Charges, and all other income dedicated to the wastewater treatment facility. The SSF shall be administered by the City Clerk and shall be separate and apart from all other accounts. Revenues received by the SSF shall be transferred to the following accounts established as income and expenditure accounts:

- a. Operation and Maintenance.
- b. Treatment Costs.
- c. Equipment Replacement.
- d. Debt Retirement for the Collection System and Treatment Facility (if any).

803.10. Administration of the Sewer Service Fund.

The City Clerk shall maintain a proper system of accounts and records suitable for determining the operation, maintenance, replacement (OM&R) and debt retirement costs for the treatment facilities and shall furnish the City Council with a report of such costs annually.

Subdivision 1. The City Council shall annually determine whether sufficient revenue is being generated for the effective management of the facilities and debt retirement. The City Council will also determine whether the user charges are distributed proportionately. If necessary, the SSCS shall be revised to insure proportionality of user charges and sufficient funds.

Subdivision 2. User Charges shall be billed on a regular periodic basis according to Section 804.03. City Council

803.11. Basis for User Charges.

Subdivision 1. Users of the Wastewater Treatment Facilities shall be permitted into one of the following classes:

- a. Residential.
- b. Non-residential.
- c. Industrial.

Subdivision 2. Each user shall pay operation, maintenance and replacement costs in proportion to the user's contribution of wastewater flows and loadings to the treatment plant, with a minimum rate for loadings of BOD and TSS being the rate established for normal domestic strength waste (NDSW) concentrations. Those industrial users discharging only segregated NDSW can be classified as Non-residential Users for the purposes of rate determination.

Subdivision 3. Charges for wastewater treatment will be determined proportionately according to billable wastewater flow.

a. Residential Users: Billable wastewater volume for Residential Users shall be calculated on the basis of metered water usage. The monthly billable wastewater volume will be equal to the monthly-metered water usage. The city may require Residential Users to install water meters for the purpose of determining billable wastewater volume.

b. Non-residential Users and Industrial Users: Billable wastewater volume of Non-residential Users or Industrial Users may be determined in the same manner as for Residential Users. The City may require Nonresidential Users or Industrial Users to install such additional water meters or wastewater flow meters as may be necessary to determine billable wastewater volume.

Subdivision 4. The User Charges established in this Part will not prevent the assessment of additional charges to users who discharge wastes in concentrations greater than NDSW or of unusual character (Industrial Users). Special contractual agreements can be made with such users, subject to the following conditions:

a. The user pays OM&R costs in proportion to the user's contribution of wastewater flows and loadings to the treatment facility and no user is charged at a rate inferior to the charge for NDSW.

b. The sampling of wastewater shall be conducted in accordance with the techniques established in "Standard Methods for the Examination of Water and Wastewater," latest edition.

803.12. Determination of User Charges.

User Charges shall be determined in accordance with the following:

Subdivision 1. For producers of Normal Domestic Strength Wastes the User Charges per 1000 gallons of wastewater produced shall consist of the total of the City's Operational Costs, Debt Service Cost and Base Charges as follows:

a. Operational Costs = The total of (i) The City's budgeted cost for operation, maintenance, equipment replacement and system replacement in dollars per 1000 gallons of wastewater; (ii) The actual charges for Treatment Costs per 1000 gallons of wastewater (less any amount imposed as an Industrial User Surcharge pursuant to Subdivision 2 of this Section); and (iii) Replacement Charge per the loan requirements of the PFA loan (\$.10 per 1000 gallons), or as otherwise determined by the City.

b. Debt Service Cost = An amount per 1000 gallons of wastewater determined by dividing (i) The City's Cost of annual debt service for any loan entered into or bonds issued by the City for the construction, repair or replacement of the wastewater system, excluding any amounts recovered through assessment income and anticipated receipts from the Base (minimum) fees, by (ii) The total amount of wastewater volume delivered to the New Ulm Wastewater Treatment Facility in the preceding year (1000 gallons).

c. Base Charges = Base charge for local operation and administration costs as established by the City and charged uniformly to all sewer connections.

Subdivision 2. For each Industrial User, the charges per 1000 gallons of wastewater produced shall consist of the total of:

a. Charges computed pursuant to Subdivision 1 of this Section for Normal Domestic Strength Wastes, and

b. Industrial User Surcharge = That portion of Treatment Costs imposed by the City of New Ulm pursuant Section 6.2 (c) of the Wastewater Treatment Agreement which such Industrial User's volume of wastewater in the preceding calendar month bears to the total of all Industrial Users' volume of wastewater in the preceding calendar month, and

c. All metering, sampling and testing costs incurred by the City to determine the amount and characteristics of all wastewater produced by such Industrial User.

803.13. Connection Charges.

Subdivision 1. Any owner of a Non-assessed Property who desires to make a Sewer Service connection to the Sanitary Sewer to service such property shall, as a precondition to such connection, pay to the City a Connection Charge. The Connection Charge shall be set by the City Council to reflect a proportionate share of the cost of construction of the Wastewater Treatment Facilities allocable to such property, based upon both the initial project cost and subsequent capital expenditures on the system. All Connection Charges shall be deposited to and expended as part of the debt service account of the SSF, until such time as all debt service has been paid in full.

Subdivision 2. At the request of the owner of a Non-assessed Property, the City Council may, in its discretion, permit a Connection Charge to be imposed as a special assessment against the property to be served by the Sanitary Sewer. Such special assessment shall be payable over such term and subject to such rate of interest as shall be set by the City Council and accepted in writing by the owner of the Non-assessed Property.

803.14. Penalties.

Subdivision 1. Upon determination that a user has violated or is violating applicable provisions of this Part or related permits or the Wastewater Treatment Agreement, the Wastewater Supervisor may issue a Notice of Violation. Within 30 days of such notification, the violator shall submit to the Wastewater Supervisor an adequate explanation for the violation and a plan for the correction and prevention of such occurrences, including specific actions required. Submission of such a plan shall not relieve the violator of liability for any violation occurring before or after the issuance of the Notice of Violation. In cases of emergency, where delay in correction will permit a continuing violation to unreasonably endanger public health, safety or welfare, the City Council may order summary enforcement and correct the violation as a public nuisance. (Revised by Ord. 06-107, 11/02/06)

Subdivision 2. Any person found to be violating any provision of this Part shall be guilty of a misdemeanor and shall be prosecuted accordingly. Each day in which any such violation occurs shall be deemed as a separate offense. (Revised by Ord. 06-107, 11/02/06)

Subdivision 3. Delinquent sewer service charge accounts shall be handled according to Section 804.03. (Revised by Ord. 06-107, 11/02/06)

Subdivision 4. Any person violating any of the provisions of this Part, or who causes the City to be in violation of the Wastewater Treatment Agreement, shall become liable to the City for any expenses, (including reasonable attorney fees and costs) loss, damage penalty or fine incurred by the City by reason of such violation.

(Source Ord. 98-101, 03/05/98)

PART 4. UTILITY CHARGES

804.01. Definition.

Unless the language or context clearly indicates that a different meaning is intended, the words, terms and phrases used in this Part shall have the meanings and inclusions as set forth in other Parts of this Chapter.

804.02. Establishment, Transfer, and Termination of Utilities Accounts.

Subdivision 1. Application and fee. Each customer requesting utilities services shall submit an application for service on forms provided by the City Clerk's office. Each application must be signed by the customer or the customer's authorized agent. The application shall contain such personal and financial information as is customarily required for the extension of credit, as well as other information appropriate to the establishment or transfer of the utilities account.

a. The City Clerk's office may deny an application or require a creditworthy co-applicant if the information provided on the application does not support a finding of the customer's creditworthiness.

b. If the customer is requesting utilities services for premises in which utilities are not already connected, the application must be submitted and approved prior to the connection of utilities.

c. If the customer is requesting transfer of an existing account for premises in which utilities services are already connected, the application must be submitted and approved no later than ten days after the request for the transfer of the account to the customer's name. An account transfer fee shall be charged for accounts transferred under this section as set forth in the City's current fee schedule. This fee, which shall be included in the transferee's next regular account billing, is a non-refundable administrative charge to defray the cost of processing the transfer application.

Subdivision 2. Notification. The City Clerk's office shall notify the customer of the application and fee requirement when the request for establishment or transfer of an account is made.

a. If the request is made by someone other than the customer whose name is on the account, the City Clerk's office shall attempt to contact the customer by telephone; if unable to make contact by telephone, that office shall promptly send written notice to the customer of the application and fee requirement. This notice shall be sent to the address to be served by the

utilities services, unless the City Clerk's office has actual knowledge of a different address of the customer.

b. The notice shall inform the customer that failure to submit an approvable application within ten days of the date of the account transfer, or within ten days of the date of notification under this section, whichever is later, shall be deemed a violation of this section and shall be subject to the enforcement provisions of the City Code including termination of utilities services.

Subdivision 3. Co-applicants. If more than one person signs the application for utilities services, the co-applicants shall designate one applicant's name to appear on utility bills, but each co-applicant shall be considered the customer, and each shall be jointly and severally liable for all utilities charges on the account.

Subdivision 4. Request for termination. Request for termination of a customer's account when a customer is vacating premises shall be made on forms provided by the City Clerk's office. Each termination request form must be signed by the customer or the customer's authorized agent. The termination request form shall include the date of termination, the customer's forwarding address for the final bill, the name into which the account is to be transferred, and such other information as may be appropriate.

Subdivision 5. Property not occupied by owner. Utilities services provided to rental contract for deed, or other non-owner occupied premises shall be the responsibility of the property owner, and the property owner shall be considered the customer, unless and until the occupant requests a transfer of the utilities account into the occupant's name and submits the application required by this section.

a. Notwithstanding the fact that a utilities account is in the name of a non-owner occupant, the City may impose liens against the property for unpaid utility bills to the extent provided and permitted by law. The City will not be responsible for enforcing agreements between owners and occupants regarding responsibility for payment of utilities charges.

b. If an account has been in the name of a non-owner occupant, and that customer requests termination of the account in accordance with this regulation, the account shall be transferred into the name of the property owner (without requirement of account transfer fee) unless and until another occupant applies for services and pays the required fee.

c. If the City becomes aware that the non-owner has vacated the premises (for example, by return of a utility bill by the post office indicating that the occupant has moved with no forwarding address), and no request for termination or transfer of the account has been received, the account shall likewise be transferred into the name of the property owner.

d. Upon any such transfer of an account to the property owner, the City Clerk's office shall notify the owner by first-class mailing to the owner's last-known address that the account has been transferred into the owner's name and that the owner will be responsible for all

utility charges incurred after the date of transfer and that a line may be imposed against the property for any unpaid balance. (Revised by Ord. 06-107, 11/2/06)

Subdivision 6. Multiple-occupant premises.

a. If multiple units within the premises are served by one meter for utility service, all of the utility charges related to that service will be billed to one customer.

b. If the premises includes any residential property, the customer billed will be the property owner.

c. If the premises does not include any residential property, the customer can be either the property owner or one occupant and the customer is responsible for the collection of payment from the occupants.

d. The City will not be responsible for allocating charges among multiple occupants unless separate meters are installed for each unit.

Subdivision 7. Voluntary shutoffs. All requests for shutoffs of utility services (other than those initiated by the City by reason of delinquent accounts, emergency situations, or other authorized reasons) shall be made by the property owner or the owner's authorized agent on forms provided by the City Clerk's office. An occupant who is not the property owner shall not be considered an authorized agent of the owner unless written confirmation of such authority is provided by the owner. The owner's request for voluntary shutoff must contain a statement that the premises will not be occupied at the date of the requested shutoff.

804.03. Billing and Collection of Accounts.

Subdivision 1. Billings, due date, delinquent, and shutoff dates. All utility accounts shall be billed monthly, and each billing statement shall designate a due date of the end of the month. An account which is not paid as of the close of business on such due date shall be considered delinquent, and a penalty shall be added to, and become a part of, the delinquent account, at the rate specified by resolution of the City Council.

Subdivision 2. Definition of payment on an account. For purposes of this regulation, a utility account shall be considered paid as of the close of business on the due date if any of the following apply:

a. Payment is actually received by the City Clerk's office on or before the close of business on the due date.

b. Payment is received by the City Clerk's office at its "drop box" outside City Hall on or before 7:30 a.m. on the day following the due date.

c. Payment is received by the City Clerk's office through the U. S. Postal Service, displaying a postal cancellation on or before the due date. Mailed payments with postmarks created by postage meter shall be considered paid when actually received by the City Clerk's office, except that the City Clerk shall have discretion to waive the penalty on accounts when a metered postmark displays a date which is on or before the due date and actual receipt by the City Clerk's office is within a reasonable time thereafter.

Subdivision 3. Application of payments to customer accounts. All customer payments for utilities services shall be applied in the order of priority set forth below, with all amounts being applied first to the highest applicable category of priority, any balance being applied to the next lower applicable category of priority, and so on successively until the full amount of payment has been applied. The categories of priority, from highest to lowest, shall be as follows:

1. Administrative charges.
2. Late payment charges
3. Past-due water charges
4. Past-due sewer charges
5. Current water charges
6. Current sewer charges

804.04. Correction of Customer Overcharges and Undercharges.

Subdivision 1. Adjustments and time limitation. When a determination is made that a customer's utility account has been overcharged or undercharged for utility services (by reason of inaccurate metering, clerical errors, or other unintentional causes), the error shall be remedied as promptly as possible, and an adjustment shall be made for the dollar amount of the overcharge or undercharge for the time period that the erroneous charges occurred, not to exceed one year prior to the date that the City became aware of the error for undercharges, and three years prior to the date that the City became aware of the error for overcharges.

Subdivision 2. Refund for overcharge. When a customer has been overcharged, the overpaid amount shall be refunded to the customer by the City within sixty days of the calculation of the amount of overcharge.

Subdivision 3. Collection of undercharge. When a customer has been undercharged, the customer shall be promptly notified of the cause and amount of the adjustment, and the undercharged amount shall be added to the customer's monthly utility bills (whether or not those bills are for the same property on which the undercharge occurred); at the discretion of the City Clerk, the undercharged amount may be billed and paid in equal monthly installments, without interest, up to a maximum period of six months, beginning with the next billing after the notification. In the event that the customer has discontinued utility services from the City, or does so before full payment of the undercharged amount, the billing shall be separate from the routine utility billing, but shall provide for the same payment terms.

Subdivision 4. Exceptions. The previous sections shall not apply to situations in which deliberate or intentional acts of the customer (or anyone acting on behalf of or for the benefit of the customer) have resulted in an undercharge to the customer for utility services, including but not limited to meter-tampering or other interference with accurate metering. In such cases, the City reserves all legal rights to collect the full amount of the unpaid utilities without regard to the time limitation and installment payment provision set forth above.

804.05. Shutoff of Utility Services.

Subdivision 1. Procedure for shutoff of utility services. Except as otherwise provided by Minnesota Statutes Section 216B.097 (as that section may from time to time as amended) and any other state or federal law of regulation controlling shutoff procedures for municipal utilities, the following procedures shall apply. All municipal utilities on a customer account may be shut off or discontinued when payment for any utilities is not made as and when required, or when a utility customer violates rule or regulation applicable to such utility service. When a proposed shutoff is the result of non-payment of a utility account:

a. A written notice shall be mailed to the customer one day after the utility account becomes delinquent. In the event that the property served by the utilities is occupied by someone other than the owner thereof, notices shall be sent to both the owner and the occupant of the property. The notice shall state the total amount due and date by which the account must be paid to avoid shutoff (one month after due date of bill). The notice shall also notify the customer of the procedure for administrative appeal of the proposed shutoff.

b. If the account remains unpaid two weeks after the mailing of the first notice, a second notice shall be mailed, containing the same information as the first notice, except that the second notice shall not contain information on appeal procedures. (Revised by Ord. 06-107, 11/02/06)

c. If the account remains unpaid as of the close of business on the date designated in the notices, the utilities shall be shut off, unless the customer has filed a timely appeal which is pending or which has resulted in a ruling in favor of the customer. Shutoffs for non-payment shall take place only during business hours on Mondays through Thursdays.

d. Notices required by this regulation shall be sent by first-class mail to the last-known address of each recipient.

Subdivision 2. Payment prior to shutoff. If a customer makes payment of the delinquent amounts after the date designated in the notice, but before the utilities have actually been shut off, the customer shall pay a processing fee as set forth in the City's current fee schedule to defray the administration costs of canceling the shutoff order. To avoid shutoff, this fee must be paid at the same time that the delinquent amounts are paid.

Subdivision 3. Reconnection. After a shutoff has occurred in accordance with this regulation, the customer may request reconnection of utility services by making payment at the

City Clerk's office of all delinquent amounts owed by the customer on all utility accounts (including late-payment penalties) and a reconnection fee for each utility to be reconnected. The reconnection fee shall be as set forth in the City's current fee schedule. The customer shall also complete an application for utility services if required by the City Clerk's office. The utility services shall be reconnected as soon as practicable after receipt of such payment and application.

804.06. Procedures for Appeals of Proposed Utility Shutoffs.

Subdivision 1. Authority of City Clerk. A utilities customer who disputes the amount of a utility bill, or who is unable to pay all or part of the bill, may on or before the deadline for the filing of a notice of appeal, contact the City Clerk, who shall be authorized to make adjustments for errors in bills or to make alternate payment arrangements if appropriate, pursuant to the guidelines set forth in Subdivision 6.

a. If adjustments or payment arrangements are agreed to by the customer and the City Clerk, the customer's utility services shall not be shut off on the proposed date; provided, that if payments are not made in accordance with the agreed payment schedule, the customer's utilities may be shut off upon 48 hours written notice to the customer. Such notice shall be sent by first-class mail, and the 48 hour notice period shall be deemed to begin at noon on the business day following the mailing of the notice.

Subdivision 2. Notice of appeal. Whether or not the City Clerk is contacted pursuant to Subdivision 1, a utilities customer who disputes the amount of a utility bill, or who is unable to pay all or part of the bill, may appeal the proposed shutoff of utilities to the City Council by delivering a written notice of appeal to the City Clerk no later than the close of business on the fifth calendar day after the date of the first written notice sent to the customer pursuant to 804.05, Subdivision 1. The notice of appeal may be made on a form provided by the City Clerk and in any event shall be dated and signed by the customer or authorized agent, and shall contain the following information:

- a. Name, address, and phone number (during business hours) of customer.
- b. Utility account number.
- c. Date of bill and date of proposed shutoff.
- d. Amount of bill.
- e. If amount of bill is in dispute, reasons for customer's belief that bill is in error, and proposed adjustment.
- f. If customer is unable to pay part or all of bill by shutoff date, reasons for inability to pay and proposed payment arrangements.

Subdivision 3. Hearing on appeal. Upon the receipt of a notice of appeal, the City Clerk shall schedule a hearing before the City Council. The hearing shall be scheduled as soon as practicable, and no later than the next regular City Council meeting after the date of the notice of appeal. The customer's utilities shall not be shut off pending the appeal hearing. The customer shall be promptly notified of the date, time, and place of the hearing by telephone, first-class mail, or any other reasonable means. At the hearing, the customer may present any testimony and evidence relevant to the appeal, and the members of the City Council may question the customer or other persons about any matter relevant to the appeal. The City Council shall inform the customer of its decision prior to the conclusion of the hearing. If requested by the customer, the City Council shall provide a written summary of its findings and decision within a reasonable time period. The City Council shall in any event maintain such a summary for its own records.

Subdivision 4. Decision of City Council. The City Council may make any of the following decisions, based on the facts and circumstances of the case:

a. That the appeal is without merit and that the customer's utilities will be shut off if full payment of the utility bill is not made within the time period specified by the City Council, which shall not be less than 48 hours after the conclusion of the hearing.

b. In cases involving a dispute in the amount of the bill, that an adjustment will be made to the bill, and that the customer's utility services will be continued unless the customer fails to pay the corrected amount of the bill within the time period specified by the City Council, which shall not be less than 48 hours after the conclusion of the hearing.

c. In cases involving the customer's inability to pay, that payment shall be deferred to a specified date or that a specific payment schedule shall be followed, and that the customer's utility service shall be continued unless the customer fails to make payment in accordance with the specified arrangements; and that, in the event of such failure, the customer's utilities may be shut off upon 48 hours written notice to the customer, such notice to be sent by first-class mail and the 48 hour notice period to begin at noon on the business day following the mailing of the notice.

Subdivision 5. Guidelines for decision on appeal. In appeals based on the customer's inability to pay a utility bill, the City Council, shall consider the following criteria to determine whether it is appropriate to allow deferred payment as an alternative to shutting off the customer's utility service:

- a. The customer's history of payment of utility bills.
- b. The nature and severity of the financial difficulties of the customer.
- c. The assets of the customer available for payment of the utility bill.
- d. The likelihood of ability to make deferred payment(s) as scheduled.

e. The efforts made by the customer to obtain public assistance, energy assistance, or other available resources for payment.

Subdivision 6. Forgiveness of utility bills. Except for cases in which it is determined that an error has been made in the customer's utility bill, the City Clerk and the City Council shall have no authority to permanently forgive any portion of the customer's utility bill.

804.07. Utility Liens.

Subdivision 1. Authority. The City Clerk shall have the authorization to file utility liens for unpaid utility charges in accordance with the provisions of this section, and in compliance with all statutes of the State of Minnesota relating to utility liens and collections.

Subdivision 2. Procedure. Upon order of the City Council:

a. The City Clerk shall prepare a Notice of Utility Lien which shall state: the legal description and property address of the premises served by said utility service; the name of the person or firm to whom such utility services are supplied; the record owner of the property to which the utility services were provided; the amount of unpaid utility charges, including penalties, for each type of utility service; and the period during which such charges were incurred.

b. The City Clerk shall cause the Notice of Utility Lien to be filed for record with the office of the County Recorder for Nicollet County.

c. The City Clerk shall cause a copy of the Notice of Utility Lien to be certified to the County Auditor on or before November 30 of each year for each parcel of property upon which there remain unpaid utility charges.

d. The City Clerk shall cause a copy of the Notice of Utility Lien to be mailed by certified mail, return receipt requested, to the person or firm to whom such utility services are supplied and to the record owner of the property to which the utility services were provided if the owner is not the same as the person or firm to whom such utility services are supplied.

Subdivision 3. Collection of Unpaid Charges. A lien for utility charges imposed pursuant to this section shall be payable in a single installment, or by up to ten equal annual installments as the City Council may describe, and shall accrue interest from and after the date of filing of such Notice of Utility Lien with the County Recorder at the rate of 6% per annum. With these exceptions, the provisions of Minnesota Statutes, Section 429.061, 429.071 and 429.081 for the imposition and collection of special assessments for local improvements shall apply to the collection of liens for utility charges.

Subdivision 4. Emergency authority. In the event that the City Clerk becomes aware of a pending sale of property or other circumstances which make prior approval impracticable, the City Clerk may proceed to file a lien for delinquent utilities without prior approval of the

City Council, but shall then notify the City Council at its next regular meeting that such a lien has been filed.

Subdivision 5. Assessment searches. When a request is received by the City Clerk for an assessment search on a property, the information provided by the City Clerk shall include both any existing utility lien(s) and any anticipated utility lien(s), so that the prospective buyer or mortgagee is notified of the pending lien(s) prior to transfer of title to the property. The charge for assessment searches and/or utility charge searches shall be set by the City Council from time to time.

(Source Ord. 00-103, Third Series, (06/01/00))

CHAPTER XX.

REFERENCE CHAPTER: UNCODIFIED ORDINANCES, RE-NUMBERED CODE SECTIONS, REPEALED ORDINANCES, SOURCE AND AMENDMENT REFERENCES, FRANCHISE AGREEMENTS

PART 1. UNCODIFIED ORDINANCES

All ordinances described in this chapter remain in effect after adopted of the City Code. They are of a permanent and continuing nature as authority of a certain specific act that has been performed, but their texts have no continuing reference value. Listings are grouped together according to subject matter.

CODIFICATION OF ORDINANCES

Ordinance No. ____, adopted July 2, 1992, provides for adoption of a codification of ordinances know as the City Code of the City of Courtland, Minnesota.

Ordinance No. 09-102, adopted August 6, 2009, provides for adoption of a recodification of the City Code.

LICENSING

Ordinance No. 01-111, adopted October 4, 2001, provides for regulating Adult Uses within the City and directing a study be conducted.

ZONING

Ordinance No. 98-04, adopted September 16, 1998, provides for the regulation of use, development, and subdivision of real property within the City of Courtland.

Ordinance No. 05-102, adopted March 3, 2005, provides for new fees for planning and zoning applications.

Ordinance No. 06-101, adopted January 5, 2006, provides for after-the-fact zoning permit fees.

ZONING MAP AMENDMENTS

<u>Ordinance No.</u>	<u>Date of Adoption</u>	<u>Effective Date</u>
93-02	May 6, 1993	30 days after adoption
00-102	February 3, 2000	30 days after adoption
00-107	December 7, 2000	30 days after adoption
02-101	June 6, 2002	Upon publication
02-102	August 1, 2002	Upon publication
03-102	March 6, 2003	Upon publication
04-102	April 1, 2004	Upon publ./Legal Verification
06-102	June 1, 2006	Upon publication
06-103	June 1, 2006	Upon publication

PART II. RE-NUMBERED CODE SECTIONS

2008 Recodification: As part of the 2008 Recodification process, certain code sections were re-numbered and re-arranged in order to put related topics together. In the following list, the “Current Sec.” refers to the section number in the 2008 City Code, and the “Former Sec.” refers to the section number in the 1992 City Code.

<u>Current Sec.</u>	<u>Former Sec.</u>	<u>Title</u>
303.24	303.23	Penalties
303.25	303.24	Severability

PART III. REPEALED CODE SECTIONS

The following sections have been repealed by the City Council and removed from the body of the City Code. They are listed here for reference purposes only.

<u>Section Title</u>		<u>Repealing Ord.</u>	<u>Date</u>
201.07	Suspension or Amendment of Rules	06-106	08/03/06
301	Building Code	Ord. 4, 2 nd Series	02/07/80
302.03	Definitions		
304	Mobile Homes	Ord. 99-102	06/02/99
503	Bingo		
601.03, Subd. 2.	Bond	Ord. 01-102	04/05/01

PART IV. SOURCE REFERENCE TABLE

<u>Sec.</u>	<u>Source Ordinance</u>	<u>Date</u>	<u>Amending Ordinance</u>	<u>Adopted</u>	<u>Effective</u>
201.01.1	Ord. 14, 2 nd Series	02/07/85			
201.01.2			06-106	08/03/06	
201.01.4			06-106	08/03/06	
201.05.1			06-106	08/06/06	
201.08			02-105	10/03/02	
202.03			98-102	03/05/98	03/12/98
203.02.1			06-106	08/03/06	
203.02.2			06-106	08/03/06	
203.03.1			06-106	08/03/06	
204.01	98-103	09/03/98			10/20/98
204.02	98-103	09/03/98			10/20/98
204.03	98-103	09/03/98			10/20/98
204.04	98-103	09/03/98			10/20/98
204.05	98-103	09/03/98			10/20/98
204.06	98-103	09/03/98			10/20/98
303			99-102	06/17/99	
303.02.10	99-102	06/17/99	06-105	06/01/06	
303.02.12	99-102	06/17/99	06-105	06/01/06	
303.02.21	99-102	06/17/99	06-105	06/01/06	
303.02.28	06-105	06/01/06			
303.02.29			99-102	06/17/99	
			06-105	06/01/06	
303.33			99-102	06/17/99	
303.04			99-102	06/17/99	
			06-105	06/01/06	
303.05	93, 3 rd Series	05/06/93	99-102	06/17/99	
303.06	93, 3 rd Series	05/06/93	99-102	06/17/99	
303.07	93, 3 rd Series	05/06/93	99-102	06/17/99	
303.08	93, 3 rd Series	05/06/93	99-102	06/17/99	
303.09	93, 3 rd Series	05/06/93	99-102	06/17/99	
303.10	93, 3 rd Series	05/06/93	99-102	06/17/99	
303.11	Ord. 12, 2 nd Series	01/05/84	99-102	06/17/99	
303.11.4	94-01	02/02/94	08-		
303.12	93, 3 rd Series	05/06/93	99-102	06/01/99	
303.13	93, 3 rd Series	05/06/93	99-102	06/01/99	
303.13.1	93, 3 rd Series	05/06/93	06-105	06/01/06	

<u>Sec.</u>	<u>Source Ordinance</u>	<u>Date</u>	<u>Amending Ordinance Adopted</u>	<u>Effective</u>
303.13.7.E	06-105	06/01/06		
303.13.7.F	06-105	06/01/06		
303.14			99-102	06/17/99
			01-103	09/06/01
			06-105	06/01/06
303.15			99-102	06/17/99
303.16.1.A	99-102	06/17/99		06/17/99
303.16.1.B	99-102	06/17/99		06/17/99
303.17.1	99-102	06/17/99		06/17/99
303.17.1.A	99-102	06/17/99		06/17/99
303.17.1.B	99-102	06/17/99		06/17/99
303.17.1.C	99-102	06/17/99		06/17/99
303.17.1.D	99-102	06/17/99		06/17/99
303.17.1.E	99-102	06/17/99		06/17/99
303.17.1.F	99-102	06/17/99		06/17/99
303.17.2	99-102	06/17/99		06/17/99
303.17.3	99-102	06/17/99		06/17/99
303.18	99-102	06/17/99		06/17/99
303.18.1	99-102	06/17/99		06/17/99
303.18.2	99-102	06/17/99		06/17/99
303.18.3	99-102	06/17/99		06/17/99
303.18.3.A	99-102	06/17/99		06/17/99
303.18.4	99-102	06/17/99		06/17/99
303.18.4.A	99-102	06/17/99		06/17/99
303.18.4.B	99-102	06/17/99		06/17/99
303.18.5	99-102	06/17/99		06/17/99
303.19	99-102	06/17/99		06/17/99
303.19	99-102	06/17/99		06/17/99
303.20	99-102	06/17/99		06/17/99
303.21	99-102	06/17/99		06/17/99
303.22	99-102	06/17/99		06/17/09
303.23	06-104	06/01/06		06/01/06
303.24	99-102	06/17/99		06/17/99
303.25	99-102	06/17/99		06/17/99
305.03			99-102	06/17/99
305.05. 4			99-102	06/17/99
305.05.5			99-102	06/17/99
305.05.6.A			99-102	06/17/99
305.05.6.C			99-102	06/17/99
305.06.1			99-102	06/17/99
305.06.4.C			99-102	06/17/99
305.06.4.D.3	99-102	06/17/99		06/17/99
305.07.4.E.3	99-102	06/17/99		06/17/99
305.08.1.A			99-102	06/17/99
305.08.1.C			99-102	06/17/99

<u>Sec.</u>	<u>Source Ordinance</u>	<u>Date</u>	<u>Amending Ordinance Adopted</u>	<u>Effective</u>
305.08.1.D.			99-102	06/17/99
305.08.1.E.	99-102	06/17/99	06-105	06/01/06
305.08.1.F.			99-102	06/17/99
305.08.1.G.			99-102	06/17/99
305.08.1.H.			99-102	06/17/99
305.08.1.I.			99-102	06/17/99
305.08.1.J.			99-102	06/17/99
305.08.1.K.			99-102	06/17/99
305.08.1.L.			99-102	06/17/99
305.08.1.M.			99-102	06/17/99
305.08.1.N.	99-102	06/17/99		06/17/99
305.08.1.O.	99-102	06/17/99		06/17/99
305.08.3			99-012	06/17/99
305.08.5.A.			99-102	06/17/99
305.08.6			99-102	06/17/99
305.09.3	99-102	06/17/99		06/17/99
305.10.1	99-102	06/17/99		06/17/99
305.10.2.A.2.			99-102	06/17/99
305.10.3.D.			99-102	06/17/99
305.11			99-102	06/17/99
306.01			99-103	06/17/09
306.02	93-04, Third Series	05/06/93		05/06/93
306.03	93-04, Third Series	05/06/93		05/06/93
306.04	93-04, Third Series	05/06/93		05/06/93
306.05	93-04, Third Series	05/06/93		05/06/93
306.06	93-04, Third Series	05/06/93		05/06/93
306.07	93-04, Third Series	05/06/93		05/06/93
306.08	93-04, Third Series	05/06/93		05/06/93
307.01	02-103	10/03/02		10/03/02
307.02	02-103	10/03/02		10/03/02
307.03	02-103	10/03/02		10/03/02
307.04	02-103	10/03/02		10/03/02
401.01	99-__; 08-103	10/02/08	06-107	11/02/06
401.02	99-__; 08-103	10/02/08		10/02/08
401.03	99-__; 08-103	10/02/08		10/02/08
401.04	99-__; 08-103	10/02/08	06-107	11/02/06
401.05	99-__; 08-103	10/02/08	06-107	11/02/06
401.06	99-__; 08-103	10/02/08	06-107	11/02/06
401.07	99-__; 08-103	10/02/08	06-107	11/02/06
401.08	99-__; 08-103	10/02/08	06-107	11/02/06
401.09	99-__; 08-103	10/02/08	06-107	11/02/06
401.10	99-__; 08-103	10/02/08		10/02/08
401.11	99-__; 08-103	10/02/08		10/02/08
401.12	99-__; 08-103	10/02/08		10/02/08
401.13	99-__; 08-103	10/02/08		10/02/08

<u>Sec.</u>	<u>Source Ordinance</u>	<u>Date</u>	<u>Amending Ordinance Adopted</u>	<u>Effective</u>
401.14	99-__; 08-103	10/02/08		10/02/08
401.15	99-__; 08-103	10/02/08		10/02/08
401.16	99-__; 08-103	10/02/08		10/02/08
401.17	99-__; 08-103	10/02/08		10/02/08
401.18	99-__; 08-103	10/02/08		10/02/08
401.19	99-__; 08-103	10/02/08		10/02/08
401.20	99-__; 08-103	10/02/08		10/02/08
401.21	99-__; 08-103	10/02/08		10/02/08
401.22	99-__; 08-103	10/02/08		10/02/08
401.23	99-__; 08-103	10/02/08	06-107	11/02/06
402.01			06-107	11/02/06
402.02			06-107	11/02/06
402.03			06-107	11/02/06
402.04			06-107	11/02/06
402.05			06-107	11/02/06
403.01	8, 2 nd Series	10/06/83		
403.02	8, 2 nd Series	10/06/83		
403.03	8, 2 nd Series	10/06/83		
404.01	21, 2 nd Series	1990		
404.02	21 2 nd Series	1990	06-107	11/02/06
404.03	21 2 nd Series	1990		
405.01	00-105	05/04/00		05/04/00
405.02	00-105	05/04/00		05/04/00
405.03	00-105	05/04/00		05/04/00
406.01	01-101	04/05/01		04/05/01
406.02	01-101	04/05/01		04/05/01
406.03	01-101	04/05/01		04/05/01
406.04	01-101	04/05/01		04/05/01
406.05	01-101	04/05/01		04/05/01
406.06	01-101	04/05/01		04/05/01
406.07	01-101	04/05/01		04/05/01
406.08	01-101	04/05/01		04/05/01
406.09	01-101	04/05/01		04/05/01
406.10	01-101	04/05/01		04/05/01
406.11	01-101	04/05/01		04/05/01
406.12	01-101	04/05/01		04/05/01
406.13	01-101	04/05/01		04/05/01
406.14	01-101	04/05/01		04/05/01
406.15	01-101	04/05/01		04/05/01
406.16	01-101	04/05/01		04/05/01
406.17	01-101	04/05/01		04/05/01
406.18	01-101	04/05/01		04/05/01
406.19	01-101	04/05/01		04/05/01
406.20	01-101	04/05/01		04/05/01
406.21	01-101	04/05/01		04/05/01

<u>Sec.</u>	<u>Source Ordinance</u>	<u>Date</u>	<u>Amending Ordinance Adopted</u>	<u>Effective</u>
406.22	09-101	06/04/09	06/04/09	06/25/09
406.23	09-101	06/04/09	06/04/09	06/25/09
406.24	09-101	06/04/09	06/04/09	06/25/09
406.25	09-101	06/04/09	06/04/09	06/25/09
406.26	09-101	06/04/09	06/04/09	06/25/09
406.27	09-101	06/04/09	06/04/09	06/25/09
406.28	09-101	06/04/09	06/04/09	06/25/09
406.29	09-101	06/04/09	06/04/09	06/25/09
406.30	09-101	06/04/09	06/04/09	06/25/09
406.31	09-101	06/04/09	06/04/09	06/25/09
406.32	09-101	06/04/09	06/04/09	06/25/09
406.33	09-101	06/04/09	06/04/09	06/25/09
406.34	09-101	06/04/09	06/04/09	06/25/09
407.01	05-101	02/03/05	02/03/05	
407.02	05-101	02/03/05	02/03/05	
407.03	05-101	02/03/05	02/03/05	
407.04	05-101	02/03/05	02/03/05	
407.05	05-101	02/03/05	02/03/05	
407.06	05-101	02/03/05	02/03/05	
407.07	05-101	02/03/05	02/03/05	
407.08	05-101	02/03/05	02/03/05	
407.09	05-101	02/03/05	02/03/05	
407.10	05-101	02/03/05	02/03/05	
502.09			Recodification	1992
502.10			Recodification	1992
506.04			Recodification	1992
506.06.3			93-05	05/06/93
507.01	08-102	06/05/08		06/05/08
507.02	08-102	06/05/08		06/05/08
507.03	08-102	06/05/08		06/05/08
507.04	08-102	06/05/08		06/05/08
507.05	08-102	06/05/08		06/05/08
507.06	08-102	06/05/08		06/05/08
508.01	05-103	12/05/05		
509.01	02-104	10/03/02		10/03/02
509.02	02-104	10/03/02		10/03/02
509.03	02-104	10/03/02		10/03/02
509.04	02-104	10/03/02		10/03/02
509.05	02-104	10/03/02		10/03/02
509.06	02-104	10/03/02		10/03/02
509.07	02-104	10/03/02		10/03/02
509.08	02-104	10/03/02		10/03/02
509.09	02-104	10/03/02		10/03/02
601.03.3			00-06 01-102	04/05/01

<u>Sec.</u>	<u>Source Ordinance</u>	<u>Date</u>	<u>Amending Ordinance Adopted</u>	<u>Effective</u>
601.11.1			08-101	04/03/08
602.02.2			08-101	04/03/08
602.04.4			08-101	04/03/08
701.01.3			06-108	11/02/06
701.02.3			06-108	11/02/06
701.03.4			06-108	11/02/06
701.04.1			06-108	11/02/06
701.04.2			06-108	11/02/06
701.04.7			06-108	11/02/06
701.04.8			06-108	11/02/06
701.04.11			06-108	11/02/06
701.04.13			06-108	11/02/06
701.04.14			06-108	11/02/06
701.05	06-108	11/02/06		11/02/06
701.06	06-108	11/02/06		11/02/06
701.07	06-108	11/02/06		11/02/06
701.08	06-108	11/02/06		11/02/06
702.01	11, 2 nd Series	01/05/84		01/05/84
702.02	11, 2 nd Series	01/05/84		01/05/84
702.03	11, 2 nd Series	01/05/84		01/05/84
802.01	93-01, Third Series	04/01/93		04/01/93
802.02	93-01, Third Series	04/01/93		04/01/93
802.03	93-01, Third Series	04/01/93		04/01/93
802.04	93-01, Third Series	04/01/93		04/01/93
802.05	93-01, Third Series	04/01/93		04/01/93
802.06	93-01, Third Series	04/01/93		04/01/93
803.01	98-101	03/05/98		03-05-98
803.01.5	98-101	03/05/98	06-107	11/02/06
803.01.9.a	98-101	03/05/98	06-107	11/02/06
803.01.27	99-101	03/04/99		03/04/99
803.02	98-101	03/05/98	06-107	11/02/06
803.03	98-101	03/05/98		03/05/98
803.04	98-101	03/05/98		03/05/98
803.05	98-101	03/05/98		03/05/98
803.05.1	98-101	03/05/98	06-107	11/02/06
803.05.5	98-101	03/05/98	06-107	11/02/06
803.05.6	98-101	03/05/98	06-107	11/02/06
803.05.7	98-101	03/05/98	06-107	11/02/06
803.05.8	98-101	03/05/98	06-107	11/02/06
803.05.10	98-101	03/05/98	06-107	11/02/06
803.06	98-101	03/05/98		03/05/98
803.06.3	98-101	03/05/98	06-107	11/02/06
803.06.4	98-101	03/05/98	06-107	11/02/06
803.06.5	98-101	03/05/98	06-107	11/02/06
803.06.6	98-101	03/05/98		03/05/98

<u>Sec.</u>	<u>Source Ordinance</u>	<u>Date</u>	<u>Amending Ordinance Adopted</u>		<u>Effective</u>
803.06.7	98-101	03/05/98	06-107	11/02/06	
803.06.8	98-101	03/05/98	06-107	11/02/06	
803.06.9	98-101	03/05/98	06-107	11/02/06	
803.06.10	98-101	03/05/98	06-107	11/02/06	
803.06.11	98-101	03/05/98	06-107	11/02/06	
803.06.12	98-101	03/05/98			03/05/98
803.06.13	98-101	03/05/98			03/05/98
803.07	98-101	03/05/98	99-101	03/04/99	
803.07.2	98-101	03/05/98	06-107	11/02/06	
803.07.3	99-101	03/04/99			03/04/99
803.07.4	99-101	03/04/99			03/44/99
803.08	98-101	03/05/98	06-107	11/02/06	
803.08.1	98-101	03/05/98			
803.09	98-101	03/05/98			03/05/98
803.09.1	98-101	03/05/98			03/05/98
803.09.2	98-101	03/05/98			03/05/98
803.09.3	98-101	03/05/98			03/05/98
803.10	98-101	03/05/98			03/05/98
803.10.1	98-101	03/05/98			03/05/98
803.10.2	98-101	03/05/98	Recodification		
803.11	98-101	03/05/98			03/05/98
803.11.1	98-101	03/05/98			03/05/98
803.11.2	98-101	03/05/98			03/05/98
803.11.3	98-101	03/05/98			03/05/98
803.11.4	98-101	03/05/98			03/05/98
803.12	98-101	03/05/98			03/05/98
803.12.1	98-101	03/05/98			03/05/98
803.12.2	98-101	03/05/98			03/05/98
803.13	98-101	03/05/98			03/05/98
803.14	98-101	03/05/98			03/05/98
803.14.1	98-101	03/05/98	06-107	11/02/06	
803.14.2	98-101	03/05/98	06-107	11/02/06	
803.14.3	98-101	03/05/98	06-107	11/02/06	
803.14.4	98-101	03/05/98			03/05/98
804.01	00-103	03/01/00			
804.02	00-103	03/01/00			
804.03	00-103	03/01/00			
804.04	00-103	03/01/00			
804.05	00-103	03/01/00			
804.06	00-103	03/01/00			
804.07	00-103	03/01/00			

PART V. FRANCHISES IN EFFECT

Note: Franchises in effect as of the date of the most recent re-codification.

<u>Ordinance No.</u>	<u>Date</u>	<u>Title</u>
01-101	April 5, 2001	Cable Television Franchise (M-Tek Systems)
05-101	Feb. 3, 2005	Electric Franchise (Northern States Power Company, d/b/a Xcel Energy.
09-101	June 4, 2009	Cable Television Franchise (Comcast)

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