

## CHAPTER I

## GENERAL PROVISIONS

Section 100 - Title; citation; statutory references

100.01. Title. This codification of the ordinances of the city of Crystal may be referred to and cited as: “The Crystal city code.” All such references shall be to the most current enactment of The Crystal city code unless the context of the reference expressly or impliedly indicates otherwise.

100.03. Citation; reference; numbering system. For the purposes of internal references in this Crystal city code and citation by its users, the following terms are used:

Chapter	Roman numerals (e.g. chapter XI)
Section	Arabic numerals (e.g. section 1100)
Subsection	Arabic numerals for section and subsection separated by decimal (e.g., subsection 110.01)
Paragraph or clause	English letters, lower case, in parentheses (e.g. (a))

Reference or citations made in a form other than the foregoing will not defeat the intent of the council in enacting an ordinance or the intent of a user in citing the code when such intent is otherwise unclear. This Crystal city code is to be construed liberally to carry out its intent and purposes.

100.05. Adoption by reference. Statutes or administrative rules or regulations of the state of Minnesota, codes and ordinances adopted by reference in this Crystal city code are adopted pursuant to authority granted by Minnesota Statutes, section 471.62. Unless expressly indicated otherwise, the provisions adopted by reference shall automatically include any subsequent amendments made to those provisions and any successor provisions.

100.07. Official statutes; codes; regulations; and ordinances. References in this Crystal city code to Minnesota Statutes or Minnesota Rules are to the most current enactment of the Minnesota Statutes or Minnesota Rules and include any amendments made thereto and any successor provisions, unless otherwise provided in this Crystal city code. References in this Crystal city code to rules and regulations of state agencies, codes, and ordinances of other municipalities are to the most current enactment of those documents, unless otherwise provided.

100.09. Relation to other law. It is the intent of the city council that the provisions of this Crystal city code are the fullest exercise of the regulatory and other powers granted to it by state law and the Crystal city charter. Where this Crystal city code imposes a more stringent rule or standard of conduct than contained in similar provisions of state law, rule or regulation, it is the intent of the council that the provisions of this Crystal city code prevail over that state law, rule or regulation to the extent permitted by law. However, the provisions of this Crystal city code do not necessarily preclude the application of other federal, state, and local laws, rules, regulations, and ordinances. Compliance in a given situation may require acting in accordance with regulations enacted by different regulatory bodies and obtaining permits and licenses required by those regulations.

100.11. Incorporation of ordinances. The city clerk is authorized to work with the city attorney to incorporate amendments made to this Crystal city code by ordinance adopted by the city council. This authorization includes the authority to renumber sections, subsections, and clauses as may be required, and to make typographical and other non-substantive corrections to the Crystal city code as part of incorporating the amendments or as may be subsequently discovered. The updated Crystal city code shall constitute the official Crystal city code. Ordinances of a temporary or transitory nature shall not be incorporated into the Crystal city code unless otherwise directed by the city council.

Section 105 - Definition of terms;  
interpretation; conflicts

105.01. Definitions; common terms. For purposes of this Crystal city code, the terms defined in this section have the meanings given them.

Subd. 1. Charter. “Charter” means the charter of the city of Crystal.

Subd. 2. City. “City” means the city of Crystal and all the territory lying within its boundaries over which it has jurisdiction.

Subd. 3. Code. “Code”, “this code”, “code of ordinances” or “Crystal city code” means the most current enactment of the Crystal city code, as organized, compiled and codified herein.

Subd. 4. City Council. “Council” means the city council of the city of Crystal.

Subd. 5. City Manager. “Manager” means the Crystal city manager.

Subd. 6. City Clerk. “Clerk” means the Crystal city clerk.

Subd. 7. Owner. “Owner” means, in the case of personal property, a person, other than a lien holder, having the property in or title to personal property. In the case of real property, the term means the fee owner of land, or the beneficial owner of land whose interest is primarily one of possession and enjoyment in contemplation of ultimate ownership. The term includes, but is not limited to, vendees under a contract for deed and mortgagors.

Subd. 8. Person. “Person” means an individual, firm, partnership, association or corporation; the term may extend and be applied to bodies corporate and politic, and to partnerships and other unincorporated associations.

Subd. 9. Health Authority. “Health authority” means the health officer or the public health sanitarian.

Subd. 10. Local non-profit/civic organization. “Local non-profit/civic organization” means:

- (a) A non-profit organization located in the city;
- (b) A club as defined in Minnesota Statutes, section 340A.101, subdivision 7, located in the city;
- (c) The city;
- (d) The West Metro-Fire Rescue District Firefighters Relief Association;

- (e) Independent School District 281; or
- (f) A volunteer committee organized for the sole purpose of sponsoring or assisting in the conduct of a civic celebration officially recognized by the city, or other organization identified as a local non-profit or civic organization by the city council.

Subd. 11. Misdemeanor. “Misdemeanor” means a crime for which a sentence of not more than 90 days or a fine of not more than \$1,000, or both, may be imposed. If the Minnesota Legislature amends the definition of misdemeanor in Minnesota Statutes, section 609.02, subdivision 3, the revised penalties in such amendment shall be deemed adopted by reference into this Crystal city code and shall apply to any violation declared a misdemeanor under this Crystal city code.

Subd. 12. Official. “Official” means a person elected or appointed to the city council, or appointed to a committee or other group created by the city council to serve the city on its behalf. A reference to an elected or appointed city officer or official includes the duly authorized representative of that officer.

Subd. 13. Petty Misdemeanor. “Petty misdemeanor” means a petty offense which is prohibited by statute or this Crystal city code, does not constitute a crime, and for which a sentence of a fine of not more than \$300 may be imposed. If the Minnesota Legislature amends the definition of petty misdemeanor in Minnesota Statutes, section 609.02, subdivision 4a, the revised penalty in such amendment shall be deemed adopted by reference into this Crystal city code and shall apply to any violation declared a petty misdemeanor under this Crystal city code.

105.03. Definitions; statutory. For purposes of this Crystal city code, the terms defined in Minnesota Statutes, sections 645.44 and 645.45 have the meanings given them by those sections; and terms defined by statutes, rules or regulations, and ordinances adopted by reference have the meanings given them therein.

105.05. Definition; internal. Terms defined in other sections of this Crystal city code have the meanings given them by those sections.

105.07. Interpretation; conflicts.

Subd. 1. Common usage. Words and phrases used in this Crystal city code are to be interpreted and understood in accordance with common and accepted usage, but any technical words or phrases or such others as have acquired a specific or peculiar meaning are to be interpreted and understood in accordance with such meaning.



Subd. 2. Statutory rules. It is the intent of the city council that the rules and canons of construction, presumptions and miscellaneous provisions relating to statutory construction contained in Minnesota Statutes, chapter 645, apply to this Crystal city code and govern its interpretation, and that all questions of meaning, construction and interpretation of this Crystal city code be resolved by application of the rules contained in chapter 645. The provisions of Minnesota Statutes, chapter 645 are adopted by reference and are as much a part of this Crystal city code as if fully set forth herein.

105.09. Delegated authority. The delegation of specific duties to the city manager, the city clerk, the police chief, the fire chief, a city director, or any other city employee under this Crystal city code includes authorization for the person holding the identified position to designate another city employee to carry out the particular delegated duty or set of duties on their behalf. The person assigning the duties shall be responsible for providing oversight of the person or persons performing those duties. Nothing in this subsection authorizes the delegation of authority that, under law, may not be delegated to another.

Section 110 - Legislative procedure

110.01. Ordinances; enactment. Ordinances are enacted in accordance with the procedures set forth in the Crystal city charter. Ordinances are to be integrated into this Crystal city code in accordance with this section.

110.03. Form of amendments and new ordinances. An ordinance amending this Crystal city code must specify the subsection, subdivision, and clause to be amended. Language to be added must be underlined; language to be repealed must be stricken. An ordinance repealing an entire chapter, section, subsection, subdivision, or clause need refer only to that chapter, section, subsection, subdivision, or clause, and the text need not be reproduced. The text of an ordinance adding only new provisions to the code need not be underlined.

110.05. Headnotes, etc. Chapter, section, subsection, and subdivision headnotes, titles, and cross references are not substantive parts of this Crystal city code, but merely matters to expedite and simplify its use.

110.07. Integration of ordinances into code.

Subd. 1. Duties of city manager and city attorney. The city manager and city attorney must recommend to the city council a system for integrating ordinances into the Crystal city code in the most expeditious manner possible. They must recommend to the city council rules consistent with this section for the preparation, editing, and format of ordinances to be presented to the city council.

Subd. 2. Matters omitted. When an ordinance is integrated into this Crystal city code, the following matters may be omitted:

- (a) Title;
- (b) Enacting clause;
- (c) Legislative findings;
- (d) Section numbers;
- (e) Definition of terms identical to those contained in this Crystal city code;
- (f) Validation and repealing clauses;
- (g) Validating signatures and dates;
- (h) Punctuation and other matters not an integral part of the text of the ordinance; and
- (i) Penalty provisions.

Subd. 3. Errors. When integrating ordinances into this Crystal city code, the city manager and city attorney may correct manifest grammatical, punctuation, and spelling errors; change reference numbers to conform with sections, subsections, chapters, and ordinances; substitute figures for written words and vice versa; substitute dates for the words “the effective date of this ordinance”; and perform like actions to ensure a uniform code of ordinances without, however, altering the meaning of the ordinances enacted.

Subd. 4. Source notes. When an ordinance is integrated into this Crystal city code, a source note must be added at the end of each new chapter, section, subsection or subdivision indicating the ordinance number and section from which the changed language was derived. Alternatively, the source notes may be compiled into an index placed at the end of each chapter or at the end of this Crystal city code.

110.09. Ordinance records; special ordinances. The city clerk is responsible for the safe and orderly keeping of ordinances in a manner directed by the city council. Any ordinance not included in this Crystal city code by city council direction is a special ordinance. The city clerk must maintain an up-to-date, indexed record of all special ordinances. The city council may direct that special ordinances and others be included in appendices to this Crystal city code.

110.11. Effective date of ordinances. Ordinances are effective on the dates specified in the Crystal city charter.

110.13. Summary publication of ordinances.

Subd. 1. Charter authority. Crystal city charter, section 3.12 authorizes the city council to adopt procedures for the publication of ordinances in summary form. The procedures set forth in this subsection are established pursuant to that authority.

Subd. 2. Summary publication authorized. All ordinances approved by the city council will be published in summary form, unless the city council directs otherwise by motion adopted prior to or immediately following the final passage of the ordinance. The form of summary must be approved by a motion of the city council adopted immediately following the final passage of the ordinance.

Subd. 3. Procedures. The published summary must:

- (a) State the title of the ordinance;
- (b) Contain a general statement of the purpose and effect of the ordinance; and
- (c) Indicate that a printed copy of the full text of the ordinance is available for public inspection in the office of the city clerk.

The city clerk must record the published summary, the text of the ordinance, and the affidavit of publication in the ordinance book of the city.

Subd. 4. Effect of summary. Publishing of a summary in accordance with this subsection will fulfill all legal publication requirements as completely as if the entire ordinance had been published.

Section 115 - Penalties

115.01. General rule. A person who violates a provision of this Crystal city code is guilty of a misdemeanor. Each act of violation and each day on which a violation occurs or continues is a separate violation.

115.03. Exceptions. Where a provision of this Crystal city code or a statute adopted by reference therein sets a lesser penalty or a different period constituting a violation than set in Crystal city code, subsection 115.01, the code provision will prevail.

115.05. Applicability. It is the intention of the city council that the penalty provided by this section, or any other section of this Crystal city code, applies to any amendment of any section of this Crystal city code whether or not such penalty is re-enacted in the amendatory ordinance, unless otherwise provided in the amendatory ordinance.

115.07. Failure of officers to perform duties. The penalty imposed by this section does not apply to the failure of an official or employee of the city to perform a duty imposed by this Crystal city code unless a penalty is specifically provided for such failure.

115.09. Misdemeanor defined. For purposes of this Crystal city code, the term “misdemeanor” means an offense or crime that the city council is empowered to punish with fine or imprisonment, and a petty misdemeanor as defined by law.

<b>Amended subsection</b>	<b>Amending ordinance</b>
100.01	2015-08, Sec. 1
100.03	2015-08, Sec. 1
100.05	2015-08, Sec. 1
100.07	95-12, Sec. 4; 97-9, Sec. 1; 2003-5; 2015-08, Sec. 1; 2019-02, Sec. 1
100.09	2015-08, Sec. 1
100.11	2015-08, Sec. 1
105.01	2015-08, Sec. 2; 2019-02, Sec. 2
105.09	2019-02, Sec. 3
105.11	97-9, Sec. 2; 2019-02, Sec. 3
105.13	2018-3, Sec. 4
110.07, subd. 4	2019-02, Sec. 4
110.13	99-03 Sec. 1
115.01	2015-08, Sec. 3
115.07	2015-08, Sec. 3
<b>Repealed subsection</b>	<b>Repealing ordinance</b>
105.09	2019-02, Sec. 3
105.11	2019-02, Sec. 3

## CHAPTER II

## COUNCIL - CITY

Section 200 - Council rules and procedures

200.01. Regular and special meetings. Regular meetings of the city council must be held on the first and third Tuesday of each month in the city council chambers of the city hall at 7:00 p.m., unless otherwise specified by city council resolution. Meetings may be adjourned from time to time to a specified date or subject to the call of the city mayor or any three members of the city council upon at least twelve hours' notice to each member of the city council and such other notice required by law. Regular and special meetings of the city council are held in compliance with Crystal city charter, section 3.01. Meetings of the city council must be open to the public in accordance with Minnesota Statutes, chapter 13D.

200.03. Quorum. A majority of city council members constitutes a quorum, but a smaller number may adjourn from time to time.

200.05. Presiding officer and secretary. The city mayor presides at meetings of the city council. The city council must choose from its members a mayor pro tem in accordance with Crystal city charter, section 2.08. The secretary of the city council is appointed by the city council and performs those duties stated in Crystal city charter, section 3.02. The city clerk is the secretary of the city council.

200.07. First meeting. At the first regular meeting of the city council in each year, the city council must designate an official newspaper, and depositories for official funds. The city council may appoint such committees as it deems necessary.

200.09. Council rules; presiding officer. The presiding officer must preserve order and decorum, decide questions of order, and conduct meetings in accordance with these rules. The city council is governed in its procedure by the provisions of Crystal city charter, chapters 2 and 3 and Roberts Rules of Order (Newly Revised Edition), except where otherwise provided by the Crystal city charter or by this chapter. The city council may make and change its own rules from time to time by resolution duly adopted and any such changes supersede Roberts Rules of Order (Newly Revised Edition) and any previously adopted rules to the extent they conflict with the new rules. The city council may, as part of its rules, impose on itself specific voting requirements related to the adoption and amendment of its rules including, but not limited, that such actions must be approved by more than a majority of the city council. Any such specific voting requirements must be clearly identified in the rules. Rules adopted by the city council shall remain in effect until changed, repealed, or superseded by city council action. The most current version of the city council rules shall be posted on the city's website and a copy shall be available in the meeting room during regular and special city council meetings. The presiding officer may speak on any question being considered, and has the rights, privileges, and duties of any other member of the city council. The presiding officer may temporarily yield the chair to introduce or second a motion, resolution, or ordinance.

200.11. Motions reduced to writing. A motion must be reduced to writing at the request of any member present. Ordinances and resolutions must be presented in writing and read in full before a vote is taken thereon unless the reading is dispensed with by unanimous consent.

200.13. Signing and publishing of ordinances. Ordinances must be signed in accordance with Crystal city charter, section 3.08, attested by the city clerk, published in accordance with Crystal city charter, sections 3.08 and 3.12 after its passage by the city council, and recorded by the city clerk in a properly indexed book kept for that purpose.

Section 205 - Wards of the city

205.05. Wards. Pursuant to the Crystal city charter, and in conformance with the 2020 United States Census of population, as issued by the United States Bureau of Census, the following are established as wards of the city.

Ward 1:

All that part of Crystal lying west and south of the following described line: beginning at the intersection of Medicine Lake Road (County Road No. 70) (south corporate limits) and the centerline of Idaho Avenue North, thence north along the centerline of Idaho Avenue North to the centerline of 32nd Avenue North, thence east along the centerline of 32nd Avenue North to the centerline of Hampshire Avenue North, thence north along the centerline of Hampshire Avenue North to the centerline of Markwood Drive North, thence east along the centerline of Markwood Drive North to the centerline of Georgia Avenue North, thence north along the centerline of Georgia Avenue North to the centerline of 38th Avenue North, thence east along the centerline of 38th Avenue North to the centerline of Douglas Drive North (County Road No. 102), thence north along the centerline of Douglas Drive North to the centerline of 45th Avenue North, thence west along 45th Avenue North to the centerline of Nevada Avenue North (west corporate limits) and there terminating.

Ward 2:

All that part of Crystal lying east of Ward 1 and south of the following described line: beginning at the intersection of the centerline of Douglas Drive North and the centerline of 45th Avenue North, thence east along 45th Avenue North to the centerline of Brunswick Avenue North, thence south along the centerline of Brunswick Avenue North to the centerline of 44th Avenue North, thence east along the centerline of 44th Avenue North to the centerline of Vera Cruz Avenue North (east corporate limits) and there terminating.

Ward 3:

All that part of Crystal lying north of Ward 1 and Ward 2 and lying southwesterly and south of the following described line: beginning at the intersection of the centerlines of Quebec Avenue North and St. Raphael Drive North, thence east along the centerline of St. Raphael Drive North to the centerline of Nevada Avenue North, thence north along the center line of Nevada Avenue North to the centerline of Bass Lake Road (County Road No. 10), thence east along the centerline of Bass Lake Road North to the centerline of West Broadway North (County Road No. 8), thence southeasterly along the centerline of West Broadway North to the centerline of the Canadian Pacific Railroad easement, thence easterly along the centerline of said railway easement to the east corporate limits and there terminating.

Ward 4:

All those parts of Crystal lying generally north and westerly of Ward 3.



Section 211 - Salaries of elected officials

211.01. Salary schedule.

Subd. 1. Annual salary. The annual salary of the city mayor and other members of the city council are in the amounts shown below:

<u>Mayor Salary</u>	<u>Councilmember Salary</u>
\$10,619.84	\$8,169.72

The city council may enact an ordinance to adjust the salaries of the mayor and the other councilmembers as provided in Minnesota Statutes, section 415.11.

Subd. 2. Salary Adjustments. On or before December 1 of even numbered years beginning in 2018, the annual salaries of the city mayor and other members of the city council shall be adjusted, as provided in this subdivision, with an effective date of January 1 in the following year. The salaries shall be adjusted and fixed by increasing them in the same amount as the most current percentage increase (CPI-U) in the Compensation Limit for Local Government Employees annually published by the Minnesota Office of Management and Budget, pursuant to Minnesota Statutes, section 43A.17.

Section 215 - City elections

215.01. General. Elections in the city are conducted in accordance with the general laws of the state of Minnesota and Crystal city charter, chapter 4.

215.03. Election dates. Primary elections in the city are held on the second Tuesday in August. General elections are held on the first Tuesday after the first Monday in November of even numbered years. The council may set the date for a special or primary election by resolution.

215.05. Filing of office. The city council must by resolution fix the dates within which candidates for municipal office must file in any municipal election, except that in the case of primary elections, the filing dates are those provided by law for cities of the same class as the city.

215.07. Ballot board.

Subd. 1. Board established. As authorized by Minnesota Statutes, section 203B.121, a ballot board is established. The board is appointed in the manner provided by law.

Subd. 2. Examination of ballots. The ballot board is authorized to undertake the duties of such board as prescribed by Minnesota Statutes, section 203B.121 and such other law as may apply.

Subd. 3. All elections. A ballot board must be appointed for each general and special election in the city.

<b>Amended subsection</b>	<b>Amending ordinance</b>
200.01	2015-08
200.03	2015-08
200.09	2015-03
205.05 (deleted and replaced)	2012-03, Sec. 1; 2022-01, Sec. 1
211	97-12, Sec. 1
211.01, subd. 1	2001-10, Sec. 1; 2006-5, Sec. 1; 2007-14, Sec. 1; 2009-04, Sec. 1; 2010-02; 2011-07; 2012-05; 2015-08
211.01, subd. 2	2017-04, Sec. 1
215.01	2019-02, Sec. 5
215.03	2010-03; 2015-08
215.07, subd. 1, 2 and 3	2019-02, Sec. 6

<b>Repealed subsection</b>	<b>Repealing ordinance</b>
205.01	2009-05, Sec. 2
205.03	2012-03, Sec. 2
210	97-12, Sec. 1
215.09	2015-08
215.11	2015-08

## CHAPTER III

## ADMINISTRATION OF CITY GOVERNMENT

Section 300 - Administrative code; officers; departments

(The administrative code of the city is adopted by council resolution and is in Crystal city code, appendix II)

Section 305 – Commissions and Boards

305.01. Commissions and boards. The city council may establish such commissions and boards as it determines are needed to assist it in conducting the business of the city. Commissions and boards shall be created and shall conduct themselves in accordance with this section. The city's planning commission and board of appeals and adjustments are provided for in Crystal city code, sections 500 and 503.

305.03. Charter authority. Crystal city charter, section 2.02 authorizes the city council to create such advisory commissions and boards, as it deems necessary. The commissions and boards created by ordinance are created pursuant to that authority, this code, and applicable state law.

305.05. Advisory nature. Except as otherwise provided by law or Crystal city charter, the commissions and boards created under this section are advisory to the city council and to the city manager, but the commissions and boards have no other official status or independent authority other than to provide investigative or quasi-judicial functions on behalf of the city council. Commissions and boards are not authorized to enter into contracts.

305.07. Compensation. Unless otherwise provided by law or Crystal city charter, members of commissions or boards serve without compensation, but may be reimbursed for actual and necessary expenses if funds for that purpose are identified in the adopted city budget and city council authorizes the reimbursement of expenses when establishing the commission or board.

305.09. Open meetings. Meetings of commissions or boards are open to the public and all commissions or boards must comply with all applicable open meeting laws.

305.11. Creation. The city council may create a commission or board by adopting an ordinance that establishes the commission or board. The establishment ordinance shall, at a minimum, contain the following information:

- (a) The name of the commission or board;

- (b) The purpose and duties of the commission or board;
- (c) The number of members and whether they are to be appointed at-large or by geography;
- (d) The terms for the commission or board members, including the length of terms, when terms begin, whether terms will be staggered, whether members may serve concurrently on other commissions or boards, and whether there are term limits; and
- (e) Whether the commission or board will have a city council liaison, a staff liaison, or a staff secretary.

305.13. Commission or board membership.

Subd. 1. Appointment. Members of commissions or boards are appointed by the city council.

Subd. 2. Qualifications. Members of commissions or boards must be residents of the city or owners of businesses within the city, and be at least 15 years old. The city council may establish additional qualifications for the particular commissions or boards in the ordinance it adopts to establish the commission or board.

Subd. 3. Removal. Members of commissions or boards serve at the will of the city council and may be removed from office at any time, with or without cause, by a majority vote of the city council.

Subd. 4. Applications and interviews. The city council shall establish, by resolution, a process for accepting applications and interviewing applicants to commissions and boards. The process must allow for interviews at least once annually for any open positions. All open positions must be advertised on the city's website and at city hall for at least 45 days prior to the application deadline. The application and interview process shall be posted on the city's website and made available at city hall.

Subd. 5. Vacancies. A vacancy is created when a commission or board member resigns or is removed from office. Vacancies may be filled at the discretion of the city council following the same process to make the initial appointment. Members appointed to fill a vacant position are appointed to serve the remainder of the unexpired term.

Subd. 6. Reappointment. Members of commissions or boards seeking reappointment shall go through the regular application and interview process to be eligible for reappointment.

305.15. Organization and governance.

Subd. 1. Bylaws. The city council shall approve bylaws for all commissions and boards, and such bylaws may not be amended except by approval of the city council. At a minimum, the bylaws shall provide for the election from its membership of a chairperson, vice-chairperson, and such other officers as are deemed necessary. The term of office for each officer is one year. The bylaws must specify the month of the election of officers, duties of the officers, number of members to constitute a quorum, the order of business, attendance requirements, and other matters necessary for the conduct of the business of the commission or board. Each commission or board may propose changes to its bylaws to the city council for review and approval. The city council may also initiate and approve amendments to the bylaws of any commission or board.

Subd. 2. Meeting governance. The procedure at meetings is governed by the bylaws of the commission or board and the requirements of the open meeting law.

Subd. 3. Meeting Schedule. Each commission or board must adopt a regular meeting schedule for the next year by no later than the last regular meeting of each calendar year. The schedule of meetings for all commissions and boards must be posted on the city's website and at city hall.

Subd. 4. Minutes. The secretary of a commission or board shall keep the minutes of its meetings, unless the city council has provided for a staff secretary in the establishment ordinance. The secretary shall also perform the clerical duties of the commission or board as needed. The secretary shall transmit meeting minutes to the city clerk, who must furnish copies to each member of the particular commission or board, the mayor, and city council members. The minutes shall include a copy of all resolutions and other actions of the commission or board. These records shall be maintained by the city clerk in accordance with the Minnesota Government Data Practices Act and the city's records retention schedule.

Subd. 5. Reports. Commissions or boards must annually make a report to the city council which summarizes their activities, findings, and recommendations. The report must be submitted to the city clerk prior to August 1 each year. Other reports, findings, and recommendations must be made and submitted from time to time to the city council as may be requested by the city council. Commissions or boards that regularly submit recommendations to the city council are not required to summarize each recommendation as part of their annual report.

305.17. Task forces. The city council may establish such task forces as it determines are needed to assist it to address a particular item of city business. Task forces shall be established and shall conduct themselves in accordance with the following subsections.

305.19. Creation. The city council may establish task forces by resolution as it determines is appropriate to study and advise the city council on specific matters of limited scope. The resolution creating a task force must set forth the number of members, the specific issue or issues the task force is to study and advise, and the date by which the task force will be dissolved. The city council may, by resolution, extend the date of dissolution or alter the scope of the matters being reviewed by a task force. The requirements associated with the establishment and administration of commissions and boards shall not apply to task forces, except as hereinafter provided.

305.21. Appointment. The number of members of a task force and the process by which a member of a task force is appointed will be left to the discretion of the city council. Those appointed to serve on task forces serve at the will of the city council and may be removed at any time, with or without cause, by vote of the city council.

305.23. Advisory nature. Task forces are advisory to the city council and to the city manager, and have no other official status or independent authority other than to gather, discuss, and make recommendations to the city council.

305.25. Open meetings. Meetings of task forces are open to the public and members must comply with all applicable open meeting laws.

Section 306 – Administrative Enforcement Program

306.01. Administrative citations and civil penalties. Crystal city code, subsections 306.07 through 306.17 govern administrative citations and civil penalties for violations of the Crystal city code.

306.03. Purpose. The city council finds that there is a need for alternative methods of enforcing the city code. While criminal fines and penalties have been the most frequent enforcement mechanism, there are certain negative consequences for both the city and the accused. The delay inherent in that system does not ensure prompt resolution. Citizens resent being labeled as criminals for violations of administrative regulations. The higher burden of proof and the potential of incarceration do not appear appropriate for most administrative violations. The criminal process does not always regard city code violations as being important. Accordingly, the city council finds that the use of administrative citations and the imposition of civil penalties is a legitimate and necessary alternative method of enforcement. This method of enforcement is in addition to any other legal remedy that may be pursued for city code violations.

306.05. General provisions.

Subd. 1. Administrative offense. A violation of any provision of the Crystal city code is an administrative offense that may be subject to an administrative citation and civil penalties. Each day a violation exists constitutes a separate offense.

Subd. 2. Exemption. Alcohol and tobacco license violations are not subject to administrative citation under this section, but are subject to civil penalties as established by the city council.

Subd. 3. Civil penalty. An administrative offense may be subject to a civil penalty not to exceed the maximum penalty for a misdemeanor violation under state law.

Subd. 4. Schedule of fines and fees. The city council must adopt by resolution a schedule of fines for offenses initiated by administrative citation. The city council is not bound by that schedule when a matter is appealed to it for administrative review as provided in Crystal city code, subsection 306.13. The city council may adopt a schedule of fees to be paid to administrative hearing officers.

306.07. Administrative citation procedures.

Subd. 1. Administrative notice.

- (a) Upon the first violation, the city will issue an administrative notice to the violator. The city will deliver the administrative notice to the violator in person or by regular mail. The violator will have ten calendar days to correct the violation after issuance of the administrative notice.
- (b) If the violator is making a good faith attempt to remedy the violation, the city may grant an extension, the length of which must be agreed upon in writing between the city and the violator.



Subd. 2. Administrative citation. If the violator fails to correct the violation within the time period provided in the administrative notice, the city may issue an administrative citation. The city must issue the citation to the violator in person or by certified and regular mail. In the case of a vehicular offense, the citation may be attached to the motor vehicle. The citation must state the date, time, and nature of the offense, the name of the issuing officer, the amount of the scheduled fine, and the manner for paying the fine or appealing the citation

Subd. 3. Payment. The violator must either pay the scheduled fine or request a hearing within seven days after issuance of the citation. Penalties for failure to correct the violation or late payment of the fine may be imposed as set forth in Crystal city code, subsection 306.15, subdivision 4. The city may issue a second citation or take other legal action to achieve compliance with the Crystal city code.

#### 306.09. Administrative hearing.

Subd. 1. Hearing officers. The city council will periodically approve a list of qualified individuals, from which the city clerk will randomly select a hearing officer to hear and determine a matter for which a hearing is requested. The hearing officer will be a public officer as defined by Minnesota Statutes, section 609.415. The hearing officer must not be a city employee. The city clerk must establish a procedure for evaluating the competency of the hearing officers, including comments from accused violators and city staff. These reports must be provided to the city council.

Subd. 2. Removal of hearing officer. No later than five days before the date of the hearing, the violator may make a written request that the assigned hearing officer be removed from the case. The city clerk will automatically grant one request for removal. A subsequent request must be directed to the assigned hearing officer who will decide whether they can fairly and objectively review the case. If the hearing officer determines they cannot fairly and objectively review the case, the hearing officer shall notify the city clerk in writing at least one day before the scheduled hearing date. The city clerk will then assign another hearing officer.

Subd. 3. Notice of hearing. Within 30 days of the request for a hearing, the city clerk will schedule the hearing and will notify the violator and involved city staff of the date, time and place for the hearing. Parties are expected to be available for two hours. Notice of the hearing must be mailed to the violator and the hearing officer at least ten days in advance of the scheduled hearing, unless a shorter time is accepted by all parties. The notice must contain the names of the parties, the identity of the hearing officer, the location of the alleged violation and the type of violation alleged.

Subd. 4. Continuance. A request for a continuance must be made to the city clerk at least five days prior to the scheduled hearing date. The city clerk may grant a continuance at the request of the violator or the city staff member only for good cause shown and for no more than ten days from the originally assigned date.

Subd. 5. File transmittal.

- (a) Upon receipt of any request for a hearing, the city clerk's office will compile a summary report detailing the facts in support of any determination that the offense constitutes a violation. The summary report will include:
- (1) A copy of the citation issued;
  - (2) A copy of the administrative notice, which preceded the citation;
  - (3) A copy of any case history in the issuing employee's department;
  - (4) Photographs and/or videotape of property where available; and
  - (5) Proof of mailing and/or posting of notice on the property if the citation was not personally served on the violator.
- (b) The file must be ready for the hearing officer to pick up on the business day preceding the scheduled hearing.

Subd. 6. Presentation of case. At the hearing, the parties will have the opportunity to present testimony and question any witnesses, but strict rules of evidence will not apply. The hearing officer must tape record the hearing and receive testimony and exhibits. The hearing officer must receive and give weight to evidence, including hearsay evidence, that possesses probative value commonly accepted by reasonable and prudent people in the conduct of their affairs.

Subd. 7. Decision.

- (a) The hearing officer must issue a written decision containing findings of fact, conclusions of law and an order. The decision will be mailed to the parties within ten days after the hearing. The hearing officer has the authority to determine that a violation occurred, to dismiss a citation, to impose the scheduled fine, and to reduce, stay, or waive a scheduled fine either unconditionally or upon compliance with appropriate conditions. When imposing a penalty for a violation, the hearing officer may consider any or all of the following factors:
- (1) The duration of the violation;
  - (2) The frequency of reoccurrence of the violation;
  - (3) The seriousness of the violation;
  - (4) The history of the violation;

- (5) The violator's conduct after issuance of the administrative notice and citation;
  - (6) The violator's conduct after issuance of the notice of hearing;
  - (7) The good faith effort by the violator to comply;
  - (8) The impact of the violation upon the community;
  - (9) Prior record of city code violations; and
  - (10) Any other factors appropriate to a just result.
- (b) The hearing officer may not impose a fine greater than the established fine, except that the hearing officer may impose a fine for each week that the violation continues if:
- (1) The violation caused or is causing a serious threat of harm to the public health, safety, or welfare; or
  - (2) The violator intentionally and unreasonably refused or refuses to comply with the code requirement.

Subd. 8. Decision. Except as provided in Crystal city code, subsections 306.11 and 306.13, the decision of the hearing officer is final without any further right of appeal.

Subd. 9. Failure to appear. The failure to attend the hearing constitutes a waiver of the violator's rights to an administrative hearing and an admission of the violation. A hearing officer may waive this result upon good cause shown. Examples of "good cause" are: death in the immediate family or documented incapacitating illness of the violator; a court order requiring the violator to appear for another hearing at the same time; or lack of proper service of the citation or notice of the hearing. "Good cause" does not include: forgetfulness; lack of transportation or child care; or intentional delay.

306.11. Judicial review. An aggrieved party may obtain judicial review of the decision of the hearing officer or the city council as provided in state law.

306.13. Administrative review.

Subd. 1. Appeal. A violator may appeal the hearing officer's decision in any of the following matters to the city council for administrative review:

- (a) An alleged failure to obtain a permit, license or other approval from the city council as required by an ordinance;

- (b) An alleged violation of a permit, license, other approval, or the conditions attached to the permit, license, or approval, that was granted by the city council; or
- (c) An alleged violation of regulations governing a person or entity who has received a license granted by the city council.

Subd. 2. Notice. The appeal under this subsection will be heard by the city council. Notice of the hearing must be delivered to the alleged violator or property owner and involved city staff, in person or by mail, at least ten days in advance of the hearing. The parties to the hearing will have an opportunity to present oral or written arguments regarding the hearing officer's decision.

Subd. 3. Decisions. The city council must consider the record, the hearing officer's decision, and any additional arguments before making a determination. The city council is not bound by the hearing officer's decision, but may adopt all or part of the hearing officer's decision. The city council's decision must be in writing.

Subd. 4. Suspension or revocation. In addition to imposing a civil penalty, the city council may suspend or revoke a city-issued license, permit, or other approval associated with the violation.

#### 306.15. Recovery of civil penalties.

Subd. 1. Non-payment. If a civil penalty is not paid within the time specified, it will constitute:

- (a) A lien on the real property upon which the violation occurred if the property or improvements on the property was the subject of the violation and the property owner was found responsible for that violation. The lien may be imposed as a charge for governmental services under Minnesota Statutes, section 514.67 or be imposed under such other law as may apply; or
- (b) A personal obligation of the violator in all other situations.

Subd. 2. Lien. A lien may be assessed against the property and collected in the same manner as taxes.

Subd. 3. Personal obligation. A personal obligation may be collected by appropriate legal means.

Subd. 4. Late fees/charges.

- (a) If after seven days the fine has not been paid or a hearing requested, the fine will increase by ten percent for each seven days thereafter for one month. After four weeks and four late fee charges have been added to the original fine, the total bill will be assessed to the property taxes and all city licenses will be revoked. For continued violations, the city will correct the violation and assess the charges for doing so onto the property taxes or criminal charges may be filed.

- (b) If the same property and property owner are charged with a subsequent violation within a 12-month period for the same, or substantially similar offense, the fine will be increased by 25%. After a third infraction in a 12-month period, the fine will increase by 50%, and after a fourth infraction by 100%.

Subd. 5. License revocation or suspension. Failure to pay a fine is grounds for suspending or revoking a license related to the violation.

306.17. Criminal penalties.

- (a) The following are misdemeanors, punishable in accordance with state law:
  - (1) Failure, without good cause, to pay a fine or request a hearing within 30 days after issuance of an administrative citation;
  - (2) Failure, without good cause, to appear at a hearing that was scheduled under section 306.09; or
  - (3) Failure to pay a fine imposed by a hearing officer within 30 days after it was imposed, or such other time as may be established by the hearing officer.
- (b) If the final adjudication in the administrative penalty procedure is a finding of no violation, then the city may not prosecute a criminal violation in district court based on the same set of facts. This does not preclude the city from pursuing a criminal conviction for a violation of the same provisions based on a different set of facts. A different date of violation will constitute a different set of facts.

Section 310 - Personnel administration

310.01. Background; findings; charter amendment. Ordinance no. 90-22, adopted by the city council pursuant to Minnesota Statutes, section 410.12, subdivision 7, abolished the city's civil service commission and required the establishment of the employee review board whose powers and duties are set forth in Crystal city code, section 315.

310.03. Rules and regulations. The city manager has developed a set of personnel rules and regulations for the city. The city council has reviewed those rules and regulations and found that the rules and regulations embody an efficient, uniform, and comprehensive system of personnel administration for the city.

310.05. Rules adopted. The rules and regulations as proposed by the city manager are adopted by the city council and are set forth in Crystal city code, appendix V. Crystal city code, appendix V may be amended by the city council by resolution from time to time.

Section 311 - Background Investigations311.01. Computerized criminal history background check.

Subd. 1. Requirements. The city police department is authorized to conduct a Minnesota Computerized Criminal History background investigation (a “CCH Investigation”) on all applicants for positions with the city, and applicants for identified city licenses and permits, as provided by this section and Minnesota Statutes, section 299C.72. The CCH Investigation shall be performed pursuant to the requirements of the Minnesota Bureau of Criminal Apprehension for non-criminal justice purposes, as those guidelines may be amended, which are on file with the city clerk and the chief of police.

Subd. 2. Job or volunteer CCH investigation. This section applies only to applicants who are finalists for paid or volunteer positions with the city. The police department may not perform a CCH Investigation unless the applicant consents in writing to the investigation and to the release of the investigation information to the city manager and other city staff as may be appropriate, unless authorized by law. An applicant’s failure to provide consent may disqualify the applicant for the position sought. If the city manager rejects the applicant’s application due, solely or in part, to the applicant’s prior conviction of a crime, subject to the exception set forth in Minnesota Statutes, section 364.09, the city manager must notify the applicant in writing of the following:

- (a) The grounds and reasons for the rejection;
- (b) The applicable complaint and grievance procedure set forth in Minnesota Statutes, section 364.06, as amended;
- (c) The earliest date the applicant may reapply for employment; and
- (d) That all competent evidence of rehabilitation will be considered upon reapplication.

Subd. 3. CCH investigation for approval or denial of a license or permit. The city police department is authorized to conduct a CCH Investigation to assist in determining the factual basis for the approval or denial of a city license or permit where the health, safety or welfare of the public is a concern based on the activity regulated and subject to the license or permit. A CCH Investigation is required for the applicant for a license or permit under the following ordinance sections: 1110.09; 1120.11; 1125.07; 1130.03; 1135.09; 1140.13; and 1200.13.

### Section 315 - Employee Review Board

315.01. Board established. The employee review board (“Board”) is established and continued. The Board has the powers and duties set out in this section. The Board is established pursuant to Crystal city charter, sections 2.02 and 6.07, and Crystal city code, section 305.

315.03. Definitions. For purposes of this section, the terms defined in this subsection have the meanings given them.

Subd. 1. “Appendix V” or “Crystal city code, Appendix V” mean the rules and regulations adopted by Crystal city code, section 310.

Subd. 2. “Board” means the employee review board.

Subd. 3. “Grievance” means a dispute or disagreement as to the interpretation or application of any term or terms of Crystal city code, appendix V.

Subd. 4. “Employee” means a city employee other than the city manager, the assistant city manager, or a department head. The term does not include an employee who is a member of a certified appropriate bargaining unit that has entered into a collective bargaining agreement with an employee organization pursuant to Minnesota Statutes, chapter 179A.

315.05. Board; membership.

Subd. 1. Appointment. The Board consists of three regular members and two alternate members. Members are appointed by the city council in accordance with the procedures established in section 305.13.

Subd. 2. Terms. Members of the Board serve for a term of three years. The terms of members are staggered so only one member is appointed each year. One or more alternate members may be appointed for three-year terms. The term of a member expires on February 28 of the final year of a term. Vacancies on the Board are filled for the unexpired term in the same manner as original appointments are made. Members may be appointed for consecutive terms.

Subd. 3. Qualifications. Members of the Board must be residents of the city. In making an appointment, the city council must give consideration to persons who are knowledgeable and experienced in the field of dispute resolution, including arbitration and mediation. An officer or employee of the city may not be appointed to the Board or otherwise serve on the Board. A member of the Board may apply and be appointed to any other board or commission at the discretion of the city council without such appointment creating a vacancy on the Board. A person who has been an elected officer or employee of the city may not be appointed to the Board until one year has elapsed since termination of that service or employment.



315.07. Organization; meetings. The Board shall organize, adopt bylaws, and govern itself in accordance with Crystal city code, subsection 305.15. Meetings of the Board shall be held in accordance with open meeting laws and are open to the public, unless closed as provided by law.

315.09. Council liaison. The Board shall have one liaison from the city council that attends its meetings and reports back to the city council. The liaison is not an official member of the Board and may not vote on its issues.

315.11. Staffing; financing. The city manager must provide appropriate staff support including legal assistance to the Board from existing city personnel. Members of the Board serve without compensation, but may be reimbursed for actual and necessary expenses in accordance with normal city policy regarding such reimbursement for other boards and commissions of the city.

315.13. Grievances; procedures.

Subd. 1. Submission. An employee may submit a grievance to the Board subject to the provisions of this subsection.

Subd. 2. Exhaustion of remedies. An employee may not submit a grievance to the Board until the steps of the grievance procedure established by Crystal city code, appendix V have been completed and within ten days of that completion. The grievance procedure provided in Crystal city code, appendix V is complete on the date that the city manager gives written notice of the city manager's final determination of the grievance. The Board must provide in its bylaws for the form and details of a grievance submission.

Subd. 3. Review; discretion. The Board must promptly review the grievance submission. The Board may decline to review a grievance. The Board's decision not to review a grievance is final.

Subd. 4. Hearing. If the Board decides to review a grievance, it may conduct one or more hearings on the matter in the manner set forth in its bylaws. The bylaws must provide for written notice of its hearings to the city manager and the employee. The city manager must supply the Board with information reasonably requested by the Board. The employee may be represented by counsel at a hearing. If the city manager's final determination of the grievance is not confirmed by the Board, the reasonable costs, including attorney's fees, incurred by the employee in the proceedings must be paid by the city. If the manager's final determination of the grievance is confirmed by the Board, the employee's costs, including attorneys' fees, will not be paid by the city.

Subd. 5. Decisions. Upon completion of hearings on a grievance, the Board must issue a written order stating its decision, the reasons for the decision, and the findings on which the decision is based. The order may confirm the decision of the city manager or modify it in any respect. The Board must send a copy of the order to the employee and to the city manager. The decision of the Board is final.

315.15. Information; publication. The city manager is directed to take appropriate steps to fully inform employees of the existence and functions of the Board. A notice describing the Board and its functions must be continually posted in conspicuous places in the workplace.

Section 320 – Crystal-New Hope  
West Metro Fire-Rescue District

320.01. Enabling legislation. Pursuant to Minnesota Statutes, section 471.59 and 1995 Minnesota Laws, chapter 262 (the “Act”), the city has entered into a joint and cooperative agreement (the “Agreement”) with the city of New Hope that establishes a joint fire district. Article 11 of the Act further provides for the consolidation of the fire relief associations of the respective fire departments in New Hope and Crystal.

320.03. West metro fire-rescue district codified. Pursuant to the Act and the Agreement, the West Metro Fire-Rescue District (“District”) is hereby reaffirmed and shall continue to serve as the city’s fire department. The District’s fire department serves both the cities of Crystal and New Hope and provides each city with effective and economical fire suppression services. The Agreement establishing the District was acted upon and approved by the Crystal and New Hope city councils in Crystal resolution numbers 97-120 and 98-12, and New Hope resolution numbers 97-139 and 97-172. The effective date for operation of the District per the Agreement was July 6, 1998.

320.05. Fire department. The District is authorized pursuant to the Agreement to exercise the delegated powers as needed to provide emergency services within the city as its fire department, including serving as the city’s fire marshal. Major areas of involvement of the District are fire suppression, emergency medical support, fire prevention through code enforcement and public education, hazardous materials release response and specialized heavy rescue. The management, budgeting, and operations of the District shall be as provided in the Agreement.

320.07. Amendment or dissolution of District. Amendments to the Agreement or dissolution of the District shall be governed by the Agreement. The Agreement may be amended by identical resolutions adopted by each city council. An amendment is effective when it is filed together with the authorizing resolutions with the fire chief.

Section 325 - Disposition of unclaimed property

325.01. Unclaimed property; purpose and statutory authority. This section has been enacted to provide for the custody and disposal of property other than motor vehicles coming into the possession of the city in the course of municipal operations and remaining unclaimed by the owner. It has been adopted pursuant to the provisions of Minnesota Statutes, section 471.195.

325.03. The city manager shall maintain a complete file of unclaimed property which shall contain the following information:

- (a) A description of the property;
- (b) The finder of the property;
- (c) The time and place of the finding;
- (d) The disposition of the property; and
- (e) Any other information deemed pertinent by the city manager.

325.05. Method of disposition.

Subd. 1. The city manager shall take all reasonable steps to determine the owner of the unclaimed property prior to its disposal.

Subd. 2. Property that has come into the possession of the city and has remained unclaimed by its owner for a period of 60 days or more shall be disposed of by the city by sale to the highest bidder at public auction. The public auction shall be conducted under the direction of the city manager, following published notice in the official newspaper at least ten days in advance of the sale. The published notice shall state the place and time of such sale, and shall contain a general description of the property to be sold. In lieu of a public auction, any of the unclaimed property may be appropriated to the city for its use upon approval of the appropriation by the city council. In the event that any unclaimed property that is put up for sale at the auction and is not sold, the city manager shall submit a report to the city council advising the city council of the items unsold. The city council shall then make a disposition of the unsold items as it deems in the best interest of the city.

Subd. 3. Notwithstanding any other procedural requirement of this section, once the property described in subdivision 2 above has remained unclaimed by its owner for a period of 60 days or more, the city may contract to dispose of such unclaimed property using an electronic selling process in which purchasers compete to make offers to purchase the surplus property at the highest price in an open and interactive environment.

325.07. Reports on property sold. Upon the completion of any sale under Crystal city code, subsection 325.05, the city manager shall maintain a list of the following:

- (a) A copy of the published notice of sale;

- (b) A list of property sold;
- (c) The amount for which each item of property was sold;
- (d) The name of the individual to whom each item of property was sold;
- (e) A list of property that was put up for sale at the auction that was not sold; and
- (f) A statement of the expenses of the sale.

325.09. Items which may be destroyed. Items of personal property having nuisance potential, such as firearms, dangerous weapons, liquor and narcotics, may be destroyed upon order of the city manager. A list of items so destroyed and the pertinent facts of the disposal must be maintained for a period of at least six years.

325.11. Disposition of proceeds. The proceeds of the sale must be deposited in the general fund of the city, subject to the right of the former owner to payment of the sale price from such fund upon application and satisfactory proof of ownership within six months of the sale. In the event that the property has already been sold, the former owner shall be entitled to receive the actual sale price of the property, except that there shall be deducted from the sale price any expenses incurred by the city in connection with the retention, storage and/or sale of the property.

325.13. Property held as evidence. When any law enforcement officer seizes, with or without consent, any property, the property shall be safely kept as directed by the court, so long as may be necessary for the purpose of being produced as evidence in any trial or court proceedings. After the trial or court proceedings have been completed, the property shall, unless otherwise subject to lawful detention, be returned to the owner, or returned to such other persons as may be entitled to the possession of the property. If the owner cannot be located or does not want the property returned to them, or the court directs disposal of the property by the city, it may be sold by the city at auction pursuant to the procedure set forth in Crystal city code, subsection 325.05.

325.15. Unclaimed money. Any person finding money within the city shall deliver it personally to the police department to be held for a period of 90 days in order to determine the rightful owner. If no claim is made by the owner or if the owner cannot be located, the money shall be returned to the finder 90 days after delivery to the police department. If a party or parties claim ownership, the money shall be held until determination by the chief of police has been made whether any of the parties is the rightful owner. If none of the parties are the rightful owner, and no other claims have been made, the finder shall receive the money 90 days after delivery to the police department, or as soon as a determination has been made by the chief of police that no owner has been found. The police department shall keep a record of the amount of money found and the name, address and phone number of the finder. Upon delivery of the money to the finder as provided in this subdivision, the city shall have no further interest or obligation with respect to the money. The city shall, however, provide the name and address of the finder and the location of the money to any individual making a satisfactory claim and proof of ownership subsequent to the delivery of the money to the finder. Any money found by a city employee on public property shall be delivered to the police department to be held for a period of 90 days in order to determine the rightful owner. If no claim is made by the owner or if the owner cannot be located, the money shall be deposited in the general fund of the city 90 days after delivery to the police department.

325.17. Exception. This section shall not apply to abandoned motor vehicles or to property forfeited to the city pursuant to Minnesota Statutes, sections 169A.63, or 609.531 through 609.5319.

Section 330 - Partial prepayment of special assessments

330.01. Special assessments; partial payment.

Subd. 1. Authority. This section is enacted pursuant to Minnesota Statutes, section 429.061, subdivision 3.

Subd. 2. Procedure. During the 30-day period following the adoption by the city council of the assessment roll in a local improvement proceeding conducted under Minnesota Statutes, chapter 429, but prior to the certification of the assessment to the county taxpayer services division manager, the owner of property specially assessed in the proceeding may pay to the finance director, without interest, any portion of the special assessment not less than \$100. The remaining balance of the special assessment is to be then spread over the period of time and at the interest rate established by the city council for the installment payment of the special assessment.

Section 335 – Deferment of special assessments

335.01. Deferment of assessments.

Subd. 1. Authority. This section is enacted pursuant to Minnesota Statutes, sections 435.193 to 435.195.

Subd. 2. Standard for deferment. At its discretion, the city may defer the payment of a special assessment levied for a public improvement, if all of the following conditions applicable to the respective deferment category are present:

- (a) The property is one acre or less and is homestead property of the owner;
- (b) The owner is:
  - (1) 65 years of age or older;
  - (2) Totally and permanently disabled with income which does not exceed the limits in subdivision 3(a) of this subsection; or
  - (3) A person who is a member of the Minnesota National Guard or other military reserves who is ordered into active military service, as defined in Minnesota Statutes, section 190.05, subdivisions 5b or 5c, as stated in the person's military orders.
- (c) For all deferment categories stated above in subdivision 2(b)(1–3) of this subsection, payment of the assessment would be a hardship for the property owner.

Subd. 3. Hardship based on income and military service defined.

- (a) A hardship exists under subdivision 2(b)(2) of this subsection for a deferment when the owner's gross income is at or below the low income standards, adjusted for family size, applicable in the year of application under the federal section 8 program, as determined by the regulations of the United States Department of Housing and Urban Development.
- (b) A hardship exists under subdivision 2(b)(3) of this subsection for a military service deferment when there is a difficulty for the owner/service member in making the payments when due as a result of being called into active military service. The difficulty may include, but is not limited to, financial difficulties for the service member or the member's family while the member is on active duty or training for active duty, priority of requirements of military duty, problems with transacting financial matters from a military station for the service member or for the member's family while the member is at a military station, or a combination of these or other difficulties which make timely payment of the special assessment more difficult. The owner/service member on active duty shall provide the city with copies of orders evidencing the commencement and termination of the active duty status in order to be eligible for the deferment.

335.03. Administration of deferment program.

Subd. 1. Application. An application for a deferment must:

- (a) Be submitted to the city by November 15;
- (b) Include information and any supplementary documentation necessary to establish and verify the following:
  - (1) The legal description and property identification number;
  - (2) The street address;
  - (3) That the property is homestead property of one acre or less;
  - (4) The description of the improvement;
  - (5) The name of the homestead owner-occupant;
  - (6) That the property owner either is 65 years of age or older, or is retired because of permanent and total disability as provided in Crystal city code, subsection 335.01, subdivision 2; and
  - (7) That paying the special assessment on the ordinary schedule constitutes a hardship as defined in this section.

Subd. 2. Interest accrual. Simple interest at the rate specified for the special assessment for the local improvement will accrue for the term of the assessment on any principal of the special assessment that is deferred.

335.05. Termination of deferment. The option to defer the payment of special assessments will terminate and all amounts accumulated, plus applicable interest, will become due upon the occurrence of any of the following events:

- (a) The death of the owner, provided that the spouse is otherwise not eligible for the benefits;
- (b) The sale, transfer or subdivision of the property or any part thereof;
- (c) If the property should for any reason lose its homestead status;
- (d) If the financial or disability status of the owner should change to the extent that the owner would no longer qualify for the deferment under this section; or
- (e) In the case of a military service deferment under Crystal city code, subsection 335.01, subdivision 2(b)(3), the deferment shall terminate 90 days after the release of the service member from active duty.

Section 340 – Domestic Partnership Registration

340.01. Purpose.

The city authorizes and establishes a voluntary program of registration of domestic partners. The domestic partner registry is a means by which unmarried, committed couples who reside or work in Crystal and who share a life and home together may document their relationship.

Crystal’s domestic partnership registration program is a city ordinance and does not create rights, privileges, benefits or responsibilities which are available to married couples under state or federal law, or rights, privileges, benefits or responsibilities which are not legally available to unmarried couples under state or federal law.

340.03. Definitions. For the purposes of this section, the terms defined in this subsection have the meanings given them.

Subd. 1. Domestic partner. “Domestic partner” means any two adults who meet all the following:

- (a) Are not related by blood closer than permitted under marriage laws of this state;
- (b) Are not married under the laws of this state;
- (c) Are competent to enter into a contract;
- (d) Are jointly responsible to each other for the necessities of life;
- (e) Are committed to one another to the same extent as married persons are to each other, except for the traditional marital status and solemnities;
- (f) Do not have any other domestic partner(s);
- (g) Are both at least 18 years of age; and
- (h) At least one of whom resides in or is employed in the city of Crystal.

Subd. 2. Domestic partnership. “Domestic partnership” includes, upon production of valid, government-issued documentation, in addition to domestic partnerships registered with the city, and regardless of whether partners in either circumstance have sought further registration with the city:

- (a) Any person who has a currently-registered domestic partnership with a governmental body pursuant to state, local, or other law authorizing such registration. The term domestic partnership shall be construed liberally to include unions, regardless of title, in which two individuals are committed to one another as married persons are traditionally committed, except for the traditional marital status and solemnities;



- (b) Marriages that would be legally recognized as a contract of lawful marriage in another local, state or foreign jurisdiction, but for the operation of Minnesota law.

Sub. 3. Health Care Facility. “Health Care Facility” means a medical facility such as a hospital, sanitarium, a nursing home or similar facility licensed under Minnesota law.

340.05. Registration of domestic partnerships.

Subd. 1. Application. The city clerk shall accept an application in a form provided by the city to register domestic partners who state in such application that they meet the definition of domestic partners.

Subd. 2. Application fee. The city clerk shall charge an application fee for the registration of domestic partners and shall charge a fee for providing certified copies of registrations, amendments, or notices of termination. The fees required by this subsection shall be established from time to time by resolution of the city council and set forth in Crystal city code, appendix IV.

Subd. 3. Certificate. The city clerk shall provide each domestic partner with a registration certificate.

Subd. 4. Evidence. This application and certificate may be used as evidence of the existence of a domestic partner relationship.

Subd. 5. Records. The city clerk shall keep a record of all registrations of domestic partnership, amendments to registrations and notices of termination. The records shall be maintained so that amendments and notices of termination are filed with the registration of domestic partnership to which they pertain.

Subd. 6. Data. The application and amendments thereto, the registration certificate, and termination notices shall constitute government data and will be subject to disclosure pursuant to the terms of the Minnesota Government Data Practices Act.

340.07. Amendments. The city clerk may accept amendments for filing from persons who have domestic partnership registrations on file, except amendments that would replace one of the registered partners with another individual.

340.09. Termination of domestic partnership. Domestic partnership registration terminates when the earliest of the following occurs:

- (a) One of the partners dies; or
- (b) Forty-five days after one partner:

- (1) Sends the other partner written notice, on a form provided by the city, that he or she is terminating the partnership; and
- (2) Files the notice of termination and an affidavit of service of the notice on the other partner with the city clerk.

#### 340.11. Benefits.

Subd. 1. Limited. This section does not create any rights, privileges, or responsibilities for domestic partners other than those expressly provided in this section.

Subd. 2. City fees for recreational programs and general services. If the city offers a family fee, family membership, or family registration for any city-provided recreation program or service available to residents or the general public, domestic partners are entitled to the same family fee, family membership, or family registration.

Subd. 3. Visitation in health care facilities. If a patient has not designated permitted or restricted visitors, or does not have a health care directive as defined in Minnesota Statutes, chapter 145C, a health care facility shall allow the patient's domestic partner, the children of the patient's domestic partner, or the domestic partner of the patient's parent or child to visit the patient. Such visitation rights shall be consistent with the health care facility's visitation policy pertaining to other family members. A health care facility may reasonably determine based on the patient's medical condition not to allow visitors. The health care facility may deny visitation upon the reasonable determination that the presence of a particular visitor would endanger the health or safety of a patient or patients, or would endanger the primary operations of the facility.

Subd. 4. Other code provisions. Domestic partners shall be entitled to rights or benefits as expressly provided by this code for registered domestic partners.

Section 345 – Reasonable Accommodation

345.01. Reasonable accommodation. The city has a legitimate interest in imposing regulations to protect the public health, safety, and general welfare. However, these regulations may not be applied in a manner that denies reasonable accommodation as required by the federal Fair Housing Amendments Act of 1988. It is the policy of the city to provide reasonable accommodation for persons with disabilities seeking fair and equal access to housing, in compliance with federal law. Reasonable accommodation means granting a modification or waiver of city regulations or policies to an individual with a disability, or to a developer of housing for an individual with a disability, when necessary to eliminate barriers to housing opportunities as required by the Act. The process for making and acting upon requests for reasonable accommodation is set forth in this section.

345.03. Initiation of reasonable accommodation request. A person may request the modification or waiver of city regulations or policies by submitting a request in writing to the city manager. For the purposes of this section, “person” includes an individual with a disability, his or her representative, or a developer or provider of housing for an individual with a disability. The application must include a detailed explanation of why the modification or waiver is reasonably necessary to make the specific housing available to the person, including verification of the disability, as well as other information as may reasonably be required by the city manager. If the request relates to a matter requiring specific review or approval by the city, then the applicant must file the request for reasonable accommodation concurrently with the application seeking the review or approval.

345.05. Processing of reasonable accommodation request.

Subd. 1. Authority. The city manager, in consultation with the city attorney, has the authority to consider and act on requests for reasonable accommodation, except that requests associated with another city review or approval will be considered and decided concurrently with that application. A decision must be in writing and may include the imposition of reasonable conditions. In making a decision, the following factors must be considered:

- (a) Whether there is a qualifying disability;
- (b) Whether the request is needed to allow a disabled person equal opportunity to use and enjoy a dwelling, or to live in a particular neighborhood, as a person without disabilities;
- (c) Whether the request is reasonable, considering such things as the potential impact on surrounding uses, the extent to which the accommodation meets the stated need, and other alternatives that may meet that need;
- (d) Whether the request would constitute a fundamental alteration of the city’s regulations, policies, or procedures;

- (e) Whether the request would impose an undue financial or administrative burden on the city;  
and
- (f) Any other factor that may have a bearing on the request.

Subd. 2. Decision. The city manager's written decision, including notice of the right to appeal, must be mailed to the applicant and to the owners of all properties that are immediately adjacent to the property that is the subject of the request. An aggrieved party may appeal the city manager's decision to the city council by submitting a written request to the city clerk within ten days after the decision was mailed to that party. The city manager's decision is the final decision of the city, unless properly appealed. If appealed, the decision of the city council shall be final. Only the aggrieved applicant and immediately adjacent property owners who received notice of the written determination have a right to appeal.

345.07. Applicability. An approved request is granted only to an individual and does not run with the land, unless the city manager determines that:

- (a) The accommodation is physically integrated into the residential structure and cannot easily be removed or altered; or
- (b) The accommodation is to be used by another individual with a disability.

345.09. Conditions and guarantees. The city manager may require that the applicant record a covenant agreeing to comply with conditions established in the determination, before the issuance of any permits related to an approved reasonable accommodation.

345.11. Fees. There shall be no fee imposed in connection with a request for reasonable accommodations made pursuant to the provisions of this section.

<b>Amended subsection</b>	<b>Amending ordinance</b>
305	2016-01
305.13, subd. 1, 2, and 3	2017-01, Sec. 1
305.15, subd. 1	2017-01, Sec. 2
305.21	2017-01, Sec. 3
306	2002-15
311	96-3
311.01, subd. 1	2007-11, Sec.1; 2016-01
311.01, subd. 2	2007-11, Sec. 1; 2016-01; 2007-11, Sec. 1
311.01, subd. 3	2007-11, Sec. 2; 2016-01; 2019-02, Sec. 7
315	2016-01
320	97-4, Sec. 2; 2000-07
320.01	2016-01
320.03	2016-01
320.05	2016-01
320.07	2016-01
321	97-4, Sec. 1
325	(Subsections renumbered-2019 recodification)
325.02	2006-3, Sec. 1
325.03, subd. 1	2016-01
325.03, subd. 2	2006-3, Sec. 2; 2007-07, Sec. 1; 2016-01
325.03, subd. 3	2007-07, Sec. 1; 2016-01
325.06	2006-3, Sec. 4
325.07	2006-3, Sec. 5
325.09	2006-3, Sec. 6
325.11	2006-3, Sec. 7
325.13	2006-3, Sec. 8
325.15	2006-3, Sec. 9
330	94-15, Sec. 1
330.01, subd. 2	2016-01
335	2004-05
335.01, subd. 1	2011-2, Sec.1; 2016-01
335.01, subd. 2	2011-2, Sec.1; 2016-01
335.01, subd. 3	2010-2, Sec. 1; 2011-2, Sec.1
335.05	2010-2, Sec. 1
340	2011-10
345	2017-01
<b>Repealed subsection</b>	<b>Repealing ordinance</b>
310.03	2016-01
320	94-4, Sec. 2
321	2016-01

325.05	2006-3, Sec. 3
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## CHAPTER IV

## BUILDING, HOUSING AND CONSTRUCTION REGULATIONS

Section 400 - Building code400.01. State building code.

Subd. 1. Code adoption. The building code of the state of Minnesota, authorized by Minnesota Statutes, sections 326B.103 to 326B.194, and embodied in the rules of the commissioner of administration, is the building code of the city, and is a part of this Crystal city code as completely as if fully set forth herein. A copy of the state building code must be kept available for public use in the office of the building official.

Subd. 2. Rules adopted.

- (a) The following chapters of Minnesota Rules, together with the most current version of the specific code adopted therein, are adopted by reference:

1300	Administration of the Minnesota Building Code
1301	Building Official Certification
1302	State Building Code Construction Approvals
1303	Minnesota Provisions
1305	Adoption of the International Building Code
1307	Elevators and Related Devices
1309	Adoption of the International Residential Code
1311	Rehabilitation of Existing Buildings
1315	Adoption of the National Electrical Code
1322	Residential Energy Code
1323	Commercial Energy Code
1325	Solar Energy Systems
1335	Floodproofing Regulations
1341	Minnesota Accessibility Code
1346	Adoption of the International Mechanical/Fuel Gas Codes
1350	Manufactured Homes
1360	Prefabricated Structures
1361	Industrialized/Modular Buildings
1370	Storm Shelters (Manufactured Home Parks)
4714	Minnesota Plumbing Code.

- (b) The following optional chapters of Minnesota Rules, are adopted by reference:

- (1) Chapter 1306, Special Fire Protection Systems, with option Minnesota Rules, part 1306.0020, subpart 3;
- (2) Grading, appendix chapter J, 2006 International Building Code; and
- (3) Chapter 1335, Floodproofing Regulations, parts 1335.0600 to 1335.1200.

400.03. Administration. The city building official is responsible for the administration of the building code.

400.05. Licenses required. Except as otherwise provided in this section, it is unlawful to perform a work subject to the provisions of the building code unless that person is currently licensed to do so under applicable provisions of state law. Such work includes, but is not limited to, electrical installations, plumbing, gas appliance installation, high pressure steam fitting installation and elevator construction.

400.07. Permit fees.

Subd. 1. General rule. It is unlawful for any person to perform work subject to the building code for which a permit is required without having obtained such permit and paid the fees required by Crystal city code, appendix IV of the Crystal city code. The building inspector must establish a system for the issuance of required permits in accordance with the building code and Crystal city code, appendix IV.

Subd. 2. Time limits. If the construction or alteration for which a building permit was issued is not commenced within 180 days after the date of the issuance of the permit, the permit expires. Construction in R-1 and R-2 zoning districts must be completed as to the exterior appearance within 12 months of the date of issuance of a permit.

400.11. Penalties. It is unlawful for any person to erect, construct, enlarge, alter, repair, move, improve, remove, convert, or demolish, equip, use, occupy or maintain any building or structure in the city, or cause the same to be done contrary to or in violation of any provision of the state building code embodied in this section. Each day during which a violation of the building code is committed, continued or permitted, constitutes a separate offense.

400.13. Exceptions; owner-occupied single family dwellings.

Subd. 1. Buildings. Permits may be issued to make repairs, additions, replacements and alterations to the plumbing, heating or electrical systems of single family dwelling structures used exclusively for living purposes and accessory buildings thereto. All such work in connection therewith may be performed only by a person who is a bona fide owner of such dwelling and a resident therein, or a member of the owner-occupant's immediate family.

Subd. 2. Immediate family. For purposes of this subsection, the term "immediate family" means a parent, children by birth or adoption, or their spouse living in the dwelling.



Subd. 3. Other regulations. Other provisions of the building code regulating the work permitted by this subsection must be complied with.

Subd. 4. Affidavit required. When an application is made for a permit for work permitted by this subsection, the applicant must file with the building official an affidavit stating that the applicant or the member of the applicant's immediate family who is to do the work is qualified to perform it.

400.15. Certain contractors; state bond required. It shall be unlawful for any person to contract to do gas, heating, ventilation, cooling, air conditioning, fuel burning, or refrigeration work within the city without first filing a bond with the State of Minnesota as required by law.

400.17. Numbering of buildings.

Subd. 1. Numbers required. Buildings in the city are required to have address numbers in accordance with the instructions of the building official. The numbers must face, and be large enough to be read from, the street upon which the building is addressed. On lots abutting an alley, address numbers must also be placed on the building nearest the alley and meet the same requirements as for numbers facing the street. In any case where the number placed on a building is wholly or partially obscured by vegetation or other obstruction, the building official may require a freestanding sign with the building number be placed near the lot line in addition to the number placed on the building.

Subd. 2. Duties of building official; enforcement. The city building official must enforce this subsection. The city building official must give the owner or occupant of any building that does not conform with this subsection ten days written notice within which to comply with the terms of this subsection.

400.19. Enforcement; inspection. The city building official shall enforce this section, consistent with the Minnesota State Building Code, as currently adopted. The city building official may enter buildings or premises at reasonable times to inspect property or to perform the duties imposed by the building code, consistent with the Minnesota State Building Code. The city building official or an agent designated by the building official may seek warrants authorizing the inspection of property.

400.21. State electrical code.

Subd. 1. Authority. The purpose of this subsection is to establish an electrical inspections program administered and enforced by the city. The Minnesota Electrical Act, as adopted by the Commissioner of Labor and Industry pursuant to Minnesota Statutes, sections 326B.31 to 326B.399, is hereby incorporated into this subsection as if fully set out herein. The Minnesota State Building Code incorporates by reference the National Electrical Code pursuant to Minnesota Rules, part 1315.0020. All such codes incorporated herein by reference constitute the electrical code of the City of Crystal.

Subd. 2. Authority to inspect. The city hereby provides for the inspection of all electrical installations, pursuant to Minnesota Statutes, section 326B.36, subdivision 6.

Subd. 3. Compliance. All electrical installations shall comply with the requirements of the electrical code of the city and this subsection.

Subd. 4. Permits and fees. The issuance of permits and the collection of fees shall be as authorized in Minnesota Statutes, section 326B.37, and in Crystal city code, appendix IV.

Subd. 5. Notice and appeal. All notices of violations and orders issued under this subsection shall

be in conformance with Minnesota Statutes, section 326B.36, subdivision. 4.

### Section 403 – Residential Construction Management

403.01. Purpose. The construction of new one-family or two-family dwellings, and the construction of major additions to existing dwellings, can disrupt the quietude of the neighborhood, damage adjacent public infrastructure, create stormwater and erosion problems, and result in littering and other nuisances. The purpose of this section is to reduce the negative impacts associated with such construction activities.

403.03. Definitions. For the purposes of this section, the terms defined in this subsection have the meanings given them.

Subd. 1. Applicant. “Applicant” means the person or entity that applies for a building permit and that will undertake, or is otherwise responsible for, the work to construct the new construction or major addition.

Subd. 2. Building permit. “Building permit” means a permit issued by the city to construct a new one-family or two-family dwelling, or to construct a major addition to a one-family or two-family dwelling.

Subd. 3. New construction. “New construction” means the construction of a new one-family or two-family dwelling.

Subd. 4. Major addition. “Major addition” means the construction of a second story of any size or a building addition totaling 500 square feet or greater to a one-family or two-family dwelling.

Subd. 5. Residential construction. “Residential construction management agreement” means an agreement prepared by the city and entered into between the applicant for a building permit and the city that, at a minimum, identifies the specific items the applicant must take into consideration and follow during construction.

403.05. Permit.

Subd. 1. Permit issuance. Before the building official may issue a building permit for new construction or a major addition, the applicant shall comply with the following requirements:

- (a) Pre-construction meeting. The applicant shall attend a meeting with city staff to discuss code requirements and the residential construction management agreement.
- (b) Residential construction management agreement. The applicant shall complete and execute a residential construction management agreement on a form provided by the building official. The applicant is required to notify any subcontractors working on the project of the requirements of the agreement. Failure to comply with the terms of the agreement can result in a delay in construction, the issuance of a stop work order, or the initiation of other enforcement actions.

- (c) Cash escrow. The applicant shall furnish a cash escrow to the city in the amount established in the city's fee schedule. The city may draw on the cash escrow as needed to reimburse itself for the costs to repair damage to public property, install or repair erosion control measures, or to remedy code violations. If the city determines the amount of escrow provided is not sufficient to fully reimburse the city for its costs, the city may provide the applicant written notice of the need to deposit additional funds in the escrow account. The applicant shall provide the city the required additional cash escrow within 30 days of the date of the written notice. The cash escrow shall be held by the city until the final certificate of occupancy is issued for the project, at which time the remaining escrow balance will be refunded, without interest, to the applicant.
- (d) Property signage. A sign shall be posted by the applicant on the property at least five days before new construction or a major addition commences, identifying the property address, type of project such as "New Home" or "Home Addition", the applicant, and the name and working phone number for the applicant's project manager. The sign face shall be four square feet in area. The lettering on the sign shall be of a sufficient size to be, in the judgement of the building official, visible from the street. The sign shall not be placed in the public right-of-way and shall be maintained until the certificate of occupancy is issued for the project.

Section 407 – Certificate of Occupancy407.01. Certificate of occupancy.

Subd. 1. Purpose and authority. The purpose of the certificate of occupancy procedure is to provide an administrative review process to ensure compliance with Crystal city code, chapters IV and V prior to the establishment or change of any business within the city. The building official shall consider and render decisions on all applications for certificates of occupancy.

Subd. 2. Certificate of occupancy required.

- (a) No building or structure hereafter erected or moved, or that portion of an existing structure or building erected or moved shall be occupied or used in whole or in part for any purpose whatsoever until a certificate of occupancy shall have been issued by the building official stating that the building or structure complies with all of the provisions within this code.
- (b) Said certificate shall be applied for coincident with the application for a building permit and shall be issued within ten days after the building inspector shall have found the building or structure satisfactory and given final inspection.

Section 410 - Moving Buildings

410.01. Definitions. For purposes of this section, the terms defined in this subsection have the meanings given them.

Subd. 1. Building. “Building” means any structure subject to the provisions of the state building code and Crystal city code, section 400. The term also includes farm buildings and dwellings.

Subd. 2. Removal location. “Removal location” means a location in the city to which a building may properly be moved and on which such building may properly be located after such moving under the provisions of this section.

410.03. House mover’s license. It is unlawful to move, remove, raise, or hold up any building within the limits of the city without a license to do so by the city. License fees are set by Crystal city code, appendix IV. Upon the filing of an application for a house mover’s license, the application will be referred to the building official who must make an investigation of the qualifications of the applicant to carry on the work of moving, raising and holding up buildings and report findings thereon to the city council. Upon a report being filed with the city council and the execution of the required bond and its acceptance by the city council such license may be granted or refused, in the discretion of the city council. A license may not be granted to any person less than 21 years of age.

410.05. Insurance and bond. A house mover’s license may not be issued unless the applicant first files with the city clerk a policy or policies of insurance insuring the applicant against liability imposed by law in the limits of \$100,000 because of bodily injury or death of one person per accident; \$300,000 because of bodily injury to or death of two or more persons per accident, and \$100,000 property damage liability per accident. The policy must provide that it may not be cancelled by the insurer except upon notice to the city. In case of cancellation of such insurance the license will be automatically suspended until the insurance has been replaced. A license may not be granted until the party applying therefor has given a bond in the sum of \$3,000 with good and sufficient sureties to be approved by the city attorney and the city council, and conditioned that the party will save, indemnify and keep harmless, the city against all liabilities, judgments, costs and expenses, that in any way accrue against the city in consequence of the granting of the license, including the cost of the city for the services of public utility maintenance personnel necessitated by the moving of any building, and will comply with the provisions of this section and with the conditions of any permits which may be issued to them.

410.07. Building moving permit.

Subd. 1. Prohibition. It is unlawful for a licensed house mover to move a building over, along or across any highway, street or alley in the city without first obtaining a building moving permit from the building safety division.

Subd. 2. Application. A person seeking issuance of a permit must file an application with the building safety division on forms provided by the building safety division. The application must set forth the following information:

- (a) A description of the building proposed to be moved, giving street number, construction materials, dimensions, number of rooms and condition of exterior and interior, and photographs, showing ground and street elevations;

- (b) A legal description of the premises from which the building is to be moved;
- (c) A legal description of the premises to which it is proposed the building be moved, if located in the city;
- (d) The portion of the premises to be occupied by the building when moved if located in the city;
- (e) The highways, streets and alleys over, along or across which the building is proposed to be moved; and
- (f) The proposed moving date and hours; and any additional information which the department finds necessary to make a determination of whether a permit should be issued.

Subd. 3. Filing date of application. The application for a building moving permit must be made at least 30 days prior to the proposed moving date in order to allow the departmental personnel to make the inspection required.

Subd. 4. Certificate of non-encumbrance. The owner of the building to be moved must file with the application sufficient evidence that the building and lot from which it is to be removed are free of any mortgages, liens or other encumbrances and that all taxes and any other charges against the real and personal property are paid in full.

Subd. 5. Certificate of ownership or entitlement. The applicant must file with the application a written statement or bill of sale or other sufficient evidence that the applicant is entitled to move the building.

Subd. 6. Permit fee. The application must be accompanied by the permit fees required by Crystal city code, appendix IV of this code together with a sufficient sum, as estimated by the building inspector, to cover all other charges required under the terms of this section.

#### 410.09. Deposit for expense.

Subd. 1. Amount. Upon receipt of an application for a building moving permit, the department will compute an estimate of the expenses that will be incurred in removing and replacing any electric wires, street lamps or pole lines belonging to the city or any other property of the city, the removal and replacement of which will be required by reason of the moving of the building through the city, together with the cost of materials necessary to be used in making such removals or replacements. Prior to issuance of the permit the building official will require of the applicant a deposit of a sum of money equal to the amount of the estimated expenses.

Subd. 2. Accounting. After the building has been removed, the building safety division must furnish the city clerk with a written statement of all expenses incurred in removing and replacing all property belonging to the city and of all material used in the making of the removal and replacement together with a statement of all damage caused to or inflicted upon property belonging to the city. If any wires, poles, lamps or other property are not located in conformity with this code, the permittee is not liable for the cost of removing them. The city clerk may authorize the building safety division to return to the applicant all deposits after the deduction of a sum sufficient to pay for all of the costs and expenses and for all damage done to property of the city by reason of the removal of the building. Permit fees deposited with the application will not be returned.

Subd. 3. Expenses above deposit. The permittee is liable for any expense, damage or costs in excess of deposited amounts or securities. The city attorney must prosecute an action against the permittee in a court of competent jurisdiction for the recovery of such damages, costs or expenses.

Subd. 4. Unsafe premises. The city will do the work necessary to leaving the original premises in a safe and sanitary condition if the permittee does not comply with the requirements of this section. The cost thereof will be charged against the house mover's deposit.

#### 410.11. Duties of building official.

Subd. 1. Powers. The building official has the powers and duties enumerated in this subsection in connection with building moving.

Subd. 2. Inspection. The building official must inspect the building, wherever located, and the applicant's equipment to determine whether the standards for issuance of a permit are met.

Subd. 3. Standards. The building official must refuse to issue a permit if it is found that:

- (a) Any application requirement or any fee or deposit requirement has not been complied with;
- (b) The building is too large to move without endangering persons or property in the city;
- (c) The building is in such a state of deterioration or disrepair or is otherwise so structurally unsafe that it could not be moved without endangering persons and property in the city;
- (d) The building is structurally unsafe or unfit for the purpose for which moved, if the removal location is in the city;
- (e) The applicant's equipment is unsafe and that persons and property would be endangered by its use;
- (f) Zoning regulations or other portions of this code would be violated by the building in its removal location;



- (g) For any reason persons or property in the city would be endangered by the moving of the building;
- (h) The building to be moved is not worth at least 50% of the cost of a similar new building;  
or
- (i) The building in its removal location would fail to comply in any respect with any provision of this code or that proper assurances of future compliance have not been given.

Subd. 4. Permit fees and deposits. The department must deposit all fees and deposits with the city in the same manner as all other receipts to the city are deposited. If the building official refuses to issue the permit, all deposits, bonds and insurance policies will be returned to the applicant. Permit fees filed with the application will not be returned.

Subd. 5. Designate streets for removal. The department must obtain from the director of public works a list of designated streets, railroad crossings and bridges over which the building may be moved. The list must be approved by the chief of police and reproduced on the permit. In making their determinations, the director and the chief must assure maximum safety to persons and property in the city and minimize congestion and traffic hazards on public streets.

#### 410.13. House mover's duties.

Subd. 1. General. Permittees under this section must conform to the provisions of this subsection.

Subd. 2. Designated streets. The permittee must move a building only over streets designated for such use in the written permit.

Subd. 3. Changes. The permittee must notify the building inspector in writing of a desired change in moving date and hours as proposed in the application.

Subd. 4. Damage. The permittee must notify the building inspector of any and all damage done to property belonging to the city within 24 hours after the damage or injury has occurred.

Subd. 5. Warning signals. The permittee must display red lights on every side of the building during the nighttime and red flags during the daytime while building is being moved or standing on a street, in such manner as to warn the public of the obstruction, and must where necessary erect and maintain barricades across the streets in a manner to protect the public from damage or injury by reason of the removal of the building.

Subd. 6. Time limit. The permittee must remove the building from the city streets after four days of presence thereon, unless an extension is granted by the department.

Subd. 7. Other provisions. The permittee must comply with the building code, the zoning regulations, and all other applicable portions of this Crystal city code.

Subd. 8. Police protection. The permittee must pay the expense of a traffic officer, ordered by the chief of police, to accompany the movement of the building to protect the public from injury at the rate specified in Crystal city code, appendix IV.

Subd. 9. Restoration of premises. The permittee must remove all rubbish and materials and fill all excavations to existing grade at the original building site, when located in the city, so that the premises are left in a safe and sanitary condition.

410.15. Miscellaneous building moving conditions.

Subd. 1. Other requirements. In addition to other provisions of this section, the provisions of this subsection apply to the moving of buildings within the city.

Subd. 2. Land covenants. Where the removal location of any building is known by the building official to be subject to any restrictive covenants of record, the building official must not issue a permit under the provisions of this section until satisfied that all of the terms and conditions of the covenants have been complied with.

Subd. 3. Neighborhood conformity. A permit may not be issued unless the building official is satisfied that the building moved will in its removal location conform to the general character and to the type of architecture of the neighborhood.

Subd. 4. Non-interference. This section does not affect, abrogate, or annul any easement, covenant, or other agreement between parties. If this section imposes a greater restriction than is imposed by any other ordinance, rule, regulation, or by easements, covenants, or agreements, the provisions of this section control.

Subd. 5. Additional fees. The applicant must pay, in addition to all other required fees, an additional fee for mileage traveled by each inspector of the building safety division in making any inspection under the provisions of this section or any other ordinance of the city computed from the city hall to the site, location or premises where an inspection is to be made, together with an hourly fee for each inspector for the time spent in connection with the inspection. The charges are computed at the rates specified in Crystal city code, appendix IV.

### Section 415 - Grading

415.01. Grading. Appendix J (Grading) of the 2012 International Building Code, adopted by reference in Crystal city code, chapter IV, is amended by adding the following: “The building official may require a person proposing a grading project, defined as any excavation or filling or combination thereof, to submit a detailed grading plan. The building official’s determination of whether the proposed grading project requires a permit under this section is final.”

415.03. Fees. The fees for grading permits are set by Crystal city code, appendix IV.

415.05. Permits. Notwithstanding Appendix chapter J (Grading), of the 2006 International Building Code, grading permits are granted by the city council. The city council may impose reasonable conditions on the permittee including the posting of a suitable bond or other security.

415.07. Compliance; penalty. It is unlawful for a person to fail to:

- (a) Secure a required grading or excavation permit;
- (b) Comply with the conditions of that permit;
- (c) Complete the excavating or grading in the time or extension of time prescribed by the permit; or
- (d) Act in accordance with the requirements of the permit or this code.

415.09. Suspension. The building official may suspend the permit and order the permittee to comply with the terms and conditions of the permit within ten days. No work other than that necessary to comply with the building official’s order may be performed during the compliance period.

415.11. Revocation. The city council may, on the recommendation of the building official, revoke a grading permit for violation of this section or to otherwise protect the public health and safety.

Section 425 – Property maintenance code

425.01. Short title. This section may be cited as “The city of Crystal property maintenance code”, or the “property maintenance code.”

425.03. Policy; purpose; objectives; intent.

Subd. 1. Policy. It is the policy of the city to enhance the supply of safe, sanitary and adequate housing for its citizens and to prevent the deterioration of property in the city, including buildings, other structures, site improvements, and landscaping.

Subd. 2. Purpose. The purpose of the property maintenance code is to carry out the policy stated in subdivision 1 by establishing minimum standards and procedures for its enforcement for the protection of life, limb, health, property, safety, and welfare of the general public and the owners and occupants of buildings and property.

Subd. 3. Objectives. The objectives of this property maintenance code include, but are not limited to, the following:

- (a) Protection and preservation of the stability, quality and character of all areas and structures in the city;
- (b) The prevention and correction of conditions that adversely affect or are likely to adversely affect the life, safety, and general welfare and health, including the physical, mental and social well-being of persons occupying or utilizing structures in the city;
- (c) The establishment of minimum standards for light, ventilation, cooling, heating and sanitary equipment necessary to insure health and safety;
- (d) The establishment of minimum standards for the maintenance of property, and thus to prevent deterioration and blight;
- (e) The prevention of overcrowding of dwellings by providing minimum space standards per occupant for each dwelling unit; and
- (f) The preservation of the value of land and buildings in the city.

Subd. 4. Intent; relation to the provisions of city code. The city council intends that the property maintenance code be an integral part of the city's program of health, safety, building, and land use regulation. This property maintenance code is to be construed liberally in conjunction with other provisions of the Crystal city code to give effect to the policy, purpose, and objectives of this section, but is not to be construed to modify, amend or otherwise alter the provisions of the Crystal city code relating to health, safety, building, or land use regulation.

Subd. 5. General requirements.

- (a) The requirements of this property maintenance code shall apply to all buildings, structures and property within the city.
- (b) All buildings and portions of buildings, including mechanical, electrical, plumbing and other building systems, previously constructed or installed in accordance with the city and state codes, must be maintained in conformity with the requirements of the codes in effect at the time of construction or installation.
- (c) State statutes and codes that apply to or affect existing buildings are considered part of the code.
- (d) Specific requirements of other sections of this property maintenance code, including, but not limited to, zoning, fire and nuisances, shall supersede the general requirements of Crystal city code, section 425.
- (e) In cases where a conflict may occur between requirements of this section or other codes, the requirements providing the greatest degree of life safety, property maintenance and general welfare to the city shall govern.
- (f) Every section, provision, or part of this property maintenance code is declared separable from every other section, provision, or part to the extent that if any section, provision, or part of this property maintenance code shall be held invalid by a court of law, it shall not invalidate any other section, provision, or part thereof.

425.05. Adoption of international property maintenance code by reference.

Subd. 1. Code adopted. The International Property Maintenance Code, 2015 edition, as published by the International Code Council and as it may be amended, is adopted as the property maintenance code of the city, for the control of buildings, structures and property as provided in this section, and each and all of the regulations, provisions, penalties, conditions and terms of such code are referred to, adopted and made a part of this section as if fully set out in this section, with the additions, insertions, deletions and changes as set forth in Crystal city code, subsection 425.05, subdivision 2 "Revisions."

Subd. 2. Revisions. The following sections of the International Property Maintenance Code, 2015 edition, are revised as provided in this subdivision.

- (a) Section 101.1. Title. Amended to read: These regulations shall be known as the property maintenance code of the city of Crystal, hereinafter referred to as property maintenance code.
- (b) Section 102.3. Application of other codes. Amended to read: Repairs, additions or alterations to a structure or changes of occupancy shall be done in accordance with the procedures and provisions of the Minnesota State Building Code and the Crystal city code.
- (c) Section 102.7. Referenced codes and standards. Amended to read: All references to other codes or standards within this property maintenance code shall mean the applicable provision of the Crystal city code or Minnesota State Building Code, whichever is the most restrictive requirement permitted under statute.
- (d) Section 103.2. Appointment. Delete entire section and amend to read: The city manager or the manager's designee shall be the code official responsible for the administration and enforcement of this code.
- (e) Section 103.5. Fees. Amended to read: The fees for activities and services performed by the city in carrying out its responsibilities under this Crystal city code are established in Crystal city code, appendix IV.
- (f) Section 111. Means of appeal. Delete entire section and amend to read:
  - (1) Appeals. Appeals of correction or compliance orders issued by the city pursuant to the property maintenance code are governed by and subject to the provisions of Crystal city code, section 306.
  - (2) Penalties. Any person who fails to comply with a correction or compliance order after right of appeal has expired, and any person who fails to comply with a modified correction or compliance order within the time set therein, and any person who violated any of the provisions of this property maintenance code by doing any act or omitting to do any act that constitutes a breach of any section shall be subject to administrative citations and civil penalties contained in Crystal city code, subsections 306.07 through 306.17.

- (3) Alternative sanctions. In the case of commercial facilities and rental dwellings that require licensing, said licensing may be revoked or renewal withheld until compliance with this property maintenance code in accordance with licensing provisions contained in Crystal city code, subsection 1005.21.
  - (4) Execution of correction or compliance order by public authority. Upon failure to comply with a correction or compliance order within the time set therein and no appeal having been taken, or upon failure to comply with a modified correction or compliance order within the time set therein, the city may cause the cited deficiency to be remedied as set forth in Crystal city code, section 306.
- (g) Section 202. General definitions. Amended by adding:
- (1) “Occupied” for dwelling units means occupied areas will include those areas designated and utilized as habitable space, as well as non-habitable spaces that are easily accessible and normally utilized by the occupants. For nonresidential facilities, occupied areas will include all areas utilized in the operation of whatever use occupies the building.
  - (2) “Unsanitary” as applied to a structure means failure to maintain healthy conditions and liable to be a danger or hazard to the health of persons occupying or frequenting it, or to the public, if such danger arises from the methods or materials of construction, or from equipment installed therein for the purposes of lighting, heating, ventilation, or plumbing, or from existing conditions liable to cause rat infestation, vermin infestation, accumulation of trash or debris in the building, yards or accessory structure on the premises or from mold-causing conditions. Same as unsanitary.
- (h) Section 302. Exterior Property Areas. Amended by adding an amended Section 302.3, and adding Sections 302.10, 302.11 and 302.12, to read:
- (1) Section 302.3. Sidewalks and driveways. All sidewalks, walkways, stairs, driveways, parking spaces and similar areas shall be kept in a proper state of repair, and maintained free from hazardous conditions. All driveways and lawful auxiliary spaces shall be hard-surfaced with bituminous or concrete pavement in accordance with standards approved by the city engineer. Alternative hard-surfacing such as pavers may be approved on a case-by-case basis by the city engineer upon a determination that the standards of Crystal city code, subsection 515.17, subdivision 4(g)(8) can be met. Any non-hard-surfaced driveways existing at the time of inspection for rental license shall be hard-surfaced within 180 days of issuance of a rental license, whether new or renewal.

- (2) Section 302.10. Removal of snow and ice. The owner of an apartment or commercial building shall be responsible for the removal of snow and ice from parking lots, driveways, steps and walkways on the premises within 24 hours of the cessation of the snowfall causing the accumulation.
- (3) Section 302.11. Illumination. The owner of a multiple occupancy building shall be responsible for providing and maintaining illumination in all exterior parking lots and walkways with provisions to control glare affecting surrounding properties.
- (4) Section 302.12. Landscaping in yards and setbacks. The owner of any building shall be responsible for providing and maintaining landscaping in all yards and/or setbacks and all areas not designated for buildings, circulation, parking or storage on the premises.
- (i) Section 304.13. Window, skylight and doorframes. Amended by adding section 304.13.3. Storm windows.
  - (1) Section 304.13.3. Storm windows. All operable windows with a single layer of glass must be provided with tight fitting storm windows. Storm windows may be temporarily removed to allow for the installation of screens during periods of warm weather.
- (j) Section 304.14. Insect screens. Insert: June 1 to September 1.
- (k) Section 304.15. Doors. Amended by adding section 304.15.1. Apartment security system.
  - (1) Section 304.15.1. Apartment security system. For the purpose of providing a reasonable amount of safety and general welfare for persons occupying apartment dwellings, an approved security system shall be maintained for each apartment building to control access. The security system shall consist of locked building entrance or foyer doors and lock doors leading from hallways into individual dwelling units. Dead-latch type door locks shall be provided with lever knobs (or doorknobs) on the inside of the building entrance doors and with key cylinders on the outside of building entrance doors. Building entrance door latches shall be of a type that is permanently locked from the outside and permanently unlocked from the inside.



- (l) Section 402. Light. Amended by adding Section 402.4.
  - (1) Section 402.4. Convenience switches. A convenience switch or equivalent device for turning on a light in each dwelling unit shall be located near the points of entrance to such unit.
- (m) Section 404.5 Overcrowding. Amended to read as follows: In order to prevent conditions that endanger the life, health, safety or welfare of the occupants, no dwelling unit shall be permitted to be overcrowded. A dwelling unit shall be considered overcrowded if there are more residents than one plus one additional resident for every 150 square feet of gross floor area of finished space in the dwelling unit. For the purposes of this section, finished space excludes kitchens, bathrooms and utility rooms.
- (n) Section 505.1. General. Delete all references to the “International Plumbing Code” and replace with “Minnesota State Building Code.”
- (o) Section 602.2. Residential occupancies. Delete the reference to Appendix D of the “International Plumbing Code” and replace with “Minnesota State Building Code.” Also, delete 65° F (18° C) and replace with 68° F (20° C).
- (p) Section 602.3. Heat supply. Insert: September 1 to June 1 and delete 65° F (18° C) and replace with 68° F (20° C). Delete the reference to Appendix D of the “International Plumbing Code” and replace with “Minnesota State Building Code.”
- (q) Section 602.4. Occupiable workspace. Insert: September 1 to June 1 and delete 65° F (18° C) and replace with 68° F (20° C).
- (r) Section 604.2. Service. Delete the reference to the “ICC Electrical Code” and replace with “Minnesota State Building Code.”
- (s) Section 702. Means of egress. Delete all references to the “International Building Code” and replace with “Minnesota State Building Code.”
- (t) Chapter 8. Referenced standards. Amended to read: All references to other code standards within this code shall mean the applicable provision of Crystal city code or Minnesota State Building code, whichever is the most restrictive requirement permitted under statute.

Subd. 3. Copy on file. One copy of the International Property Maintenance Code, together with a copy of this code, each marked “official copy”, must be kept on file in the office of the city clerk and available for public inspection. The city clerk and the building official must keep a reasonable number of additional copies of the International Property Maintenance Code and this property maintenance code available for use and inspection by the public at reasonable times.

#### 425.07. Definitions.

Subd. 1. General. For purposes of this section, the terms defined in this subsection have the meanings given them.

- (a) “Apartment” means a community, complex, or building having a common owner and containing four or more living units.
- (b) “Code” or “this code” means the property maintenance code; “city code” means the Crystal city code of ordinances; “building code” means Crystal city code, chapter IV; “zoning code” means the Crystal city code, section 515.
- (c) “Common areas” means halls, corridors, passageways, utility rooms, recreational rooms and extensive landscaped areas, not under the exclusive control of one person or family, in or adjacent to an apartment dwelling.
- (d) “Dwelling” means a building or a portion of a building designed for residential occupancy: the term includes single-family, two-family, three-family and apartment dwellings but does not include hotels, motels, nursing homes and boarding houses.
- (e) “Dwelling unit” means a single-family dwelling or a discrete portion of a dwelling designed for occupancy by one family.
- (f) “General housing unit” means a dwelling unit other than an apartment, including but not limited to those within a townhouse, condominium, double bungalow, single-family, two-family or three-family building.
- (g) “Gross floor area” means the sum of the gross horizontal areas of the several floors of such building or buildings measured from the exterior or from the centerline of party walls separating two buildings. Basements devoted to storage and space devoted to off-street parking shall not be included.

- (h) “Housing official” means the city officer or officers in the community development department designated by the city manager to administer this code.
- (i) “Let for Occupancy” or “To Let” means to permit possession or occupancy of a dwelling or living unit by a person who is not the legal owner of record thereof, pursuant to a written or unwritten lease, or pursuant to a recorded or unrecorded agreement whether or not a fee is required by the agreement.
- (j) “Living unit” means a single unit providing complete, independent living facilities for one or more persons including permanent provisions for living, sleeping, eating, cooking and sanitation.
- (k) “Nonresident owner” means an owner who does not reside in any of the following Minnesota counties: Hennepin, Ramsey, Anoka, Carver, Chisago, Dakota, Isanti, Scott, Sherburne, Washington or Wright.
- (l) “Occupant” means any person living or sleeping in a dwelling; or having possession of a space within a dwelling.
- (m) “Owner”, means any person, firm or corporation who alone or jointly or severally with others is in actual possession of a dwelling or dwelling unit in the city as owner.
- (n) “Rent” means to let for occupancy or to let.
- (o) “Rental dwelling” means any apartment or general housing unit let for occupancy, or any apartment or general housing unit occupied by someone other than the owner of record regardless of familial relationship or whether rent or other compensation is paid to the owner.
- (p) “Repair” means to restore to a sound acceptable state of operation, serviceability or appearance.
- (q) “Replace” means to remove an existing item or portion of a system and to construct or install a new item of similar or new quality as an existing item when repair of the item is impractical.
- (r) “Resident agent” means an authorized representative of a nonresident owner who resides in one of the following Minnesota counties: Hennepin, Ramsey, Anoka, Carver, Chisago, Dakota, Isanti, Scott, Sherburne, Washington, or Wright.

Subd. 2. Code official. The term “code official” where the term is used in the International Property Maintenance Code means the housing official.

Subd. 3. Relation to other code definitions. Except as expressly provided in this code, words, terms, and phrases used in this code have the meanings given them by the Crystal city code. In cases where conflicting definitions of a word, term, or phrase make its precise meaning unclear in its application to particular facts, the housing official is authorized to resolve the conflict subject to the provisions of Crystal city code, subsection 425.27 relating to appeals.

#### 425.09. Application.

Subd. 1. General. This property maintenance code applies to buildings, their premises, accessory structures thereto, and dwelling units therein or thereon, used or designed to be used for human habitation.

Subd. 2. Existing buildings. A building lawfully existing under the building code must conform to this property maintenance code. A building need not be altered or changed to exceed the requirements of the building code in effect at the time of its construction, except in the following cases:

- (a) If the building is altered or enlarged pursuant to the building code;
- (b) If the building is moved or relocated; or
- (c) If the building is determined to be unsafe or hazardous by the building inspector pursuant to applicable codes and ordinances.

Occupancy in buildings lawfully existing under the building code may be continued under this property maintenance code.

#### 425.11. Duties of owners and occupants.

Subd. 1. Sanitation. The occupant of a general housing unit must maintain in a clean and sanitary condition that part of the unit and yard that the occupant occupies and controls; and is responsible for the occupant’s own misuse of areas and facilities available in common. The owner of an apartment must maintain in a clean and sanitary condition the shared or public areas of the apartment and yard. The occupant of a general housing unit or apartment must keep all supplied facilities, including plumbing fixtures and cooking equipment, in a clean and sanitary condition and is responsible for the exercise of reasonable care in their proper use and operation.

Subd. 2. Removal of waste matter and recyclable materials. The occupant of a general housing unit must dispose of rubbish, ashes, garbage and other organic waste in a clean and sanitary manner as provided by Crystal city code, section 605. The owner of an apartment is responsible for the clean and sanitary maintenance of common storage or disposal facilities and must dispose of rubbish in a clean and sanitary manner as provided in Crystal city code, section 605. The owner of an apartment containing more than eight units must comply with the requirements of Crystal city code, subsection 650.19.

Subd. 3. Pest extermination. The occupant of a single dwelling unit is responsible for the extermination of vermin infestations or rodents on the premises. The occupant of a dwelling unit in a building containing more than one dwelling unit is responsible for such extermination when the dwelling unit is infested. When infestation is caused by the failure of the owner or occupant to maintain a building containing dwelling units in a reasonably rodent-resistant or reasonably vermin-resistant condition, pest extermination is the responsibility of the owner. After extermination, it is the responsibility of the owner or occupant, as the case may be, to correct such maintenance or other problems as designated by appropriate city officials to eliminate the source of the infestation. If infestation exists in two or more dwelling units in any residential structure, or in the shared or public parts of any residential structure containing two or more dwelling units, pest extermination is the responsibility of the owner.

Subd. 4. Heat. The owner of a building containing two or more dwelling units must supply facilities capable of providing adequate heat to every habitable room therein; for the purposes of this subdivision “adequate heat” means heat sufficient to maintain a temperature of 68° F (20° C) at a height of three feet above the floor in all habitable rooms, bathrooms, and water closet compartments.

Subd. 5. Utilities. Except as otherwise provided by law, an owner or occupant may not cause service equipment or utility service that is required by this code to be removed, shut off or discontinued for any occupied dwelling let or occupied by that person, except for such temporary interruption as may be necessary while actual repairs or alterations are in process or during temporary emergencies.

Subd. 6. Notice of maximum occupancy. An owner must advise the occupant, in writing, by insertion in the lease between the parties or otherwise, of the maximum number of occupants permitted in occupied premises subject to this code.

#### 425.15. Administration, enforcement; inspection.

Subd. 1. Administration and enforcement. The housing official is responsible for the administration and enforcement of this property maintenance code.

Subd. 2. Compliance. When the housing official determines that there exists in a building or a portion thereof conditions that constitute a violation of this property maintenance code, the housing official may begin enforcement procedures set forth in Crystal city code, section 306.

425.17. Licensing of rental units.

Subd. 1. General rule. It is unlawful to operate a rental dwelling without first having obtained a license, except for properties exempt under subdivision 2 of this subsection. The license is issued each year and expires on the anniversary date of issuance.

Subd. 2. Exemptions. The following properties are exempt from having to obtain a rental license from the city:

- (a) Properties that have applied for and received Relative Homestead status for property tax purposes; or
- (b) Properties that are exempt from property taxes under Minnesota Statute, section 272.02 because they are a church parsonage.

Subd. 3. Application. This subsection establishes minimum standards for maintaining rental properties; i.e., general housing units, apartments, dwellings, dwelling units, accessory structures and related premises. A building and its premises used in whole or in part as a home or residence, or as an accessory structure thereto, for a single family or person, and a building used in whole or in part as a home or residence of two or more persons or families living in separate units must conform to the requirements of this subsection without regard to when the building may have been constructed, altered, or repaired. This subsection is intended to provide standards for licensed rental housing and to provide standards to allow resolution of violations of this property maintenance code.

Subd. 4. License fees. For license renewals, license fees are due no later than 60 days prior to the license expiration date. For general housing units or apartments intended for rental for which a license was not issued for the previous year, license fees must accompany the completed license application. License fees are set in Crystal city code, appendix IV. An application to renew a license submitted within 60 days from the date of expiration shall be subject to the following penalty surcharge amounts:

<u>Period Submitted</u>	<u>Penalty Surcharge</u>
59 to 50 days prior to expiration date	None
49 to 40 days prior to expiration date	25% of license fee
39 to 30 days prior to expiration date	50% of license fee
Within 30 days prior to expiration date	100% of license fee

Subd. 5. Conditions. A license is nontransferable. The license fee is not refundable upon revocation or suspension.

Subd. 6. Application; information. Applications for a license or renewal of a license must be made by the owner of a rental dwelling. Application forms are filed with the city, accompanied by the applicable fee. The applicant must provide:

- (a) Name, street address (a post office box number is not acceptable), email address, and telephone number of dwelling owner, owning partners if a partnership, corporate officers if a corporation;
- (b) Name, address, email address, and telephone number of designated resident agent, if any;
- (c) Name, address, email address, and telephone number of vendee, if the rental dwelling is being sold through a contract for deed;
- (d) Legal address of the rental dwelling;
- (e) Number of rental dwelling units within the structure;
- (f) Description of procedure by which tenant inquiries and complaints are handled by the owner; and
- (g) For properties with multiple owners, the names, street addresses and telephone numbers of all owners, one of whom must be designated as the primary contact.

Subd. 7. Notice of change. The licensee shall give notice in writing to the housing official within five business days after any change of the information in the application. Notice of transfer of ownership is governed by subdivision 13 of this subsection.

Subd. 8. Resident agent required. An operating license will not be issued or renewed for a nonresident owner of rental dwellings unless the owner designates in writing the name of a resident agent who is responsible for maintenance and upkeep and to institute remedial action to effect remediation of such orders on behalf of the owner. The housing official must be notified in writing by the owner of a change of resident agent.

Subd. 9. Conformance to laws. A license will not be issued or renewed unless the rental dwelling and its premises conform to this subsection, the ordinances of the city and the laws of the state of Minnesota.

Subd. 10. Inspection condition. A license will not be issued or renewed unless the owner of the rental dwelling agrees in the application to permit inspections pursuant to subdivision 18.

Subd. 11. Issuance of license following inspection. A rental license shall be issued in instances where no compliance orders are identified by the housing official for a rental dwelling unit. A conditional rental license shall be issued in instances where compliance orders have been identified and a copy of the orders provided to the owner. Compliance orders shall be provided to the owner within fifteen days after gaining access to the interior of all structures for the purpose of conducting the inspection. The owner of the property for which a conditional license is issued shall have a maximum of 60 days from the date of the inspection to make the necessary corrections and request reinspection for compliance. The conditional license may be revoked automatically by the city if the compliance orders have not been completed and verified as such by a reinspection within 60 days of the date of the initial inspection.

Subd. 12. Posting of license. The licensee of a building containing three or more rental dwellings must post the current license in a conspicuous location in the main entry in a frame with a glass or plastic cover. Every owner of a single-family or two-family rental dwelling must post the license issued by the city in a conspicuous location.

Subd. 13. Transfer. The licensee must give notice in writing to the housing official within five business days after having legally transferred or otherwise disposed of the effective control of licensed rental dwelling. The notice must include the name and address of the person succeeding to the ownership or control of the rental dwelling or dwellings. For purposes of this subsection the term “effective control” means that control exercised over property by a business proprietor, whether as owner or lessee or by an owner or lessee of other property.

Subd. 14. Occupancy register required. The owner of a licensed rental dwelling containing one or more dwelling units must keep a current register of occupancy for each dwelling unit. The register must be available for viewing or copying by the housing official at reasonable times and at the scheduled time of the annual inspection. The register must provide the following information:

- (a) Dwelling unit address;
- (b) Number of bedrooms in dwelling unit;
- (c) Names of adult occupants and number of adults and children (under 18 years of age) currently occupying the dwelling units;



- (d) Dates renters occupied and vacated dwelling units;
- (e) A chronological list of complaints and requests for repair by dwelling unit occupants, which complaints and requests are related to the provisions of this section; and
- (f) A similar chronological list of corrections made in response to requests and complaints.

Subd. 15. License suspension or revocation. An operating license is subject to suspension, denial, or revocation by the city council if the licensed owner fails to operate or maintain licensed rental dwellings and units therein consistent with this section and the law. If an operating license is suspended or revoked by the city council in accordance with Crystal city code, subsections 1005.21 through 1005.23, it shall be unlawful for the owner to permit occupancy of a rental dwelling until a valid operating license is issued by the city council. Issuance of a new license after suspension, denial or revocation shall be made in the manner set forth in this section, but only after the housing official determines that the applicant/owner has remedied the conditions identified by the city council as the basis for its action, and only after the applicant/owner has appeared before the city council to formally request approval of the license application. The license application must be accompanied by all fees required by this section.

Subd. 16. License expiration or non-renewal. If a rental license expires and/or is not renewed, it shall be unlawful for the owner or owner's agent to thereafter permit the occupancy of the then vacant, or thereafter vacated, rental dwelling until such time as a valid rental license is obtained. In instances where the rental dwelling is occupied beyond the license expiration date and application for a license is subsequently submitted to the city, the application fee shall be doubled.

Subd. 17. Posted to prevent occupancy. Whenever a rental dwelling is occupied without having first been issued a rental license, or any initial or renewal application for a rental license has been denied, or a rental license has been revoked, suspended, or not renewed, the rental dwelling shall be posted by the housing official, and no person shall reside in, occupy, or cause to be occupied that rental dwelling until permitted by the housing official. No person other than the housing official shall remove or alter any posting.

Subd. 18. Enforcement; inspection authority. The housing official administers and enforces the provisions of this subsection. The housing official may inspect upon receiving a complaint, change in ownership, or otherwise when reason exists to believe that a violation of this subsection has been or is being committed. If the city finds that the circumstances of the occupancy following the issuance of the license involve possible code violations, substandard maintenance, or abnormal wear and tear, the city may re-inspect the premises during the licensing period. The housing official may seek warrants authorizing the inspection of property. Inspections must be conducted during reasonable daylight hours. The housing official must present evidence of official authority to the occupant in charge of a licensed rental dwelling.

Subd. 19. Inspection access. If an owner, occupant, or other person in charge of a rental dwelling licensed under this section fails or refuses to permit free access and entry for inspection purposes, the housing official may, upon a showing of probable cause, obtain orders from a court of competent jurisdiction for the inspection.

Subd. 20. Administrative fees. An administrative fee may be charged in instances where the property owner or resident agent fail to appear for a scheduled inspection or fail to contact the city to reschedule an inspection less than twenty-four hours prior to the scheduled inspection time.

425.19. Minimum requirements; implementation standards; policies.

Subd. 1. Minimum requirements. The minimum requirements imposed by this Crystal city code include: those standards or requirements in effect on the date of the construction of a building subject to this Crystal city code; the 2006 International Property Maintenance Code as amended; and imminent hazards including, but not limited to, the following:

- (a) Heating systems that are unsafe due to: burned out or rusted out heat exchangers (fire box); burned out or plugged flues; not being vented; being connected with unsafe gas supplies; or being incapable of adequately heating the living space;
- (b) Water heaters that are unsafe due to: burned out or rusted out heat exchangers (fire box); burned out, rusted out, or plugged flues; not being vented; being connected with unsafe gas supplies; or lack of temperature and pressure relief valves;
- (c) Electrical systems that are unsafe due to: dangerous overloading; damaged or deteriorated equipment; improperly tapped or spliced wiring; exposed, uninsulated wires; distribution systems of extension cords or other temporary methods; ungrounded systems; ungrounded appliances in contact with earth;
- (d) Plumbing systems that are unsanitary due to: leaking waste systems fixtures and traps; lack of a water closet; lack of washing and bathing facilities; or cross connection of pure water supply with fixtures or sewage lines;
- (e) Structural systems, walls, chimneys, ceilings, roofs, foundations, and floor systems, that will not safely carry imposed loads;

- (f) Refuse, garbage, human waste, decaying vermin or other dead animals, animal waste, other materials rendering it unsanitary for human occupancy, including lack of light and air; or
- (g) Infestation of rats, insects, and other vermin.

Subd. 2. Implementation policies. The city council, upon recommendation of the city manager, will adopt by resolution policies and guidelines for the implementation and administration of this code. These policies and guidelines must include, but are not limited to, standards and guidelines relating to:

- (a) Procedures for housing inspections;
- (b) Proper disposition of information gathered in connection with housing inspections;
- (c) Conditional occupancy of housing during periods needed for compliance;
- (d) Methods of encouraging the correction of deficiencies by cooperation between owner and proposed and current occupants; and
- (e) Ongoing training and education for owners of rental dwellings and city housing official.

425.21. Conduct on licensed premises.

Subd. 1. Conduct on licensed premises. It is the responsibility of the owner or licensee to prevent conduct by tenants or their guests on the licensed premises that cause the premises to constitute a disorderly property under Crystal city code, section 630. If the licensed premise constitutes a disorderly property, the rental license issued to the premises may be revoked, suspended, denied, or not renewed as provided in Crystal city code, section 630.

- (a) Crystal city code, sections 2010 (public nuisances), 605 (garbage and refuse) and 635 (litter).
- (b) Crystal city code, section 645 (noise control).
- (c) Crystal city code, section 910 (dog control, animals) and Minnesota Statutes, sections 609.226 and 347.56 relating to dangerous dogs.

- (d) Crystal city code, section 930 (drug abuse and control) or laws relating to the possession of controlled substances, unlawful sale or possession of small amounts of marijuana, and possession or use of drug paraphernalia as defined in Minnesota Statutes, sections 152.01 et seq.
- (e) Crystal city code, subsection 2005.01 (disorderly conduct) or laws relating to disorderly conduct as defined in Minnesota Statutes, section 609.72.
- (f) Crystal city code, Chapter XII (sale, consumption and display of liquor and beer) or laws relating to the sale of intoxicating liquor as defined in Minnesota Statutes, sections 340A.701, 340A.702, or 340A.703.
- (g) Laws relating to prostitution or acts relating to prostitution as defined in Minnesota Statutes, sections 609.321, subdivision 9 and 609.324, housing individuals engaged in prostitution.
- (h) Crystal city code, sections 935 (gun control) and 945 (use of firearms) or laws relating to unlawful use or possession of a firearm as defined in Minnesota Statutes, sections 609.66 et seq., on the licensed premises.
- (i) Laws relating to assault as defined in Minnesota Statutes, sections 609.221, 609.222, 609.223, 609.2231, and 609.224, excluding domestic assaults.
- (j) Laws relating to contributing to the need for protection or services or delinquency of a minor as defined in Minnesota Statutes, sections 260C, et. seq.
- (k) Laws relating to owning, leasing, operating, managing, maintaining or conducting a disorderly house or inviting or attempting to invite others to visit or remain in a disorderly house, all as defined in Minnesota Statutes, sections 609.33.
- (l) Minnesota Statutes, section 617.23, which prohibits indecent exposure.
- (m) Minnesota Statutes, section 609.595, which prohibits criminal damage of property.
- (n) Minnesota Statutes, section 609.50, which prohibits interference with a police officer.
- (o) Minnesota Statutes, section 609.713, which prohibits terroristic threats.

- (p) Minnesota Statutes, section 609.715, which prohibits presence of unlawful assembly.
- (q) Minnesota Statutes, section 609.71, which prohibits riot.
- (r) Minnesota Statutes, section 609.78, which prohibits interfering with “911” phone calls.
- (s) Minnesota Statutes, sections 609.75 through 609.76, which prohibits gambling.
- (t) Minnesota Statutes, section 243.166 (Predatory Offender Registration).
- (u) Minnesota Statutes, section 609.229 (Crime committed for benefit of a gang).
- (v) Minnesota Statutes, section 609.26, subdivision 1(8) (causing or contributing to a child being a runaway).
- (w) Minnesota Statutes, section 609.903 (Racketeering).

Subd. 2. Enforcement. The housing official is responsible for enforcement and administration of this subsection.

Subd. 3. First notice. Upon determination by the housing official that a licensed premise was used in a disorderly manner, as described in subdivision 1 of this subsection, the housing official must give notice to the licensee of the violation and direct the licensee to take steps to prevent further violations.

Subd. 4. Second notice. If another instance of disorderly use of the licensed premises occurs within the twelve-month period following an incident for which a notice in subdivision 3 of this subsection was given, the housing official must notify the licensee of the violation and must also require the licensee to submit a written report of the actions taken, and proposed to be taken, by the licensee to prevent further disorderly use of the premises. This written report must be submitted to the housing official within five days of receipt of the notice of disorderly use of the premises and must detail all actions taken by the licensee in response to all notices of disorderly use of the premises within the preceding 12 months.

Subd. 5. Third notice. If another instance of disorderly use of the licensed premises occurs within the twelve-month period after the second of any two previous instances of disorderly use for which notices were given to the licensee pursuant to this subsection, the rental dwelling license for the premises may be denied, revoked, suspended or not renewed.

- (a) An action to deny, revoke, suspend, or not renew a license under this subsection must be initiated by the housing official who must give to the licensee written notice of a hearing before the city council to consider such denial, revocation, suspension or non-renewal. Such written notice must specify all violations of this subsection, and must state the date, time, place and purpose of the hearing. The hearing must be held no less than ten days and no more than 30 days after giving such notice.
- (b) Following the hearing, the city council may deny, revoke, suspend or decline to renew the license for all or any part or parts of the licensed premises or may grant a license upon such terms and conditions as it deems necessary to accomplish the purposes of this section.

Subd. 6. Ineligibility period. Upon a decision to revoke, suspend or deny or not renew a license for violations of this subsection, the owner/licensee will not be eligible for any new rental licenses for a period determined by the housing official, but not to exceed one year. Any person who has had two or more licenses revoked, suspended, denied or not renewed for violations of this subsection will not be eligible for any new rental licenses for a period determined by the housing official, but not to exceed two years.

Subd. 7. Timing of action. No adverse license action shall be imposed where the instance of disorderly use of the licensed premises occurred during the pendency of eviction proceedings (unlawful detainer) or within 30 days of notice given by the licensee to a tenant to vacate the premises where the disorderly use was related to conduct by that tenant or by other occupants or guests of the tenant's unit. Eviction proceedings are not a bar to adverse license action, however, unless they are diligently pursued by the licensee. Further, an action to deny, revoke, suspend, or not renew a license based upon violations of this subsection may be postponed or discontinued at any time if it appears that the licensee has taken appropriate measures which will prevent further instances of disorderly use.

Subd. 8. Evidentiary standard. A determination that the licensed premises have been used in a disorderly manner as described in Crystal city code, subsection 425.21, subdivision 1 shall be made upon a fair preponderance of the evidence to support such a determination. It is not necessary that criminal charges be brought in order to support a determination of disorderly use nor does the fact of dismissal or acquittal of such a criminal charge operate as a bar to adverse license action under this subsection.

Subd. 9. Service of notice. All notices given by the city under this subsection must be personally served on the licensee, sent by certified mail to the licensee's last known address or, if neither method of service effects notice, by posting on a conspicuous place on the licensed premises.

Subd. 10. Non-exclusivity. Enforcement actions provided in this subsection are not exclusive, and the city council may take any action with respect to a licensee, a tenant, or the licensed premises as is authorized by the city code, state, or federal law.

425.23. Reporting; forms; records. The Crystal community development department is responsible for the preparation of forms and certificates necessary to carry out the provisions of this property maintenance code. The community development department will maintain records of rental licensing and will provide reports to the city manager upon request.

425.25. Hazardous conditions; built-in deficiencies; procedure.

Subd. 1. Procedure. If the housing official determines that there exists in a building a condition that constitutes an immediate hazard to the health and safety of its occupants, including but not limited to those identified in Crystal city code, subsection 425.19, subdivision 1, the official may:

- (a) Issue a compliance order requiring immediate compliance if the condition can reasonably be corrected;
- (b) Proceed against the building pursuant to applicable state laws relating to hazardous or unsafe structures; or
- (c) Recommend that the city council proceed to correct the condition by abating it as a nuisance under Minnesota Statutes, section 429.101, and this clause is to be construed as authorizing the imposition and billing of charges for the cost thereof and the assessment of unpaid charges against the property on which the building is located in the manner provided by Minnesota Statutes, section 429.101.

Subd. 2. Built-in deficiencies. It is determined that certain conditions within existing buildings, lawful at the time of the construction of the building, may not comply with the minimum requirements of this property maintenance code. Such conditions are herein referred to as “built-in deficiencies,” and the housing official, in administering this property maintenance code, must consider the following built-in deficiencies as being beyond reasonable correction.

- (a) Ceiling heights: An existing habitable room with less than a seven foot six inch ceiling height.
- (b) Superficial floor area: An existing habitable room of less than 90 square feet.
- (c) Natural light and ventilation: An existing habitable room with window area less than 10% of the floor area; provided, however, that in no case may the required area of light and ventilation be less than 5% of the floor area.

425.27. Inspections.

Subd. 1. Records. Inspections must be conducted during reasonable hours. The housing official must present evidence of authority to the owner or occupant in charge of a dwelling. Subject to the provisions of law, the housing official must keep evidence, exclusive of the inspection records, discovered or obtained in the course of an inspection confidential.

Subd. 2. Unfit for human habitation. A dwelling or portion thereof that is damaged, decayed, dilapidated, unsanitary, unsafe, vermin or rodent infested or which lacks provision for basic illumination, ventilation or sanitary facilities to the extent that the defects create a hazard to the health, safety or welfare of the occupants or of the public may be declared unfit for human habitation. If a dwelling or portion thereof has been declared unfit for human habitation, the housing official must order the dwelling vacated within a reasonable time and post a placard on the dwelling indicating that it is unfit for human habitation. No person other than the housing official shall remove or alter any posting. The housing official will post the date the dwelling shall be vacated, and no person shall reside in, occupy or cause to be occupied that rental dwelling until the housing official permits it. An operating license previously issued for the dwelling will be revoked pursuant to law.

Subd. 3. Correction. It is unlawful to use a dwelling or portion thereof for human habitation until the defective conditions have been corrected and written approval has been issued by the housing official. It is unlawful to deface or remove the declaration placard from a dwelling or property.

Subd. 4. Secure unfit and vacated dwellings and accessory structures. The owner of a dwelling that has been declared unfit for human habitation or that is otherwise vacant for a period of 48 hours or more must make the same safe and secure so that it is not hazardous to the health, safety and welfare of the public and does not constitute a public nuisance. A vacant dwelling or accessory structure open at doors, windows, or wall opening, if unguarded, is deemed a hazard to the health, safety and welfare of the public and a public nuisance within the meaning of this subsection.

Subd. 5. Hazardous building declaration. If a dwelling has been declared unfit for human habitation and the owner has not remedied the defects within a prescribed reasonable time, the dwelling may be declared a hazardous building and may be removed, razed or corrected pursuant to the provisions of Minnesota Statutes, sections 463.15 to 463.26.

Subd. 6. Compliance procedure. If the city determines that a structure or dwelling or portion thereof is in violation of an order or this code, the city may issue a compliance orders in accordance with Crystal city code, section 306.



425.29. Appeals; right of appeal. When it is alleged by a person to whom a compliance order is directed that the compliance order is based upon erroneous interpretation of this section or upon a misstatement or mistake of fact, that person may appeal the compliance order to the housing official. The housing official must forward the recommendation to the city council within 30 days after receipt of this appeal. The appeal must:

- (a) Be in writing;
- (b) Specify the grounds for the appeal; and
- (c) Be filed with the housing official within ten business days after transmittal of the compliance order.

The filing of an appeal stays proceedings in furtherance of the action appealed from unless such a stay in the judgment of the housing official would cause imminent peril to life, health, or property. The city council must act promptly on the housing official's recommendation, and the housing official's recommendation may be reversed, modified or affirmed in whole or in part by the city council. The city council's disposition of the appeal is final.

425.31. Execution of compliance orders. Upon failure to comply with a compliance order within the time set therein, and no appeal having been taken in accordance with Crystal city code, section 306, or upon failure to comply with a modified compliance order within the time set therein, the city may remedy the cited deficiency in the manner provided for in Crystal city code, section 306.

425.33. Violations; penalties.

Subd. 1. General. It is unlawful to erect, construct, enlarge, alter, repair, move, improve, equip, use, occupy or maintain any building or structure within the city contrary to the provisions of this property maintenance code.

Subd. 2. Non-compliance. Failure to comply with a lawfully issued compliance order is a violation of this property maintenance code and is subject to enforcement procedures set forth in Crystal city code, section 306.

Section 435 – Vacant building registration

435.01. Purpose and findings.

Subd. 1. The Crystal city council is enacting this section to help protect the public health, safety and welfare by establishing a program for the identification and regulation of vacant buildings within the city. This section also determines the responsibilities of owners of vacant buildings and provides for administration, enforcement, and penalties associated with same.

Subd. 2. The city council finds that vacant buildings are a major cause and source of blight in residential and non-residential neighborhoods, especially when the owner or responsible party of the building fails to actively maintain and manage the building to ensure it does not become a liability to the neighborhood. Vacant buildings often attract transients, homeless people, trespassers and criminals, including drug abusers. Neglect of vacant buildings, as well as use of vacant buildings by transients and criminals, creates a risk of fire, explosion or flooding for the vacant building and adjacent properties. Vacant properties often are used as dumping grounds for junk and debris and often are overgrown with weeds and grass. Vacant buildings that are boarded to prevent entry by transients and other long-term vacancies discourage economic development and retard appreciation of property values. There is a substantial cost to the city for monitoring vacant buildings whether or not those buildings are boarded. This cost should not be borne by the general taxpayers of the community; but, rather, these costs should be borne by those who choose to leave their buildings vacant.

435.03. Definitions. For purposes of this section, the terms defined in this subsection have the meanings given them.

Subd. 1. Abandoned property. “Abandoned property” means property that the owner has surrendered, voluntarily relinquished, disclaimed, or ceded all right, title, claim, and possession, with the intention of not reclaiming it.

Subd. 2. Compliance official. “Compliance official” means the city manager and the city manager’s designated agents authorized to administer and enforce this section.

Subd. 3. Building. “Building” is any roofed structure used or intended for supporting or sheltering any use or occupancy.

Subd. 4. Owner. “Owner” or “property owner” is the owner of record according to Hennepin County property tax records; those identified as owner or owners on a vacant building registration form, a holder of an unrecorded contract for deed, a mortgagee or vendee in possession, a mortgagor or vendor in possession, an assignee of rents, a receiver, an executor, a trustee, a lessee, other person, firm or corporation in control of the freehold of the premises or lesser estate therein. An owner also means any person, partnership, association, corporation or fiduciary having a legal or equitable title or any interest in the property or building. This includes any partner, officer or director of any partnership, corporation, association or other legally constituted business entity. All owners shall have joint and several obligations for compliance with the provisions of this section.

Subd. 5. Responsible party. “Responsible party” is an owner, entity or person acting as an agent for the owner who has direct or indirect control or authority over the building or real property upon which the building is located; any party having a legal or equitable interest in the property. Responsible party may include but is not limited to a realtor, service provider, mortgagor, leasing agent, management company, or similar person or entity.

Subd. 6. Vacant building. “Vacant building” a building is vacant if no person or persons actually and currently conducts a lawful business or lawfully resides or lives in any part of the building on a permanent, nontransient basis in accordance with city’s zoning regulations.

#### 435.05. Vacant building registration.

Subd. 1. Application. The owner or responsible party shall register a vacant building with the city no later than 30 days after the building becomes vacant. The registration shall be submitted on a form provided by the city and shall include the following information supplied by the owner:

- (a) The name, address, telephone number and email address, if applicable, of each owner and each owner’s representative;
- (b) The names, addresses, telephone numbers and email addresses, if applicable, of all known lien holders and all other parties with any legal interest in the building;
- (c) The name, address, telephone number and email address, if applicable, of a local agent or person responsible for managing or maintaining the property;
- (d) The tax parcel identification number and street address of the premises on which the building is situated;

- (e) The date the building became vacant, the period of time the building is expected to remain vacant, and a property plan and timetable for returning the building to appropriate occupancy or use and correcting code violations and nuisances, or for demolition of the building; and
- (f) The status of water, sewer, natural gas and electric utilities.

The owner shall notify the compliance official within 30 days of changes in any of the information supplied as part of the vacant building registration.

Subd. 2. Property plan. The property plan identified above in Crystal city code, subsection 435.05, subdivision 1 (e) shall meet the following requirements:

- (a) General provisions. The plan shall comply with all applicable regulations and meet the approval of the compliance official. It shall contain a timetable regarding use or demolition of the property. The plan shall be completed within 30 days after the building is registered;
- (b) Maintenance of building. The plan shall identify the means and timetable for addressing all maintenance and nuisance-related items identified in the application. Any repairs, improvements or alterations to the property shall comply with building code provisions and applicable city regulations;
- (c) Plan changes. If the property plan or timetable for the vacant building is revised in any way for any purpose, the revisions shall meet the approval of the compliance official; and
- (d) Demolition required. If a building has remained vacant for a period of 365 consecutive days, and the compliance official has not approved an alternative schedule in the property plan, the city may declare the building to be a nuisance and direct the owner to demolish the building and restore the grounds. If the owner does not demolish the building and thereby eliminate the nuisance conditions, the city may commence abatement and cost recovery proceedings for the abatement of the violation in accordance with Crystal city code, subsection 425.25 and Minnesota Statutes, section 429.101.

Subd. 3. Non-compliance and notification. If the owner does not comply with the property plan, or maintain or correct nuisance violations, the city may commence abatement and recover its costs for correction of those items in accordance with Crystal city code, subsection 425.25 and Minnesota Statutes, section 429.101. In the case of an absent owner and ongoing nuisance issues, the city need not provide notice of each abatement act to the owner. A single notice by the city to the owner is determined to be sufficient notice that it intends to provide ongoing abatement until the owner corrects the violations.

Subd. 4. Exemptions.

- (a) Fire damage. A building that has suffered fire damage is exempt from the registration requirement for a period of 90 days after the date of the fire if the owner submits a request for exemption in writing to the compliance official. An exemption request for review by the compliance official shall include the following information supplied by the owner:
- (1) A description of the premises;
  - (2) The name and address of owner or owners;
  - (3) A statement of intent to repair and reoccupy the building in an expeditious manner and the time frame for completion; and
  - (4) Actions the owner will take to ensure the property does not become a nuisance for the neighborhood.
- (b) Snowbirds. Those persons who leave their residential buildings on a temporary basis for vacation purposes or to reside elsewhere during the winter season and have the intent to return are exempt from the registration requirement. Requests for “snowbird” exemption will be considered annually with proper verification.

Subd. 5. Fees. The owner shall pay an annual registration fee. The registration fee will be in an amount adopted by resolution by the city council. The amount of the registration fee shall be reasonably related to the administrative costs for registering and processing the registration form and for the costs of the city in monitoring the vacant building site. The fee shall be paid in full prior to the issuance of any building permits or licenses, with the exception of a demolition permit.

Subd. 6. Waiver of fees. The city may waive the registration fee if the owner or responsible party has paid all past due registration fees and all other financial obligations and debts owed to the city that are associated with the vacant property and demonstrates, to the satisfaction of the compliance official that:

- (a) The property is re-occupied, with the exception of demolition, within a period of time deemed reasonable to the compliance official; and either
- (b) The owner or responsible party is in the process of demolition, rehabilitation, or other substantial repair of the vacant building; or
- (c) The owner or responsible party has a plan for the demolition, rehabilitation, or other substantial repair of the vacant building in a period of time that is deemed reasonable to the compliance official.

Subd. 7. Assessment. If the registration fee or any portion is not paid within 60 days after billing or within 60 days after any appeal becomes final, the city council may certify the unpaid fees against the property in accordance with Minnesota Statutes, section 429.101.

Subd. 8. Issuance of registration. Upon completion of the registration process and payment of the fee, the city will issue a Vacant Building Registration to the owner. The owner shall securely post the registration on the vacant building on a side entrance door, where possible, that is not generally visible from the public street. If no side entrance door is available, the registration shall be securely posted on another available entrance door.

Subd. 9. Failure to register. If the property is abandoned or the owner or responsible party fails to complete the registration process, the property will be administratively registered as a vacant property.

435.07. Change of ownership. A new owner(s) shall register or re-register a vacant building in accordance with Crystal city code, subsection 435.05 within 15 days of any transfer of an ownership interest in a vacant building. The new owner(s) shall comply with the approved property plan and timetable submitted by the previous owner or shall submit any changes proposed to the property plan to the compliance official for review and approval as required by Crystal city code, subsection 435.05. For the purposes of this section, a new owner is an “owner” as defined in Crystal city code, subsection 435.03 who has purchased the vacant building since its registration by the previous owner and has succeeded to all rights of that previous owner.

435.09. Inspections. The compliance official may inspect any vacant building in the city for the purpose of enforcing and assuring compliance with this section and other applicable regulations. Upon the request of the compliance official, an owner or responsible party shall provide access to all interior portions of the building and the exterior of the property in order to complete an inspection. If the owner or responsible party is not available, is unresponsive, or refuses to provide access to the interior of the building, the city may use any legal means to gain entrance to the building for inspection purposes. Prior to any re-occupancy, the owner or responsible party shall request an inspection of the vacant building by the compliance official to determine compliance with Crystal city code, section 425 and all other applicable regulations. All application and reinspection fees also shall be paid prior to building occupancy.

435.11. Maintenance of vacant buildings.

Subd. 1. The owner shall comply with and address the following items in the property plan, as described in Crystal city code, subsection 435.05, subdivision 2.

- (a) Appearance. All vacant buildings shall be so maintained and kept that they appear to be occupied.
- (b) Securing. All vacant buildings shall be secured from outside entry by unauthorized persons or pests. Security shall be ensured by normal building amenities such as windows and doors having adequate strength to resist intrusion. All doors and windows shall remain locked. There shall be at least one operable door into every building and into each dwelling unit. Exterior walls and roofs shall remain intact without holes.

- (1) Architectural (cosmetic) structural panels. Architectural structural panels may be used to secure windows, doors and other openings provided they are cut to fit the opening and match the characteristics of the building. Architectural panels may be of exterior grade-finished plywood or Medium Density Overlaid plywood (MDO) that is painted to match the building exterior or covered with a reflective material such as plexi-glass to simulate windows.
  - (2) Temporary securing. Untreated, exterior grade (CDX) plywood or similar structural panels may be used to secure windows, doors and other openings for a maximum period of 90 days.
  - (3) “Artistic” board-up. With prior approval of the compliance official, artistic options may be utilized to secure a vacant building.
  - (4) Emergency securing. The compliance official may take immediate steps to secure a vacant building at their discretion in emergency circumstances.
- (c) Fire safety.
- (1) Fire protection systems. Owners of non-residential vacant buildings shall maintain all fire protection systems, appliances and assemblies in operating condition and maintain underwriter laboratories (UL) monitoring of all systems.
  - (2) Removal of hazardous and combustible materials. The owner of any vacant building, or vacant portion thereof, shall remove all hazardous material and hazardous refuse that could constitute a fire hazard or contribute to the spread of fire.
- (d) Plumbing fixtures. Plumbing fixtures connected to an approved water system, an approved sewage system, or an approved natural gas utility system shall be installed in accordance with applicable codes and be maintained in sound condition and good repair or removed and the service terminated in the manner prescribed by applicable codes. The building’s water systems shall be protected from freezing.
- (e) Electrical. Electrical service lines, wiring, outlets or fixtures not installed or maintained in accordance with applicable codes shall be repaired, removed or the electrical services terminated to the building in accordance with applicable codes.
- (f) Lighting. All exterior lighting fixtures shall be maintained in good repair, and illumination shall be provided to the building and all walkways in the same manner as provided at the time the building was last occupied or as otherwise provided in the approved vacant building plan.

- (g) Heating. Heating facilities or heating equipment in vacant buildings shall be removed, rendered inoperable, or maintained in accordance with applicable codes.
- (h) Termination of utilities. The compliance official may require that water, sewer, electricity, or gas service to the vacant building be terminated or disconnected. Prior to the termination of any utility service, the city will provide written notice to the owner. No utility may be restored until consent is given by the compliance official. Utilities may be discontinued at the request of the owner or responsible party as part of the approved vacant building property plan. The compliance official may authorize immediate termination of utilities at their discretion in emergency circumstances and provide subsequent notice to the owner or responsible party.
- (i) Signs. Obsolete or unused exterior signs and installation hardware shall be removed. Holes and penetrations shall be properly patched and painted to match the building. Surfaces beneath the signs that do not match the building shall be repaired, resurfaced, painted or otherwise altered to be compatible with the building surfaces. All signs shall be maintained in good condition and comply with the provisions of Crystal city code, section 405.
- (j) Exterior maintenance. The owner shall comply with all applicable property maintenance regulations and city codes including, but not limited to, the following:
  - (1) Nuisances. The owner shall eliminate any activity on the property that constitutes a nuisance as defined by Crystal city code, sections 425, 2005, and 2010.
  - (2) Grass and weeds. Any weeds or grass shall be maintained at a height of no greater than eight inches and in accordance with Crystal city code, subsection 640.13.
  - (3) Exterior structure maintenance. The owner shall maintain the vacant building in compliance with Crystal city code, section 425 as determined to be necessary by the code official.
  - (4) Abandoned or junk vehicles. The owner shall keep the property free of unlicensed, inoperable, abandoned or junked vehicles. The city may cause such vehicles to be removed.
  - (5) Storage and disposal of refuse. The storage and disposal of refuse shall comply with the requirements of Crystal city code, section 605.
  - (6) Animals. The owner shall ensure that all animals, including domestic, exotic and feral, are removed from the property and handled in a humane manner.
  - (7) Diseased, dead or hazardous trees. The owner shall remove diseased, dead or hazardous trees or branches from the property in accordance with Crystal city code, section 2020.



- (8) Graffiti. The owner shall remove all graffiti from the property in accordance with Crystal city code, section 430.
- (9) Abandoned pools. Swimming pools shall be covered and secured to prevent accidental entry, treated to prevent pest harborage, and properly drained and winterized.
- (k) Removal of garbage and refuse. The owner of any vacant building or vacant portion thereof shall keep the building and property free of all garbage, refuse, litter, rubbish, swill, filth, or other materials identified in Crystal city code, section 605.
- (l) Police protection systems. All alarm systems in any vacant building or portion thereof shall be maintained in operating condition.
- (m) Loitering, criminal activities. Loitering or engaging in criminal activities is prohibited in the vacant building or on the real property upon which the vacant building is located. The owner or responsible party shall not allow these activities and shall take immediate actions to eliminate these conditions upon notification by the city or upon discovery.
- (n) Emergency abatement. The compliance official may authorize immediate abatement of any public nuisance or correction of any maintenance item if the compliance official determines that conditions exist that present an imminent threat to the public health and safety in accordance with Crystal city code, section 425.
- (o) Other codes. The property owner or responsible party shall comply with all other city codes and applicable regulations.

435.13. No occupancy or trespass. No person may trespass, occupy or reside, on a temporary or permanent basis, in any vacant building, registered or not, without the owner's consent.

435.15. Vandalism or removal of items prohibited. No person may vandalize or remove items from a vacant building or the property upon which it is located, including, but not limited to, appliances, fixtures, electrical wiring, copper, or other similar items without the owner's consent.

435.17. Appeal. Any person or responsible party aggrieved by a decision rendered under Crystal city code, section 435 may appeal to the city council. The appeal shall made be in writing, shall specify the grounds for the appeal, and shall be submitted to the city manager within ten business days of the decision that is basis of the appeal.

435.19. Penalties. Any person or responsible party who violates the provisions of Crystal city code, section 435 is subject to penalty as provided under Crystal city code, section 306. Nothing in this section, however, is deemed to impair other remedies or civil penalties available to the city under this Crystal city code or state law including, but not limited to, Minnesota Statutes, sections 463.15 through 463.261.

<b>Amended subsection</b>	<b>Amending ordinance</b>
400.01, subd. 1	95-12, Sec. 1; 2000-08, Sec. 1; 2004-2, Secs. 1; 2016-05, Sec. 1
400.01, subd. 3	95-12, Sec. 2; 2000-08, Sec. 2; 2004-2, Sec. 2; 2007-08, Sec. 1; 2007-17, Sec. 1; 2016-05, Sec. 1; 2017-06, Sec. 1;
400.03	2004-2, Sec. 3
400.05	2016-05, Sec. 2
400.13, subd. 4	2004-2, Sec. 4
400.15	2016-05, Sec. 4
400.17, subd. 1	2004-2, Sec. 6; 2022-07, Sec. 2
400.17, subd. 2	2001-04, Sec. 1; 2004-2, Sec. 6; 2022-07, Sec. 2
400.19	2001-04, Sec. 2; 2004-2, Sec. 7
400.21	2016-05, Sec. 12
403.05	2016-06, Sec. 1
405 (deleted in its entirety)	2018-01, Sec. 47
405.03, subds. 4, 9, 11, and 19-33	2007-18, Sec. 1
405.03, subd. 9	2007-18, Sec. 1; 2013-07
405.07, subd. 3	2007-18, Sec. 1
405.09	2007-18, Sec. 1
405.15, subd. 1	2001-02, Sec. 2
405.15, subds. 5, 6, and 9	2007-18, Sec. 1
405.17, subd. 1	2001-02, Sec. 3; 2007-18, Sec. 1
405.17, subd. 3, 5, 6, 8, 11	2007-18, Sec. 1
405.19, subds. 1-5	2007-18, Sec. 1
405.19, subd. 4	94-7, Sec. 1; 2007-18, Sec. 1
405.21	2007-18, Sec. 1
405.23	2007-18, Sec. 1; 2013-07
405.27	2007-18, Sec. 1
407.01	2017-07, Sec. 2
410.03	2004-2, Sec. 8
410.07, subds. 1-2	2004-2, Sec. 9
410.09, subds. 1-2	2004-2, Sec. 10
410.11, subds. 1-4	2004-2, Sec. 11
410.15, subds. 2, 3, and 5	2004-2, Sec. 12
415.01	95-12, Sec. 2; 2004-2, Sec. 13; 2007-08, Sec. 2; 2016-05, Sec. 5
415.05	95-12, Sec. 3; 2004-2, Sec. 14; 2007-08, Sec. 3
425	2007-06
425.05, subd. 1	2016-05, Sec. 7
425.05, subd. 2	2008-08; 2012-04, Sec. 1; 2015-06; 2016-05, Sec. 7
425.07, subd. 1	2012-04, Sec. 2; 2015-06; 2016-05, Sec. 8; 2018-04, Sec. 1
425.07, subds. 2-3	2012-04, Sec. 2

425.15, subd. 1	2012-04, Sec. 4
425.17, subds. 1-2	2016-05, Sec. 9; 2023-02, Sec. 1
425.17, subds. 3, 6, 7, 11, 17, and 20	2012-04, Sec. 5
425.17, subd. 4	2018-04, Sec. 2
425.21	2012-04, Sec. 6; 2018-1, Sec. 1; 2018-02, Sec. 1
425.27, subd. 4	2012-04, Sec. 7
425.29	2012-04, Sec. 8
435	2009-02
<b>Repealed subsection</b>	<b>Repealing ordinance</b>
400.01, Subd. 2	95-12, Sec. 1
400.05, Subd. 2	2016-05, Sec. 2
400.09	2016-05, Sec. 3
405	2018-01, Sec. 47
405.07, Subd. 4	2001-02, Sec. 1
405.35	2007-18, Sec. 1
420	2016-05, Sec. 6
425	2007-06
425.13	2015-06
430	2016-05, Sec. 10

**CHAPTER V**  
**UNIFIED DEVELOPMENT CODE (UDC)**

**Section 500 General provisions**

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500.07	Relationship to existing ordinances
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## Section 500

### General provisions

#### 500.01. Title and authority.

Subd. 1. Citation. These sections 500 through 530 of the Crystal city code, shall be known as the “Crystal Unified Development Code” except as referred to herein where it shall be known as this “UDC.”

Subd. 2. Authority. This UDC is enacted pursuant to the authority granted to the city by the Municipal Planning Act, under Minnesota Statutes, section 462.351 et. seq. and such other law as may apply.

500.03. Purpose. The purpose of this UDC is to implement the comprehensive plan and to protect the public health, safety, and general welfare of the community and its people through the establishment of minimum regulations governing land development and use. More specifically, the purpose of these regulations is to:

- (a) Establish regulations to protect the use districts that the city has established by regulating compatibility of different land uses, density of structures, building setbacks and heights, provision for adequate light, air, and convenience of access to property; and preventing congestion in the public right-of-way;
- (b) Avoid or minimize negative impacts from land uses including, but not limited to, impacts to neighboring properties, public infrastructure, and the general public;
- (c) Promote orderly development and redevelopment of property upon which to plan transportation, water supply, sewerage, and other public facilities and utilities;
- (d) Provide for administration of and amendments to this UDC, and prescribe penalties for violations of such regulations; and
- (e) Define duties of city staff, board of appeals and adjustments, planning commission and city council in relation to this UDC.

500.05. Relationship to comprehensive plan. It is the policy of the city that the enactment, amendment, and administration of this UDC be accomplished with due consideration of the policies and recommendations contained in the Crystal comprehensive plan as amended from time to time by the city council.

#### 500.07. Relationship to existing ordinances.

Subd. 1. Minimum requirements. In their application and interpretation, the provisions of this UDC shall be held to be the minimum requirements for the promotion of the public health, safety, and welfare.

Subd. 2. Applicability. Where the conditions imposed by any provisions of this UDC are either more or less restrictive than comparable conditions imposed by any applicable state law or regulation or any city ordinance or resolution of any kind, the regulations that are more restrictive or which impose higher standards or requirements shall prevail.

Subd. 3. Conformity required. No structure shall be erected, converted, enlarged, reconstructed or altered, and no structure or land shall be used for any purpose or in any manner that is not in conformity with the provisions of this UDC.

#### 500.09. Transitional rules.



Subd. 1. Enactment. This UDC was enacted by Ordinance No. 2017-07, adopted by the city council on January 2, 2018, and became effective on February 10, 2018.

Subd. 2. Building permits. Any building, structure, or development for which a building permit was issued prior to the effective date of this UDC may, at the applicant's option, be completed in conformance with the issued permit and any other applicable permits and conditions, even if such building, structure, or development does not fully comply with provisions of this UDC. If the building or structure is not completed within the time allowed under the original building permit or any extension granted therefor, then the building, structure, or development shall be constructed, completed, or occupied in full compliance with this UDC.

Subd. 3. Voluntary compliance. For those applications submitted prior to the effective date of this UDC, the applicant has the option of complying with the requirements in this UDC, but is only required to comply with the requirements in effect on the date the application was submitted.

500.11. Severability. If any section, subsection, sentence, clause, or phrase of this UDC is for any reason held to be invalid by a court of competent jurisdiction, such invalidity shall not affect the validity or enforceability of the remaining portions of this UDC. The city council hereby declares that it would have adopted this UDC in each section, subsection, sentence, or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses, or phrases be declared invalid.

## Section 505

### Definitions

Subd. 1. Abutting or adjacent. “Abutting” or “Adjacent” means the land, lot, or property adjoining the property in question along a lot line or separated only by an alley, easement or street.

Subd. 2. Accessibility ramps. “Accessibility ramps” means ramps that provide access to buildings for the disabled.

Subd. 3. Accessory dwelling unit. “Accessory dwelling unit” means a dwelling unit that is located on the same lot as a one family dwelling to which it is accessory to and subordinate in size. An accessory dwelling unit may be within or attached to the one family dwelling, or in a detached accessory building on the same lot.

Subd. 4. Accessory structure. “Accessory structure” means a subordinate building or other subordinate structure, including but not limited to detached garages, sheds, gazebos, or swimming pools, the use of which is clearly subordinate or accessory to the principal use of the building or property.

Subd. 5. Adult uses. “Adult uses” has the meaning given it from the Crystal city code, chapter XI.

Subd. 6. Airport facilities. “Airport facilities” means the buildings and grounds of the Crystal Airport, including those areas used for the storage, fueling, and repair of aircraft.

Subd. 7. Alley. “Alley” means a public right-of-way other than a street that affords a secondary means of access to abutting property.

Subd. 8. Animal hospital or veterinary clinic. “Animal hospital or veterinary clinic” means any building or portion of a building where animals or pets are given medical or surgical treatment and are cared for at the time of such treatment, including facilities with offices and/or laboratories for operation and/or functioning of a research and development facility. Use as a kennel shall be limited to short time boarding and shall be incidental to such animal hospital use.

Subd. 9. Antenna support structure. “Antenna support structure” means any building, athletic field lighting, water tower, or other structure other than a tower, which can be used for location of telecommunications facilities as an accessory, subordinate use. New structures built for the purpose of attaching telecommunications facilities are “towers” not “antenna support structures” for the purposes of this UDC. For example, if an athletic field light pole would be replaced by a taller pole to facilitate installation of an antenna, then the new pole would be classified as a “tower” not an “antenna support structure” even if lights would be mounted to it in a manner similar to the way they were mounted to the previous light pole. This term does not include wireless support structures, which are separately defined under this UDC.

Subd. 10. Applicant. “Applicant” means, unless otherwise specified, an owner or agent for the owner, including a subdivider, developer, attorney, or similar representative who has filed an application for development or sign approval with the city.

Subd. 11. Application. “Application” means the process by which the owner, or their agent, of a parcel of land within the city submits a written request for any type of development or sign approval.

Subd. 12. Awning. “Awning” means a roof-like cover, often of fabric, plastic, metal, or glass designed and intended for protection from the weather or as a decorative embellishment, and which projects

from a wall or roof of a structure primarily over a window, walk, or the like. Any part of an awning which also projects over a door shall be counted as an awning.

Subd. 13. Banks or financial institutions. “Banks or financial institutions” means establishments engaged in deposit banking, which may include, but are not limited to, commercial banks, loan or mortgage companies, stockbrokers, or credit unions.

Subd. 14. Banquet halls or event centers. “Banquet halls or event centers” means a facility or building available for lease by private parties that may include kitchen facilities for the preparation or catering of food or the sale of alcoholic beverages for on-premises consumption during scheduled events which are not open to the public. The facility space may be used by various groups for social gatherings, meetings, parties, weddings, receptions, or dances.

Subd. 15. Base flood elevation. “Base flood elevation” means the elevation of the “regional flood.” The term “base flood elevation” is used in the flood insurance survey.

Subd. 16. Basement. “Basement” means an area of a building, including crawl spaces, having its floor or base subgrade below ground level, regardless of the depth of excavation below ground level.

Subd. 17. Bed and breakfast establishment. “Bed and breakfast establishment” means an owner-occupied dwelling that offers short-term lodging, with or without meals, for compensation.

Subd. 18. Block. “Block” means an area of land within a subdivision that is entirely bounded by streets, railroads, waterways, other natural barriers, the exterior boundary of the subdivision or any combination of the preceding.

Subd. 19. Brewer taproom, brewpub or microdistillery. “Brewer taproom, brewpub or microdistillery” has the meaning given it in the Crystal city code, chapter XII.

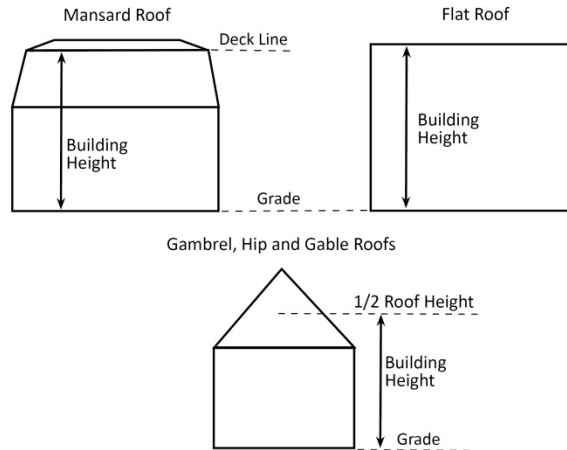
Subd. 20. Building. “Building means any roofed structure used or intended for supporting or sheltering any use or occupancy. An accessory building shall be considered an integral part of the principal building if it is connected to the principal building by a covered passageway.

Subd. 21. Building façade, primary. “Building façade, primary” means the building façade facing a street. In the case of corner buildings, the primary façade fronts the highest classification of streets, but if the classification is the same for both streets, the city has the authority to designate the primary façade.

Subd. 22. Building façade, secondary. “Building façade, secondary” means the building façade on a corner lot that is not designated as the primary building façade.

Subd. 23. Building height. “Building height” means the vertical distance of a building measured in feet from average grade around the perimeter of a structure to (see Figure 1):

- (a) The deck line of a mansard roof; or
- (b) The highest point of a flat roof; or
- (c) The mean height between the eaves and highest point on gable, hip, or gambrel roofs.



**Figure 1:** Illustration of building height

Subd. 24. Building, accessory. “Building, accessory” see definition for “Accessory structure”

Subd. 25. Building, principal. “Building, principal” means a building that is the primary use of the lot.

Subd. 26. Building materials sales. “Building materials sales” means lots and related structures used for the sale of construction materials, lumber, and related materials that may or may not be within an enclosed structure.

Subd. 27. Building street frontage. “Building street frontage” means the proportion of a lot frontage on a street that is occupied by a building as measured at the required minimum front or corner side yard setback.

Subd. 28. Bulk storage of liquids. “Bulk storage of liquids” means a use associated with the bulk storage of oil, gasoline, liquid fertilizer, chemicals, or similar liquids.

Subd. 29. Canopy. “Canopy” means a roof-like cover, often made of fabric, plastic, metal, or glass on a support, which is affixed to a building and provides shelter over a doorway.

Subd. 30. Carport. “Carport” means an accessory structure used generally for covering vehicles which is open on at least two sides. It may be attached to the home or be freestanding. If the structure is not open on at least two sides, it is considered a garage and shall comply with all requirements in this UDC for garages.

Subd. 31. Cemeteries. “Cemeteries” means land used or dedicated to the burial of the dead, including mausoleums, necessary-related sales, and maintenance facilities. A funeral home may be included when operated within the boundary of such cemetery.

Subd. 32. City. “City” means the City of Crystal, unless otherwise noted.

Subd. 33. Club or lodge. “Club or lodge” means buildings or facilities owned or operated by a corporation, association, or persons for a social, educational, or recreational purpose; but not those which are primarily for profit or which render a service that is customarily carried on as a business.

Subd. 34. Commercial truck storage or parking. “Commercial truck storage or parking” means a parking lot used for the storage or temporary parking of commercial vehicles in excess of three quarter (3/4) ton capacity.

Subd. 35. Commercial storage building. “Commercial storage building” means a detached accessory building that is over 200 square feet in size and used primarily for storage for a commercial business. For the purposes of this UDC, commercial storage buildings are not synonymous with self-storage facilities.

Subd. 36. Comprehensive plan. “Comprehensive plan” means the formally adopted comprehensive development plan of the city, composed of maps, charts, diagrams, and text describing the recommended policies and programs to guide the city’s future development and redevelopment.

Subd. 37. Control measure. “Control measure” means a practice or combination of practices to control erosion and attendant pollution.

Subd. 38. Critical facilities. “Critical facilities” means facilities necessary to a community’s public health and safety, those that store or produce highly volatile, toxic or water-reactive materials, and those that house occupants that may be insufficiently mobile to avoid loss of life or injury. Examples of critical facilities include schools, daycare facilities, nursing homes, fire and police stations, wastewater treatment facilities, public electric utilities, water plants, fuel storage facilities, and waste handling and storage facilities.

Subd. 39. Curb cut. “Curb cut” has the meaning given it in the Crystal city code, chapter VIII.

Subd. 40. Day care facilities, Adult. “Day care facilities, Adult” means a facility providing care for the elderly or functionally-impaired adults in a protective setting for a portion of the day. For day care facilities for children, see “Day care facilities, in-home”, Day care, group family facilities” and “Schools, nursery or preschool”.

Subd. 41. Day care facilities, in-home. “Day care facilities, in-home” means a day care facility under rules and statutes of the State of Minnesota serving and providing care to 12 or fewer children.

Subd. 42. Day care, group family facilities. “Day care, group family facilities” means a facility licensed under Minnesota Rules, parts 9502.0315 to 9502.0445 and which serves 14 or fewer children.

Subd. 43. Deck, detached. “Deck, detached” means a freestanding deck which does not utilize the exterior wall of the principal structure for support.

Subd. 44. Detention facility. “Detention facility” means a permanent natural or man-made structure, including wetlands, for the temporary storage of runoff which contains a permanent pool of stormwater.

Subd. 45. Development. “Development” means any manmade change to improved or unimproved real estate, including buildings or other structures, dredging, filling, grading, paving, excavation, or drilling operations, or storage of equipment or materials.

Subd. 46. Driveway. “Driveway” has the meaning given it in the Crystal city code, chapter VIII.

Subd. 47. Driveway approach. “Driveway approach” has the meaning given it in the Crystal city code, chapter VIII.

Subd. 48. Drive-through establishment. “Drive-through establishment” means any portion of a building, structure or property from which business is transacted, or is capable of being transacted, directly with customers located in a motor vehicle.

Subd. 49. Dwelling. “Dwelling” means a building or portion thereof used exclusively for residential purposes, forming a habitable unit for one family. Garages, tents, and accessory structures shall not be

considered dwellings and shall at no time be used as a dwelling, either temporarily or permanently. Tents may be used for recreational purposes.

Subd. 50. Dwelling, multiple family. “Dwelling, multiple family” means a building designed with three or more dwellings exclusively for occupancy by three or more families living independently of each other.

Subd. 51. Dwelling, one-family attached. “Dwelling, one-family attached” means a building, such as townhouses or row houses, containing dwellings in which:

- (a) Each dwelling is located on its own parcel;
- (b) Each dwelling is attached to another by party walls without openings; and
- (c) Each dwelling has primary ground floor access to the outside.

Subd. 52. Dwelling, one-family detached. “Dwelling, one-family detached” means a residential building containing not more than one dwelling entirely surrounded by open space on the same lot.

Subd. 53. Dwelling, two-family. “Dwelling, two-family” means a building designed exclusively for occupancy by two families living independently of each other and which is typically referred to as a double bungalow or duplex, where the entire building is located on a single lot.

Subd. 54. Easement. “Easement” means a grant by a property owner to either the public or an individual for the use of the owner’s property for certain specified purposes (i.e., drives, utilities, etc.).

Subd. 55. Equal degree of encroachment. “Equal degree of encroachment” means a method of determining the location of floodway boundaries so that floodplain lands on both sides of a stream are capable of conveying a proportionate share of flood flows.

Subd. 56. Essential services. “Essential services” means underground or overhead gas, electrical, steam, or water transmission or distribution systems, collection, communication, supply, or disposal systems by public utilities, municipal or other governmental agencies.

Subd. 57. Family. “Family” means one or more persons maintaining a common household and using common cooking facilities.

Subd. 58. Farm fence. “Farm fence” means a fence as defined by Minnesota Statutes, section 344.02, subdivision 1(a)-(d). An open type fence of posts and wire is not considered to be a structure in the floodplain overlay district requirements. Fences that have the potential to obstruct flood flows, such as chain link fences and rigid walls, are regulated as structures under the floodplain overlay district provisions.

Subd. 59. Filtration. “Filtration” means a process by which stormwater runoff is captured, temporarily stored, and routed through a filter bed to improve water quality and slow down stormwater runoff.

Subd. 60. Findings of fact. “Findings of fact” means written findings embodied in a resolution, ordinance, or other document approved or adopted by the body making such findings.

Subd. 61. Flag. “Flag” means any fabric or similar lightweight material attached at one end of the material, usually to a staff or pole, so as to allow movement of the material by atmospheric changes and which contains distinctive colors, patterns, symbols, emblems, insignia, or other symbolic devices.

Subd. 62. Flood. “Flood” means a temporary increase in the flow or stage of a stream or in the stage of a wetland or lake that results in the inundation of normally dry areas.

Subd. 63. Flood frequency. “Flood frequency” means the frequency for which it is expected that a specific flood stage or discharge may be equaled or exceeded.

Subd. 64. Flood fringe. “Flood fringe” means the portion of the Special Flood Hazard Area (one percent annual chance flood) located outside of the floodway. Flood fringe is synonymous with the term “floodway fringe” used in the Flood Insurance Study for Hennepin County, Minnesota.

Subd. 65. Flood prone area. “Flood prone area” means any land susceptible to being inundated by water from any source (see “Flood”).

Subd. 66. Floodplain. “Floodplain” means the beds proper and the areas adjoining a wetland, lake or watercourse which have been or hereafter may be covered by the regional flood.

Subd. 67. Floodproofing. “Floodproofing” means a combination of structural provisions, changes, or adjustments to properties and structures subject to flooding, primarily for the reduction or elimination of flood damages.

Subd. 68. Floodway. “Floodway” means the bed of a wetland or lake and the channel of a watercourse and those portions of the adjoining floodplain which are reasonably required to carry or store the regional flood discharge.

Subd. 69. Floor area, gross. “Floor area, gross” means the sum of the gross horizontal areas of the several floors of such building or buildings measured from the exterior faces of exterior walls or from the centerline of party walls separating two buildings.

Subd. 70. Floor area, finished. “Floor area, finished” means the gross floor area that is finished as fully habitable space, including the finished portion of a basement. Where a sloped ceiling is present, only that portion which has at least six feet of vertical clearance from floor to ceiling shall be considered finished floor area.

Subd. 71. Frontage. “Frontage” means the line of contact of a property with a public right-of-way.

Subd. 72. Funeral home. “Funeral home” means a building used for human funeral services and which may include space for embalming and other services used in the preparation of the dead for burial, the indoor storage of caskets, funeral urns, and other related supplies. Funeral homes do not include facilities for cremation, but cremation services may be offered.

Subd. 73. Garage, attached. “Garage, attached” means the storage of motor vehicles by the owner or occupant of the principal use in a garage that is attached to the principal structure by a common wall or by a roof. An attached garage has no facilities for mechanical service or repair.

Subd. 74. Garage, detached. “Garage, detached” means an accessory building for the private use of the owner or occupant of a principal building situated on the same lot of the principal building for the storage of motor vehicles with no facilities for mechanical service or repair. A detached garage is a freestanding structure, not connected to the foundation, wall, roof, or other part of the principal structure.

Subd. 75. Garage or yard sales. “Garage or yard sales” means the infrequent temporary display and sale of general household goods, used clothing, appliances, and other personal property.

Subd. 76. Grade. “Grade” means the average finished ground level of the land around the perimeter of a lot, structure, or building.

Subd. 77. Half street. “Half street” means a right-of-way dedicated for a street by a developer along such developer’s perimeter property line equal to only one-half of the total right-of-way width required by this UDC.

Subd. 78. Home business. “Home business” means a business, profession, activity, or use that is clearly a customary, incidental, and accessory use of a residential dwelling and except for allowable signage does not alter the exterior of the property or affect the residential character of the neighborhood.

Subd. 79. Hospital. “Hospital” means an institution licensed by the state providing health care services and medical or surgical care to persons, primarily inpatient, suffering illness, disease, injury, and other physical and mental conditions. Hospitals may include as an integral part of the facility laboratories, outpatient facilities, or training facilities.

Subd. 80. Hotel, motel, or extended stay. “Hotel, motel, or extended stay” means a facility containing four or more guest rooms and offering transient lodging accommodations on a daily rate to the general public, plus no more than two dwelling units as accessory uses to the hotel and occupied only by the property owners or on-site managers.

Subd. 81. Hydric soils. “Hydric soils” means soils that are saturated, flooded, or ponded long enough during the growing season to develop anaerobic conditions in the upper part.

Subd. 82. Hydrophytic vegetation. “Hydrophytic vegetation” means macrophytic plant life growing in water, soil, or on a substrate that is at least periodically deficient in oxygen as a result of excessive water content.

Subd. 83. Impervious surface. “Impervious surface” means any surface that does not readily absorb or retain water, including but not limited to buildings, roofs, parking areas and driveways, sidewalks, and pavement.

Subd. 84. Industrial uses (indoors). “Industrial uses (indoors)” means a facility used primarily for manufacturing, processing, or assembly of products that is a fully enclosed structure where noise, odor, light, or vibrations are not noticeable from the adjacent properties.

Subd. 85. Industrial or commercial uses with outdoor storage of parts, products, or fuel. “Industrial or commercial uses with outdoor storage of parts, products, or fuel” means those industrial or commercial uses, such as recycling establishments, truck terminals, public works yards, building or landscape contractor yards, or other commercial businesses that find it necessary to have outdoor/open storage of parts, products, or fuels to support the principal use of the property. This includes commercial truck storage or parking as defined in this UDC, but not those temporary outdoor storage uses which are regulated in the Crystal city code, subsection 515.25.

Subd. 86. Infiltration. “Infiltration” means the passage of water into the ground through the soil.

Subd. 87. Kennels, commercial. “Kennels, commercial” has the meaning given it in the Crystal city code, chapter IX.

Subd. 88. Kennels, multiple animal. “Kennels, multiple animal” has the meaning given it in the Crystal city code, chapter IX.

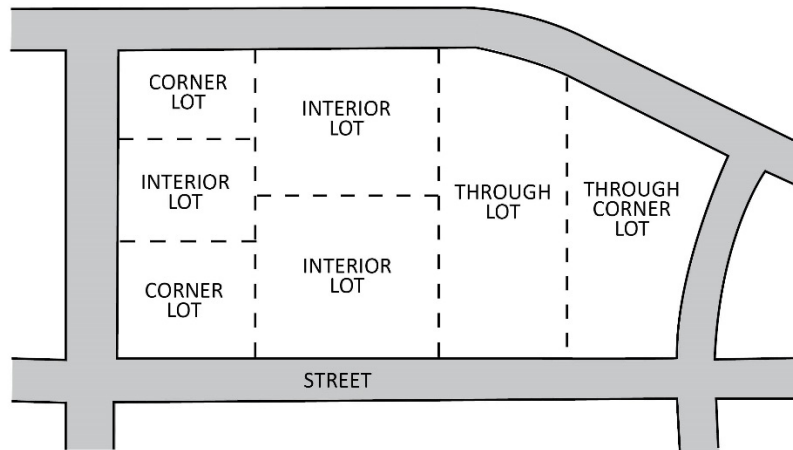
Subd. 89. Loading spaces. “Loading spaces” means the area not within a public right-of-way provided and maintained for the temporary parking of trucks and other motor vehicles for the purpose of loading and unloading goods, wares, materials, and merchandise. For the purposes of this UDC,



development standards for loading spaces shall only apply to those areas of at least ten feet in width, 30 feet in length and having a vertical clearance of at least 14 feet.

Subd. 90. Lot. “Lot” means land occupied or proposed to be occupied by a building and its accessory buildings, together with such open space as is required under the provisions of this UDC, having not less than the minimum area required by this UDC for a building site in the district in which such lot is situated and having its principal frontage on a street or a proposed street approved by the city council.

Subd. 91. Lot coverage. “Lot coverage” means that portion of a lot that is covered by impervious surfaces.



**Figure 2:** Illustration of lot configuration

Subd. 92. Lot, corner. “Lot, corner” means a lot abutting on more than one street and situated at an intersection of streets (see figure 2).

Subd. 93. Lot, interior. “Lot, interior” means a lot abutting on only one street (see figure 2).

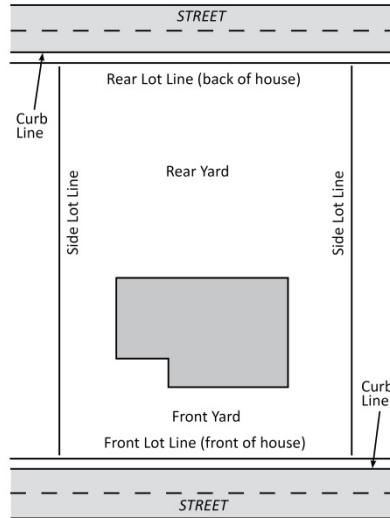
Subd. 94. Lot, through. “Lot, through” means a lot abutting on more than one street but not situated at an intersection of streets (see figure 2).

Subd. 95. Lot, through corner. “Lot, through corner” means a lot abutting on more than one street and situated at more than one intersection of streets (see figure 2).

Subd. 96. Lot area. “Lot area” means the area of a horizontal plane within the lot lines.

Subd. 97. Lot depth. “Lot depth” means the shortest horizontal distance between the front lot line and the rear lot line measured from a 90-degree angle from the street right-of-way within the lot boundaries.

Subd. 98. Lot line, front. “Lot line, front” means the boundary of a lot that abuts a public street. On a corner lot, it shall be the street-abutting lot line with the shortest dimension. If the property lines on both street frontages are of the same length, the property line to be used for front setback measurement shall be determined by the zoning administrator. On a through lot or through corner lot, the lot line for which the principal building is facing shall be the front lot line (see figure 3).



**Figure 3:** Illustration showing yards for through lot

Subd. 99. Lot line, rear. “Lot line, rear” means the lot line not intersecting a front lot line that is most distant from and most closely parallel to the front lot line.

Subd. 100. Lot line, side. “Lot line, side” means any lot line that is not a front, rear or corner side lot line.

Subd. 101. Lot line, corner side. “Lot line, corner side” means any street-abutting lot line that is not a front or rear lot line.

Subd. 102. Lot of record. “Lot of record” means land designated as a separate and distinct parcel in a subdivision, the plat of which has been recorded in the office of the recorder of Hennepin County, Minnesota; or a parcel of land, the deed to which was recorded in the office of the recorder or registrar of titles of Hennepin County, Minnesota prior to the adoption of the ordinance codified in this UDC.

Subd. 103. Lot width. “Lot width” means the horizontal distance between side lot lines. In the case of irregularly shaped lots located on a cul-de-sac or curved street, or corner lots that are neither a square, rectangle, or parallelogram, lot width shall be measured at the required front and rear setback lines.

Subd. 104. Lowest floor. “Lowest floor” means the lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, used solely for parking of vehicles, building access, or storage in an area other than a basement area, is not considered a building’s lowest floor; provided, that such enclosure is not built so as to render the building in violation of the applicable non-elevation design requirements of 44 Code of Federal Regulations, Part 60.3.

Subd. 105. Manufactured home. “Manufactured home” has the meaning given in Minnesota Statutes, section 327.31. The term “manufactured home” does not include the term “recreational vehicle.”

Subd. 106. Marquee. “Marquee” means any permanent roof-like structure extending along or projecting beyond the wall of a building, generally designed and constructed to provide protection from the weather.

Subd. 107. Mechanical equipment. “Mechanical equipment” means equipment, devices and accessories, the use of which relates to water supply, powering, heating, ventilating, air conditioning or similar purposes.

Subd. 108. Medical clinics. “Medical clinics” means a building, or part of a building, where persons are cared for on an outpatient basis.

Subd. 109. Micro unit dwelling. “Micro unit dwelling” means a dwelling unit that is accessory to a religious institution and is intended to provide housing for chronically homeless persons, extremely low income persons and designated volunteers as defined in Minnesota Statutes, section 327. 30.

Subd. 110. Mobile food unit. “Mobile food unit” has the meaning given it from the Crystal city code, chapter XIII.

Subd. 111. Multiple tenant building. “Multiple tenant building” means any building which has more than one tenant, and where each tenant has a separate ground-level exterior public entrance.

Subd. 112. New construction. “New construction” means structures, including additions and improvements, and placement of manufactured homes, for which the start of construction commenced on or after the effective date of the floodplain overlay district provisions.

Subd. 113. Non-commercial speech. “Non-commercial speech” means dissemination of messages not classified as commercial speech which include, but are not limited to, messages concerning political, religious, social, ideological, public service and informational topics.

Subd. 114. Non-conforming lot. “Non-conforming lot” means a lot of record or other parcel of land that does not comply with the lot requirements for any allowed use in the zoning district in which it is located.

Subd. 115. Non-conforming structure. “Non-conforming structure” means any structure permitted prior to the effective date of this UDC, which would not conform to the applicable regulations if the structure were to be erected under the provisions of this UDC.

Subd. 116. Non-conforming use. “Non-conforming use” means a lawful use of land that does not comply with the use regulations for its zoning district but which complied with applicable regulations at the time the use was established.

Subd. 117. Obstruction. “Obstruction” means any, wall, embankment, pile, abutment, projection, excavation, channel modification, culvert, building, wire, fence, stockpile, refuse, fill, structure, or matter in, along, across, or projecting into any channel, watercourse, or regulatory floodplain which may impede, retard, or change the direction of the flow of water, either in itself or by catching or collecting debris carried by such water.

Subd. 118. Offices, professional. “Offices, professional” means establishments providing executive, management, administrative or professional services including, but not limited to, real estate, medical clinics, architecture, legal, travel, contractor, employment, insurance, and similar uses.

Subd. 119. One hundred year floodplain. “One hundred year floodplain” means lands inundated by the “Regional Flood” (see definition).

Subd. 120. Owner or property owner. “Owner or property owner” means the owner or taxpayer of record according to Hennepin County property tax records.

Subd. 121. Parapet wall. “Parapet wall” means that portion of building wall that rises above the roof level.

Subd. 122. Parking lot. “Parking lot” means land, not within a building, that is surfaced in accordance to the requirements of this UDC and used for the temporary parking of motor vehicles.

Subd. 123. Parking ramp or structure. “Parking ramp or structure” means a structure designed and used for the storage of motor vehicles at, below, or above grade or a combination thereof.

Subd. 124. Patio. “Patio” means an open, level-surfaced area that is typically impervious, has an elevation of no more than 12 inches above grade, is without walls or roofs, and is intended for outdoor seating or recreation.

Subd. 125. Personal services. “Personal services” means establishments that are primarily engaged in providing services generally involving the care of the person or the person’s possessions. Personal services may include, but are not limited to laundry and dry-cleaning services, tailors, barber or beauty shops, health and fitness studios, nail salons, locksmiths, tattoo parlors, therapeutic massage, pet grooming, portrait studios, and similar uses.

Subd. 126. Plat, final. “Plat, final” means the final formally approved layout of the proposed subdivision showing the same information as the preliminary plat, complying with the requirements of this UDC, and any additional requirements imposed by the city council and prepared in the form required by the appropriate county office and Minnesota Statutes, chapter 505.

Subd. 127. Plat, preliminary. “Plat, preliminary” means a tentative layout of the proposed subdivision prepared for the purpose of formal review by the city. The preliminary plat shows lots, blocks, streets, and physical features relevant to the development of the property, but not in the detail or final form of the final plat.

Subd. 128. Porch, open. “Porch, open” means a porch that has a roof but is not enclosed with windows, screens or walls. An open porch that does not have a roof is defined as a deck.

Subd. 129. Portable storage container. “Portable storage container” means a temporary portable structure or container that allows for on-site storage of goods or materials, and which is not permanently affixed to a foundation.

Subd. 130. Private recreational facilities, indoor. “Private recreational facilities, indoor” means recreational facilities are private recreational facilities located completely within an enclosed building that includes, but is not limited to bowling alleys, volleyball courts, ice skating rinks, and driving ranges.

Subd. 131. Private recreational facilities, outdoor. “Private recreational facilities, outdoor” means private recreational facilities providing outdoor activities that includes, but is not limited to, sand volleyball courts, miniature golf courses, batting cages, and tennis courts.

Subd. 132. Public and semipublic buildings. “Public and semipublic buildings “ means buildings containing public or civic uses of special significance to residents, employees or visitors such as community service centers. Public and semipublic buildings do not include public utility buildings, schools, or religious institutions.

Subd. 133. Public waters. “Public waters” means waters of the state as defined in Minnesota Statutes, section 103G.005.

Subd. 134. Reach. “Reach” means a hydraulic engineering term used to describe a longitudinal segment of a stream or river influenced by a natural or man-made obstruction. In an urban area, the segment of a stream or river between two consecutive bridge crossings would most typically constitute a reach.

Subd. 135. Recreational vehicle. “Recreational vehicle” has the meaning given the term in Minnesota Statutes, section 168.002. For the purposes of this UDC, the term recreational vehicle is synonymous with the term “travel trailer/travel vehicle”.

Subd. 136. Regional flood. “Regional flood” means a flood which is representative of large floods known to have occurred generally in Minnesota and reasonably characteristic of what can be expected to occur on an average frequency in the magnitude of the 1% chance or 100-year recurrence interval. Regional flood is synonymous with the term "base flood" used in a flood insurance study.

Subd. 137. Regulatory flood protection elevation (RFPE). “Regulatory flood protection elevation” or “RFPE” means an elevation not less than two feet above the elevation of the regional flood plus any increases in flood elevation caused by encroachments on the floodplain that result from designation of a floodway.

Subd. 138. Religious institutions. “Religious institutions” mean a building, together with its accessory buildings, where persons regularly assemble for religious worship and which building, together with its accessory buildings and uses, is maintained and controlled by a religious body organized to sustain public worship.

Subd. 139. Repetitive loss. “Repetitive loss” means flood related damages sustained by a structure on two separate occasions during a ten-year period for which the cost of repairs at the time of each such flood event on the average equals or exceeds 25% of the market value of the structure before the damage occurred.

Subd. 140. Restaurant or eating establishment. “Restaurant or eating establishment” means an establishment whose principal business is the selling of food and beverages to the customer in a ready to consume state. Restaurants or eating establishments include cafes, coffee shops, and ice cream shops.

Subd. 141. Restrictive covenant. “Restrictive covenant” means a recorded contract or agreement entered into between private parties establishing restrictions on the development or use of property in addition to those established by this UDC.

Subd. 142. Retail establishments. “Retail establishments” means establishments primarily engaged in the sale of goods to the general public. Retail uses may include, but are not limited to, bookstores, liquor stores, bakeries, grocery stores, and other similar uses.

Subd. 143. Retention facility. “Retention facility” means a permanent natural or man-made structure that provides for the storage of stormwater runoff by means of a permanent pool of water.

Subd. 144. Seasonal agricultural sales. “Seasonal agricultural sales” means the outdoor sale of goods or products obtained primarily through farming or agricultural activities, including, but not limited to: pumpkins; grain and seed crops; fruits and vegetables; nursery, floral, ornamental, and greenhouse products; and Christmas trees.

Subd. 145. Schools, elementary or secondary. “Schools, elementary or secondary” means buildings used to teach students that includes elementary schools, middle schools or high schools.

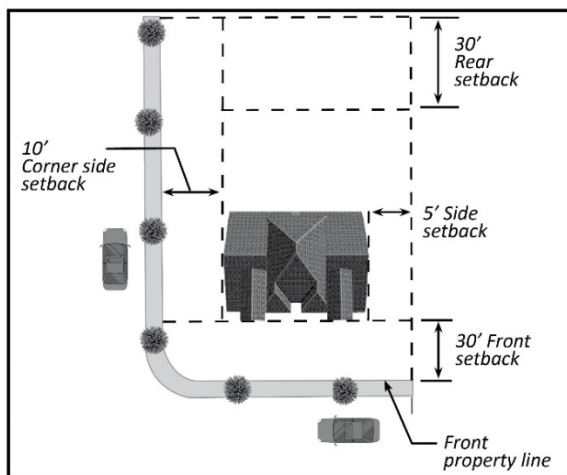
Subd. 146. Schools, nursery or preschool. “Schools, nursery or preschool” means a school or facility providing general daytime care and/or instruction for children six years of age or younger which conducts no instructional programs certified by the state department of education as meeting the minimum educational requirements for compulsory-age children.

Subd. 147. Schools, trade or business. “Schools, trade or business” means a school operated for profit, which teaches business, professional, or technical trades or skills, or a school not otherwise included within the provisions of this UDC.

Subd. 148. Self-storage facilities. “Self-storage facilities” means a building or group of buildings having compartments, rooms, spaces, containers, or other types of units that are individually leased, rented, sold or otherwise contracted for by customers for the storage of personal or business goods or property, and where the facility owner/operator has limited access to such privately-rented units. For the purposes of this UDC, the term self-storage facilities shall be considered synonymous with the term mini-storage.

Subd. 149. Senior housing. “Senior housing” means a multiple family dwelling building or group of buildings in which each dwelling is occupied by at least one person age 55 or older. This does not include institutions such as specialized care facilities.

Subd. 150. Setback. “Setback” means the minimum required horizontal distance between a structure and a lot line, as measured perpendicular to the lot line. Setback standards provide open areas around structures for visibility and traffic safety, access to and around structures, access to natural light, ventilation and direct sunlight, separation between potentially conflicting activities, and space for privacy, landscaping, and recreation.



**Figure 4:** Illustration showing typical setbacks for a one-family dwelling

Subd. 151. Setback, front. “Setback, front” means the minimum required horizontal distance between a structure and the front lot line (see figure 4).

Subd. 152. Setback, rear. “Setback, rear” means the minimum required horizontal distance between a structure and the rear lot line (see figure 4).

Subd. 153. Setback, side. “Setback, side” means the minimum required horizontal distance between a structure and the side lot line (see figure 4).

Subd. 154. Setback, corner side. “Setback, corner side” means the minimum required horizontal distance between a structure and the corner side lot line (see figure 4).

Subd. 155. Shed. “Shed” means a detached accessory building that is used primarily for the storage of goods, not vehicles.

Subd. 156. Sign face. “Sign face” means the surface of the sign upon, against, or through which the message of the sign is exhibited.

Subd. 157. Sign structure. “Sign structure” means any structure including the supports, uprights, bracing and framework which supports or is capable of supporting any sign.

Subd. 158. Sign. “Sign” means any letter, word or symbol, poster, picture, statuary, reading matter or representation in the nature of an advertisement, announcement, message or visual communication, whether painted, posted, printed, affixed, or constructed, including all associated brackets, braces, supports, wires, and structures, which is displayed for informational or communicative purposes. Signs shall be further defined in accordance with the following.

- (a) Abandoned sign. “Abandoned sign” means any sign and/or its supporting sign structure which remains without a message or whose display surface remains blank for a period of one year or more, or any sign which pertains to a time, event, or purpose which no longer applies, shall be deemed to have been abandoned. Signs applicable to a business suspended because of a change in ownership or management of such business shall not be deemed abandoned unless the property remains vacant for a period of one year or more. Any sign remaining after demolition of a principal structure shall be deemed to be abandoned. Signs which are present because of being legally established nonconforming signs or signs which have required a conditional use permit or a variance shall also be subject to the definition of abandoned sign.
- (b) Awning sign. “Awning sign” means a building sign or graphic printed on or in some fashion attached directly to the awning material.
- (c) Balloon sign. “Balloon sign” mean a temporary sign consisting of a bag made of lightweight material supported by helium, hot, or pressurized air that is greater than 24 inches in diameter.
- (d) Building sign. “Building sign” means any sign attached or supported by any structure used or intended for supporting or sheltering any use or occupancy.
- (e) Canopy sign. “Canopy sign” means any sign that is part of or attached to a canopy, made of fabric, plastic, or structural protective cover over a door or entrance. A canopy sign is not a marquee sign and is different from service area canopy signs.
- (f) Changeable sign. “Changeable sign” means a sign or portion thereof with characters, letters, or illustrations that can be changed or rearranged without altering the face or the surface of the sign. Changeable signs do not include signs upon which characters, letters, or illustrations change or rearrange only once in a 24-hour period.
- (g) Electronic or electrically-controlled readerboard. “Electronic or electrically-controlled readerboard sign” means a sign, or section thereof, which has a constant light illumination level and messages which are changed by electronic processes or remote control.
- (h) Electric sign. “Electric sign” means a sign containing electrical wiring; the term does not include signs illuminated by an exterior light source.
- (i) Flashing sign. “Flashing sign” means a directly or indirectly illuminated sign which exhibits changing light or color effects by any means, so as to provide intermittent illumination which includes the illusion of intermittent flashing light by means of animation. Also any mode of lighting which resembles zooming, twinkling, or sparkling.
- (j) Freestanding sign. “Freestanding sign” means any sign which has supporting framework that is placed on, or anchored in, the ground and which is independent from any building or other structure. For the purposes of this UDC, a monument sign is not a freestanding sign.

- (k) Governmental sign. “Governmental sign” means any temporary or permanent sign erected and maintained by the City, County, State, or federal government, or a public utility.
- (l) Illuminated sign. “Illuminated sign” means any sign which contains an element designed to emanate artificial light internally or externally.
- (m) Marquee sign. “Marquee sign” means any building sign painted, mounted, constructed or attached in any manner, on a marquee.
- (n) Monument sign. “Monument sign” means any sign with its sign face mounted on the ground or mounted on a base at least as wide as the sign.
- (o) Nonconforming sign. “Nonconforming sign” means any sign and its support structure lawfully erected prior to the effective date of this UDC which fails to conform to the requirements of this UDC. A sign which was erected in accordance with a variance granted prior to the adoption of this UDC and which does not comply with this UDC shall be deemed to be a legal nonconforming sign. A sign which was unlawfully erected shall be deemed to be an illegal sign.
- (p) Off-premise sign. “Off-premise sign” means a commercial speech sign which directs the attention of the public to a business, activity conducted, or product sold or offered at a location not located on the same premises where such business sign is located. For the purposes of this UDC:
  - (1) A freestanding, monument or pylon sign shared by adjacent property owners shall not be considered an off-premise sign.
  - (2) Easements and other appurtenances shall be considered to be outside such platted parcel of land and any sign located or proposed to be located in an easement or other appurtenance shall be considered an off-premise sign.
- (q) On-premise sign. “On-premise sign” means a sign that pertains to the use of the premises or the property on which it is located.
- (r) Pole sign. “Pole sign” means a sign which has the same meaning as pylon sign (see definition).
- (s) Portable sign. “Portable sign” means any sign which is manifestly designed to be transported, including by trailer or on its own wheels, even though the wheels of such sign may be removed and the remaining chassis or support is converted to another sign or attached temporarily or permanently to the ground since this characteristic is based on the design of such a sign.
- (t) Projecting sign. “Projecting sign” means any sign which is affixed to a building or wall in such a manner that its leading edge extends more than 15 inches beyond the surface of such building or wall face. A projecting sign is also a sign located above or below a canopy or marquee.
- (u) Pylon sign. “Pylon sign” means any freestanding sign which has its supportive structure(s) anchored in the ground and which has a sign face elevated above ground level by pole(s) or beam(s) and with the area below the sign face open.
- (v) Roof sign. “Roof sign” means any sign erected and constructed wholly on and above the roof of a building, supported by the roof structure, and extending vertically above the highest portion of the roof.



- (w) Rotating sign. “Rotating sign” means a sign or portion of a sign which turns about on an axis.
- (x) Sandwich board sign. “Sandwich board sign” means a moveable sign not attached to the ground and constructed in such a manner as to form an “A” or a tent-like shape, hinged or not at the top, each angular face held at an approximate distance by a supporting member.
- (y) Shimmering sign. “Shimmering sign” means a sign which reflects an oscillating sometimes distorted visual image.
- (z) Small sign. “Small sign” means a single sign six square feet or less in size.
- (aa) Temporary sign. “Temporary sign” means a sign which is erected or displayed, or both, for a limited period of time.
- (bb) Vehicle sign. “Vehicle sign” means any sign exceeding 10 square feet in sign area that is mounted, painted, placed, affixed or attached to a trailer, watercraft, truck, automobile or other form of motor vehicle that is parked so that the sign is discernable from a public street or right-of-way as a means of communication. The vehicle upon which the sign is affixed must function primarily as a means to display the sign rather than as a transportation device, as determined by consideration of any combination of the following factors:
  - (1) The absence of a current, lawful license plate affixed to the vehicle on which the sign is displayed;
  - (2) The vehicle on which the sign is displayed is inoperable;
  - (3) The vehicle on which the sign is displayed is not parked in a lawful or authorized location or is on blocks or other supports or is parked in a manner that is not in conformity with the identified parking space on the lot;
  - (4) The vehicle displaying the sign remains parked on the premises after normal business hours when customers and employees are not normally present on the premises; or
  - (5) The vehicle remains parked in the same vicinity on the property in a location which maximizes its visibility from the public street or right-of-way on a regular basis.
- (cc) Wall sign. “Wall sign” means any building sign attached parallel to, but within two feet of a wall, painted on the wall surface of, or erected and confined within the limits of an outside wall of any building or structure, which is supported by such wall or building, and which displays only one sign surface. A wall sign is also a sign installed on the face of a canopy or marquee, but not extending beyond the face.

Subd. 159. Small wireless facility. “Small wireless facility” has the meaning given in Minnesota Statutes, section 237.162, subdivision 11.

Subd. 160. Special flood hazard area. “Special flood hazard area” means a term used for flood insurance purposes synonymous with “One hundred year floodplain.”

Subd. 161. Specialized care facilities. “Specialized care facilities” means any facility where the primary function is the provision, on a continuing basis, of nursing services and health-related services for treatment and in-patient care, such as nursing homes, assisted living facilities, memory care facilities and hospices. This does not include senior housing or the residence of any individual who cares for another family member.

Subd. 162. Start of construction. “Start of construction” means in relation to the floodplain overlay district, start of construction includes substantial improvement, and means the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, or other improvement that occurred before the permit’s expiration date. The actual start is either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include: land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers, foundations, or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main building. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

Subd. 163. Stealth. “Stealth” means any telecommunications facility which is designed to blend into the surrounding environment. Examples of stealth facilities include architecturally screened roof-mounted antennas, antennas integrated into architectural elements, and telecommunications towers designed to look other than a tower such as light poles, power poles, and trees.

Subd. 164. Street. “Street” means a public right-of-way greater than 30 feet in width platted or dedicated for the purpose of accommodating vehicular traffic or providing principal access to abutting property. An alley is not a street.

Subd. 165. Structure. “Structure” means anything constructed or erected on or connected to the ground, whether temporary or permanent in character.

Subd. 166. Subdivision. “Subdivision” means as a verb, the term means the process of separating a parcel of land for the purpose of building or conveyance including the division of previously subdivided property. As a noun, the term means the product resulting from the separation of a parcel into two or more parcels. The term also includes the activity regulated by Minnesota Statutes, chapters 515, 515A, and 515B.

Subd. 167. Substantial damage. “Substantial damage” means in relation to the floodplain overlay district damage of any origin sustained by a structure where the cost of restoring the structure to its before-damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred.

Subd. 168. Substantial improvement. “Substantial improvement” means in relation to the floodplain overlay district within any consecutive 365-day period, any reconstruction, rehabilitation (including normal maintenance and repair), repair after damage, addition, or other improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure before the “start of construction” of the improvement. This term includes structures that have incurred “substantial damage,” regardless of the actual repair work performed. The term does not, however, include either:

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

Subd. 169. Survey, certified. “Survey, certified” means a scaled drawing prepared by a registered land surveyor of a property indicating the location and dimensions of property lines, and if appropriate the

location and dimensions of existing and proposed buildings. A survey typically depicts a parcel's legal description and may also show additional information such as topographic data and the location of recorded easements.

Subd. 170. Telecommunications facilities. "Telecommunications facilities" means any cables, wires, lines, wave guides, antennas and any other equipment or facilities associated with the transmission or reception of communications which a person seeks to locate or has installed upon or near a tower or antenna support structure. However, the term "telecommunications facilities" shall not include any satellite earth station antenna one meter or less in diameter, or any satellite earth station antenna two meters in diameter or less which is located in an area zoned industrial or commercial. This term does not include wireless facilities, which are separately defined under this UDC.

Subd. 171. Telecommunications tower or tower. "Telecommunications tower or tower" means a self-supporting lattice, guyed, or monopole structure constructed from grade whose principal use is to support telecommunications facilities. The term tower shall not include amateur radio operations equipment licensed by the Federal Communications Commission (FCC). This term does not include wireless facilities or wireless support structures, which are separately defined under this UDC.

Subd. 172. Theater, indoor. "Theater, indoor" means a building or part of a building devoted to showing motion pictures, or for dramatic, dance, musical, or other live performances.

Subd. 173. Useable open space. "Useable open space" means a required ground area or terrace area on a lot which is graded, developed, landscaped, and equipped and intended and maintained for either active or passive recreation or both, which is available and accessible to and useable by all persons occupying a dwelling or rooming unit on the lot and their guests. Such areas shall be grassed and landscaped or covered only for recreational purpose. Roofs, driveways and parking areas shall not constitute useable open space.

Subd. 174. Use, accessory. "Use, accessory" means a use which:

- (a) Is subordinate to and serves a principal building or principal use;
- (b) Is subordinate in area, extent, and purpose to the principal structure or principal use as served; and
- (c) Is located on the same lot as the principal structure or principal use served and except as otherwise expressly authorized by the provisions of this UDC.

Subd. 175. Use, conditional. "Use, conditional" means a use that would not be appropriate generally or without restriction throughout the zoning district but which, if controlled as to number, area, location, or relation to the neighborhood, would not be detrimental to public health, safety, or general welfare.

Subd. 176. Use, permitted. "Use, permitted" means a use which may be lawfully established in a particular district or districts, provided it conforms with all requirements, including development standards, of such districts.

Subd. 177. Use, principal. "Use, principal" means the main use of land or buildings as distinguished from subordinate or accessory uses. A principal use may be permitted or conditional.

Subd. 178. Use, temporary. "Use, temporary" means a use that may be permitted for a specified period of time.

Subd. 179. Variance. "Variance" means an approval issued by the city council waiving the application of one or more provisions of this UDC with respect to a particular property in instances where

the applicant demonstrates that there are practical difficulties in strictly complying with the requirements of this UDC because of circumstances unique to the property that were not caused by the applicant.

Subd. 180. Vehicle, boat or recreational sales and rental. “Vehicle, boat or recreational sales and rental” means facilities where new or used vehicles, boats, or recreational vehicles, in operational condition, are sold, leased, or rented to customers.

Subd. 181. Vehicle fuel stations. “Vehicle fuel stations” means a facility for the retail sale of unleaded or diesel gasoline. A vehicle fuel station may include a convenience store or general repair and maintenance of vehicles, such as muffler repair, oil change and lubrication, or tire service and sales.

Subd. 182. Vehicle impound lot. “Vehicle impound lot” means a parcel of land used for the outdoor storage of impounded vehicles, including impounded recreational vehicles. Commercial truck storage or parking, as defined in this UDC, is not a vehicle impound lot.

Subd. 183. Vehicle repair. “Vehicle repair” means the general repair and maintenance of vehicles such as oil changes, muffler repair, tire service and sales, or more substantial work such as body and fender work, upholstery, and replacement of parts.

Sub. 184. Volume management. “Volume management” means the retention and abstraction of a certain volume of stormwater runoff onsite through techniques such as infiltration, evapotranspiration, and capture and reuse.

Subd. 185. Wetlands. “Wetlands” means lands transitional between terrestrial and aquatic systems where the water table is usually at or near the surface or the land is covered by shallow water. For purposes of this definition, wetlands shall have the following attributes:

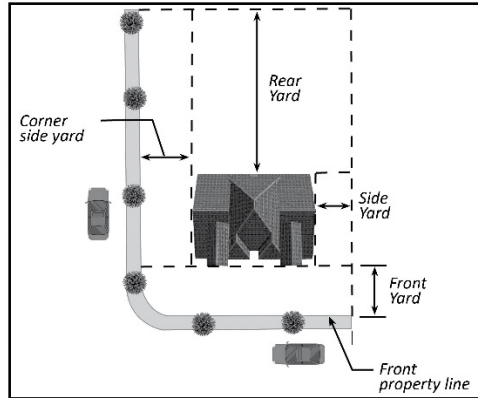
- (a) A predominance of hydric soils;
- (b) Are inundated or saturated by surface or ground water at a frequency and duration sufficient to support a prevalence of hydrophytic vegetation typically adapted for life in saturated soil conditions; and
- (c) Under normal circumstances, support a prevalence of such vegetation.

Subd. 186. Wireless facilities. “Wireless facility” has the meaning given in Minnesota Statutes, section 237.162, subdivision 13.

Subd. 187. Wireless support structures. “Wireless Support Structure” has the meaning given in Minnesota Statutes, section 237.162, subdivision 16.

Subd. 188. Workshop. “Workshop” means an accessory residential use for the creation of individually crafted artwork, jewelry, furniture, sculpture, pottery, leathercraft, hand-woven articles, and related items. A workshop may be either an accessory use within the principal building or may be an accessory building on the property.

Subd. 189. Yard. “Yard” means the horizontal distance between the principal structure and a lot line, as measured perpendicular to the lot line. Eaves are not to be considered part of the principal structure for the purpose of determining the location or extent of a yard.



**Figure 5:** Illustration showing yard locations

Subd. 190. Yard, front. “Yard, front” means the horizontal distance between the principal structure and the front lot line, extending across the full width of the lot (see figure 5).

Subd. 191. Yard, rear. “Yard, rear” means the horizontal distance between the principal structure and the rear lot line, extending across the full width of the lot (see figure 5).

Subd. 192. Yard, side. “Yard, side” means the horizontal distance between the principal structure and the side lot line, extending from the front yard to the rear yard (see figure 5).

Subd. 193. Yard, corner side. “Yard, corner side” means the horizontal distance between the principal structure and the corner side lot line, extending from the front yard to the rear yard (see figure 5).

Section 510

Administration

510.01. Applicability.

Subd. 1. Procedures. All land use and development permit applications, except building permits, shall be governed by the procedures contained in this section.

Subd. 2. Procedural review processes. There are three different levels of procedural reviews for applications submitted to the city. These three types of review procedures are described in the Crystal city code, subsection 510.11. This UDC further identifies which procedural review shall be necessary based upon each type of application. To the extent that any application process does not outline a procedural review, the zoning administrator shall determine the appropriate level of review.

Subd. 3. Specific review processes. Specific procedures and decision criteria for each type of development review application are contained in the Crystal city code, subsection 510.13.

Subd. 4. Appeals of administrative decisions. Appeals of any order, requirement, decision, or determination made by an administrative officer in the enforcement of the UDC may be brought as provided in the Crystal city code, subsection 510.35.

Subd. 5. Appeals of final decisions. The decisions of the city council under this UDC are final, except that any person aggrieved by a final decision of the city council may appeal the decision to district court as provided in Minnesota Statutes, section 462.361. In order to be timely, any such appeal shall be filed with the district court within 30 days of the date of the decision.

510.03. Planning commission.

Subd. 1. Established. The planning commission is hereby established for the city. The planning commission is designated as the planning agency of the city in accordance with Minnesota Statutes, section 462.354.

Subd. 2. Purpose. The purpose of the planning commission is to assist the city council in all matters relating to zoning and development or redevelopment of properties within Crystal. The planning commission's role is advisory in nature.

Subd. 3. Duties. The planning commission has those powers and duties assigned to it by Minnesota Statutes, sections 462.351 to 462.364, (the Municipal Planning Act) and as further provided under this UDC.

Subd. 4. Members. The planning commission shall be made up of nine members. There shall be at least two planning commission members from each of the four city wards. The remaining planning commission member shall be appointed on an at-large basis.

Subd. 5. Qualifications. Planning commission members must be residents of the city and be at least fifteen years old.

Subd. 6. Removal. Planning commission members serve at the pleasure of the city council and may be removed from the commission, with or without cause, upon a majority vote of the city council.

Subd. 7. Terms. Planning commission members shall be appointed to three-year terms. There are no term limits. To help ensure continuity in the planning commission's work, the terms shall be staggered.

As such, terms for the first nine planning commission members prescribed by this UDC shall expire as follows:

- (a) Four terms shall expire on December 31, 2017.
- (b) Three terms shall expire on December 31, 2018.
- (c) Two terms shall expire on December 31, 2019.

Subd. 8. Other commissions. While serving on the planning commission, planning commission members may not also concurrently serve on the city's parks and recreation commission or environmental quality commission.

Subd. 9. Compensation. Planning commission members shall serve without compensation, but may be reimbursed for actual and necessary expenses if funds for that purpose are identified in the adopted city budget.

Subd. 10. Liaison. The planning commission shall have both a city council liaison and a staff liaison. The city council liaison shall be assigned by the mayor. The staff liaison shall be assigned by the city manager. The commission may also have a staff secretary who is responsible for taking and preparing minutes during planning commission meetings.

Subd. 11. Operations. The planning commission shall conduct itself in accordance with this UDC, the Crystal city code, section 305, the planning commission's bylaws, and all other applicable laws and ordinances.

#### 510.05. Board of appeals and adjustments.

Subd. 1. Board of appeals and adjustments. Pursuant to Minnesota Statutes, section 462.354, the city of Crystal board of appeals and adjustments is hereby established for the city. The city's planning commission shall serve as the board of appeals and adjustments for the city. Pursuant to Minnesota Statutes, section 462.354, subdivision 2, the decisions of the board of appeals and adjustments are advisory to the city council, which will make all final decisions. The Board shall operate under the same requirements as the planning commission in the Crystal city code, subsection 510.03.

Subd. 2. Duties of the board. The board of appeals and adjustments shall have the following duties:

- (a) The board of appeals and adjustments hears and makes recommendations with respect to appeals from any order, decision, or determination made by an administrative officer in the enforcement of this UDC.
- (b) The board of appeals and adjustments hears requests for variances from literal provisions of this UDC in accordance with the provisions of Minnesota Statutes, section 462.357.
- (c) The board of appeals and adjustments hears appeals from the denial of a building permit for structures within the limits of a mapped street pursuant to Minnesota Statutes, section 462.359.

#### 510.07. Zoning administrator.

Subd. 1. Appointment. The city manager shall appoint a zoning administrator to administer and enforce this UDC.

Subd. 2. Authority. The zoning administrator is authorized to perform the following duties for the city:

- (a) Accept applications, determine their completeness, and identify what additional information is required to make an application complete;
- (b) Process and issue permits once they have been approved in accordance with this UDC;
- (c) Issue notices of denial;
- (d) Create reports with recommendations on zoning matters for the planning commission and the city council;
- (e) Provide for notices required under this UDC;
- (f) Conduct inspection as may be needed;
- (g) Administer and issue notices under Minnesota Statutes, section 15.99;
- (h) Enforce this UDC through the issuance of violation notices, cease and desist orders, and correction orders as may be needed; and
- (i) Perform such other duties and responsibilities as identified in this UDC or as may otherwise be needed to administer this UDC as directed by the city manager.

510.09. General development review requirements.

Subd. 1. Applicability. The requirements of this subsection shall apply to all development review applications and procedures subject to development review under this UDC, unless otherwise stated.

Subd. 2. Applications.

- (a) Unless otherwise specified in this UDC, development review applications may be initiated by:
  - (1) The planning commission or city council, where applicable;
  - (2) The owner of the property that is the subject of the application; or
  - (3) The owner's authorized agent.
- (b) Unless otherwise specified in this UDC, development review applications shall be submitted to and filed with the zoning administrator.
- (c) When an authorized agent files an application under this UDC on behalf of a property owner(s), the property owner(s) shall be required to sign the application. An application shall not be deemed complete if it is not signed by the owner(s).

Subd. 3. Application submission schedule. The schedule for the submission of applications in relation to scheduled meetings of the review bodies shall be established by the zoning administrator and made available to the public. Such schedule shall be used for informational purposes only. The zoning administrator shall determine when an application shall be submitted to the planning commission or city council based upon the completeness of the application received by the city.

Subd. 4. Application contents.

- (a) Applications required under this UDC shall be submitted using the application form established by the city. The materials and quantities to be submitted with each application are listed on each application form.



- (1) In addition to other requirements on the application form, applications to improve a property shall be accompanied by a certified survey completed by a land surveyor licensed by the State of Minnesota.
  - (2) After the property improvement is completed, an as-built certified survey may also be required, including those situations where the location of improvements was changed since the application submittal.
- (b) Applications shall be accompanied by a fee as established by the city council and as identified in Crystal city code, appendix IV.
- (1) No application may be deemed complete, processed, or considered until the established fee(s) has been paid.
  - (2) Application fees are not refundable except where the zoning administrator determines that an application was submitted in error, or the fees paid exceed the amount due, in which case the amount of the overpayment shall be refunded to the applicant.
- (c) The zoning administrator shall review and make decisions on the completeness of an application as provided for in Minnesota Statutes, section 15.99.

Subd. 5. Public notice.

- (a) For all applications for development review that are subject to public notice requirements under this UDC or any applicable law or rule, the zoning administrator shall prepare and provide to the public the required notice in compliance with this subdivision 5.
- (b) Notices for public hearings, whether by publication or mail (written notice), shall, at a minimum:
  - (1) Identify the address or location of the property subject to the application and the name of the applicant or the applicant's agent;
  - (2) Indicate the date, time, and place of the public hearing;
  - (3) Describe the land involved by street address, legal description, or the nearest cross street and project area (size);
  - (4) Describe the nature, scope, and purpose of the application or proposal;
  - (5) Identify the location (e.g., city hall) where the public may view the application and related documents;
  - (6) Include a statement that the public may appear at the public hearing, be heard, and submit evidence and written comments with respect to the application;
  - (7) Include a statement describing where written comments will be received prior to the public hearing; and
  - (8) If applicable, indicate the date of the city council meeting at which the application will be considered.
- (c) Minor defects in any notice shall not impair the notice or invalidate proceedings pursuant to the notice if a bona fide attempt has been made to comply with applicable notice requirements.

Minor defects in notice shall be limited to errors in a legal description, typographical or grammatical errors, or errors of actual acreage that do not impede communication of the notice to affected parties. Failure of a party to receive written notice shall not invalidate subsequent action. In all cases, however, the requirements for the timing of the notice and for specifying the time, date, and place of a hearing shall be strictly construed. If questions arise at the hearing regarding the adequacy of notice, the zoning administrator shall make a formal finding as to whether there was substantial compliance with the notice requirements of this UDC, and such finding shall be made available prior to final action on the request.

- (d) When the records of the city document the publication, mailing, and posting of notices as required by this section, it shall be presumed that notice of a public hearing was given as required by this section.
- (e) Unless otherwise expressly provided in state law or this UDC, notice, when required, shall be postmarked or published at least ten days prior to the hearing or action.
- (f) When the provisions of state law or this UDC require that notice be published, the zoning administrator shall be responsible for preparing the content of the notice and publishing such notice in the official newspaper of general circulation that has been selected by the city.
- (g) When the provisions of this UDC require that written or mailed notice be provided, the zoning administrator shall be responsible for preparing and mailing the written notice in accordance with the following.
  - (1) Written notice for planning commission hearings for development review applications as outlined in in this subsection shall, at minimum, be given to property owners within 500 feet of the outer boundaries of the subject property.
  - (2) The notification of property owners shall apply only to the initial presentation of the application for the public hearing in front of the planning commission.
  - (3) Written notice shall be postmarked no later than ten days prior to the meeting at which the item will be considered.
  - (4) For a public hearing for approval of a telecommunications tower as provided in the Crystal city code, subsection 515.19 the required notice shall be given, at minimum, to property owners within a radius that is ten times the height of the proposed tower.

#### 510.11. Summary of application and review procedure types.

##### Subd. 1. General provisions.

- (a) The development review procedure type assigned to each development review application governs the decision-making process for that application. There are three types of decision-making procedures, each of which are described in this subsection.
- (b) Unless otherwise indicated within this UDC, all applications for permits or other approvals shall be submitted, in writing, to the zoning administrator.

Subd. 2. Summary table of development review procedures by type of review. Table 1 summarizes the type of development review procedures permitted under this UDC and the Crystal city code, subsection 510.13 defines the applicable approval procedures, criteria, and submittal requirements.

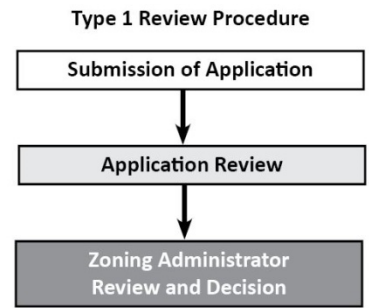
<b>Table 1: Development Review Procedures</b>			
	<u>Type 1</u> Zoning Administrator	<u>Type 2</u> Planning Commission and Council	<u>Type 3</u> City Council
	Decision	Recommend & Decision	Decision
Zoning Certificate	X		
Site Plan Review	X [1]	X [1]	
Conditional Use Permit		X	
Adjacent Parcel Land Conveyance	X		
Lot Consolidation			X
Subd.– Prelim. Plat		X	
Subd. – Final Plat			X
Comp Plan Amendment		X	
Rezoning or Text Amend.		X	
Variance		X	
Appeals		X	
Note: 1. A site plan review application is subject to either a Type 1 or Type 2 review, dependent upon the criteria in the Crystal city code, subsection 510.13.			

Subd. 3. Review procedures.

(a) Type 1 review procedure. Type 1 review procedure decisions are made by the zoning administrator without public notice and without a public hearing.

(1) Application submittal. The applicant shall submit a complete application to the zoning administrator in accordance with the Crystal city code, subsection 510.09.

(2) Action by the zoning administrator. The zoning administrator shall render a decision to approve or deny an application in accordance with the timelines contained in this UDC. The zoning administrator shall provide a written decision on the application, delivered to the applicant. The decision shall be final on the date it is mailed or otherwise provided to the applicant, whichever occurs first.



- (3) Appeal. The decision by the zoning administrator may be appealed to the board of appeals and adjustments as provided in the Crystal city code, subsection 510.35. The board of appeal and adjustments shall hear the appeal and forward it, with a written recommendation, to the city council for a final decision.
- (b) Type 2 review procedure. Type 2 review procedure decisions are made by the city council after a recommendation is made by the planning commission at a public hearing. Type 2 review procedure decisions require both published and mailed notice as provided in this subsection.

(1) Application submittal. The applicant shall submit an application, in writing, to the zoning administrator in accordance with the Crystal city code, subsection 510.09.

(2) Review by the zoning administrator. The zoning administrator may consult with other city staff on the application. The zoning administrator shall provide the applicant with comments and changes that are required to be in compliance with the provisions of this UDC. The applicant shall be required to submit revised plans and documents incorporating the required changes prior to the planning commission meeting.

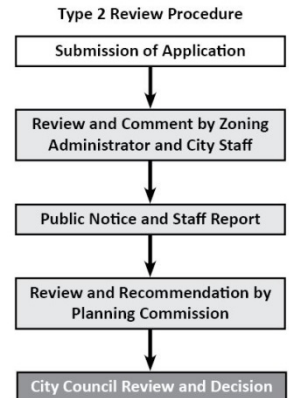
(3) Notice and public hearing. After determining that an application contains all the necessary and required information, the zoning administrator shall place the application on the planning commission agenda, schedule a public hearing on the proposed request, and notify the public pursuant to the Crystal city code, subsection 510.09.

(4) Preparation of staff report. The zoning administrator shall prepare a staff report providing an analysis of the proposal and a recommendation. The zoning administrator shall consider comments from other city staff in formulating the recommendation. The written staff report shall be forwarded to the planning commission and the contact person listed on the application form prior to the meeting at which the planning commission will consider the application.

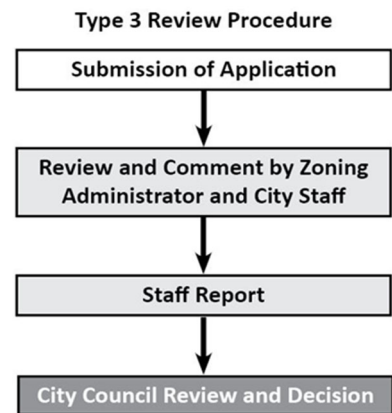
(5) Recommendation by planning commission. The planning commission shall hear and make a recommendation on the application in accordance with the following:

- (i) The planning commission shall consider the application at its public hearing. It shall consider comments by staff as appropriate, the presentation made by the applicant, and comments by interested parties.
- (ii) The planning commission shall consider this information and make a recommendation following the public hearing. If the planning commission so desires, it may continue the public hearing and/or table the item to allow for further review, so long as such action is in accordance with Minnesota Statutes, section 15.99.
- (iii) The planning commission shall also consider the applicable decision criteria of this UDC and shall recommend approval, recommend approval with conditions, or recommend denial of an application, citing the specific reasons therefor.

(6) Action by the city council. The city council shall consider and make the final decision on the application in accordance with the following:



- (i) After the planning commission’s recommendation is made, the city council shall consider and act to approve the request, approve with conditions, or deny the request, citing the specific reasons therefor.
  - (ii) The city council shall adopt findings and shall act upon the application in accordance with Minnesota Statutes, section 15.99.
- (7) Appeals. The decision of the city council is appealable to the district court within 30 days after the date of the decision.
- (c) Type 3 review procedure. Type 3 review procedure decisions are made by the city council at a public meeting that does not require a public hearing.
- (1) Application submittal. The applicant shall submit an application as provided in the Crystal city code, subsection 510.09.
  - (2) Review by the zoning administrator. The zoning administrator may consult with other city staff on the application. The zoning administrator shall provide the applicant with comments and suggested changes that are required to be in compliance with the provisions of this UDC. The applicant shall be required to submit revised plans and documents incorporating the required changes prior to the city council meeting.
  - (3) Preparation of staff report. The zoning administrator shall prepare a staff report providing an analysis of the proposal and a recommendation from staff. The zoning administrator shall consider comments from other city staff in formulating the recommendation. A written staff report shall be forwarded to city council, and the contact person listed on the application form, prior to the meeting at which the city council will consider the application.
  - (4) Action by city council. The city council shall consider and act to approve the request, approve with conditions, or deny the request.
  - (5) Appeals. The decision by the city council is appealable to the district court within 30 days after the date of the decision.



510.13. Specific development review procedure requirements. Each type of development review request under this UDC requires an application and is subject to its own review procedure as referenced below:

- (a) Zoning certificate. A request for a zoning certificate shall be submitted and processed in accordance with the Crystal city code, subsection 510.15;
- (b) Site plan review. A request for a site plan review shall be submitted and processed in accordance with the Crystal city code, subsection 510.17;
- (c) Conditional use permit. A request for a conditional use permit shall be submitted and processed in accordance with the Crystal city code, subsection 510.19;
- (d) Adjacent parcel conveyance. A request for an adjacent parcel conveyance shall be submitted and processed in accordance with the Crystal city code, subsection 510.21;

- (e) Lot consolidation. A request for a lot consolidation shall be submitted and processed in accordance with the Crystal city code, subsection 510.23;
- (f) Subdivision. A request for a subdivision shall be submitted and processed in accordance with the Crystal city code, subsection 510.25;
- (g) Comprehensive plan amendment. A request for a comprehensive plan amendment shall be submitted and processed in accordance with the Crystal city code, subsection 510.27;
- (h) Rezoning or text amendment. A request for a rezoning or text amendment shall be submitted and processed in accordance with the Crystal city code, subsection 510.29;
- (i) Rezoning to planned development overlay district. A request for a rezoning to planned development overlay district shall be submitted and processed in accordance with the Crystal city code, subsection 510.31;
- (j) Variance. A request for a variance shall be submitted and processed in accordance with the Crystal city code, subsection 510.33;
- (k) Appeal. A request for an appeal shall be submitted and processed in accordance with the Crystal city code, subsection 510.35;

510.15. Zoning certificate.

Subd. 1. Applicability. No building or other structure shall be erected, constructed, re-constructed, enlarged, or structurally altered, nor shall any land be used, excavated, or improved until a zoning certificate is issued.

Subd. 2. Approval procedure. The zoning certificate application shall be submitted to the zoning administrator in accordance with the application guidelines of this UDC and is subject to a Type 1 review procedure. Although any land use or construction shall be in compliance to the requirements of this UDC, the following application types involve a more detailed zoning review and are subject to approval of a zoning certificate:

- (a) Accessory uses regulated as provided in the Crystal city code, subsection 515.21 and noted as requiring a zoning certificate approval in Table 4;
- (b) Temporary uses regulated as provided in the Crystal city code, subsection 515.25 and noted as requiring a zoning certificate approval in Table 5. If the temporary use does not change from year to year as determined by the zoning administrator, the applicant will only need to receive zoning certificate approval when the use is first proposed, but the applicant may be required to submit additional information for the use, such as dates of operation; and
- (c) Site plans that meet the requirements of the Crystal city code, subsection 510.17, subdivision 2 for a Type 1 review.

Subd. 3. Approval criteria. The application shall demonstrate full compliance with the applicable requirements of this UDC.

Subd. 4. Effect of zoning certificate approval.

- (a) The zoning certificate must be issued prior to or concurrent with the city's issuance of a building permit.

- (b) If landscaping is required as part of the zoning certificate approval, and the applicant is not able to install the landscaping prior to or concurrent with the issuance of the certificate of occupancy, the applicant shall submit a cash escrow to secure the completion of the landscaping.

Subd. 5. Expiration.

- (a) A zoning certificate shall become void after one year from the date of issuance if a building permit has not been issued.
- (b) The zoning administrator may approve one extension of not more than one year.

510.17. Site plan review.

Subd. 1. Applicability. No building or other structure shall be erected, constructed, re-constructed, enlarged, or structurally altered, nor shall any land be used, excavated or improved until a site plan is approved.

Subd. 2. Approval procedure. A site plan review application shall be submitted to the zoning administrator in accordance with the application criteria of this UDC. If an applicant is submitting a conditional use permit application as provided in the Crystal city code, subsection 510.19, the conditional use permit and site plan review application shall be reviewed concurrently without the need for an additional application fee.

- (a) Site plans for the following construction requires approval of a zoning certificate review subject to a Type 1 review procedure as established in this UDC:
  - (1) Additions to multiple-family dwellings or nonresidential buildings of less than 50 percent of the building footprint.
  - (2) Industrial or commercial uses with outdoor storage of parts, products or fuels.
  - (3) Telecommunication towers in the industrial district.
- (b) Site plans for the following construction requires approval through a Type 2 review procedure as established in this UDC:
  - (1) New multiple-family dwellings of three units or more;
  - (2) New nonresidential structures;
  - (3) Additions to multiple-family dwellings or nonresidential structures of greater than 50 percent of the building footprint;
  - (4) New parking ramps or structures.
- (c) Approval criteria. No site plan review application shall be approved unless it meets the following criteria:
  - (1) It fully complies with all applicable requirements of this UDC;
  - (2) It adequately protects residential uses from the potential adverse effects of a non-residential use;

- (3) It is consistent with the use and character of surrounding properties; and
  - (4) It provides safe conditions for pedestrians or motorists and prevents the dangerous arrangement of pedestrian and vehicular ways.
- (d) Amendments to approved site plans approved through a Type 2 procedure.
- (1) After a site plan has been approved through a Type 2 procedure, the applicant may request approval of adjustments or rearrangements of buildings in the course of carrying out the plan. If the amendment involves changes to 10 percent or less of the original floor area, not to exceed 500 square feet, the zoning administrator may approve the amendment after a Type 1 review procedure. Such amendment shall be in full compliance with the requirements of this UDC. If the amendment involves changes greater than 10 percent of the original floor area or exceeds 500 square feet, the amendment will be subject to a Type 2 review procedure.
  - (2) The zoning administrator may also review and approve adjustments or rearrangements of items other than buildings, such as drives, parking areas, recreation areas, entrances, heights, yards, signage, landscaping, exterior lighting, surface water management plans, or similar modifications subject to a Type 1 review procedure. Such amendment shall be in full compliance with the requirements of this UDC.
- (e) Effect of city council decision of site plans approved through a Type 2 procedure.
- (1) Site plan approval shall expire one year from the date of approval unless the applicant has applied for and received a building permit.
  - (2) The applicant may request an extension of the expiration date in writing to the zoning administrator. The city council may approve one extension of not more than one year. Such written request shall include the following:
    - (i) An explanation of what, if any, good faith efforts have been made to complete the site plan process; and
    - (ii) The anticipated completion date.
  - (3) If required as a condition of approval of the site plan, the applicant shall sign a site improvement agreement with the city prior to the expiration date to guarantee completion of landscaping, stormwater management improvements, paved parking or pedestrian access areas, or similar improvements. A cash escrow deposit, or other form of security acceptable to the city, shall be submitted with the signed agreement before site improvements commence to secure the completion of the improvements. Upon completion of the work and acceptance by the city, the escrow deposit shall be released, except that the city may retain some of the deposit to ensure that the landscaping is succeeding one year after completion of the improvements. This may be extended by the zoning administrator to two years for native vegetation and for plantings in stormwater infiltration basins. In cases where various elements of the work are completed in stages, a request for partial release of the escrow may be approved by the zoning administrator. In the event construction of the project is not completed within the time prescribed by building permits or other approvals, the city may, at its option, complete the work using the escrow.



510.19. Conditional use permit.

Subd. 1. Applicability. Conditional uses are those uses which have been identified, because of special requirements or characteristics, that may only be allowed in a particular zoning district after an application, review and recommendation by the planning commission and approval by the city council

Subd. 2. Approval procedure. Conditional use permits in all zoning districts shall be subject to the Type 2 review procedure.

Subd. 3. Conditional use standards. Conditional uses may be subject to use-specific regulations as established in this UDC.

Subd. 4. Approval criteria. No conditional use permit application may be approved unless the following criteria have been satisfied:

- (a) The proposed use has been approved as a conditional use in the zoning district for which it is proposed;
- (b) The conditional use will be in accordance with the general objectives, or with any specific objective, of the city's comprehensive plan and this UDC;
- (c) The conditional use will be designed, constructed, operated, and maintained so as to be harmonious and appropriate in appearance with the existing or intended character of the general vicinity and that such use will not change the essential character of the same area;
- (d) Impacts such as noise, hours of activity, and exterior lighting have been sufficiently addressed to mitigate negative impacts on nearby uses;
- (e) Parking is adequately provided for the proposed conditional use;
- (f) Conditional uses in the Floodplain overlay district are also subject to the conditional use regulations as provided in the Crystal city code, subsection 515.09; and
- (g) In the approval of a conditional use permit, the city council may impose such conditions as it determines is necessary to make the use compatible with other uses allowed in the same district zone or vicinity.

Subd. 5. Amendments to an approved conditional use permit. Approved conditional use permits may only be amended upon the classification and review of the proposed amendment as follows:

- (a) Minor amendments. Minor amendments shall include changes in the site design of the applicable property that do not affect neighborhood compatibility or the public health, safety or welfare, and that do not violate any of the provisions of this UDC or the conditions attached to the conditional use permit.

The zoning administrator may review and make a decision on a minor amendment, and consult with other city staff members as part of a Type 1 review procedure.

- (b) Major amendments. Major amendments shall include all changes that are not classified as minor amendments above and shall be subject to a Type 2 review procedure.

Subd. 6. Accessory uses to a conditional use. Uses and structures that are accessory to a conditional use shall be allowed as provided in the Crystal city code, subsection 515.21 of this UDC, without requiring

a conditional use permit amendment, unless specifically required as a condition of the conditional use permit approval.

Subd. 7. Effect of city council decision.

- (a) A conditional use permit shall authorize a particular conditional use on a specific parcel for which it was approved. A change of use from one permitted conditional use to another shall require a new application and approval pursuant to this section.
- (b) If a site plan was approved as part of the conditional use permit, the permit shall expire one year from the date of approval unless the applicant has applied for and received a building permit. The applicant may request an extension of the expiration date in writing to the zoning administrator. The city council may approve one extension of not more than one year. Such written request shall include the following:
  - (1) An explanation of what, if any, good faith efforts have been made to complete the site plan process; and
  - (2) The anticipated completion date.
- (c) An approved conditional use may continue in operation, regardless of ownership or ownership changes, provided the use meets all the standards and conditions of approval.
- (d) If required as a condition of approval of the site plan for the conditional use permit, the applicant shall sign a site improvement agreement with the city prior to the expiration date to secure the completion of landscaping, stormwater management improvements, paved parking or pedestrian access areas, or similar improvements. A cash escrow deposit, or other form of security acceptable to the city, shall be submitted with the signed agreement before site improvements commence. Upon completion of the work and acceptance by the city, the escrow deposit shall be released except that the city may retain some of the deposit to ensure that the landscaping is succeeding one year after completion of the improvements. This may be extended by the zoning administrator to two years for native vegetation and for plantings in stormwater infiltration basins. In cases where various elements of the work are completed in stages, a request for partial release of the escrow may be approved by the zoning administrator. In the event construction of the project is not completed within the time prescribed by building permits or other approvals, the city may, at its option, complete the work using the escrow.

510.21. Adjacent parcel land conveyance.

Subd. 1. Purpose. The purpose of the procedure is to allow for the adjustment of lot lines which are the result of a conveyance of small, non-buildable areas of land from one lot to an adjacent lot without creating any new nonconformities and where such minor changes do not call for the submission and approval of a subdivision plat. Any such adjustments which are approved pursuant to this subsection shall be exempt from both the lot consolidation provisions of the Crystal city code, subsection 510.23 and the provisions applicable to subdivisions in the Crystal city code, subsection 510.25.

Subd. 2. Applicability. An adjacent parcel land conveyance occurs when a portion of a lot is conveyed to an adjacent lot resulting in an adjustment to the lot line.

Subd. 3. Approval procedure. An adjacent parcel land conveyance shall be subject to the Type 1 review procedure.

Subd. 4. Approval criteria. All of the following criteria shall be considered and met in the review of adjacent parcel land conveyance:

- (a) The land conveyance will not create any new nonconformities beyond those that existed prior to the application and which will not be corrected by the adjustment;
- (b) The land conveyance is in compliance with the requirements of this UDC; and
- (c) The parcel being conveyed shall not be a buildable parcel according to the dimensional requirements of the zoning district in which the parcel is located.
- (d) The applicant is not required to comply with the park dedication requirements as provided for in the Crystal city code, subsection 525.05 for a subdivision.

Subd 5. Deed consolidation. Upon approval of any adjacent parcel land conveyance pursuant to the terms of this section, the applicant shall record with the County Recorder or Registrar of Titles an updated deed which combines the legal descriptions for the original lot and that part of the adjacent parcel which has been conveyed to the applicant pursuant to this section. The applicant shall provide the city with evidence of the recording of such instrument within one year of approval of such application hereunder, or the zoning administrator's approval of the adjacent parcel land conveyance shall be automatically revoked.

510.23. Lot consolidation.

Subd. 1. Applicability. A lot consolidation shall meet the following requirements. If these requirements are not met, the property owner will be required to apply for a subdivision application as provided in the Crystal city code, subsection 510.25.

- (a) All parcels resulting from the lot consolidation shall have frontage and access on an existing improved street and shall not require the construction of any new street.
- (b) Any such consolidation shall not require any public improvements, with the exception of sidewalks, bike paths or trails, and does not include conveyance of an interest in real property to the city.

Subd. 2. Approval procedure.

- (a) Lot consolidations shall be submitted in writing to the zoning administrator and shall be subject to the Type 3 review procedure. The city council will consider approval of a final plat as part of that review procedure.
- (b) In addition to the review procedure set forth above, all lot consolidation applications shall be submitted to the state and county highway departments (if adjacent to a state or county highway) prior to submission of an application. A comment letter from these entities shall be required as part of the application.

Subd. 3. Approval criteria. All of the following criteria shall be considered in the review of lot consolidations:

- (a) The consolidation must be in general compliance with the comprehensive plan;
- (b) The consolidation must meet the purpose and intent of this UDC;
- (c) Unless prior or concurrent approval of a variance is granted, any such consolidation shall result in lots that, to the greatest extent possible, meet the dimensional requirements for the zoning

district in which the property is located, and shall not further increase the nonconformity of any lot dimension or structure; and

- (d) The applicant is not required to comply with the park dedication requirements as provided in the Crystal city code, subsection 525.05 as required for a subdivision.

Subd. 4. Effect of the city council's decision. Except for minor corrections, no changes, erasures, modifications or revisions shall be made to any final plat after approval has been given by the city council and endorsed by the mayor and city clerk in writing on the plat. Within six months of approval of the final plat by the City Council the applicant shall submit the plat for recording to the county recorder. If the plat is not submitted to the county recorder within six months, the city council's approval of the final plat shall be automatically revoked.

#### 510.25. Subdivisions.

Subd. 1. Applicability. The review of a subdivision is divided into two distinct steps, which are preliminary plat approval and final plat approval consistent with Minnesota Statutes, chapter 505.

Subd. 2. Preliminary plat approval.

- (a) Approval procedure. Preliminary plats shall be submitted in writing to the zoning administrator and shall be subject to the Type 2 review procedure.
- (b) State and county review. In addition to the review procedure set forth above, all preliminary plat applications shall be submitted to the state and county highway departments (if adjacent to a state or county highway) prior to submission of an application. A comment letter from these entities shall be required as part of the preliminary plat submission.
- (c) Approval criteria. The planning commission and city council shall consider the following criteria in the review of a preliminary plat:
  - (1) The proposed subdivision must be in full compliance with the provisions of this UDC;
  - (2) The proposed subdivision must be in accordance with the objectives of the city's comprehensive plan; and
  - (3) The physical characteristics of the site, including but not limited to topography, vegetation, susceptibility to erosion and sedimentation, susceptibility to flooding, water storage, and retention, must be such that the site is suitable for the type of development or use contemplated;
- (d) Effect of the city council's decision. No construction or other development activities shall take place on the site until the final plat and, if applicable, a development agreement are approved by the city council, except that grading may occur if a grading permit has been issued by the city.
- (e) Expiration of preliminary plat approval. Unless the city council specifically approves a different time period as part of the preliminary plat approval, the approval of a preliminary plat shall expire one year from the date it was approved. The applicant may request an extension of the expiration date in writing to the zoning administrator. The city council may approve one extension of not more than two years. Such written request shall include the following:
  - (1) An explanation for why a final plat has not been applied for;

- (2) An explanation of what, if any, good faith efforts have been made to complete the platting process; and
- (3) The anticipated completion date.

Subd. 3. Construction drawings approval. Construction drawings for any proposed installation of public infrastructure shall be submitted to the city engineer at the time of the final plat submission. These drawings must be approved by the city engineer as part of the final plat approval.

Subd. 4. Final plat approval.

- (a) Approval procedure. Final plats shall be submitted in writing to the zoning administrator and shall be subject to the Type 3 review procedure.
- (b) Approval criteria. The city council shall consider the following in the review of a final plat:
  - (1) Construction drawings have been submitted to, reviewed and approved by the city engineer;
  - (2) If applicable, a development agreement in a form acceptable to the city must have been prepared and executed as part of the final plat application;
  - (3) Whether the final plat is in substantial compliance with the approved preliminary plat and any conditions on the preliminary plat approval, and whether any changes of note were reported to the city council; and
  - (4) The final plat must comply with all other applicable standards in this UDC and state law including Minnesota Statutes, chapter 505 as applicable.
- (c) Effect of the city council's decision. Except for minor corrections, no changes, erasures, modifications or revisions shall be made to any final plat after approval has been given by the city council and endorsed by the mayor and city clerk in writing on the plat. Within six months of approval of the final plat by the city council the applicant shall submit the plat to the county recorder for recording. If the plat is not submitted to the county recorder within six months, the city council's approval of the final plat shall be automatically revoked.

#### 510.27. Comprehensive plan amendment.

Subd. 1. Applicability. This subsection outlines the procedural requirements for the amendment of the comprehensive plan. An amendment of the comprehensive plan may be initiated by the city council, planning commission, city staff, or a Crystal property owner.

Subd. 2. Approval procedure. Amendments to the comprehensive plan shall be subject to the Type 2 review procedure.

Subd. 3. Approval criteria. The planning commission and city council shall review the necessary submittal requirements, facts, and circumstances of the proposed amendment and make a recommendation and decision on the amendment based on, but not limited to, consideration of the following criteria:

- (a) Whether the proposed amendment corrects an error or meets the challenge of some changing condition, trend, or fact since the adoption of the comprehensive plan;
- (b) Whether the proposed amendment is consistent with the policy foundation of the comprehensive plan; and

- (c) Whether the proposed amendment will be compatible with the adjacent land uses of the property in question.

510.29. Rezoning or text amendments.

Subd. 1. Applicability. This subsection outlines the procedural requirements for the amendment of the text of this UDC or the official zoning map. A rezoning request to rezone to the planned development overlay district shall be submitted and processed as provided in the Crystal city code, subsection 510.31. An amendment to the text of this UDC or the official zoning map may be initiated by the planning commission, the city council, proposed by city staff, or initiated by the property owner or authorized agent of property for which the amendment is sought by submitting an application, in writing, to the zoning administrator.

Subd. 2. Approval procedure. Amendments to the text of this UDC or official zoning map shall be subject to the Type 2 review procedure. In the case of a rezoning to the PD overlay districts provided in the Crystal city code, subsection 510.31, the applicant shall also submit a site plan for the proposed project.

Subd. 3. Approval criteria. The planning commission and city council shall review the necessary submittal requirements, facts, and circumstances of the proposed amendment and make a recommendation and decision on the application based on, but not limited to, consideration of the following criteria:

- (a) The specific policies and recommendations of the comprehensive plan and other city plans;
- (b) The purpose and intent of this UDC, or in the case of a map amendment, whether it meets the purpose and intent of the individual district; and
- (c) If applicable, the adequacy of a buffer or transition provided between potentially incompatible districts.

510.31. Rezoning to planned development overlay district (PD).

Subd. 1. Approval. Approval of a rezoning to PD and approval of a site plan that is in conformance with the Crystal city code, subsection 515.13 is subject to the approval procedures of this subsection. Approval of a rezoning to PD is also subject to the relevant requirements in the Crystal city code, subsection 510.29.

- (a) A request to rezone a property to Town Center Planned Development (TC-PD) shall only be allowed for those properties identified on the official zoning map as located within the TC-PD overlay district. When a property has been rezoned to TC-PD, there shall be no underlying zoning district classification.

Subd. 2. Effect of city council decision.

- (a) The approval of a rezoning to a PD overlay district shall expire one year from the date of approval unless the applicant has applied for and received a building permit. The applicant may request an extension of the expiration date in writing to the zoning administrator. The city council may approve one extension of not more than one year. Such written request shall include the following:
  - (1) An explanation of what, if any, good faith efforts have been made to complete the site plan process; and
  - (2) The anticipated completion date.

- (b) If the rezoning to a PD expires and the applicant has not received approval of an extension, the city council may rezone the property to the original zoning classification at the time of the PD application or to a zoning classification consistent with the comprehensive plan designation for the property.
- (c) A rezoning to a PD overlay district may continue in operation, regardless of ownership or ownership changes, provided the use meets all the standards and conditions of approval.

510.33. Variance.

Subd. 1. Applicability. A variance is a modification or variation of the provisions of this UDC as applied to a specific piece of property. Pursuant to the procedures provided in Minnesota Statutes, section 462.357, use variances are prohibited.

Subd. 2. Approval procedure. Variance applications shall be submitted, in writing, to the zoning administrator and are subject to a Type 2 review procedure.

Subd. 3. Approval criteria.

- (a) Pursuant to Minnesota Statutes, section 462.357, subdivision 6, the board of adjustments and appeals may only grant approval of variances where practical difficulties exist as to strict compliance with this UDC and each of the following criteria are satisfied:
  - (1) The variance is in harmony with the general purposes and intent of this UDC;
  - (2) The variance is consistent with the Comprehensive Plan;
  - (3) The property owner proposes to use the property in a reasonable manner not permitted by this UDC;
  - (4) The plight of the landowner is due to circumstances unique to the property not created by the landowner; and
  - (5) The variance, if granted, will not alter the essential character of the locality.
- (b) Economic considerations alone do not constitute practical difficulties. Practical difficulties include, but are not limited to, inadequate access to direct sunlight for solar energy systems.
- (c) Variances shall be granted for earth shelter construction as defined in Minnesota Statutes, section 216C.06, subdivision 14, when in harmony with this UDC.
- (d) Variances in the floodplain overlay district are also subject to the variance regulations as provided in the Crystal city code, subsection 515.09.

Subd. 4. Conditions. The city council may impose reasonable conditions on the approval of variances to ensure compliance and to protect adjacent properties. All such conditions shall be directly related to and bear a rough proportionality to the impact created by the variance.

510.35. Appeals.

Subd. 1. Applicability. This subsection sets out the procedure to follow when a person claims to have been aggrieved or affected by an administrative decision of the zoning administrator or other city staff.

Subd. 2. Approval procedure. Appeals shall be submitted, in writing, to the zoning administrator within 30 days of the date of the order or decision being appealed. The written appeal must identify the order or decision being appealed, explain the basis for the appeal, and identify the specific relief being requested. Appeals shall be subject to the Type 2 review procedure.

Subd. 3. Approval criteria. An order, requirement, decision, or determination shall not be reversed or modified unless there is competent material, and substantial evidence in the record that the order, requirement, decision, or determination fails to comply with either the procedural or substantive requirements of this UDC, state law, or federal law.

510.37. Enforcement and penalties.

Subd. 1. Enforcement. This UDC shall be administered and enforced by the zoning administrator, who may institute appropriate actions or proceedings against a violation as provided by statute, charter, or code. In the event of a violation or a threatened violation, the city may, in addition to any other remedies available to it under law, institute such criminal or civil actions or proceedings as it deems appropriate to prevent, restrain, correct, or abate such violation or threatened violation. The institution of one type of action shall not preclude the city from pursuing any other type of action.

Subd. 2. Penalties. A violation of any provision of the UDC is punishable as a misdemeanor. Any person who violates any of the provisions of this UDC shall, upon conviction thereof, be fined not more than \$1,000 for each offense, or imprisoned for not more than 90 days, or both. Each day that a violation is permitted to exist shall constitute a separate offense.



Section 515

Zoning Districts and Use Regulation

515.01. Official zoning map. The official zoning map together with all materials attached thereto is hereby adopted by reference and declared to be a part of this section. The official zoning map shall be on file with the city clerk.

515.03. Establishment of zoning districts.

- (a) Established. The zoning classifications and zoning districts specified in Table 2 are hereby established within the city to carry out the purposes of this UDC.

<b>Table 2: Zoning Districts</b>	
<b>Abbreviation</b>	<b>District Name</b>
<b>BASE ZONING DISTRICTS</b>	
R1	Low Density Residential District
R2	Medium Density Residential District
R3	High Density Residential District
C	Commercial District
TC	Town Center Core District
I	Industrial District
AP	Airport District
<b>OVERLAY ZONING DISTRICTS</b>	
FP	Floodplain Overlay District
SL	Shoreland Overlay District
PD	Planned Development Overlay District

- (b) Relationship of overlay districts to base districts.

- (1) Where land is classified into an overlay zoning district, the regulations governing development in the overlay district shall apply in addition to the regulations governing the underlying base district, unless otherwise noted. In the event of a conflict between the standards of the overlay district and the base district, the standards governing the overlay district shall control.
- (2) In some instances land may be classified into multiple overlay districts. In the event of a conflict between the standards of the multiple overlay districts, the most restrictive standards shall apply.

- (c) Zoning district boundaries.

- (1) Zoning district boundary lines follow lot lines, railroad right-of-way lines, the center of water courses or the corporate limit lines, all as they exist upon the effective date of this UDC.
- (2) Appeals concerning the exact location of a zoning district boundary line shall be reviewed according to the appeals procedure as provided in the Crystal city code, subsection 510.35.

(3) When any street, alley or other public right-of-way is vacated by official action of the city, the zoning classification of land abutting the center line of said alley or other public right-of-way shall not be affected by such proceedings, nor shall the district boundary be affected thereby.

(4) The boundary for the floodplain overlay district are as provided in the Crystal city code, subsection 515.09:

27053C0192F	27053C0203F	27053C0211F	27053C0213F
27053C0194F	27053C0204F	27053C0212F	27053C0214F

515.05. Base zoning districts. The base zoning districts are as provided below:

Subd. 1. R-1 Low density residential district.

- (a) Purpose. The purpose of the R-1 Low density residential district is to provide for detached one-family residential dwellings and directly related complimentary uses on a limited basis. Densities are to be no more than six dwellings per gross acre. As part of the approval process for a particular development, the city council may set the maximum density at some figure less than six dwellings per acre, depending on the character of the surrounding area and the potential for negative impacts on the community.
- (b) Site development standards. Such standards shall be those provided in the Crystal city code, subsection 520.03 for the site development standards that apply to the R1 district.
- (c) Other development standards. In addition to the standards established for the R1 district in this section, all development shall be subject to all other applicable standards in as provided in the Crystal city code, section 520.

Subd. 2. R-2 Medium density residential district.

- (a) Purpose. The purpose of the R-2 Medium density residential district is to provide for attached or detached one-family dwellings, two-family dwellings, multiple-family buildings, and directly related, complimentary uses, together with limited commercial uses as provided herein. In accordance with the comprehensive plan, densities are to be no less than six and no more than 16 dwellings per gross acre. As part of the approval process for a particular development, the city council may set the maximum density at a specific figure within the range established by the comprehensive plan, depending on the character of the surrounding area and the potential for negative impacts on the community.
- (b) Site development standards. Such standards shall be those provided in the Crystal city code, subsection 520.03 for the site development standards that apply to the R2 district.
- (c) Other development standards. In addition to the standards established for the R2 district in this section, all development shall be subject to all other applicable standards as provided in the Crystal city code, section 520.

Subd. 3. R-3 High density residential district.

- (a) Purpose. The purpose of the R-3 High density residential district is to provide for multiple family buildings and directly related, complimentary uses, together with limited commercial uses as provided herein. In accordance with the comprehensive plan, densities are to be no less than 16 and no more than 40 dwellings per gross acre. As part of the approval process for a

particular development, the city council may set the maximum density at a specific figure within the range established by the comprehensive plan, depending on the character of the surrounding area and the potential for negative impacts on the community.

- (b) Site development standards. Such standards shall be those provided in the Crystal city code, subsection 520.03 for the site development standards that apply to the R3 district.
- (c) Other development standards. In addition to the standards established for the R3 district in this section, all development shall be subject to all other applicable standards as provided in the Crystal city code, section 520.

Subd. 4. C Commercial district.

- (a) Purpose. The purpose of the C-Commercial district is to provide for commercial and service activities which draw from and serve customers from the entire community. Motor vehicle-oriented uses shall be limited to certain designated corridors. Regulations shall protect those residential uses near commercial uses from negative impacts.
- (b) Site development standards. Such standards shall be those provided in the Crystal city code, subsection 520.03 for the site development standards that apply to the Commercial district.
- (c) Other development standards. In addition to the standards established for the Commercial district in this section, all development shall be subject to all other applicable standards as provided in the Crystal city code, section 520.

Subd. 5. Town Center Core District

- (a) Purpose. The purpose of the TC – Town Center Core district is to accommodate walkable, mixed-use development enhancing the public realm such as parks and streets. Shops mix with multiple-family dwellings and employment, buildings frame the street and face Becker Park, and local multi-modal streets balance the needs of all users. (b) Applicability. Existing nonconformities may continue or redevelop as allowed by the Crystal city code, subsection 515.29. Notwithstanding those regulations, it is the city’s desire that redevelopment of properties within the TC district adhere to the planned land use designations of the comprehensive plan and to the requirements of this subsection. The requirements of subsections (d) and (e) of this subdivision are only applicable to new buildings constructed after the effective date of this UDC.
- (b) Uses. Principal permitted uses are shown in Table 3 of the Crystal city code, subsection 515.17. Multiple principal uses within a single parcel or building are permitted in the TC district.
- (c) Densities. Residential densities are as shown in Table 7 of the Crystal city code, subsection 520.03.
- (d) Site development standards. In addition to the following standards established for the TC district, all development shall be subject to applicable standards as provided in Crystal city code, section 520. The TC district also includes specific standards for building placement, height, and facades in order to encourage development that enhances walkability and the pedestrian experience, frames the public realm, and seamlessly transitions to adjacent development.
  - (1) Building placement. Principal buildings shall meet the building setback requirements found in Table 7. The purpose of these requirements is to create buildings that have the

dominant lines of their facades parallel the line of the street and create a well-defined street edge.

- (i) At intersections, buildings shall have street facades at or near the sidewalk at the corner (see Figure 6)



Figure 6: Illustration of a building that meets both corners at a street intersection

- (ii) **Building street frontage.** At least 75 percent of the building street frontage shall be occupied by the principal building on a primary building façade or at least 50% for a secondary building façade (see Figure 7). The following are exceptions to these requirements.
  - (a) The city may consider a reduction to 60 percent to the building street frontage requirement on a primary building façade based on the unique characteristics of the site, if the applicant can demonstrate to the satisfaction of the city that the building and site design fulfills the purposes of the TC district.
  - (b) If a building fronts on more than three streets, there is no building street frontage requirement for those property frontages not defined as primary or secondary facades.

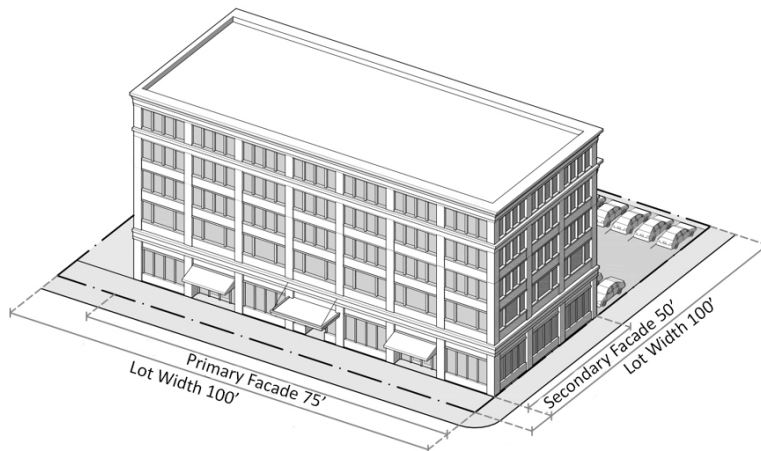


Figure 7: Illustration of required building street frontages

- (2) Building height. Maximum building height requirements are shown in Crystal city code, subsection 520.03.
  - (i) The following are additional height requirements.
    - (a) Story height. Stories above the ground floor are limited to 12 feet in height. Stories are measured from finished floor to finished ceiling.
    - (b) Ground floor height. If the ground floor has a non-residential use, the ground floor height shall be no less than 12 feet in height, but not more than 20 feet. Ground floor height above 20 feet counts as an additional story.
    - (c) Shadow effects study. If a proposed building is located within 75 feet of the property line of a residential use, the applicant shall submit a shadow effect study to determine any negative shadow impacts to those uses. If negative impacts are determined, the city may require design techniques to mitigate the impacts, such as reducing the height of the building, relocating or reorienting the building within the site, reducing building mass, or stepping-back a portion of the building.
    - (d) Proximity to Crystal Airport. Buildings shall comply with Crystal city code, subsection 520.01, subdivision 5(c) for construction near the Crystal Airport.
  - (ii) Exceed height limitations. The city may, in its discretion, allow buildings to be constructed to a height of eight stories or 100 feet, whichever is less, upon consideration of the following factors.
    - (a) Shadow effects. Shadow effects from the taller building will not have significant negative impacts on neighboring properties. A shadow effects study may be required by the city to document these impacts.
    - (b) Building massing. The dimensions of the taller building are not disproportionately larger than neighboring buildings.
    - (c) Views. The taller building will not have significant negative impacts to the views of Becker Park by neighboring properties.
- (3) Building facades. Building facades shall meet the following requirements.
  - (i) Building articulation. Buildings exceeding 50 feet in width along a street shall incorporate articulation in street-facing facades to break down the scale of large buildings and create visual interest. Techniques to incorporate articulation include stepping back or extending forward a portion of the façade, using different textures or contrasting but compatible materials, dividing the building into storefronts with separate display windows and entrances, use of awnings, balconies, or similar ornamental features, or varying the roofline to reinforce the articulation of the primary façade (see Figure 8).



Figure 8: Illustration of techniques used to break down the scale of large buildings

- (ii) Facades facing Becker Park. For those buildings having facades facing Becker Park, the façade facing the park shall be of similar or compatible quality, design and materials as the primary building façade.
- (iii) Façade glazing. Façade glazing for buildings at the street frontages shall meet the following minimum requirements.
  - (a) Minimum area requirements. Non-residential floors shall have a minimum glazing of 50 percent and residential floors shall have a minimum glazing of 30 percent.
  - (b) Tinted and reflective glass are prohibited.
  - (c) At least 30 percent of the façade glazing area shall remain free of signage or other opaque materials.
- (iv) Prohibited. Satellite dishes and heating, ventilation, and air conditioning equipment (HVAC), except for wall vents, are not permitted on the primary building façade.
- (v) Building entries.
  - (a) Primary building entry. A functioning primary building entry shall be provided on the primary building façade. This entry shall be clearly defined by means of a canopy, portico, recess, or similar architectural elements (see Figure 9).



Figure 9: Illustration of clearly defined building entries

- (b) Secondary building entry. A functioning secondary building entry shall be provided on the primary building façade for buildings exceeding 60 feet in width.

- (4) New street or pedestrian locations. To create better connected streets when redevelopment occurs in the TC district, new streets or pedestrian connections shall be constructed in the locations shown in Figure 10. If the street is not a public street, a mutual access agreement will be required by the city to ensure public access in the same manner as a public street. The city will consider alternate street or pedestrian connection locations that achieve this intent.

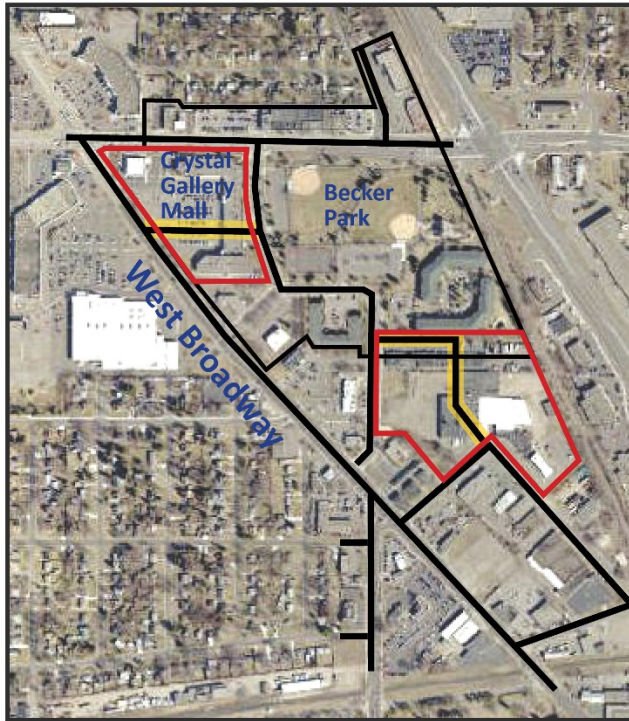


Figure 10: Hypothetical location of new street or pedestrian connections in the TC district

Subd. 6. I Industrial District.

- (a) Purpose. The purpose of the I-Industrial district is to provide for industrial development such as warehousing and manufacturing, with office and retail allowed as limited accessory uses.
- (b) Site development standards. Such standards shall be those provided in the Crystal city code, subsection 520.03 for the site development standards that apply to the Industrial district.
- (c) Other development standards. In addition to the standards established for the Industrial district in this section, all development shall be subject to all other applicable standards as provided in the Crystal city code, section 520.

Subd. 7. AP Airport district.

- (a) Purpose. The purpose of the AP airport district is to accommodate the continued operation of the Crystal Airport in accordance with the city's comprehensive plan. Additions to existing buildings and construction of new buildings on airport property shall be permitted so long as they comply with the standards established in this UDC.



- (b) Site development standards. Those standards as provided in the Crystal city code, subsection 520.03 shall constitute as the site development standards that apply to the AP district.
- (c) Other development standards. In addition to the standards established for the AP District in this section, all development shall be subject to all other applicable standards as provided in the Crystal city code, section 520.

515.07. Overlay zoning districts. The overlay districts are as provided below:

- (a) Floodplain overlay district. The floodplain overlay district is subject to the Crystal city code, subsection 515.09
- (b) Shoreland overlay district. The shoreland overly district is subject to the Crystal city code, subsection 515.11
- (c) Planned development overlay district. The planned development overlay district is subject to the Crystal city code, subsection 515.13.

515.09. Floodplain overlay district (FP).

Subd. 1. Statutory authorization. The legislature of the State of Minnesota has, in Minnesota Statutes, Chapters 103F and 462 delegated the responsibility to local government units to adopt regulations designed to minimize flood losses.

Subd. 2. Purpose.

- (a) Development. This subsection regulates development in the flood hazard areas of the City. These flood hazard areas are subject to periodic inundation, which may result in loss of life and property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base. It is the purpose of this subsection to promote the public health, safety, and general welfare by minimizing these losses and disruptions.
- (b) National flood insurance program compliance. This subsection is adopted to comply with the rules and regulations of the National Flood Insurance Program codified as 44 Code of Federal Regulations Parts 59-78, so as to maintain the community's eligibility in the National Flood Insurance Program.
- (c) Preservation. This ordinance is also intended to preserve the natural characteristics and functions of watercourses and floodplains in order to moderate flood and stormwater impacts, improve water quality, reduce soil erosion, protect aquatic and riparian habitat, provide recreational opportunities, provide aesthetic benefits and enhance community and economic development.

Subd. 3. General provisions. This subsection adopts the floodplain maps applicable to the City and includes three floodplain districts: Floodway, Flood Fringe, and General Floodplain (collectively, "Flood Districts").

- (a) Delineated by map. Where Floodway and Flood Fringe districts are delineated on the floodplain maps, the standards as provided in the Crystal city code, subsection 515.13 shall apply, depending on the location of a property.
- (b) Not delineated by map. Locations where Floodway and Flood Fringe districts are not delineated on the floodplain maps are considered to fall within the General Floodplain district.



Within the General Floodplain district, the Floodway District standards shall apply unless the floodway boundary is determined. Once the floodway boundary is determined, the Flood Fringe District standards may apply outside the floodway.

- (c) Lands to which this subsection applies. This Floodplain Overlay subsection applies to all lands within the jurisdiction of the City shown on the city’s zoning map and/or the attachments to the map as being located within the boundaries of the Flood Districts. Additionally, this Floodplain overlay subsection shall also apply to all lands which are shown on the Bassett Creek Watershed Management Organization’s Trunk System Map.
- (d) Overlay districts. The Floodway, Flood Fringe, and General Floodplain Districts are overlay districts that are superimposed on all existing zoning districts. The standards imposed in the overlay districts are in addition to any other requirements in this subsection. In case of a conflict, the more restrictive standards will apply.
- (e) Incorporation of maps by reference. The following maps together with all attached material are hereby adopted by reference and declared to be a part of the zoning map of Crystal, Minnesota and this subsection. The attached material includes the Flood Insurance Study for Hennepin County, Minnesota, and Incorporated Areas, dated November 4, 2016 and the Flood Insurance Rate Map panels enumerated below, dated November 4, 2016, all prepared by the Federal Emergency Management Agency. These materials are on file at Crystal city hall. The Effective Flood Insurance Rate Map panels are as follows:

27053C0192F	27053C0203F	27053C0211F	27053C0213F
27053C0194F	27053C0204F	27053C0212F	27053C0214F
- (f) Regulatory flood protection elevation. The regulatory flood protection elevation (RFPE) is an elevation not less than two feet above the elevation of the regional flood plus any increases in flood elevation caused by encroachments on the floodplain that result from designation of a floodway.
- (g) Interpretation. The boundaries of the Flood Districts are determined by scaling distances on the Flood Insurance Rate Map.
  - (1) Where a conflict exists between the floodplain limits illustrated on the city’s zoning map and actual field conditions, the flood elevations shall be the governing factor. The zoning administrator must interpret the boundary location based on the ground elevations that existed on the site on the date of the first National Flood Insurance Program map showing the area within the regulatory floodplain, and other available technical data.
  - (2) Persons contesting the location of the district boundaries will be given a reasonable opportunity to present their case to the Board of Appeals and Adjustments and to submit technical evidence.
- (h) Warning and disclaimer of liability. This subsection does not imply that areas outside the floodplain districts or land uses permitted within such districts will be free from flooding or flood damages. This subsection does not create liability on the part of the City or its officers or employees for any flood damages that result from reliance on this subsection or any administrative decision lawfully made hereunder.

- (i) Annexations. The Flood Insurance Rate Map panels adopted by reference into Subdivision 2 above may include floodplain areas that lie outside of the corporate boundaries of the City at the time of adoption of this subsection. If any of these floodplain land areas are annexed into the City after the date of adoption of this subsection, the newly annexed floodplain lands will be subject to the provisions of this subsection immediately upon the date of annexation.
- (j) Detachments. The Flood Insurance Rate Map panels adopted by reference as provided in the Crystal city code, subsection 515.03, above shall include all floodplain areas which lie inside the corporate boundaries of municipalities at the time of adoption of this subsection. If any of these floodplain land areas are detached from a municipality and come under the jurisdiction of the City after the date of adoption of this subsection, the newly detached floodplain lands will be subject to the provisions of this subsection immediately upon the date of detachment.

Subd. 4. Establishment of flood districts.

(a) Flood districts.

- (1) Floodway district. The Floodway District includes those areas within Zones AE that have a floodway delineated as shown on the Flood Insurance Rate Map as adopted by reference in the Crystal city code, subsection 515.03. For lakes, wetlands and other basins within Zones AE that do not have a floodway delineated, the Floodway District also includes those areas that are at or below the ordinary high water level as defined in Minnesota Statutes, section 103G.005, subdivision 14.
- (2) Flood fringe district. The Flood Fringe District includes areas within Zones AE that have a floodway delineated on the Flood Insurance Rate Map as adopted by reference in the Crystal city code, subsection 515.03, but are located outside of the floodway. For lakes, wetlands and other basins within Zones AE that do not have a floodway delineated, the Flood Fringe District also includes those areas below the 1% annual chance (100-year) flood elevation but above the ordinary high water level as defined in Minnesota Statutes, section 103G.005, subdivision 14.
- (3) General Floodplain District. The General Floodplain District includes those areas within Zones A or AE that do not have a delineated floodway as shown on the Flood Insurance Rate Map as adopted by reference in the Crystal city code, subsection 515.03.
- (b) Applicability. Within the Flood Districts established in this subsection, the use, size, type and location of development must comply with the terms of this subsection and other applicable regulations. In no cases shall floodplain development adversely affect the efficiency or unduly restrict the capacity of the channels or floodways of any tributaries to the main stream, drainage ditches, or any other drainage facilities or systems. All uses not listed as permitted uses or conditional uses as provided in the Crystal city code, section 515 are prohibited. In addition, critical facilities, as defined in the Crystal city code, section 505, are prohibited in all Flood Districts.

Subd. 5. Floodway district (FW).

- (a) Permitted uses. The following uses, subject to the standards set forth herein, are permitted uses if otherwise allowed in the underlying zoning district or any applicable overlay district:
  - (1) General farming, pasture, grazing, outdoor plant nurseries, horticulture, truck farming, forestry, sod farming, and wild crop harvesting.

- (2) Industrial-commercial loading areas, parking areas, and airport landing strips.
  - (3) Open space uses, including but not limited to private and public golf courses, tennis courts, driving ranges, archery ranges, picnic grounds, boat launching ramps, swimming areas, parks, wildlife and nature preserves, game farms, fish hatcheries, shooting preserves, hunting and fishing areas, and single or multiple purpose recreational trails.
  - (4) Residential lawns, gardens, parking areas, and play areas.
  - (5) Railroads, streets, bridges, utility transmission lines and pipelines, provided that the Department of Natural Resources' Area Hydrologist is notified at least ten days prior to issuance of any permit.
- (b) Standards for floodway permitted uses.
- (1) The use must have a low flood damage potential.
  - (2) The use must not obstruct flood flows or cause any increase in flood elevations and must not involve structures, obstructions, or storage of materials or equipment.
  - (3) Any facility that will be used by employees or the general public must be designed with a flood warning system that provides adequate time for evacuation if the area is inundated to a depth and velocity such that the depth (in feet) multiplied by the velocity (in feet per second) would exceed a product of four upon occurrence of the regional (1% chance) flood.
- (c) Conditional uses. The following uses may be allowed as conditional uses following the standards and procedures as provided in the Crystal city code, subsection 510.09 and further subject to the standards set herein, if otherwise allowed in the underlying zoning district or any applicable overlay district.
- (1) Structures accessory to the permitted uses listed in the Crystal city code, subsection 515.09, subdivision 5(a) (1 to 3), above, and the uses listed in paragraphs (2) and (3) of this subsection.
  - (2) Extraction and storage of sand, gravel, and other materials.
  - (3) Marinas, boat rentals, docks, piers, wharves, and water control structures.
  - (4) Storage yards for equipment, machinery, or materials.
  - (5) Placement of fill or construction of fences that obstruct flood flows. Farm fences, as defined herein, are permitted uses.
  - (6) Levees or dikes intended to protect agricultural crops for a frequency flood event equal to or less than the 10-year frequency flood event.
- (d) Standards for floodway conditional uses.
- (1) All uses. A conditional use must not cause any increase in the stage of the 1% chance or regional flood or cause an increase in flood damages in the reach or reaches affected.
    - (i) Fill; storage of materials and equipment.

- (i) The storage or processing of materials that are, in time of flooding, flammable, explosive, or potentially injurious to human, animal, or plant life is prohibited.
  - (ii) Fill, dredge spoil, and other similar materials deposited or stored in the floodplain must be protected from erosion by vegetative cover, mulching, riprap or other acceptable method. Permanent sand and gravel operations and similar uses must be covered by a long-term site development plan.
  - (iii) Temporary placement of fill, other materials, or equipment which would cause an increase to the stage of the 1% percent chance or regional flood may only be allowed if the City Council has approved a plan that assures removal of the materials from the floodway based upon the flood warning time available.
- (ii) Accessory structures. Accessory structures, as identified in Crystal city code, subsection 515.09, subdivision 5(c)(1) may be permitted, provided that:
- (a) buildings are not intended for human habitation.
  - (b) structures will have a low flood damage potential.
  - (c) structures will be constructed and placed so as to offer a minimal obstruction to the flow of flood waters.
  - (d) Service utilities, such as electrical and heating equipment, within these buildings must be elevated to or above the regulatory flood protection elevation or properly floodproofed.
  - (e) Buildings must be elevated on fill or structurally dry floodproofed in accordance with the FP1 or FP2 floodproofing classifications in the State Building Code. All floodproofed buildings must be adequately anchored to prevent flotation, collapse or lateral movement and designed to equalize hydrostatic flood forces on exterior walls.
  - (f) As an alternative, an accessory building may be internally/wet floodproofed to the FP3 or FP4 floodproofing classifications in the State Building Code, provided the accessory building constitutes a minimal investment and does not exceed 576 square feet in size. Designs for meeting this requirement must either be certified by a registered professional engineer or meet or exceed the following criteria:
    - (1) To allow for the equalization of hydrostatic pressure, there must be a minimum of two “automatic” openings in the outside walls of the building, with a total net area of not less than one square inch for every square foot of enclosed area subject to flooding; and
    - (2) There must be openings on at least two sides of the building and the bottom of all openings must be no higher than one foot above the lowest adjacent grade to the building. Using human intervention to open a garage door prior to flooding will not satisfy this requirement for automatic openings.
    - (3) Structural works for flood control that will change the course, current or cross section of protected wetlands or public waters are subject to the provisions of Minnesota Statutes, section 103G.245.

- (4) A levee, dike or floodwall constructed in the floodway must not cause an increase to the 1% chance or regional flood. The technical analysis must assume equal conveyance or storage loss on both sides of a stream.
- (5) Floodway developments must not adversely affect the hydraulic capacity of the channel and adjoining floodplain of any tributary watercourse or drainage system.

Subd. 6. Flood fringe district (FF).

(a) Permitted uses. Permitted uses are those uses of land allowed in the underlying zoning district(s) that comply with the standards in paragraph b, below.

(b) Standards for flood fringe permitted uses.

(1) Minimum elevation. All buildings, including accessory buildings, must be elevated on fill so that the lowest floor, as defined, is at least one foot above the regulatory flood protection elevation. The finished fill elevation for buildings must be no lower than one foot below the regulatory flood protection elevation and the fill must extend at the same elevation at least 15 feet beyond the outside limits of the building.

(2) Accessory buildings. As an alternative to the fill requirements of this subdivision 6(b)(1), buildings accessory to the uses identified in subdivision 6(a) may be permitted to be internally/wet floodproofed to the FP3 or FP4 floodproofing classifications in the State Building Code, provided that:

(i) The accessory building constitutes a minimal investment, does not exceed 576 square feet in size, and is only used for parking and storage.

(ii) All portions of floodproofed accessory buildings below the Regulatory Flood Protection Elevation must be:

(a) Adequately anchored to prevent flotation, collapse or lateral movement and designed to equalize hydrostatic flood forces on exterior walls;

(b) Be constructed with materials resistant to flood damage; and

(c) Must have all service utilities be water-tight or elevated to above the regulatory flood protection elevation.

(iii) Designs for meeting this requirement must either be certified by a registered professional engineer or meet or exceed the following criteria:

(a) To allow for the equalization of hydrostatic pressure, there must be a minimum of two “automatic” openings in the outside walls of the building, with a total net area of not less than one square inch for every square foot of enclosed area subject to flooding;

(b) There must be openings on at least two sides of the building and the bottom of all openings must be no higher than one foot above the lowest adjacent grade to the building. Using human intervention to open a garage door prior to flooding will not satisfy this requirement for automatic openings;

- (c) The cumulative placement of fill or similar material on a parcel must not exceed 1,000 cubic yards, unless the fill is specifically intended to elevate a building in accordance with subdivision 6(b)(1) above or if allowed as a conditional use under subdivision 6(c) below;
  - (d) The storage of any materials or equipment must be elevated on fill to the regulatory flood protection elevation;
  - (e) All service utilities, including ductwork, must be elevated or water-tight to prevent infiltration of floodwaters;
  - (f) The storage or processing of materials that are, in time of flooding, flammable, explosive, or potentially injurious to human, animal, or plant life is prohibited;
  - (g) All fill must be properly compacted and the slopes must be properly protected by the use of riprap, vegetative cover or other acceptable method;
  - (h) All new principal buildings must have vehicular access at or above an elevation not more than two feet below the regulatory flood protection elevation, or must have a flood warning /emergency evacuation plan acceptable to the City;
  - (i) Accessory uses such as yards, railroad tracks, and parking lots may be at an elevation lower than the regulatory flood protection elevation. However, any facilities used by employees or the general public must be designed with a flood warning system that provides adequate time for evacuation if the area is inundated to a depth and velocity such that the depth (in feet) multiplied by the velocity (in feet per second) would exceed a product of four upon occurrence of the regional (one percent chance) flood;
  - (j) Interference with normal manufacturing/industrial plant operations must be minimized, especially along streams having protracted flood durations. In considering permit applications, due consideration must be given to the needs of industries with operations that require a floodplain location; and
  - (k) Manufactured homes and recreational vehicles must meet the standards of subdivision 10 of this subsection.
- (c) Conditional uses. The following uses and activities may be allowed as conditional uses, if allowed in the underlying zoning district(s) or any applicable overlay district, following the procedures in Subdivision 13 of this subsection.
- (1) Any structure that is not elevated on fill or floodproofed in accordance with Subdivision 6(b) (1 and 2) of this subsection.
  - (2) Storage of any material or equipment below the regulatory flood protection elevation.
  - (3) The cumulative placement of more than 1,000 cubic yards of fill when the fill is not being used to elevate a building in accordance with Subdivision 6(b)(1) of this subsection.
- (d) Standards for flood fringe conditional uses. The standards listed in subdivision 6(b) (4) through 6(b)(10) of this subsection apply to all conditional uses.
- (1) Basements, as defined by the Crystal city code, section 505, are subject to the following:

- (i) Residential basement construction is not allowed below the regulatory flood protection elevation; and
  - (ii) Non-residential basements may be allowed below the regulatory flood protection elevation provided the basement is structurally dry floodproofed in accordance with Subdivision 6(d)(2) of this subsection.
- (2) All areas of nonresidential buildings, including basements, to be placed below the regulatory flood protection elevation must be floodproofed in accordance with the structurally dry floodproofing classifications in the State Building Code. Structurally dry floodproofing must meet the FP1 or FP2 floodproofing classification in the State Building Code, which requires making the building watertight with the walls substantially impermeable to the passage of water and with structural components capable of resisting hydrostatic and hydrodynamic loads and the effects of buoyancy.
  - (3) The placement of more than 1,000 cubic yards of fill or other similar material on a parcel (other than for the purpose of elevating a building to the regulatory flood protection elevation) must comply with an approved erosion/sedimentation control plan.
    - (i) The plan must clearly specify methods to be used to stabilize the fill on site for a flood event at a minimum of the regional (one percent chance) flood event.
    - (ii) The plan must be prepared and certified by a registered professional engineer or other qualified individual acceptable to the City.
    - (iii) The plan may incorporate alternative procedures for removal of the material from the floodplain if adequate flood warning time exists.
  - (4) Storage of materials and equipment below the regulatory flood protection elevation must comply with an approved emergency plan providing for removal of such materials within the time available after a flood warning.

Subd. 7. General floodplain district (GF).

(a) Permitted uses.

- (1) The uses listed in Subdivision 5(a) of this subsection, Floodway District Permitted Uses, are permitted uses.
- (2) All other uses are subject to the floodway/flood fringe evaluation criteria specified in Subdivision 7(b) of this subsection. Subdivision 5 of this subsection applies if the proposed use is determined to be in the Floodway District. Subdivision 6 applies if the proposed use is determined to be in the Flood Fringe District.

(b) Procedures for floodway and flood fringe determinations.

- (1) Upon receipt of an application for a permit or other approval within the General Floodplain District, the Zoning Administrator must obtain, review and reasonably utilize any regional flood elevation and floodway data available from a federal, state, or other source.
- (2) If regional flood elevation and floodway data are not readily available, the applicant must furnish additional information, as needed, to determine the regulatory flood protection elevation and whether the proposed use would fall within the Floodway or Flood Fringe

District. Information must be consistent with accepted hydrological and hydraulic engineering standards and the standards in Subdivision 7(b)(3) of this subsection.

- (3) The determination of floodway and flood fringe must include the following components, as applicable:
  - (i) Estimate the peak discharge of the regional (one percent chance) flood;
  - (ii) Calculate the water surface profile of the regional flood based upon a hydraulic analysis of the stream channel and overbank areas; and
  - (iii) Compute the floodway necessary to convey or store the regional flood without increasing flood stages more than one-half (0.5) foot. A lesser stage increase than one-half foot is required if, as a result of the stage increase, increased flood damages would result. An equal degree of encroachment on both sides of the stream within the reach must be assumed in computing floodway boundaries.
- (4) The Zoning Administrator will review the submitted information and assess the technical evaluation and the recommended Floodway and/or Flood Fringe District boundary. The assessment must include the cumulative effects of previous floodway encroachments. The Zoning Administrator may seek technical assistance from a designated engineer or other expert person or agency, including the Department of Natural Resources. Based on this assessment, the Zoning Administrator may approve or deny the application.
- (5) Once the Floodway and Flood Fringe District boundaries have been determined, the Zoning Administrator must process the permit application consistent with the applicable provisions of Subdivisions 5 and 6 of this subsection.

Subd. 8. Land development standards.

- (a) In general. Recognizing that flood prone areas may exist outside of the designated floodplain districts, the requirements of this subsection apply to all land within the city.
- (b) Subdivisions. No land may be subdivided which is unsuitable for reasons of flooding or inadequate drainage, water supply or sewage treatment facilities. Manufactured home parks and recreational vehicle parks or campgrounds are considered subdivisions under this subsection.
  - (1) All lots within the floodplain districts must be able to contain a building site outside of the Floodway District at or above the regulatory flood protection elevation.
  - (2) All subdivisions must have road access both to the subdivision and to the individual building sites no lower than two feet below the regulatory flood protection elevation, unless a flood warning emergency plan for the safe evacuation of all vehicles and people during the regional (one percent chance) flood has been approved by the City. The plan must be prepared by a registered engineer or other qualified individual, and must demonstrate that adequate time and personnel exist to carry out the evacuation.
  - (3) For all subdivisions in the floodplain, the Floodway and Flood Fringe District boundaries, the regulatory flood protection elevation and the required elevation of all access roads must be clearly labeled on all required subdivision drawings and platting documents.



- (4) In the General Floodplain District, applicants must provide the information required in subdivision 7(b) of this subsection to determine the regional flood elevation, the Floodway and Flood Fringe District boundaries and the regulatory flood protection elevation for the subdivision site.
- (5) If a subdivision proposal or other proposed new development is in a flood prone area, any such proposal shall be reviewed to assure that:
  - (i) All such proposals are consistent with the need to minimize flood damage within the flood prone area;
  - (ii) All public utilities and facilities, such as sewer, gas, electrical, and water systems are located and constructed to minimize or eliminate flood damage; and
  - (iii) Adequate drainage is provided to reduce exposure of flood hazard.
- (c) Building sites. If a proposed building site is in a flood prone area, all new construction and substantial improvements (including the placement of manufactured homes) must be:
  - (1) Designed (or modified) and adequately anchored to prevent floatation, collapse, or lateral movement of the building resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy;
  - (2) Constructed with materials and utility equipment resistant to flood damage;
  - (3) Constructed by methods and practices that minimize flood damage; and
  - (4) Constructed with electrical, heating, ventilation, plumbing, and air conditioning equipment and other service facilities that are designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding.

Subd. 9. Public utilities, railroads, roads, and bridges.

- (a) Public utilities. All public utilities and facilities such as gas, electrical, sewer, and water supply systems to be located in the floodplain must be floodproofed in accordance with the state building code or elevated to the regulatory flood protection elevation.
- (b) Public transportation facilities. Railroad tracks, roads, and bridges to be located within the floodplain must comply with subdivisions 5 and 6 of this subsection. These transportation facilities must be elevated to the regulatory flood protection elevation where failure or interruption of these facilities would result in danger to the public health or safety or where such facilities are essential to the orderly functioning of the area. Minor or auxiliary roads or railroads may be constructed at a lower elevation where failure or interruption of transportation services would not endanger the public health or safety.
- (c) On-site water supply. Where public utilities are not provided on-site water supply systems must be designed to minimize or eliminate infiltration of flood waters into the systems and are subject to the provisions in Minnesota Rules, chapter 4725.4350.

Subd. 10. Manufactured homes, manufactured home parks, and recreational vehicles.

- (a) Manufactured homes. New manufactured home parks and expansions to existing manufactured home parks are prohibited in any floodplain district. For existing manufactured home parks or lots of record, the following requirements apply:

- (1) Placement or replacement of manufactured home units is prohibited in the Floodway District.
- (2) If allowed in the Flood Fringe District, placement or replacement of manufactured home units is subject to the requirements of subdivision 6 of this subsection and the following standards.
  - (i) New and replacement manufactured homes must be elevated in compliance with subdivision 6 of this subsection and must be securely anchored to an adequately anchored foundation system that resists flotation, collapse and lateral movement. Methods of anchoring may include, but are not limited to, use of over-the-top or frame ties to ground anchors. This requirement is in addition to applicable state or local anchoring requirements for resisting wind forces.
  - (ii) New or replacement manufactured homes in existing manufactured home parks must meet the vehicular access requirements for subdivisions in subdivision 6(b)(5)(viii) of this subsection.

Subd. 11. Administration.

(a) Permit requirements.

- (1) Permit Required. A permit must be obtained from the zoning administrator prior to conducting any of the following activities:
  - (i) The erection, addition, modification, rehabilitation, or alteration of any building, structure, or portion thereof. Normal maintenance and repair also requires a permit if such work, separately or in conjunction with other planned work, constitutes a substantial improvement as defined in this subsection;
  - (ii) The use or change of use of a building, structure, or land;
  - (iii) The construction of a dam, fence, or on-site septic system, although a permit is not required for a farm fence as defined in this subsection;
  - (iv) The change or extension of a nonconforming use;
  - (v) The repair of a structure that has been damaged by flood, fire, tornado, or any other source;
  - (vi) The placement of fill, excavation of materials, or the storage of materials or equipment within the floodplain;
  - (vii) Relocation or alteration of a watercourse (including new or replacement culverts and bridges), unless a public waters work permit has been applied for; or
  - (viii) Any other type of “development” as defined in this subsection.

(b) Application for permit. Permit applications must be submitted to the zoning administrator on forms provided by the zoning administrator. The permit application must include the following as applicable:

- (1) A site plan showing all pertinent dimensions, existing or proposed buildings, structures, and significant natural features having an influence on the permit;

- (2) Location of fill or storage of materials in relation to the stream channel;
  - (3) Copies of any required municipal, county, state or federal permits or approvals; and
  - (4) Other relevant information requested by the Zoning Administrator as necessary to properly evaluate the permit application.
- (c) Certificate of zoning compliance for a new, altered, or nonconforming use. No building, land or structure may be occupied or used in any manner until approval has been issued by the zoning administrator stating that the use of the building or land conforms to the requirements of this subsection.
  - (d) Certification. The applicant is required to submit certification by a registered professional engineer, registered architect, or registered land surveyor that the finished fill and building elevations were accomplished in compliance with the provisions of this subsection. Floodproofing measures must be certified by a registered professional engineer or registered architect.
  - (e) Record of first floor elevation. The zoning administrator must maintain a record of the elevation of the lowest floor (including basement) of all new buildings and alterations or additions to existing structures in the floodplain. The zoning administrator must also maintain a record of the elevation to which structures and alterations or additions to structures are floodproofed.
  - (f) Notifications for watercourse alterations. Before authorizing any alteration or relocation of a stream, the zoning administrator must notify adjacent communities. If the applicant has applied for a permit to work in public waters pursuant to Minnesota Statutes, section 103G.245, this will suffice as adequate notice. A copy of the notification must also be submitted to the Chicago Regional Office of the Federal Emergency Management Agency (“FEMA”).
  - (g) Notification to FEMA when physical changes increase or decrease base flood elevations. As soon as is practicable, but not later than six months after the date such supporting information becomes available, the zoning administrator must notify the Chicago Regional Office of FEMA of the changes by submitting a copy of the relevant technical or scientific data.

Subd. 12. Variances.

- (a) Variance applications. An application for a variance to the provisions of this subsection will be processed and reviewed in accordance with applicable state statutes and as provided in the Crystal city code, subsection 510.33.
- (b) Adherence to state floodplain management standards. A variance must not allow a use that is not allowed 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.
- (c) Additional variance criteria. The following additional variance criteria of the Federal Emergency Management Agency must be satisfied:
  - (1) Variances must not be issued within any designated regulatory floodway if any increase in flood levels during the base flood discharge would result.
  - (2) Variances may only be issued upon:
    - (i) A showing of good and sufficient cause;

- (ii) A determination that failure to grant the variance would result in exceptional hardship to the applicant; and
  - (iii) A determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public, or conflict with existing local laws or ordinances.
- (3) Variances may only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.
- (d) Flood insurance notice. The zoning administrator must notify the applicant for a variance that:
- (1) The issuance of a variance to construct a structure below the base flood level will result in increased premium rates for flood insurance up to amounts as high as \$25 for \$100 of insurance coverage; and
  - (2) Such construction below the base or regional flood level increases risks to life and property. Such notification must be maintained with a record of all variance actions.
- (e) General considerations. The City Council may consider the following factors in granting or denying variances and imposing conditions on variances and conditional uses in floodplains:
- (1) The potential danger to life and property due to increased flood heights or velocities caused by encroachments;
  - (2) The danger that materials may be swept onto other lands or downstream to the injury of others;
  - (3) The proposed water supply and sanitation systems, if any, and the ability of these systems to minimize the potential for disease, contamination and unsanitary conditions;
  - (4) The susceptibility of any proposed use and its contents to flood damage and the effect of such damage on the individual owner;
  - (5) The importance of the services to be provided by the proposed use to the community;
  - (6) The requirements of the facility for a waterfront location;
  - (7) The availability of viable alternative locations for the proposed use that are not subject to flooding;
  - (8) The compatibility of the proposed use with existing development and development anticipated in the foreseeable future;
  - (9) The relationship of the proposed use to the Comprehensive Land Use Plan and flood plain management program for the area;
  - (10) The safety of access to the property in times of flood for ordinary and emergency vehicles; and
  - (11) The expected heights, velocity, duration, rate of rise and sediment transport of the flood waters expected at the site.

- (f) Submittal of hearing notices to the department of natural resources (DNR). The Zoning Administrator must submit hearing notices for proposed variances to the DNR sufficiently in advance to provide at least ten days' notice of the hearing. The notice may be sent by electronic mail or U.S. Mail to the respective DNR area hydrologist.
- (g) Submittal of final decisions to the DNR. A copy of all decisions granting variances must be forwarded to the DNR within ten days of such action. The notice may be sent by electronic mail or U.S. Mail to the respective DNR area hydrologist.
- (h) Record-keeping. The zoning administrator must maintain a record of all variance actions, including justification for their issuance, and must report such variances in an annual or biennial report to the Administrator of the National Flood Insurance Program, when requested by the Federal Emergency Management Agency.

Subd. 13. Conditional uses.

- (a) Administrative review. An application for a conditional use permit under the provisions of this subsection will be processed and reviewed as provided in the Crystal city code, subsection 510.19.
- (b) Factors used in decision-making. In passing upon conditional use applications, the city council must consider all relevant factors specified in other sections of this subsection, and those factors identified in subdivision 12(e) of this subsection.
- (c) Conditions attached to conditional use permits. The city council may attach such reasonable conditions to the granting of conditional use permits as it deems necessary to fulfill the purposes of this subsection. Such conditions may include, but are not limited to, the following:
  - (1) Modification of waste treatment and water supply facilities;
  - (2) Limitations on period of use, occupancy, and operation;
  - (3) Imposition of operational controls, sureties, and deed restrictions; and
  - (4) Requirements for construction of channel modifications, compensatory storage, dikes, levees, and other protective measures.
- (d) Floodproofing measures, in accordance with the State Building Code and this subsection. The applicant must submit a plan or document certified by a registered professional engineer or architect that the floodproofing measures are consistent with the regulatory flood protection elevation and associated flood factors for the particular area.
- (e) Submittal of Hearing Notices to the Department of Natural Resources (DNR). The zoning administrator must submit hearing notices for proposed conditional uses to the DNR sufficiently in advance to provide at least ten days' notice of the hearing. The notice may be sent by electronic mail or U.S. Mail to the respective DNR area hydrologist.
- (f) Submittal of Final Decisions to the DNR. A copy of all decisions granting conditional uses must be forwarded to the DNR within ten days of such action. The notice may be sent by electronic mail or U.S. Mail to the respective DNR area hydrologist.

Subd. 14. Nonconformities.

- (a) Continuance of nonconformities. A use, structure, or occupancy of land which was lawful before the passage or amendment of this subsection but which is not in conformity with the provisions of this subsection may be continued subject to the following conditions, except that historic structures, as defined in the Crystal city code, subsection 505.
- (1) No expansion. A nonconforming use, structure, or occupancy must not be expanded, changed, enlarged, or altered in a way that increases its flood damage potential or degree of obstruction to flood flows except as provided in subdivision 14(a)(2) of this subsection. Expansion or enlargement of uses, structures or occupancies within the Floodway District is prohibited.
  - (2) Additions. Any addition or structural alteration to a nonconforming structure or nonconforming use that would result in increasing its flood damage potential must be protected to the regulatory flood protection elevation in accordance with any of the elevation on fill or floodproofing techniques (i.e., FP1 thru FP4 floodproofing classifications) allowable in the State Building Code, except as further restricted in subdivision 14(a)(3) and subdivision 14(a)(7) of this subsection.
  - (3) Substantial improvements. If the cost of all previous and proposed alterations and additions exceeds 50 percent of the market value of any nonconforming structure, that shall be considered substantial improvement, and the entire structure must meet the standards of subdivisions 5 and 6 of this subsection for new structures, depending upon whether the structure is in the Floodway or Flood Fringe District, respectively. The cost of all structural alterations and additions must include all costs such as construction materials and a reasonable cost placed on all manpower or labor.
  - (4) Discontinuance. If any nonconforming use, or any use of a nonconforming structure, is discontinued for more than one year, any future use of the premises must conform to this subsection. If the county assessor becomes aware of nonconformities that have been discontinued for a period of more than one year, they will let the city know of these instances in writing.
  - (5) Substantial damage. If any nonconformity is substantially damaged, as defined in the Crystal city code, section 505, it may not be reconstructed except in conformity with the provisions of this subsection. The applicable provisions for establishing new uses or new structures in subdivisions 5 or 6 will apply depending upon whether the use or structure is in the Floodway or Flood Fringe, respectively.
  - (6) Repetitive loss. If any nonconforming use or structure experiences a repetitive loss, as defined in the Crystal city code, section 505, it must not be reconstructed except in conformity with the provisions of this subsection.
  - (7) Substantial improvement. Any substantial improvement, as defined in the Crystal city code, section 505, to a nonconforming structure requires that the existing structure and any additions must meet the requirements of subdivisions 5 or 6 of this subsection for new structures, depending upon whether the structure is in the Floodway or Flood Fringe District.

Subd. 15. Amendments.

- (a) Floodplain designation; restrictions on removal. The floodplain designation on the city's zoning map must not be removed from floodplain areas unless it can be shown that the designation is in error or that the area has been filled to or above the elevation of the regulatory

flood protection elevation and is contiguous to lands outside the floodplain. Special exceptions to this rule may be permitted by the DNR commissioner if the commissioner determines that, through other measures, lands are adequately protected for the intended use.

- (b) Amendments require DNR approval. All amendments to this subsection must be submitted to and approved by the DNR commissioner prior to adoption. The Commissioner must approve the amendment prior to community approval.
- (c) Map revisions require ordinance amendments. The floodplain district regulations must be amended to incorporate any revisions by the Federal Emergency Management Agency to the floodplain maps adopted in the Crystal city code, subsection 515.03.

515.11. Shoreland overlay district. Reserved.

515.13. Planned development overlay district (PD).

Subd. 1. Purpose. The purpose of the planned development overlay district (PD) district is to provide a district which will encourage the following:

- (a) Flexibility in land development and redevelopment in order to encourage multi-modal streets that balance the needs for all users, to permit a range of compatible uses that permit conversion of existing buildings, and development of new buildings. Within the TC-PD district area, such flexibility also promotes the transformation of the city's main commercial area into a more compact mixed-use area;
- (b) Provision of housing affordable to all income groups;
- (c) Energy conservation through the use of more efficient building designs and siting, and the clustering of buildings and land uses;
- (d) Preservation of desirable site characteristics and open space, and protection of sensitive environmental features, including steep slopes, poor soils and trees;
- (e) More efficient and effective use of land, open space and public facilities through mixing of land uses, and assembly and development of land in larger parcels;
- (f) In exchange for relaxing site development standards such as building setbacks or height, or subdivision standards such as street widths, the city receives a development that has a high quality of design, compatible with surrounding land uses;
- (g) Sensitive development in transitional areas located between different land uses and along significant corridors within the city; and
- (h) Development which is consistent with the comprehensive plan.

Subd. 2. Uses. Except for those uses in the TC-PD district which have separate requirements in this section, within the PD district all permitted, accessory and temporary uses of the underlying zoning district are allowed. As part of the flexibility allowed in the PD district, the city council may, but is not obligated to, allow uses with the PD site that are only allowed in other zoning districts. Uses allowed by conditional use permit must be reviewed for compliance with the PD site plan and with the applicable conditional use permit standards in this UDC.

Subd. 3. Development standards. Except for the TC-PD district, which has separate requirements in subdivision 4 of this subsection, within the PD district all development shall be in compliance with the following:

- (a) Each PD must have a minimum area of two acres, excluding areas within a public right-of-way, designated wetland or floodplain overlay district, unless the applicant can demonstrate the existence of one or more of the following:
  - (1) Unusual physical features of the property itself or of the surrounding neighborhood such that development as a PD will conserve a physical or topographic feature of importance to the neighborhood or community;
  - (2) The property is directly adjacent to or across a right-of-way from property which has been developed previously as a PD and will be perceived as and will function as an extension of that previously approved development; or
  - (3) The property is located in a transitional area between different land use categories or it is located on an arterial street as defined in the comprehensive plan.
- (b) If a particular PD would provide an extraordinary benefit to the community, or if a PD site has extraordinary characteristics that make development difficult, the city council may approve a density of up to ten percent more than the maximum identified in the comprehensive plan.
- (c) A PD site may have more than one principal building or multiple land uses in accordance with subdivision 2 of this subsection.
- (d) A residential PD or residential area of a mixed use PD must provide a minimum of ten percent of the gross project area in private recreational uses for project residents. Such area must be developed and used for active or passive recreational uses suited to the needs of the residents of the project, including swimming pools, trails, nature areas, picnic areas, tot lots and saunas. This requirement may be waived if the city council finds that adequate recreational opportunities are available sufficiently near the PD to make this requirement duplicative, or if the PD is too small for this requirement to be feasible.
- (e) The development standards as provided in the Crystal city code, section 520 and the signage requirements as provided in the Crystal city code, section 530, apply to a PD as deemed appropriate by the city.

Subd. 4. Development standards for the TC-PD district. Within the TC-PD district, all development shall be in compliance with the following:

- (a) Uses.
  - (1) Permitted principal uses. All permitted principal uses allowed in the TC district in Table 3 are also allowed in the TC-PD district. The following additional principal uses are also allowed in the TC-PD district. Unless otherwise noted, all uses are allowed without a conditional use permit, but whether the use is permitted or conditional, it shall adhere to any required use-specific standards.
    - (i) Day care facilities, adult.
    - (ii) Dwellings, one-family attached.
    - (iii) Hospitals.



- (iv) Private recreational facilities, indoor.
  - (v) Public or semi-public buildings, with a conditional use permit.
  - (vi) Religious institutions, with a conditional use permit.
  - (vii) Schools, elementary or secondary, with a conditional use permit.
  - (viii) Schools, nursery or preschool, with a conditional use permit.
  - (ix) Schools, trade or business, with a conditional use permit.
  - (x) Specialized care facilities.
- (2) Accessory uses. All permitted accessory uses allowed in the TC district in Table 4 are also allowed in the TC-PD district. The following additional accessory uses are also allowed in the TC-PD district. Unless otherwise noted, all uses are allowed without a conditional use permit, but whether the use is permitted or conditional, it shall adhere to any required use-specific standards.
- (i) Drive-through facilities, with a conditional use permit.
  - (ii) Fences.
  - (iii) Garages.
  - (iv) Porches and decks.
  - (v) Signs, under the same requirements as the TC district.
- (3) Temporary uses. All permitted temporary uses in Table 5 are allowed in the TC-PD district. The use shall comply with any time limits, required permits, and use specific-standards listed in that table.
- (b) Densities. Residential densities shall be constructed to a density of 16 to 64 units per gross acre.
- (c) Building design. All new buildings within the TC-PD district shall adhere to the TC district site development standards for building placement, height and facades in the Crystal city code, subsection 515.05, subdivision 5.
- (d) Parking. The development shall provide parking according to the requirements in the Crystal city code, subsection 520.15, subdivision 6. If the applicant desires to alter the number of required parking spaces through the TC-PD approval process, the following information shall be submitted:
- (1) Number of customers, patients, visitors, residents, or other patrons of the proposed use. Information shall also be included detailing the expected parking behavior of these people (i.e., how long a customer may be at the facility);
  - (2) Number of full-time and part-time employees;

- (3) Number and approximate timing of deliveries; and
- (4) Such other information as may be requested by the city to determine that sufficient parking is provided for the proposed use.
- (e) Minimum green space. The minimum green space requirement in the TC-PD district is the same as the TC district.
- (f) New street or pedestrian locations. To create better connected streets when redevelopment occurs in the TC-PD district, new streets or pedestrian connections shall be constructed in the locations shown in Figure 11. If the street is not a public street, a mutual access agreement will be required by the city to ensure public access in the same manner as a public street. The city will consider alternate street or pedestrian connection locations that achieve this intent.



Figure 11: Hypothetical location of new street or pedestrian connections in the TC-PD district

- (g) Other development standards. In addition to the standards established for the TC-PD district in this section, all development shall be subject to all other applicable standards as provided in the Crystal city code, section 520.

Subd. 5. Amendments to the PD overlay district. An approved site plan for a PD overlay district may only be amended upon the classification and review of the proposed amendment as provided in this subsection.

- (a) Minor Amendments.
  - (1) Minor amendments shall include changes in the site design of the applicable property that do not affect neighborhood compatibility or the public health, safety or welfare,

and that do not violate any of the provisions of this UDC or the conditions attached to approval of the site plan.

- (2) Minor amendments are subject to a Type 1 review procedure.
  - (3) The zoning administrator may determine that a proposed minor amendment qualifies as a major amendment, requiring a Type 2 review procedure as provided in subdivision 4 of this subsection.
- (b) Major Amendments. Major amendments shall include all changes that are not classified as minor amendments above and shall be subject to a Type 2 review procedure. A major amendment may include:
- (1) A substantial alteration of the location of buildings, parking areas or roads;
  - (2) An increase or decrease in the number of residential dwelling units by more than five percent;
  - (3) An increase of the gross floor area of non-residential buildings by more than five percent or an increase of the gross floor area of any individual building by more than ten percent;
  - (4) An increase in the number of stories of any building;
  - (5) A decrease in the amount of open space by more than five percent or an alteration which changes its original design or intended use; or
  - (6) The creation of non-compliance with any special condition attached to the approval of the site plan.

515.15. Reserved.

515.17. Permitted principal uses.

Subd. 1. General provisions. Table 3 lists the principal uses allowed within all zoning districts except for the overlay zoning districts. Except for the TC-PD district, which has separate requirements, the uses permitted in the overlay districts shall be controlled by the underlying base zoning district.

Subd. 2. Explanation of table of permitted uses.

- (a) Organization of table. Table 3 organizes the uses by use categories and use types.
- (1) Use categories. The use categories provide a systematic basis for assigning present and future land uses into broad general classifications (e.g., household living, commercial, etc.). The use classifications then organize land uses and activities into specific “use types” based on common functional, product, or physical characteristics, such as the type and amount of activity, the type of customers or residents, how goods or services are sold or delivered, and site conditions.
  - (2) Use types. The use categories are divided into specific use types. The use types identify the specific uses that are considered to fall within characteristics identified in the broader use category. For example, one-family or two-family are some of the specific use types that fall under the “household living” use category.

(b) Symbols in table. The symbols used in Table 3 are defined as follows:

- (1) Permitted uses (P). A “P” in a cell indicates that a use type is allowed by-right in the respective zoning district subject to compliance with the use-specific standards set forth in the final “use-specific standards” column of Table 3. Permitted uses are subject to all other applicable standards of this UDC;
- (2) Conditional uses (C). A “C” in a cell indicates that a use type is allowed as a conditional use in the respective zoning district subject to compliance with the use-specific standards set forth in the final “use-specific standards” column of Table 3 and approval of a conditional use permit in accordance with the Crystal city code, subsection 510.19. Conditional uses are subject to all other applicable standards of this UDC.
- (3) Prohibited uses (--). A cell with a “--” indicates that the listed use type is prohibited in the respective zoning district.
- (4) Use-specific standards. The “use-specific standards” column of Table 3 cross-reference standards that are specific to an individual use type and are applicable to that use in all districts unless otherwise stated in the use-specific standards.
- (5) Unlisted uses. If an application is submitted for a use that is not listed in Table 3, the zoning administrator is authorized to classify the new or unlisted use, with consultation from appropriate city departments, into an existing use type that most closely fits the new or unlisted use. If no similar use determination can be made, the zoning administrator shall refer the use to the planning commission, who may initiate an amendment to the text of this UDC to clarify where and how the use should be permitted.

Table 3: Permitted Principal Uses								
Use Category and Use Type  P = Permitted Use C = Conditional Use - = Not Permitted	Base Zoning Districts							Use-Specific Standards in Section:
	R-1	R-2	R-3	C	TC	I	AP	
<b>Residential Use Category</b>								
<b>Bed and Breakfast Establishments</b>	C	C	C	-	-	-	-	515.19, subdivision 2 (a)
<b>Dwellings, Multiple Family</b>	-	P	P	-	P	-	-	515.19, subdivision 2 (b)
<b>Dwelling, One-Family, Attached</b>	-	P	P	-	P	-	-	515.19, subdivision 2 (c)
<b>Dwelling, One-Family, Detached</b>	P	P	-	-	-	-	-	515.19, subdivision 2 (d)
<b>Dwellings, Two-Family</b>	P	P	P	-	-	-	-	
<b>Group Living Use Category</b>								
<b>Specialized Care Facilities (1-6 persons) [1]</b>	P	P	P	P	-	-	-	515.19, subdivision 3 (a)

Table 3: Permitted Principal Uses								
Use Category and Use Type  P = Permitted Use C = Conditional Use - = Not Permitted	Base Zoning Districts							Use-Specific Standards in Section:
	R-1	R-2	R-3	C	TC	I	AP	
<b>Specialized Care Facilities (7 or more persons) [1]</b>	-	C	C	P	-	-	-	515.19, subdivision 3 (a)
<b>Commercial Use Category</b>								
<b>Airport Facilities</b>	-	-	-	-	-	-	P	515.19, subdivision 4 (a)
<b>Animal Hospital/Veterinary Clinics [1]</b>	-	-	-	P	P	P	-	515.19, subdivision 4 (b)
<b>Banks or Financial Institutions</b>	-	-	-	P	P	-	-	
<b>Banquet Halls or Event Centers</b>	-	-	-	C	-	C	-	
<b>Brewer Taprooms, Brewpubs or Microdistillery</b>	-	-	-	P	P	P	-	1200
<b>Clubs or Lodges</b>	-	-	-	P	P	P	-	
<b>Convenience Stores</b>	-	-	-	P	P	-	-	
<b>Day Care Facilities, Adult</b>	C	C	C	P	-	P	-	515.19, subdivision 4 (c)
<b>Day Care Facilities, Group Family</b>	P	P	P	-	-	-	-	
<b>Funeral Homes</b>	-	-	-	P	-	-	-	
<b>Greenhouses, Garden and Landscaping Sales and Service</b>	-	-	-	P	-	P	-	
<b>Hotel, Motel, Extended Stay Establishments</b>	-	-	-	P	P	P	-	515.19, subdivision 4 (d)
<b>Kennels, Commercial [2]</b>	-	-	-	P	-	P	-	515.19, subdivision 4 (e)
<b>Offices, Professional</b>	-	C	C	P	P	P	P	515.19, subdivision 4 (f)
<b>Parking Ramps or Structures</b>	-	-	-	P	P	P	P	515.19, subdivision 4 (g)
<b>Personal Services [3]</b>	-	C	C	P	P	P	-	515.19, subdivision 4 (h)
<b>Restaurants or Eating Establishments [4]</b>	-	C	C	P	P	P	-	

Table 3: Permitted Principal Uses								
Use Category and Use Type  P = Permitted Use C = Conditional Use - = Not Permitted	Base Zoning Districts							Use-Specific Standards in Section:
	R-1	R-2	R-3	C	TC	I	AP	
<b>Retail Establishments [5]</b>	-	C	C	P	P	P	-	515.19, subdivision 4 (i)
<b>Theater, Indoor</b>	-	-	-	P	P	-	-	
<b>Vehicle Repair</b>	-	-	-	C	-	P	-	515.19, subdivision 4 (j)
<b>Vehicle, Boat or Recreational Sales or Rental</b>	-	-	-	P	-	P	-	515.19, subdivision 4 (k)
<b>Vehicle Fuel Sales</b>	-	-	-	P	-	-	-	515.19, subdivision 4 (l)
<b>Vehicle Wash or Detailing</b>	-	-	-	C	-	C	-	515.19, subdivision 4 (m)
<b>Industrial, Manufacturing, Research and Wholesale Use Category</b>								
<b>Building Materials Sales</b>	-	-	-	-	-	P	-	
<b>Bulk Storage of Liquids</b>	-	-	-	P	-	P	P	515.19, subdivision 5 (a)
<b>Industrial Uses (Indoors)</b>	-	-	-	-	-	P	-	
<b>Industrial Or Commercial Uses with Outdoor Storage of Parts, Products, or Fuels</b>	-	-	-	-	-	P	-	515.19, subdivision 5 (b)
<b>Self Storage Facilities</b>	-	-	-	-	-	P	-	
<b>Warehouse</b>	-	-	-	-	-	P	P	
<b>Vehicle Impound Lot</b>	-	-	-	-	-	C	-	515.19, subdivision 5 (c)
<b>Public Facilities, Telecommunication and Utilities Use Category</b>								
<b>Essential Services</b>	P	P	P	P	P	P	P	
<b>Public utility buildings</b>	C	C	C	C	-	C	P	515.19, subdivision 6 (a)
<b>Telecommunications Towers</b>	C	C	C	C	-	P	P	515.19, subdivision 6 (b)
<b>Wireless support structures</b>	C	P	P	P	-	P	P	515.19, subdivision 6 (c)
<b>Public, Institutional and Recreational Use Category</b>								
<b>Cemeteries</b>	C	C	C	-	-	-	-	
<b>Hospitals</b>	-	C	C	P	-	P	-	515.19, subdivision 7 (a)
<b>Private Recreational Facilities, Indoor</b>	C	C	C	P	-	P	-	

Table 3: Permitted Principal Uses								
Use Category and Use Type  P = Permitted Use C = Conditional Use - = Not Permitted	Base Zoning Districts							Use-Specific Standards in Section:
	R-1	R-2	R-3	C	TC	I	AP	
Private Recreational Facilities, Outdoor	-	-	-	C	-	C	-	
Public Parks and Playgrounds	P	P	P	-	P	-	-	
Public or Semi-Public Buildings	C	C	C	C	-	C	-	515.19, subdivision 7 (b)
Religious Institutions	C	C	C	C	-	C	-	515.19, subdivision 7 (c)
Schools, Elementary or Secondary	C	C	C	C	-	C	-	515.19, subdivision 7 (d)
Schools, Nursery or Preschool	C	C	C	C	C	C	-	515.19, subdivision 7 (e)
Schools, Trade or Business	-	C	C	P	-	P	-	515.19, subdivision 7 (f)
<b>Notes:</b> <b>1. If a provision in Minnesota statute or rule expressly requires a city to allow a specialized care facility as a permitted or conditional use within a residential district, the use shall be allowed as provided in law up to the number of people indicated in the particular statute or rule, unless a larger number is allowed in the district under this UDC.</b> <b>2. Outdoor facilities may be permitted with a conditional use permit</b> <b>3. A plant may be allowed as part of a dry cleaning establishment with a conditional use permit</b> <b>4. On-sale liquor, wine, or beer may be allowed to a greater extent than the permitted use with a conditional use permit.</b> <b>5. Outdoor repair may be permitted with a conditional use permit.</b>								

515.19. Use-specific standards for principal uses.

Subd. 1. Purpose and applicability.

- (a) This subsection provides site planning, development and/or operating standards for certain land uses that are permitted or conditionally permitted in Table 3.
- (b) The land uses and activities covered by this subsection shall comply with the applicable standards for the specific use in all districts unless otherwise specified, in addition to all other applicable provisions of this UDC.

Subd. 2. Residential use category.

- (a) Bed and breakfast establishments. Bed and breakfast establishments are subject to the following standards:
- (1) The owner shall reside on the property;
  - (2) The property abuts and the building faces an arterial or major collector street;
  - (3) The establishment shall comply with the city’s liquor license regulations in the Crystal city code, chapter XII, as well as state health and building codes;
  - (4) Signage is limited to one sign that indicates the name of and contact information for the bed and breakfast establishment but no other material. There may be one such sign not to exceed four square feet in area, not to exceed five feet in height if free standing, and not to be lighted unless the lighting will not negatively impact adjacent properties; and
  - (5) No external vending machines shall be allowed.
- (b) Dwellings, multiple-family. Except for the TC and TC-PD districts which have separate requirements, buildings shall be oriented so that the primary entrance faces the street from which the building is addressed.
- (c) One-family attached dwellings. One-family attached dwellings are subject to the following standards:
- (1) Collective maintenance of building exteriors, driveways, landscaping, and common areas for one-family attached dwellings is required; and
  - (2) In the TC-PD district, one-family attached dwellings shall be constructed in the form of rowhouses or townhouses (see Figure 12). This building form shall consist of at least three dwelling units placed side by side where each unit has a separate entrance.



Figure 12: Illustration of rowhouses or townhouses in the TC-PD district

- (3) In the TC district one-family attached dwellings are only allowed when constructed as an integral part of a multiple-family dwelling development (apartment building).
- (d) One-family detached dwellings. In the R-1 district, a second kitchen is allowed within a one-family detached dwelling, if there is interior and unfettered access from all parts of the dwelling to both kitchens and the property is not addressed or in any other way configured or represented as a two family dwelling.

Subd. 3. Group living use category.

- (a) Specialized care facilities. Specialized care facilities are subject to the following standards:



- (1) The facility is served by streets and such pedestrian facilities as are necessary to accommodate the traffic generated by the facility; and
- (2) Drive-through facilities are specifically prohibited.

Subd. 4. Commercial use category.

(a) Airport facilities. Airport facilities are subject to the following standards:

- (1) Adequate controls, such as fencing, shall be provided to prevent unauthorized access onto airport property;
- (2) Buildings and uses shall be subordinate to the operation of the Crystal Airport; and
- (3) Buildings or structures shall comply with all federal and state statutes, regulations, rules, laws, restrictions, guidance and directives and Metropolitan Airports Commission rules and regulations concerning aeronautical safety and operation within the Crystal Airport and runway protection zones.

(b) Animal hospitals/veterinary clinics. Except in the TC district, outdoor facilities, such as dog kennels or runs, are allowed with a conditional use permit and are subject to the following standards:

- (1) Such use shall be incidental to the animal hospital use and used for the short-term boarding of animals; and
- (2) The applicant has demonstrated that the outdoor facility will not negatively impact neighboring properties through the use of screening or buffering.

(c) Day care facilities, Adult. Picking up and dropping off of clients shall not create unsafe conditions. Loading and unloading of clients from vehicles shall only be allowed in the driveway or in an approved parking area.

(d) Hotels, motels, or extended stay establishments. The property abuts at least one of the following street segments:

- (1) Lakeland Avenue between the Canadian Pacific Railroad and 58th Avenue North; or
- (2) West Broadway between Corvallis Avenue and 56th Avenue North.

(e) Kennels, commercial. Outdoor facilities, such as dog kennels or runs, are allowed with a conditional use permit and are subject to the following standards:

- (1) Such use shall be for the short-term boarding of animals; and
- (2) The applicant has demonstrated that the outdoor facility will not negatively impact neighboring properties through the use of screening or buffering.

(f) Offices, professional. Professional offices are subject to the following standards:

- (1) Within the TC district, office space is limited to 15,000 gross square feet per floor. Additional square footage may be allowed with a conditional use permit, not to exceed a building footprint of 20,000 square feet.

- (2) Within the Industrial district, professional offices are limited to 50% of the gross floor area of the principal use.
- (g) Parking ramps or structures.
- (1) For all zoning districts, parking ramps or structures are subject to the following standards:
- (i) Structure entrances shall minimize conflict with pedestrian movement; and
  - (ii) The appearance of the structure entrances shall be minimized so that they do not dominate the street frontage of the building. Possible techniques to achieve this design include recessing the entry, extending portions building over the entry, using screening and landscaping to soften the appearance of the entry, using the smallest curb cut and driveway possible, and subordinating the parking entrance (compared to the pedestrian entrance) in terms of size, prominence, location and design emphasis.
- (2) Within the TC and TC-PD districts, parking ramps or structures are subject to the following additional standards:
- (i) For those parking ramps or structures located on a corner lot, the entry shall not be located on a primary building façade;
  - (ii) On at least 50 percent of all building facades, with priority given to those facades abutting a public street, the ground floor of any parking structure shall have habitable or commercial space for a depth of 30 feet;
  - (iii) Parking structure height shall not exceed the finished ceiling height of the top floor of the tallest principal building within 500 feet; and
  - (iv) Upper floors of the structure shall be designed and detailed in a manner consistent with adjacent buildings.
- (h) Personal Services. Within the TC district, space for personal services is limited to 15,000 gross square feet per floor. Additional square footage may be allowed with a conditional use permit, not to exceed a building footprint of 20,000 square feet.
- (i) Retail establishments. Retail establishments are subject to the following standards:
- (1) Repair is allowed for a retail establishment, but a conditional use permit is required if the repair is done outdoors. The applicant shall demonstrate that such outdoor repair will not negatively impact neighboring properties;
  - (2) Within the TC district, retail space is limited to 15,000 gross square feet per floor. Additional square footage may be allowed with a conditional use permit, not to exceed a building footprint of 20,000 square feet;
  - (3) Within the Commercial district, retail establishments may have up to 50% of the gross floor area as storage or warehouse space; and
  - (4) Within the Industrial district, retail establishments are limited to 50% of the gross floor area of the principal use.
- (j) Vehicle repair. Vehicle repair is subject to the following standards:

- (1) The property abuts at least one of the following street segments:
    - (i) Lakeland Avenue/Bottineau Boulevard between the Canadian Pacific Railroad and 56th Avenue North;
    - (ii) West Broadway between Corvallis Avenue and 56th Avenue North; or
    - (iii) Winnetka Avenue between 36th Avenue North and a point 660 feet north of 36th Avenue North; and
  - (2) There is no outdoor parking or storage of vehicles that are to be worked on, are being worked on, or have been worked on.
- (k) Vehicle, boat, or recreational sales or rental. Vehicle, boat, or recreational sales or rental is subject to the following standards:
- (1) The property abuts at least one of the following street segments:
    - (i) Lakeland Avenue/Bottineau Boulevard between the Canadian Pacific Railroad and 56th Avenue North;
    - (ii) Lakeland Avenue between Lombardy Lane and the north lot line of Lot 1, Block 1, Storm's 1st Addition, said distance approximately 368 feet;
    - (iii) West Broadway between Corvallis Avenue and 56th Avenue North; or
    - (iv) Winnetka Avenue between 36th Avenue North and a point 660 feet north of 36th Avenue North;
  - (2) There is no outdoor parking or storage of inoperable, unlicensed, abandoned or junk vehicles; and
  - (3) No vehicle or equipment shall exceed 32 feet in length.
- (l) Vehicle fuel sales. Vehicle fuel sales are subject to the following standards:
- (1) The property abuts at least one of the following street segments:
    - (i) Douglas Drive between 27th Avenue North and a point 660 feet north of 27th Avenue North;
    - (ii) Lakeland Avenue/Bottineau Boulevard between the Canadian Pacific Railroad and 56th Avenue North;
    - (iii) West Broadway between Corvallis Avenue and 56th Avenue North; or
    - (iv) Winnetka Avenue between 36th Avenue North and a point 660 feet north of 36th Avenue North; or
    - (v) 36th Avenue North between Highway 100 and a point 357 feet west of the centerline of Regent Avenue North;
  - (2) Sufficient vehicular stacking space is provided on-site to minimize the blocking of traffic in the public right-of-way; and

- (3) If the property is adjacent to one or two residential family dwellings, the vehicle fuel sales businesses shall be closed between the hours of midnight and 5 a.m.
- (m) Vehicle wash or detailing. Vehicle wash or detailing establishments are subject to the following standards:
- (1) The property abuts at least one of the following street segments:
    - (i) Douglas Drive between 27th Avenue North and a point 660 feet north of 27th Avenue North;
    - (ii) Lakeland Avenue/Bottineau Boulevard between the Canadian Pacific Railroad and 56th Avenue North;
    - (iii) West Broadway between Corvallis Avenue and 56th Avenue North;
    - (iv) Winnetka Avenue between 36th Avenue North and a point 660 feet north of 36th Avenue North; or
    - (v) 36th Avenue North between Highway 100 and a point 357 feet west of the centerline of Regent Avenue North; and
  - (2) Sufficient vehicular stacking space is provided on-site to minimize the blocking of traffic in the public right-of-way.
  - (3) A vehicle wash or detailing establishment shall comply with the use-specific standards for drive-through facilities in the Crystal city code, subsection 515.23, Subd. 2 (b).

Subd. 5. Industrial, manufacturing, research and wholesale use category.

- (a) Bulk storage of liquids. If the storage is within 300 feet of properties used for residential purposes, such storage shall not exceed 25,000 gallons.
- (b) Industrial or commercial uses with outdoor storage of parts, products, or fuels. Industrial uses with outdoor storage of parts, products or fuels are subject to the following standards:
  - (1) The storage or parking area is hard surfaced, clearly designated on the site as being limited to the specific, approved area, and meets the relevant requirements as provided in the Crystal city code, subsection 520.15 for hard surface design;
  - (2) The storage or parking area does not exceed 100% of the gross floor area of the principal building, 50% of the area of the property, or 10,000 square feet, whichever is less;
  - (4) The storage or parking area is prohibited in the front or corner side yard;
  - (5) The storage or parking area is subject to the screening requirements of the Crystal city code, subsection 520.13; and
  - (6) The applicant must obtain zoning certificate approval for the storage or parking area.
- (c) Vehicle impound lot. Vehicle impound lots are subject to the following standards:
  - (1) The use does not include non-impound purposes, such as seasonal storage;

- (2) The impound lot is located on a property that abuts the right of way of an active freight railroad;
- (3) The impound lot is located on a property that does not abut the right-of-way of any collector or arterial street or any frontage road adjacent to a collector or arterial street;
- (4) The impound lot is located on a property that does not abut any property used for residential purposes;
- (5) The portion of the property occupied by the impound lot does not exceed one acre; and
- (6) Vehicles shall only be parked on a designated hard surfaced area that meets the requirements of the Crystal city code, subsection 520.15, subdivisions 10 and 11(c), (e), (f), (g) and (i) for design of the hard surface. Vehicles shall not be parked in landscaped areas, adjacent property, or the public right-of-way.

Subd. 6. Public facilities, telecommunications and utilities use category.

(a) Public utility buildings. Equipment and materials are completely enclosed in a permanent building with no outside storage, unless in compliance with the screening requirements of this UDC.

(b) Telecommunications towers.

(1) Findings. The Federal Communications Act of 1934 as amended by the Telecommunications Act of 1996 (“the Act”) grants the Federal Communications Commission (FCC) exclusive jurisdiction over the regulation of the environmental effects of radio frequency emissions from telecommunications facilities and the regulation of radio signal interference among users of the radio frequency spectrum. By this subsection, the city intends to exercise the full scope of its authority under the Act and under state law regarding the regulation of towers and telecommunications facilities in the city. Consistent with the Act, the regulation of towers and telecommunications facilities in the city will not have the effect of prohibiting any person from providing wireless telecommunications services.

(2) Purpose. The general purpose of this subsection is to regulate the placement, construction and modification of telecommunication towers and facilities in order to protect the health, safety and welfare of the public, while not unreasonably interfering with the development of the competitive wireless telecommunications marketplace in the city. Specifically, the purposes of this subsection are:

- (i) To regulate the location of telecommunication towers and facilities;
- (ii) To protect residential areas and land uses from potential adverse impacts of telecommunication towers and facilities;
- (iii) To minimize adverse visual impacts of telecommunication towers and facilities through design, siting, landscaping, and innovative camouflaging techniques;
- (iv) To promote and encourage shared use and co-location of telecommunication towers and antenna support structures;
- (v) To avoid potential damage to properties caused by telecommunication towers and facilities by ensuring that those structures are soundly and carefully designed,

constructed, modified, maintained and promptly removed when no longer used or when determined to be structurally unsound;

- (vi) To ensure that telecommunication towers and facilities are compatible with surrounding land uses; and
- (vii) To facilitate the provision of wireless telecommunications services to the residents and businesses of the city in an orderly fashion.

(3) Zoning districts where towers are allowed.

- (i) Permitted use at certain locations in the Industrial district (I). A tower is a permitted use in the I district, with approval of a zoning certificate, provided that the site also meets one of the following additional location criteria:
  - (a) It abuts the Canadian Pacific railroad property and also abuts Pennsylvania Avenue, 32nd Avenue or Nevada Avenue; or
  - (b) It is located within the area bounded by Corvallis Avenue, West Broadway, Douglas Drive, 56th Avenue, and Lakeland Avenue/Bottineau Boulevard.
- (ii) Conditional use at certain locations in the Commercial district (C). A tower is a conditional use in the C district, provided that the site is located within the area bounded by Corvallis Avenue, West Broadway, Douglas Drive, 56th Avenue, and Lakeland Avenue/Bottineau Boulevard.
- (iii) Towers prohibited elsewhere; relief provision. Towers are prohibited in the city except as expressly authorized herein. Notwithstanding this prohibition, the city council may approve a tower as a conditional use in any other zoning district which reasonably addresses an identified significant gap subject to the following requirements:
  - (a) The provider has submitted the information required by this subsection.
  - (b) The city council makes a finding that the provider has demonstrated by clear and convincing evidence that there is a significant gap in the provider's service, and:
    - (1) There is no co-location option that would reasonably address the demonstrated significant gap in the provider's service; or
    - (2) There is no other alternative tower site that would reasonably address the demonstrated significant gap in the provider's service.
  - (c) In approving a tower on the site which reasonably addresses the identified significant gap, the city council shall consider the purposes of tower regulation stated in this subsection and the requirements of the Act.

(4) Application. An application to develop a tower shall include all of the following:

- (i) The names, addresses and telephone numbers of all owners of other towers or antenna support structures within a half mile radius of the proposed new tower site;
- (ii) Written documentation that the applicant has made diligent but unsuccessful efforts for permission to install or co-locate the applicant's telecommunications facilities on

towers or antenna support structures within a half mile radius of the proposed new tower site;

- (iii) Written, technical evidence from an engineer that the proposed tower or telecommunications facilities cannot be installed or co-located on another person's tower or antenna support structure located within a half mile radius of the proposed tower site and must be located at the proposed site in order to meet the coverage requirements of the applicant's wireless communications system;
  - (iv) A written statement from an engineer that the construction and placement of the tower will not interfere with public safety communications and the usual and customary transmission or reception of radio, television, or other communications service enjoyed by adjacent properties;
  - (v) Written evidence from an engineer that the proposed structure meets the structural requirements of this UDC; and
- (5) Review criteria and restrictions.
- (i) In considering an application where the provider has shown the existence of a significant gap in coverage, the city council shall only authorize a tower if the city makes a finding that such a location is necessary for the city to achieve compliance with the requirements of the Act.
  - (ii) The city council makes a finding that the design of the tower, including factors such as shape, materials, and finishes, adequately uses stealth techniques to minimize its impact on the character of the surrounding area.
  - (iii) The city may authorize the use of city property, including use of its right-of-way pursuant to Crystal city code, chapter VIII, in accordance with the procedures and subject to the restrictions of this Crystal city code.
- (6) Co-location required. Unless the applicant presents clear and convincing evidence to the city council that co-location at the identified site is not structurally or technically feasible, a new tower may not be built, constructed or erected in the city unless the tower is capable of supporting at least one telecommunications facility comparable in weight, size and surface area to the one located on the tower by the applicant.
- (7) Locational requirements.
- (i) A tower must be located on a single parcel or contiguous parcels under the same ownership as the applicant having a dimension equal to the height of the tower, as measured between the base of the tower located nearest the property line and the actual property line, unless a qualified engineer specifies in writing that the collapse of the tower will occur within a lesser distance under reasonably foreseeable circumstances.
  - (ii) Unless otherwise required by this subsection, locational requirements for towers are measured from the base of the tower to the property line of the parcel on which it is located.
  - (iii) Towers may not be located between a principal structure and a public street.
  - (iv) No tower shall be located within 660 feet of another tower.

- (v) No tower shall be located on a lot having as its principal use a one or two family dwelling.
- (vi) Towers are subject to the following locational requirements from residential uses.
  - (a) Towers in the I district shall be separated from all properties used for residential purposes by a minimum of 90 feet or 150% of the height of the proposed tower, whichever is greater. The minimum tower separation distance shall be calculated and applied irrespective of city jurisdictional boundaries. Measurement of tower separation distances for compliance with this requirement shall be measured from the base of a tower to the closest point of the proposed site.
  - (b) Where towers are a conditional use, no part of the tower shall be located within 165 feet of any one or two family dwelling. This provision shall not prohibit the subsequent expansion of a dwelling which reduces the distance from a tower to the dwelling, even if such expansion causes the tower to become non-conforming to this locational requirement,
- (8) Structural requirements. Towers must be designed and certified by an engineer to be structurally sound and, at minimum, in conformance with the state building code and any other standards set forth in this subsection.
- (9) Height. Towers are subject to the following height requirements:
  - (a) Tower height is measured from grade and includes the tower structure itself, the base pad, and any other telecommunication facilities attached thereto. If a lightning rod is included in the structure, the lightning rod is not included in the height calculation, but shall not exceed ten feet in height.
  - (b) A tower may not exceed 165 feet in height in the commercial or industrial zoning districts, 100 feet in residential districts, or 50% of the distance from any part of the tower to the nearest lot line of an adjacent property having a single or two family dwelling, whichever is less.
- (10) Illumination. Towers may not be artificially lighted except as required by the Federal Aviation Administration (“FAA”). At time of construction of a tower, in cases where there are residential uses located within a distance from the tower which is 3 times the height of the tower, dual mode lighting must be requested from the FAA. Notwithstanding this provision, the city may approve the placement of an antenna on an existing or proposed lighting standard, provided that the antenna is integrated with the lighting standard.
- (11) Exterior finish. Towers not requiring FAA painting or marking must have an exterior finish as approved by the city council if a conditional use permit is required or by city staff if a zoning certificate is required.
- (12) Fencing. Fences constructed around or upon parcels containing towers, antenna support structures, or telecommunications facilities must be constructed in accordance with the applicable fencing requirements in the zoning district where it is located, unless more stringent fencing requirements are required by FCC regulations or different requirements are allowed by the city council through approval of the conditional use permit.



- (13) Landscaping. Landscaping on parcels containing towers, antenna support structures or telecommunications facilities must be in accordance with the applicable landscaping requirements of this UDC and as shown on the approved site plan.
- (14) Security. Towers must be reasonably posted and secured to protect against trespass.
- (15) Access. Parcels upon which towers are located must provide access during normal business hours to at least one paved vehicular parking space on site.
- (16) Tower and equipment design. To the extent reasonably practical, towers must be of stealth design. Equipment that is accessory to the tower shall be screened from view or architecturally designed to blend in with the surrounding environment and shall not exceed 2,000 square feet in size.
- (17) Other telecommunications facilities. Telecommunications facilities not attached to a tower may be permitted as an accessory use to any antenna support structure at least 50 feet and no more than 100 feet in height regardless of the zoning restrictions applicable. The owner of such structure must, by written certification to the building official, establish the following facts at the time plans are submitted for a building permit:
  - (i) That the height from grade of the telecommunications facilities and antennae support structure does not exceed the maximum height from grade of permitted structures by more than 20 feet;
  - (ii) That the antenna support structure and telecommunications facilities comply with the state building code; and
  - (iii) That any telecommunications facilities and their appurtenances, located above the primary roof of an antenna support structure, are set back one foot from the edge of the primary roof for each one foot in height above the primary roof of the antenna support structure. This setback requirement does not apply to antennas that are mounted to the exterior of antenna support structures below the primary roof and do not protrude more than six inches from the side of the antenna support structure. Screened telecommunications facilities and their appurtenances are exempt from setback requirements.
- (18) Existing towers.
  - (i) An existing tower may be modified or demolished and rebuilt to accommodate co-location of additional telecommunications facilities as follows:
    - (a) Application for an appropriate city permit shall be made to the city council; and
    - (b) The total height of the modified tower and telecommunications facilities attached thereto shall not exceed the maximum height for towers allowed under this subsection.
  - (ii) A tower that is being rebuilt to accommodate the co-location of additional telecommunications facilities may be relocated on the same parcel subject to the locational requirements of this subsection. However, if it is impossible for the tower to be rebuilt in compliance with those requirements, such requirements shall be waived to allow the tower to be rebuilt in its exact previous location.

- (19) Abandoned or unused towers or portions of towers. Abandoned or unused towers and associated above-ground facilities must be removed within six months of the cessation of operations of an antenna facility at the site unless an extension is approved by the zoning administrator. A copy of the relevant portions of a signed lease that requires the applicant to remove the tower and associated facilities upon cessation of operations at the site shall be submitted at the time of application. If a tower is not removed within six months of the cessation of operations at a site, the tower and associated facilities may be removed by the city and the costs of removal assessed against the property pursuant to the Crystal city code, chapter VI.
- (20) Additional criteria for variances for towers. The city council may grant a variance pursuant to the Crystal city code, subsection 510.33 if the applicant also demonstrates all of the following with written or other satisfactory evidence:
- (i) The location, shape, appearance or nature of use of the proposed tower will neither substantially detract from the aesthetics of the area nor change the character of the neighborhood in which the tower is proposed to be located;
  - (ii) The variance will not create any threat to the public health, safety, or welfare;
  - (iii) In the case of a requested modification to the locational requirements, the applicant may provide the following justifications for approval of the variance:
    - (a) The size of parcel upon which the tower is proposed to be located makes compliance impossible, and the only alternative for the applicant is to locate the tower at another site that poses a greater threat to the public health, safety or welfare or is closer in proximity to lands used for residential purposes.
    - (b) According to written technical evidence from an engineer, the proposed tower and telecommunications facilities must be located at the proposed site in order to close a significant gap in the provider's coverage in the city and that landscaping and other buffers are provided to lessen the tower's visibility to residential areas.
  - (iv) In the case of a request for modification of the maximum height limit, that the modification is necessary to:
    - (a) Facilitate co-location of telecommunications facilities in order to avoid construction of a new tower; or
    - (b) To meet the coverage requirements of the applicant's wireless communications system, which requirements must be documented with written, technical evidence from an engineer.
- (21) Maintenance. Towers must be maintained in accordance with the following provisions:
- (i) Tower owners must employ ordinary and reasonable care in construction and use commonly accepted methods and devices for preventing failures and accidents that are likely to cause damage, injuries, or nuisances to the public;
  - (ii) Tower owners must install and maintain towers, telecommunications facilities, wires, cables, fixtures and other equipment in compliance with the requirements of the national electric safety code and all federal communications commission, state and

local regulations, and in such a manner that they will not interfere with the use of other property;

- (iii) Towers, telecommunications facilities and antenna support structures must be kept and maintained in good condition, order, and repair;
- (iv) Maintenance or construction on a tower, telecommunications facilities or antenna support structure must be performed by qualified maintenance and construction personnel;
- (v) Towers must comply with radio frequency emissions standards of the federal communications commission; and
- (vi) In the event the use of a tower is discontinued by the tower owner, the tower owners must provide written notice to the city of its intent to discontinue use and the date when the use will be discontinued.

(22) Additional requirements.

- (i) Inspections. The city may conduct inspections at any time, upon reasonable notice to the property owner and the tower owner to inspect the tower for the purpose of determining if it complies with the state building code and other construction standards provided by the city code, federal, and state law. The expense related to such inspections will be borne by the property owner. Based upon the results of an inspection, the building official may require repair or removal of a tower.
  - (ii) Compliance to emission requirements. The city may request the owner of a telecommunications facility provide current, technical evidence of compliance with FCC radiation emission requirements, annually or more frequently at the city's reasonable request. If the owner does not promptly provide the city with satisfactory technical evidence of FCC compliance, the city may carry out tests to ensure FCC radiation compliance using a qualified expert. The owner shall reimburse the city for its reasonable costs in carrying out such compliance testing.
- (c) Wireless support structures. New wireless support structures for the siting of small wireless facilities in the public street right-of-way adjacent to the R-1 zoning district, are subject to the following standards:
- (1) No taller than 50 feet in height;
  - (2) No less than five feet from the street curb;
  - (3) No more than five feet from the side lot line extended to the street;
  - (4) To the extent possible, have an antenna that is shrouded or camouflaged;
  - (5) Constructed from earth-tone fiberglass; and
  - (6) Served by underground power and communication lines. The structure shall not be served by any above-ground power or communication lines.

Subd. 7. Public, institutional and recreational use category.

- (a) Hospitals. Hospitals are subject to the following standard:
  - (1) The facility is served by arterial, collector or municipal state aid streets and such pedestrian facilities as are necessary to accommodate the traffic generated by the facility.
- (b) Public or semi-public buildings. Public and semi-public buildings are subject to the following standards:
  - (1) Side setbacks shall be double that required for the district, except that this requirement does not apply in the C or I zoning districts; and
  - (2) The facility is served by arterial, collector or municipal state aid streets and such pedestrian facilities as are necessary to accommodate the traffic generated by the facility.
- (c) Religious institutions. Religious institutions are subject to the following standards:
  - (1) Side setbacks shall be double that required for the district, except that this requirement does not apply in the C or I zoning districts; and
  - (2) The facility is served by arterial, collector or municipal state aid streets and such pedestrian facilities as are necessary to accommodate the traffic generated by the facility.
- (d) Schools, elementary or secondary. Elementary or secondary schools are subject to the following standards:
  - (1) Side setbacks shall be double that required for the district, except that this requirement does not apply in the C or I zoning districts; and
  - (2) The facility is served by arterial, collector or municipal state aid streets and such pedestrian facilities as are necessary to accommodate the traffic generated by the facility.
- (e) Schools, nursery or preschool. Nursery schools, and preschools are subject to the following standards:
  - (1) Side setbacks shall be double that required for the district, except that this requirement does not apply in the C or I zoning districts; and
  - (2) The facility is served by arterial, collector or municipal state aid streets and such pedestrian facilities as are necessary to accommodate the traffic generated by the facility.
- (f) Schools, trade or business. The facility is served by arterial, collector or municipal state aid streets and such pedestrian facilities as are necessary to accommodate the traffic generated by the facility.

515.21. Permitted accessory uses and structures.

Subd. 1. Purpose. This subsection authorizes accessory uses and structures that are incidental and customarily subordinate to principal uses. The intent of this subsection is to allow accessory uses while not creating adverse impacts on surrounding lands.

Subd. 2. General provisions.

- (a) Table 4 lists the accessory uses allowed within all zoning districts except for the overlay zoning districts. Except for the TC-PD district which has separate requirements, the uses permitted in the overlay districts shall be controlled by the underlying base zoning district.
- (b) Small accessory uses such as arbors, benches, doghouses, play sets, garden decorations, pergolas, and firewood cribs are exempt from the provisions of this subsection, but cannot be located in public rights-of-way.
- (c) Tents, play houses, or similar structures shall not be used as temporary or permanent dwelling units, but may be used for recreational purposes.
- (d) Any accessory structure used for the parking or storage of motor vehicles, such as a garage or carport, shall have a floor constructed of poured concrete in accordance with standards approved by the city engineer and building official.
- (e) Accessory structures shall only be constructed concurrent with or after the construction of the principal building on the same site.
- (f) Uses and structures that are accessory to a conditional principal use shall be permitted in accordance with this subsection, without requiring a conditional use permit amendment, unless specifically required as a condition of the conditional use permit approval.

Subd. 3. Explanation of table of permitted uses.

- (a) Symbols in table. The symbols used in Table 4 are defined as follows:

- (1) Permitted uses (P). A “P” in a cell indicates that a use type or structure is allowed by-right in the respective zoning district subject to compliance with the use-specific standards set forth in the final “use-specific standards” column of Table 4. Permitted uses are subject to all other applicable standards of this UDC;
- (2) Conditional uses (C). A “C” in a cell indicates that a use type or structure is allowed as a conditional use in the respective zoning district subject to compliance with the use-specific standards set forth in the final “use-specific standards” column of Table 4 and approval of a conditional use permit in accordance with the Crystal city code, subsection 510.19. Conditional use permits are subject to all other applicable standards of this UDC;
- (3) Prohibited uses (-). A cell with a “-” indicates that the listed use type or structure is prohibited in the respective zoning district;
- (4) Use-specific standards. The “use-specific standards” column of Table 4 cross-reference standards that are specific to an individual use type or structure and are applicable to that use or structure in all districts unless otherwise stated in the use-specific standards; and
- (5) Unlisted uses. If an application is submitted for a use or structure that is not listed in Table 4, the zoning administrator is authorized to classify the new or unlisted use or structure, with consultation from appropriate city departments, into an existing use or structure type that most closely fits the new or unlisted use. If no similar use determination can be made, the zoning administrator shall refer the use to the planning commission, who may initiate an amendment to the text of this UDC to clarify where and how the use should be permitted.

Table 4: Permitted Accessory Uses and Structures									
Use Category and Use Type	Base Zoning Districts							Zoning Certificate Required	Use-Specific Standards in Subsection:
	R-1	R-2	R-3	C	TC	I	AP		
<b>P = Permitted Use</b> <b>C = Conditional Use</b> <b>- = Not Permitted</b>									
<b>Accessory Uses</b>									
Assembly or gathering space	-	-	-	P	P	P	-	No	515.23, subdivision 2 (a)
Day Care Facilities, In home	P	P	P	-	P	-	-	No	
Drive-through facilities	-	-	-	C	-	-	-	Not Applicable	515.23, subdivision 2 (b)
Home Businesses	P	P	P	-	P	-	-	No	515.23, subdivision 2 (c)
Keeping of Chickens	P	P	-	-	-	-	-	No	910
Kennels, Commercial	P	-	-	-	-	-	-	No	515.23, subdivision 2 (d)
Kennels, Multiple Animal	P	P	P	-	-	-	-	No	515.23, subdivision 2 (e)
<b>Accessory Structures</b>									
Accessibility ramps	P	P	P	P	P	P	P	No	515.23, subdivision 3 (a)
Accessory dwelling units	P	P	-	-	-	-	-	Yes	515.23, subdivision 3(b)
Amateur radio towers	P	P	P	-	-	-	P	No	515.23, subdivision 3(c)
Balconies	-	P	P	-	P	-	-	No	515.23, subdivision 3 (d)
Carports	P	P	-	-	-	-	-	No	515.23, subdivision 3(h)
Clothesline poles	P	P	-	-	-	-	-	No	515.23, subdivision 3(e)
Commercial storage buildings	-	-	-	C	-	P	P	See Note [1]	515.23, subdivision 3(f)
Fences and walls	P	P	P	P	P [2]	P	P	No	520.09
Flagpoles	P	P	P	P	P	P	P	No	
Fuel pumps, private use	-	-	-	P	-	P	P	No	515.23, subdivision 3 (g)
Garages, attached or detached	P	P	P	P	-	P	P	No	515.23, subdivision 3(h)
Gazebos	P	P	P	-	-	-	-	No	515.23, subdivision 3(i)
Mechanical equipment	P	P	P	P	P	P	P		520.13
Micro dwelling units	C	C	C	C	-	C	-	Not Applicable	515.23, subdivision 3 (j)
Noncommercial greenhouses	P	P	-	-	-	-	-	No	515.23, subdivision 3(k)
Off-street parking and loading [3]	P	P	P	P	P	P	P	Yes	520.15
Patios, decks, and porches	P	P	P	P	P	-	-	No	515.23, subdivision 3 (l)
Sheds	P	P	P	P	-	P	P	No	515.23, subdivision 3(m)
Sidewalks	P	P	P	P	P	P	P	No	515.23, subdivision 3(n)
Signs, Permanent	P	P	P	P	P	P	P	Not Applicable	530

Table 4: Permitted Accessory Uses and Structures									
Use Category and Use Type  P = Permitted Use C = Conditional Use - = Not Permitted	Base Zoning Districts							Zoning Certificate Required	Use-Specific Standards in Subsection:
	R-1	R-2	R-3	C	TC	I	AP		
Solar energy systems	P	P	P	P	P	P	P	No	515.23, subdivision 3(o)
Swimming pools, hot tubs, and spas	P	P	P	P	P	-	-	No	515.23, subdivision 3(p)
Television and radio antennae	P	P	P	P	P	P	P	No	515.23, subdivision 3(q)
Tennis and other recreational courts	P	P	P	-	-	-	-	No	515.23, subdivision 3(r)
Treehouses	P	P	-	-	-	-	-	No	515.23, subdivision 3(s)
Waste container enclosures	P	P	P	P	P	P	P	No	520.13, subd. 4 (a)
Workshops	P	P	-	-	-	-	-	No	515.23, subdivision 3(t)
<b>Notes:</b> 1. A zoning certificate is only required for commercial storage buildings in the Industrial and Airport zoning districts. 2. Except for outdoor play areas for nursery or preschools, fences are not allowed in the TC district. 3. Parking lots are not allowed for one or two family dwellings. Loading spaces are not allowed in residential districts or the TC district.									

515.23. Use-specific standards for accessory uses and structures.

Subd. 1. Purpose and applicability.

- (a) This subsection provides site planning and/or operating standards for certain land uses or structures that are permitted or conditionally permitted in Table 4.
- (b) The land uses and structures covered by this subsection shall comply with the applicable standards for the specific use in all districts unless otherwise specified, in addition to all other applicable provisions of this UDC.

Subd. 2. Accessory uses.

- (a) Assembly or gathering space. Adequate parking shall be provided for both the assembly or gathering space and the principal use on the property.
- (b) Drive-through facilities. Drive-through facilities are subject to the following standards:
  - (1) The establishment is served by arterial, collector, or municipal state aid streets and such pedestrian facilities as are necessary to accommodate the traffic generated by the facility. The city council may require the applicant to provide a traffic study prepared by a professional engineer for the proposed use, and may base its findings of fact on said study

or other information related to potential traffic impacts on the street system and adjacent land uses;

- (2) Audible electronic devices such as loudspeakers, automobile service order devices, and similar instruments shall not be located within 100 feet of any residential dwelling unit, and shall not be audible at levels greater than those established as provided in the Crystal city code, chapter VI;
  - (3) To the maximum extent feasible, all drive-through elements including, but not limited to, menu boards, stacking lanes, trash receptacles, loudspeakers, drive up windows, and other objects associated with the drive-through area shall be located in the most visually inconspicuous area of the property that does not cause unnecessary negative impacts to residential properties, and shall not cross, interfere with, or impede any public right-of-way; and
  - (4) A fence or vegetative screen of six feet in height shall be installed and maintained along any property line abutting a property used for residential purposes. Such screen shall also lessen the negative impact of vehicle headlights on adjacent properties.
- (c) Home businesses. Home businesses are subject to the following standards:
- (1) No home business shall be permitted which results in or generates more traffic than two customer cars at any one given point in time;
  - (2) The home business may employ up to two employees who do not reside on the premises;
  - (3) Home businesses shall not create nuisances as provided in the Crystal city code, chapters VI and XX. Activities conducted and equipment or material used shall not change the fire safety or occupancy classifications of the premises. The use shall not employ the storage of explosive, flammable, or hazardous materials beyond those normally associated with a residential use;
  - (4) Home businesses shall not operate between 10:00 p.m. and 6:00 a.m.;
  - (5) A home business may be located within the dwelling, an accessory building, or both, provided that the total area of the home business is not greater than 50% of the finished floor area of the dwelling;
  - (6) Such home business shall not require internal or external alterations or involve construction features not customarily found in dwellings;
  - (7) There shall be no exterior storage or display of equipment, goods or materials used in the home business; and
  - (8) One sign, as allowed in Table 14, not to exceed six square feet in area, may be placed on the premises. The sign may identify the home business, resident name, address, website, and email address or phone number, but may contain no other information. The sign may not be illuminated and must be set back a minimum of ten feet from a property line abutting a public street. If the sign is freestanding, the total height may not exceed five feet.
- (d) Kennels, commercial. Commercial kennels are subject to the following standards:



- (1) In the R-1 zoning district, commercial kennels shall only be allowed at one-family dwellings, and the use of the commercial kennel is limited to raising, selling, boarding, breeding, and grooming of dogs or other animals; and
  - (2) Commercial kennels shall adhere to the requirements for home businesses in this subsection.
- (e) Kennels, multiple animal. If a multiple animal kennel is operated as a home business, it shall adhere to the requirements for home businesses in this subsection.

Subd. 3. Accessory structures.

- (a) Accessibility ramps. Within the TC and TC-PD districts, accessibility ramps are subject to the following standards:

- (1) To reduce visibility, accessibility ramps shall, to the extent practicable, be located to the side or rear of the building; and
- (2) If an accessibility ramp is located in the front of the building, the ramp shall meet the following requirements:
  - (i) The ramp shall not exceed four feet in width leading to an entrance landing and handrails not more than three feet in height and not more than 50 percent opaque; and
  - (ii) The entrance landing shall not exceed 36 square feet in area.

- (b) Accessory dwelling units. Accessory dwelling units are subject to the following standards:

- (1) The following requirements are for all forms of accessory dwelling units (within or attached to the principal dwelling or in an accessory building):
  - (i) No more than one accessory dwelling unit shall be allowed on a property containing a one family detached dwelling;
  - (ii) The creation of the accessory dwelling unit shall not create a separate property identification number with the county;
  - (iii) The floor area of an accessory dwelling unit shall not exceed 50 percent of the finished floor area of the one family dwelling. Notwithstanding these limitations, an accessory dwelling unit located in the basement may occupy the entire basement.
  - (iv) The accessory dwelling unit may be rented if it complies with the requirements of the Crystal city code, section 425.
  - (v) The accessory dwelling unit shall have a water and sewer connection to the respective utility main, or to the existing water and sewer connection at a point on the private property; and
  - (vi) The accessory dwelling unit shall adhere to the curb cut and driveway requirements for one family dwellings in the Crystal city code, chapter VIII, and the driveway requirements in the Crystal city code, subsection 520.15.
- (2) Detached accessory dwelling units shall also comply with the following additional requirements:

- (i) For construction of a new detached building, the accessory dwelling unit shall be separated from the principal building by a minimum of ten feet;
  - (ii) The accessory dwelling unit shall be constructed as to be compatible with the exterior materials of the existing principal building;
  - (iii) The accessory dwelling unit shall be located on a frost-protected foundation; and
  - (iv) The cumulative area of all detached accessory buildings on the property shall not exceed the finished floor area of the residential portion of the principal building.
- (c) Amateur radio towers. Amateur radio towers shall only be allowed in the rear yard and made of unpainted metal or other visually unobtrusive material.
- (d) Balconies. Balconies are subject to the following standards:
- (1) In the R-2 and R-3 districts, balconies are only allowed on multiple family dwellings.; and
  - (2) In the TC and TC-PD districts, balconies, except those recessed or flush as illustrated in Figure 13, are not permitted on the primary building façade of multiple family dwellings.



Figure 13: Illustration showing recessed or flush balconies

- (e) Clothesline poles. Clothesline poles shall only be permitted in the rear yard.
- (f) Commercial storage buildings. Commercial storage buildings are subject to the following standards:
- (1) The storage building is located on the same lot as the principal use;
  - (2) No detached accessory building shall be located closer to the street adjacent to the front yard than the principal structure;
  - (3) The storage building does not exceed 30% of the gross floor area of the principal use;
  - (4) Occupancy and use of the storage building is directly related to a permitted or conditionally approved principal use and the same party has full control and use of both the storage building and the principal use;

- (5) The architectural style is compatible with the principal building and surrounding land uses. Exterior building design and materials shall comply with the provisions as provided in the Crystal city code, subsection 520.05; and
  - (6) The use will not conflict with the character of development intended for the zoning district.
- (g) Fuel pumps, private use. Private fuel pumps for use by commercial businesses are allowed, provided that the current business, or its successor business, only uses the fuel pumps for its vehicles and equipment and does not allow them to be used by the general public. For the purposes of this UDC, private fuel pumps do not include those fuel pumps in use by a vehicle fuel sales business as allowed in Table 3.
- (h) Garages and carports, detached. Detached garages and carports are subject to the following standards:
- (1) For one and two family dwellings, the cumulative area of all detached accessory buildings on the property shall not exceed the finished floor area of the residential portion of the principal building;
  - (2) For multiple family dwellings, detached garages shall be designed to meet the minimum number of required parking spaces and required setbacks. To the extent practicable, garages shall be located to the side or rear of the building; and
  - (3) Garages and carports shall not be constructed of the following materials: fabric, canvas, concrete block, cloth, plastic sheets, tarps, unfinished or corrugated metal, exposed plywood, particle board, or similar materials.
- (i) Gazebos. Gazebos are subject to the following standards:
- (1) The cumulative area of all detached accessory buildings on the property shall not exceed the finished floor area of the residential portion of the principal building; and
  - (2) Gazebos shall not be constructed of the following materials: fabric, canvas, concrete block, cloth, plastic sheets, tarps, unfinished or corrugated metal, exposed plywood, particle board, or similar materials.
- (j) Micro unit dwellings. Micro unit dwellings are subject to the following standards:
- (1) Each unit shall not exceed a gross floor area of 400 square feet;
  - (2) Micro unit dwelling shall be constructed as to be compatible in composition, appearance, and durability with the exterior materials of the principal building of the religious institution;
  - (3) The residents of each dwelling unit shall have access to water and electric utilities either by connecting the units to utilities serving the principal building of the religious institution or by providing residents access to permanent common kitchen facilities and common facilities for toilet, bathing, and laundry within the principal building.
  - (4) An application for a conditional use permit shall contain a written plan approved by the religious institution's governing board that outlines the information in Minnesota Statutes, section 327.30, subdivision 3 (b).

- (5) For any city-approved micro dwelling unit, the religious institution shall annually certify to the city that it has complied with the eligibility requirements for residents in Minnesota Statutes, section 327.30, subdivision 1.
- (k) Noncommercial greenhouses. Noncommercial greenhouses are subject to the following standards:
- (1) Shall be located in the rear yard;
  - (2) Shall be limited to one per property; and
  - (3) The cumulative area of all detached accessory buildings on the property shall not exceed the finished floor area of the residential portion of the principal building.
- (l) Patios, decks and porches. Within the TC district, porches and decks are not permitted.
- (m) Sheds. Sheds are subject to the following standards:
- (1) The cumulative area of all detached accessory buildings on the property shall not exceed the finished floor area of the residential portion of the principal building; and
  - (2) Sheds shall not be constructed of the following materials: fabric, canvas, concrete block, cloth, plastic sheets, tarps, unfinished or corrugated metal, exposed plywood, particle board, or similar materials.
- (n) Sidewalks. Sidewalks are subject to the following standards:
- (1) Sidewalks on private property for one and two family dwellings shall be no more than four feet in width;
  - (2) Sidewalks open for use by the general public, such as for multiple family dwellings, institutional, or commercial uses, shall comply with the width requirements of the Americans with Disabilities Act and with the requirements in the Crystal city code, chapter VIII; and
  - (3) Within the TC and TC-PD districts when properties are redeveloped, sidewalks shall be installed along all existing and proposed street frontages to a minimum width of six feet.
- (o) Solar energy systems. Solar energy systems are subject to the following standards:
- (1) Visibility.
    - (i) Building-mounted solar energy systems shall be designed to be flush-mounted with the roof when facing a public right-of-ways other than an alley.
    - (ii) Building-integrated photovoltaic systems shall be allowed regardless of visibility, provided the building component in which the system is integrated meets all required setback or other standards for the district in which the building is located.
  - (2) Feeder lines. Any electric lines accompanying a solar energy system, other than those attached to on-site structures by leads, shall be buried within the subject parcel; and

- (3) Abandonment. A solar energy system that is allowed to remain in a nonfunctional or inoperative state for a period of twelve consecutive months, and which is not brought in operation within the time specified by the city, shall be presumed abandoned and shall constitute a public nuisance that may be removed by the City and the costs thereof certified as a special assessment against the owner of the property on which the abandoned solar energy system was located.
- (4) Ground mounted. Ground-mounted solar energy systems are not allowed in the TC district.
- (p) Swimming pools, hot tubs and spas. Swimming pools, hot tubs and spas are subject to the following standards:
  - (1) In the commercial zoning district, swimming pools, hot tubs, and spas are limited to use at private indoor recreational facilities and hotels, motels, and extended stay establishments;
  - (2) Within the TC district, swimming pools, hot tubs, and spas are limited to use at apartment buildings and hotels, motels, and extended stay establishments; and
  - (3) Within the TC-PD district, swimming pools, hot tubs and spas are limited to apartment buildings, private indoor recreational facilities, and hotels, motels, and extended stay establishments.
- (q) Television and radio antennae. Television and radio antenna are subject to the following standards:
  - (1) Satellite dishes may not exceed 40 inches in diameter.
- (r) Tennis and other recreational courts. Noncommercial outdoor tennis and other recreational courts are subject to the following standards:
  - (1) Court fencing shall comply with the requirements as provided in the Crystal city code, subsection 520.09; and
  - (2) Court lighting shall not exceed a height of 20 feet, measured from the court surface. The lighting shall be directed downward and shall only illuminate the court.
- (s) Treehouses. Treehouses shall be attached exclusively to trees and used solely for recreational purposes, shall not exceed 120 square feet in size, shall not be located less than ten feet from the front lot line, and shall consist only of earth-tone materials or colors.
- (t) Workshops. Workshops are subject to the following standards:
  - (1) The footprint for an accessory structure intended as a workshop for artwork, crafts, light hand manufacturing, or hobbies shall not occupy an area larger than 25 percent of the finished floor area of the dwelling. If a workshop is combined with a detached garage or shed, it shall conform to the size and setback limitations for those uses;
  - (2) Workshops shall not be constructed of the following materials: fabric, canvas, concrete block, cloth, plastic sheets, tarps, unfinished or corrugated metal, exposed plywood, particle board, or similar materials; and

- (3) If a workshop is operated as a home business, it shall adhere to the requirements for home businesses in this section.

515.25. Permitted temporary uses and structures.

Subd. 1. Purpose. This subsection allows for the establishment of certain temporary uses and structures of limited duration, provided that such uses or structures do not negatively affect adjacent properties, and provided that such uses or activities are discontinued upon the expiration of a set time period. Temporary uses and structures shall not involve the construction or alteration of any permanent building or structure. The regulations of this subsection are not applicable to special events that are otherwise subject to leases, permits, or other forms of permission that are duly established between the special event organization and the city.

Subd. 2. General provisions. Table 5 lists the temporary uses allowed within all zoning districts except for the overlay zoning districts. Except for the TC-PD district, which has separate requirements, the uses permitted in the overlay districts shall be controlled by the underlying base zoning district.

Subd. 3. Symbols in Table. The symbols used in Table 5 are defined as follows:

- (a) Permitted uses (P). A “P” in a cell indicates that a use type is allowed by-right in the respective zoning district subject to compliance with the use-specific standards set forth in the final “use-specific standards” column of Table 5. Permitted uses are subject to all other applicable standards of this UDC;
- (b) Prohibited uses (-). A cell with a “-” indicates that the listed use type is prohibited in the respective zoning district;
- (c) Allowable duration. The “allowable duration per site” column states how long a specific temporary use or structure is allowed;
- (d) Permit required. The “permit required” column defines if the proposed temporary use or structure requires approval of a zoning certificate or other permit;
- (e) Use-specific standards. The “use-specific standards” column of Table 5 cross-reference standards that are specific to an individual use type and are applicable to that use in all districts unless otherwise stated in the use-specific standards; and
- (f) Unlisted uses. If an application is submitted for a use that is not listed in Table 5 the zoning administrator is authorized to classify the new or unlisted use, with consultation from appropriate city departments, into an existing use type that most closely fits the new or unlisted use. If no similar use determination can be made, the zoning administrator shall refer the use to the planning commission, who may initiate an amendment to the text of this UDC to clarify where and how the use should be permitted.

**Table 5: Permitted Temporary Uses and Structures**

Use Category and Use Type	Base Zoning Districts							Allowable Duration (per site)	Permit Required	Use-Specific Standards in Section:
	R-1	R-2	R-3	C	TC	I	AP			
Construction Dumpster	P	P	P	P	P	P	P	No more than three consecutive months in any 12-month period	See city code section 605	515.27, subdivision 2; 605
Garage/Yard Sales	P	P	P	-	-	-	-	Maximum of three consecutive days, four times per calendar year per site	No	515.27, subdivision 3
Outdoor dining [1]	P	P	P	P	P	P	P	270 days per site per calendar year	Zoning Certificate (Type 1 Review) [2]	515.27, subdivision 4
Outdoor sales [1]	-	-	-	P	P	P	-	270 days per site per calendar year	Zoning Certificate (Type 1 Review)	515.27, subdivision 5
Portable Storage Container	P	P	P	P	-	P	P	60 days per site per calendar year	No	515.27, subdivision 6
Signs, Temporary	P	P	P	P	P	P	P	See section 530	Sign Permit	530

**Notes:**

1. Outdoor seating for cafes or restaurants or outdoor sales areas for retail establishments that exceed the temporary use duration time limits would require a conditional use permit.
2. A zoning certificate is not required for a mobile food unit.

515.27. Use-specific standards for temporary uses and structures.

Subd. 1. Purpose and applicability.

- (a) This subsection provides site planning and/or operating standards for certain land uses that are permitted in Table 5.
- (b) The land uses and activities covered by this subsection shall comply with the applicable standards for the specific use in all districts unless otherwise specified, in addition to all other applicable provisions of this UDC.

Subd. 2. Construction dumpsters. Construction dumpsters are subject to the following standards:

- (a) If the dumpster is located in the public right-of-way, the dumpster shall comply with the requirements of the Crystal city code, chapter VIII; and
- (b) If the dumpster is located on private property, the dumpster shall be located to the side or rear of the site, but away from principal buildings on adjacent properties, to the extent practicable.

Subd. 3. Garage or yard sales. Garage or yard sales are subject to the following standards:

- (a) Hours of operation for the garage or yard sale are limited to between 8:00 a.m. and 9:00 p.m.; and
- (b) Garage or yard sale signs identifying the location and times of a sale may be placed on the property at which the sale is to be conducted or on the property of others with their consent. Such signs shall not exceed 4 square feet in area per side; shall not be placed on or attached to any public property or utility pole; shall not be placed within the sight triangle as required in the Crystal city code, chapter VIII; and must be removed within 24 hours of the time stated on such sign for the conclusion of the sale.

Subd. 4. Outdoor dining. Outdoor dining is subject to the following standards:

- (a) Mobile food units. Mobile food units are subject to the requirements in the Crystal city code, chapter XIII;
- (b) Outdoor seating for cafes or restaurants. Outdoor seating for cafes and restaurants is subject to the following standards:
  - (1) An outdoor dining area may be allowed accessory and incidental to a restaurant with indoor eating area on the same site provided that the outdoor eating area shall comply with the parking requirements in Table 11 of the Crystal city code, subsection 520.15;
  - (2) Outdoor dining areas shall be designated on a site plan submitted for the zoning certificate application;
  - (3) If no grade separation is provided between vehicular traffic and the outdoor dining area, permanent railings or fencing shall be provided around the dining area. If the outdoor dining area is adjacent to a sidewalk or other facility that is closed to vehicular traffic, no railing or fencing shall be required;
  - (4) Umbrellas, or other protective elements, that shelter diners from the elements shall be secured so as not to create a hazard;
  - (5) Enclosing an outdoor dining area either by a permanent roof or to expand the existing structure shall meet all the requirements of a building within the applicable zoning district; and
  - (6) Within the TC and TC-PD districts, outdoor dining may encroach into setback areas or the public right-of-way, provided that the sidewalk remains clear to a width of five feet.

Subd. 5. Outdoor sales. Outdoor sales are subject to the following standards:

- (a) Retail establishments. Retail establishments are subject to the following standards:
  - (1) The service, sale, display or rental area is hard surfaced and clearly designated on the site as being limited to the specific, approved area; and



- (2) The sales area does not exceed 40% of the gross floor area of the principal use excluding basement storage areas, 20% of the area of the property, or 6,000 square feet, whichever is less;
- (b) Vehicle fuel sales. The sales and display of merchandise is limited to the walkway adjacent to the building, but a minimum of five feet of the walkway shall be clear of merchandise to allow for safe pedestrian movement;
- (c) Tent or sidewalk sales on private property. Tent or sidewalk sales on private property are subject to the following standards:
  - (1) A minimum of five feet of the sidewalk shall be clear of merchandise to allow for safe pedestrian movement;
  - (2) The property shall contain an area that will support the proposed temporary sale of products without encroaching into or creating a negative impact on existing vegetated areas, open space, landscaping, or traffic movements. Tents shall not be located in the public right-of-way;
  - (3) The applicant shall demonstrate that adequate off-street parking is provided for patrons. If applicable, consideration shall be given to the parking needs of other occupants on the same property; and
  - (4) Hours of operation for the sale are limited to between 8 a.m. and 9 p.m. and merchandise shall only be displayed during that time; and
  - (5) Tents shall be maintained in good repair. Any tent that is potentially dangerous or in disrepair shall be removed or repaired.
- (d) Seasonal agricultural sales. Seasonal agricultural sales are subject to the following standards:
  - (1) Location.
    - (i) The property contains an area that will support the proposed temporary sale of products without encroaching into or creating a negative impact on existing vegetated areas, open space, landscaping, or traffic movements;
    - (ii) The applicant shall demonstrate that adequate off-street parking is provided for the duration of the sale. If applicable, consideration shall be given to the parking needs of other occupants on the same property; and
    - (iii) The sale of goods shall not occur within the public right-of-way.
  - (2) Hours of operation. The hours of operation of the seasonal sale of agricultural products shall be between the hours of 7:30 a.m. and 9:00 p.m., or the same hours of operation as the principal use on the same lot, whichever is more restrictive.

Subd. 6. Portable storage containers. Portable storage containers are subject to the following standards:

- (a) If the container is located in the public right-of-way, the container shall comply with the requirements of the Crystal city code, chapter VIII; and
- (b) If the container is located on private property, the container shall be placed on a paved surface.

515.29. Nonconformities.

Subd. 1. Purpose. In the provisions established by this UDC, there exist uses of land, structures, and lots of record, that were lawfully established before this UDC was adopted or amended, that now do not conform to its terms and requirements. The purpose and intent of this subsection is to regulate the continued existence of those uses, structures, and lots of record that do not conform to the provisions of this UDC, or any amendments thereto.

Subd. 2. General provisions.

- (a) Authority to continue. Any lawfully existing nonconformity including nonconforming uses, structures, and lots of record may be continued so long as it remains otherwise lawful.
- (b) Determination of nonconformity status. The burden of establishing that a nonconformity lawfully exists shall be on the owner of the land on which the purported nonconformity is located.
- (c) Ordinary repair and maintenance. Normal maintenance and incidental repair or replacement, and installation or relocation of non-bearing walls, non-bearing partitions, fixtures, wiring or plumbing, may be performed on any structure that is devoted in whole or in part to a nonconforming use or structure.
- (d) Floodplain overlay district. Requirements for nonconformities for properties located in the floodplain overlay district are set out in the Crystal city code, subsection 515.09.

Subd. 3. Nonconforming uses.

- (a) Change in use.
  - (1) A nonconforming use of land or of a structure shall not be changed to any use other than to a use permissible in the applicable zoning district.
  - (2) When such nonconforming use has been changed to a permissible use, it shall only be thereafter used for a use permissible in the applicable zoning district.
  - (3) For purposes of this subsection, a use shall be deemed to have been changed when an existing nonconforming use has been terminated and the permissible use has commenced and continued for a period of at least one month.
- (b) Extensions or expansions. Nonconforming uses shall not be extended, expanded, enlarged or increased in intensity. Such prohibited activity shall include:
  - (1) Extension of such use to any structure or land area other than that lawfully occupied by such nonconforming use on the effective date of this UDC, or any amendment to this UDC that causes such use to become nonconforming with the following exception:
    - (i) For one or two family dwellings, nonconforming habitable space may be expanded into previously unfinished areas of the dwelling. Such nonconforming use may also be extended to any portion of the floor area that was not lawfully occupied by such nonconforming use on the effective date of this UDC, or any amendment to this UDC that causes such use to become nonconforming;

- (2) Operation of such nonconforming use in a manner that conflicts with, or to further conflict with, this UDC or any amendments to this UDC, or any use limitations established for the zoning district in which such use is located; and
  - (3) New construction, reconstruction, or structural alteration.
- (c) Relocation. No structure that is devoted in whole or in part to a nonconforming use shall be relocated, in whole or in part, to any other location on the same or any other lot, unless the entire structure and the use of the structure after its relocation conform to all the regulations of the district in which the structure and use are located after being so relocated.
  - (d) Abandonment or discontinuance. When a nonconforming use of land or a nonconforming use of part or all of a structure is discontinued or abandoned for a period of 365 consecutive days (regardless of an intent not to abandon), such use shall not thereafter be reestablished or resumed. Any subsequent use or occupancy of such land or structure shall comply with the regulations of the zoning district in which such land or structure is located.
  - (e) Damage or destruction. In the event that any non-conforming use is damaged or destroyed, by any means, to the extent of greater than 50 percent of its estimated fair market value as indicated in the records of the county assessor at the time of damage, and no building permit has been applied for within 180 days of when the property is damaged or destroyed, such use shall not thereafter be reestablished or resumed.

Subd. 4. Nonconforming structures.

- (a) Enlargement, repair, alterations. Any nonconforming structure may be enlarged, maintained, repaired or altered provided, however, that no such enlargement, maintenance, repair or alteration shall either create an additional nonconformity or increase the degree of the existing nonconformity of all or any part of such structure. If an enlargement to a nonconforming structure is proposed, a variance in accordance with the Crystal city code, subsection 510.33 is not required if the enlargement conforms to all zoning requirements such as setbacks. If a structure is nonconforming because it does not comply with setbacks from the lot line dividing two or more lots owned by the same owner, the nonconforming structure may be enlarged, even if such enlargement increases the nonconforming nature of the structure, if all of the following are met:
  - (1) The lots were combined into a single property identification number with the county prior to February 10, 2018, the effective date of this UDC;
  - (2) The expansion complies with all zoning requirements, except the setbacks from the common lot line; and
  - (3) If the nonconforming structure is a principal building and is replaced, removed, or destroyed to the extent of greater than 50 percent of its estimated fair market value as indicated in the records of the county assessor at the time of damage, the owner shall be required to consolidate the lots in accordance with Crystal city code, subsection 510.23 prior to seeking permits for a new or replacement structure.
- (b) Damage or destruction. In the event that any nonconforming structure is damaged or destroyed, by any means, to the extent of greater than 50 percent of its estimated fair market value of such structure as indicated in the records of the county assessor at the time of the damage, the nonconforming structure may be rebuilt if a building permit has been applied for within 180

days of when the structure is damaged or destroyed, but the city may impose reasonable conditions upon a zoning or building permit in order to mitigate any newly created impact on an adjacent property or water body.

- (c) Relocation. No nonconforming structure shall be relocated in whole or in part to any other location on the same or any other lot unless the entire structure shall thereafter conform to the regulations of the district in which such structure is located after being relocated.

Subd. 5. Nonconforming accessory uses and structures. No use or structure which is accessory to a principal nonconforming use or structure shall continue after such principal use or structure shall have ceased or terminated, unless such accessory use or structure shall thereafter conform to all the regulations of the district in which it is located. Abandoned signs shall be removed and all signs painted directly on the principal building shall be repainted in a neutral color or a color which will harmonize with the structure.

Subd. 6. Governmental acquisition of a portion of a property. When governmental acquisition of a portion of a property for a public purpose results in that property no longer meeting one or more requirements of this UDC, the property shall be considered a lawful nonconforming use.

Subd. 7. Non-conforming lots of record.

- (a) A nonconforming lot of record is a buildable lot, if the building meets all other zoning requirements such as setbacks or building height.

## Section 520

### Development standards

#### 520.01 Measurements, computations, and encroachments.

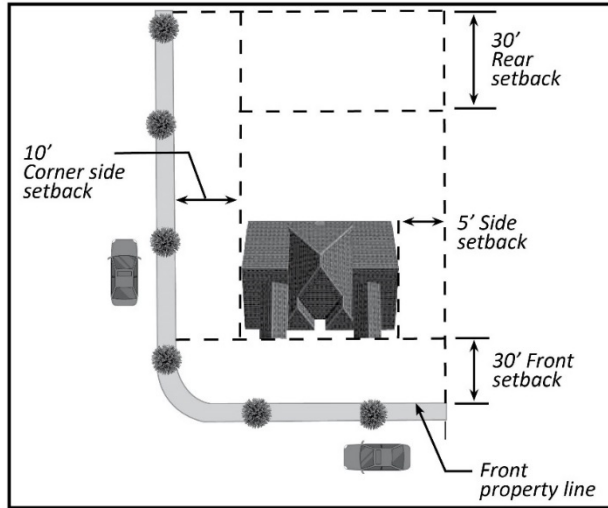
Subd. 1. Percentages and fractions. When a calculation or ratio established in this UDC results in a fractional number or percentage, any fraction of  $\frac{1}{2}$  or less shall be rounded down to the next lower whole number and any fraction of more than  $\frac{1}{2}$  shall be rounded up to the next higher whole number. Any percentage of .5 percent or less shall be rounded down to the next lower whole number and any percentage greater than .5 percent shall be rounded up to the next higher whole number.

Subd. 2. Distance measurements. Unless otherwise expressly stated, distances specified in this UDC are to be measured as the length of an imaginary straight line joining those points. Building square footage shall be determined by measuring the area of the building using the outermost building exterior walls.

Subd. 3. Setback requirements and exceptions. Each structure shall comply with the front, interior side, corner street side, and rear setback requirements of the applicable zoning district, except:

- (a) Where a setback requirement is established for a specific land use type in the use-specific standards of Table 3;
- (b) A building feature that encroaches into a required setback as allowed by Table 6;
- (c) No portion of any structure, including eaves or roof overhangs, shall extend beyond a property line, or into a platted or dedicated easement or street right-of-way; and
- (d) Structures existing on the effective date of this UDC and encroaching into a setback required by this UDC shall be considered conforming to the setback requirement if the encroachment does not exceed one foot or 10% of the required setback, whichever is less. Additions may be made to such structures and shall also be considered conforming to the setback requirement provided that the addition does not further encroach into the setback than the existing structure.

Subd. 4. Measurement of setbacks. Setbacks shall be measured as follows: (See Figure 14).



**Figure 14:** Illustration of typical setback locations for a one-family dwelling

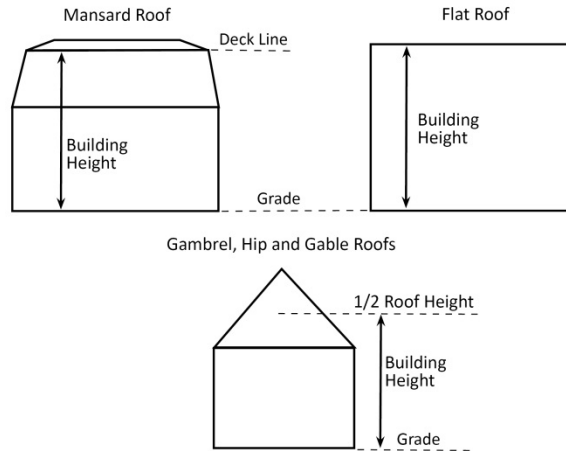
- (a) Front setbacks. A front setback shall be measured at right angles from the nearest point on the public right-of-way at the front of the parcel to the nearest point of the wall of the structure, except as provided for in this subsection.
- (b) Side setbacks. The side setback shall be measured at right angles from the nearest point on the side property line of the parcel to the nearest point of the wall of the structure, establishing a setback line parallel to the side property line, which extends between the front and rear setbacks (see Figure 14).
- (c) Rear setbacks. The rear setback shall be measured at right angles from the nearest point on the rear property line to the nearest part of the structure, establishing a setback line parallel to the rear property line (see Figure 14).
- (d) Corner lots. The corner side setback shall be measured from the nearest point of the wall of the structure to the nearest point of the wall of the structure. (see Figure 14)

Subd. 5. Height requirements and exceptions.

- (a) Standards. Each structure shall comply with the height requirements of the applicable zoning district, except:
  - (1) As allowed in Table 6 when a building feature encroaches into a required height; and
  - (2) The height of telecommunications facilities, including antennas, poles, towers, and necessary mechanical appurtenances, shall comply with the Crystal city code, subsection 515.19.
- (b) Measurement of building height. The maximum allowable building height shall be measured in feet as the vertical distance from the average grade around the perimeter of a structure to (see Figure 15):
  - (1) The deck line of a mansard roof; or
  - (2) The highest point of a flat roof; or

(3) The mean height between the eaves and highest point on gable, hip or gambrel roof.

The location of average grade shall be determined by the zoning administrator and shall not be artificially raised to gain additional building height.



**Figure 15:** Illustration of height measurement

(c) FAA requirements. Height requirements shall meet the requirements of the Federal Aviation Administration (FAA).

(1) Notice to the Federal Aviation Administration using FAA form 7460-1 is required prior to the following:

- (i) Any construction or alteration of more than 200 feet in height; and
- (ii) Any construction or alteration of greater height than the imaginary surface extending outward and upward at a slope of 100 to 1 for a horizontal distance of 20,000 feet from the nearest point of the nearest runway of the Crystal Airport.

Subd. 6. Permitted encroachments into setback and height requirements. Structures or structural features may extend beyond the wall of the structure and into a required setback and height requirement in compliance with Table 6.

<b>Table 6: Permitted Encroachments [1]</b>							
	<b>R-1</b>	<b>R-2</b>	<b>R-3</b>	<b>Commercial</b>	<b>TC</b>	<b>Industrial</b>	<b>AP</b>
<b>Permitted Setback Encroachments [2]</b>							
Accessibility ramps	May encroach into any setback, but cannot be located in the public right-of-way	May encroach into any setback, but cannot be located in the public right-of-way	May encroach into any setback, but cannot be located in the public right-of-way	May encroach into any setback, but cannot be located in the public right-of-way	May encroach into any setback, but cannot be located in the public right-of-way	May encroach into any setback, but cannot be located in the public right-of-way	May encroach into any setback, but cannot be located in the public right-of-way

**Table 6: Permitted Encroachments [1]**

	<b>R-1</b>	<b>R-2</b>	<b>R-3</b>	<b>Commercial</b>	<b>TC</b>	<b>Industrial</b>	<b>AP</b>
Air conditioning or heating equipment	2 feet in the side yard, but cannot be closer than 10 feet to the living quarters of a dwelling on adjacent property	2 feet in the side yard, but cannot be closer than 10 feet to the living quarters of a dwelling on adjacent property	2 feet in the side yard, but cannot be closer than 10 feet to the living quarters of a dwelling on adjacent property	2 feet in the side yard, but cannot be closer than 10 feet to the living quarters of a dwelling on adjacent property	Not Applicable	2 feet in the side yard, but cannot be closer than 10 feet to the living quarters of a dwelling on adjacent property	Not Applicable
Attached decks or open porches	Front/rear: 10 feet for attached decks or open porches in the front or rear yard of one or two family dwellings, provided that no more than 240 SF of the deck or porch encroaches into the 30 foot required setback	Front/rear: 10 feet for attached decks or open porches in the front or rear yard of one or two family dwellings, provided that no more than 240 SF of the deck or porch encroaches into the 30 foot required setback	Front/rear: 10 feet for attached decks or open porches in the front or rear yard of one or two family dwellings, provided that no more than 240 SF of the deck or porch encroaches into the 30 foot required setback	Not Applicable	Not Applicable	Not Applicable	Not Applicable
Awnings	Front: 3 feet Side: 2 feet Rear: 3 feet Corner side: 2 feet	Front: 3 feet Side: 2 feet Rear: 3 feet Corner side: 2 feet	Front: 3 feet Side: 2 feet Rear: 3 feet Corner side: 2 feet	Front: 3 feet Side: 2 feet Rear: 3 feet Corner side: 2 feet	Front/comer side: May be located up to the property line	Front: 3 feet Side: 2 feet Rear: 3 feet Corner side: 2 feet	Front: 3 feet Side: 2 feet Rear: 3 feet Corner side: 2 feet



**Table 6: Permitted Encroachments [1]**

	<b>R-1</b>	<b>R-2</b>	<b>R-3</b>	<b>Commercial</b>	<b>TC</b>	<b>Industrial</b>	<b>AP</b>
Building projections or bumpouts,	May encroach 5 feet in the front setback and 10 feet in the rear setback if the conditions in Note 3, below, are met	May encroach 5 feet in the front setback and 10 feet in the rear setback if the conditions in Note 3, below, are met	May encroach 5 feet in the front setback and 10 feet in the rear setback if the conditions in Note 3, below, are met	Not Applicable	Not Applicable	Not Applicable	Not Applicable
Chimneys	May encroach 2 feet into any setback	May encroach 2 feet into any setback	May encroach 2 feet into any setback	May encroach 2 feet into any setback	Not Applicable	Not Applicable	Not Applicable
Detached decks and patios	10 feet for detached decks or patios in the front yard for one and two family dwellings, provided that no more than 240 SF of the deck or patio encroaches into the 30 foot required setback	10 feet for detached decks or patios in the front yard for one and two family dwellings, provided that no more than 240 SF of the deck or patio encroaches into the 30 foot required setback	10 feet for detached decks or patios in the front yard for one and two family dwellings, provided that no more than 240 SF of the deck or patio encroaches into the 30 foot required setback	Not Applicable	Front/corner side: Patios may be located up to the property line	Not Applicable	Not Applicable
Eaves or overhangs	May encroach 2 feet into any setback	May encroach 2 feet into any setback	May encroach 2 feet into any setback	May encroach 2 feet into any setback	May encroach 2 feet into any setback, but cannot be located in public right-of-way	May encroach 2 feet into any setback	May encroach 2 feet into any setback
Egress windows [4]	May encroach 3 feet into any setback	May encroach 3 feet into any setback	May encroach 3 feet into any setback	Not Applicable	Not Applicable	Not Applicable	Not Applicable

**Table 6: Permitted Encroachments [1]**

	<b>R-1</b>	<b>R-2</b>	<b>R-3</b>	<b>Commercial</b>	<b>TC</b>	<b>Industrial</b>	<b>AP</b>
Landings	Landings cannot exceed 4 feet by 4 feet, together with necessary steps to reach grade	Landings cannot exceed 6 feet by 6 feet, together with necessary steps to reach grade	Landings cannot exceed 6 feet by 6 feet, together with necessary steps to reach grade	Landings cannot exceed 6 feet by 6 feet, together with necessary steps to reach grade	Cannot encroach into public right-of-way	Landings cannot exceed 6 feet by 6 feet, together with necessary steps to reach grade	Landings cannot exceed 6 feet by 6 feet, together with necessary steps to reach grade
Satellite dishes	May encroach 2 feet into any setback	May encroach 2 feet into any setback	May encroach 2 feet into any setback	May encroach 2 feet into any setback	May encroach 2 feet into any setback	May encroach 2 feet into any setback	May encroach 2 feet into any setback
Treehouses	20 feet for treehouses in the front yard for one and two family dwellings	20 feet for treehouses in the front yard for one and two family dwellings	Not Applicable	Not Applicable	Not Applicable	Not Applicable	Not Applicable
<b>Permitted Height Encroachments</b>							
Chimneys	Not to exceed 5 feet above the highest point of the roof	Not to exceed 5 feet above the highest point of the roof	Not to exceed 5 feet above the highest point of the roof	Not Applicable	Not Applicable	Not Applicable	Not Applicable
Spires or steeples for religious institutions	As determined by the City Council in CUP review	As determined by the City Council in CUP review	As determined by the City Council in CUP review	As determined by the City Council in CUP review	Not Applicable	As determined by the City Council in CUP review	Not Applicable

**Table 6: Permitted Encroachments [1]**

	R-1	R-2	R-3	Commercial	TC	Industrial	AP
NOTES:							
[1] Encroachments are permitted as shown in the table, but in no instance shall encroachments be allowed in a platted or dedicated easement.							
[2] Unless otherwise described, the numerical dimensions listed in this table are the linear dimensions allowed for the setback encroachment. For example, in the R-1 district, awnings may be three feet closer to the front property line than the required front setback for the dwelling.							
[3] Front setback: Building projections or bumpouts to the front of the principal building are allowed, subject to these conditions: 1) Each addition shall not exceed 24 feet in width, and the cumulative width of all additions shall not exceed 50% of the width of the principal building; 2) Each addition's encroachment into the 30 foot required front setback shall not exceed 80 square feet, and the cumulative encroachment of all additions shall not exceed 100 square feet. Rear setback: Building projections or bumpouts to the rear of the principal building are allowed, subject to these conditions: 1) The encroachment occupies no more than 300 square feet of the area within the rear setback; 2) The width of the encroachment is no more than 50%% of the lot width measured at the rear setback line; 3) The property owner removes any existing accessory buildings from the rear yard; 4) The property owner signs and has notarized a written statement to the city acknowledging that no accessory buildings may be built or placed in the rear yard and this statement will be recorded against the property.							
[4] If an egress window is constructed as part of the foundation of the dwelling, the egress window shall meet the required setbacks for the dwelling.							

520.03. Site development standards.

Subd. 1. Purpose. The purpose of these site development standards is to further the purpose of this UDC and the goals and policies of the comprehensive plan. Furthermore these standards are intended to establish appropriate lot dimensions and setbacks within each zoning district and provide for appropriate scale of structures.

Subd. 2. Site development standards.

- (a) Site development standards for principal buildings. Table 7 are the regulations for residential densities, setbacks, number of principal buildings, lot dimensions, building height, and green space for placing principal buildings in the city's zoning districts.
- (b) Site development standards for accessory structures. Table 8 are the setback and height requirements for placing accessory structures in the city's zoning districts.

**Table 7: Zoning District Site Development Standards for Principal Buildings**

	R1	R2	R3	Commercial	TC	Industrial	AP
<b>Permitted Residential Density</b>							
Permitted Residential Density	No more than 6 units per acre (gross)	6 to 16 units per acre (gross)	16 to 40 units per acre (gross)	Not Applicable	25 to 80 units per acre (gross)	Not Applicable	Not Applicable
<b>Minimum Building Setbacks [1]</b>							
Front	30 feet	30 feet	30 feet	10 feet	1 foot minimum 10 foot maximum	10 feet	200' from residential use

**Table 7: Zoning District Site Development Standards for Principal Buildings**

	<b>R1</b>	<b>R2</b>	<b>R3</b>	<b>Commercial</b>	<b>TC</b>	<b>Industrial</b>	<b>AP</b>
Side	5 feet	10 feet	15 feet	10 feet	0 foot minimum	10 feet	200' from residential use
Rear	30 feet	30 feet	30 feet	10 feet	5 foot minimum	10 feet	200' from residential use
Corner Side	10 feet [2]	30 feet	30 feet	10 feet	2 foot minimum 12 foot maximum	10 feet	200' from residential use
<b>Number of Principal Buildings</b>							
Maximum number of principal buildings per property	One	One	One	One	Not Applicable	One	Not Applicable
<b>Minimum Lot Area</b>							
One-family Detached Dwelling	6,000 SF	6,000 SF	Not Applicable	Not Applicable	Not Applicable	Not Applicable	Not Applicable
Two-Family Dwelling	10,000 SF	10,000 SF	10,000 SF	Not Applicable	Not Applicable	Not Applicable	Not Applicable
Other Residential Uses	Not Applicable	10,000 SF	20,000 SF	Not Applicable	Not Applicable	Not Applicable	Not Applicable
Non-Residential Uses [3]	Not Applicable	Not Applicable	Not Applicable	20,000 SF	Not Applicable	20,000 SF	Not Applicable
<b>Minimum Lot Depth</b>							
One-family Detached Dwelling	100 feet	100 feet	100 feet	Not Applicable	Not Applicable	Not Applicable	Not Applicable
Two-Family Dwelling	100 feet	100 feet	100 feet	Not Applicable	Not Applicable	Not Applicable	Not Applicable
Other Residential Uses	Not Applicable	100 feet	100 feet	Not Applicable	Not Applicable	Not Applicable	Not Applicable
Non-Residential Uses [3]	100 feet	100 feet	100 feet	120 feet	Not Applicable	120 feet	Not Applicable
<b>Minimum Lot Width</b>							

**Table 7: Zoning District Site Development Standards for Principal Buildings**

	<b>R1</b>	<b>R2</b>	<b>R3</b>	<b>Commercial</b>	<b>TC</b>	<b>Industrial</b>	<b>AP</b>
One-family Detached Dwelling	50 feet	50 feet	Not Applicable	Not Applicable	Not Applicable	Not Applicable	Not Applicable
Two-Family Dwelling	80 feet	80 feet	Not Applicable	Not Applicable	Not Applicable	Not Applicable	Not Applicable
Other Residential Uses	Not Applicable	100 feet	100 feet	Not Applicable	Not Applicable	Not Applicable	Not Applicable
Non-Residential Uses [3]	100 feet	100 feet	100 feet	100 feet	Not Applicable	100 feet	Not Applicable
<b>Maximum Building Height</b>							
One-family Detached Dwelling	2 stories or 32 feet, whichever is less	2 stories or 32 feet, whichever is less	Not Applicable	Not Applicable	Not Applicable	Not Applicable	Not Applicable
Two-Family Dwelling	2 stories or 32 feet, whichever is less	2 stories or 32 feet, whichever is less	2 stories or 32 feet, whichever is less	Not Applicable	Not Applicable	Not Applicable	Not Applicable
Other Residential Uses	Not Applicable	3 stories or 40 feet, whichever is less	5 stories or 60 feet, whichever is less	Not Applicable	5 stories or 60 feet, whichever is less	Not Applicable	Not Applicable
Non-Residential Uses [3]	2 stories or 32 feet, whichever is less	3 stories or 40 feet, whichever is less	5 stories or 60 feet, whichever is less	5 stories or 60 feet, whichever is less	5 stories or 60 feet, whichever is less	5 stories or 60 feet, whichever is less	3 stories or 40 feet, whichever is less
<b>Minimum Green Space [4]</b>							
One and Two-Family Detached Dwellings	See note [5] below	See note [5] below	See note [5] below	Not Applicable	Not Applicable	Not Applicable	Not Applicable
Other Uses	30%	25%	20%	15%	10%	10%	Not Applicable

**Table 7: Zoning District Site Development Standards for Principal Buildings**

	R1	R2	R3	Commercial	TC	Industrial	AP
<p>NOTES:</p> <p>[1] Setbacks for some principal uses are regulated by the Use-Specific Standards found in Table 3.</p> <p>[2] If the vehicle entrance for an attached garage faces a street or alley, the garage shall be at least 20 feet from the corner side property line.</p> <p>[3] For the purposes of Table 7, specialized care facilities shall be defined as non-residential uses.</p> <p>[4] The minimum green space requirement is expressed as a percentage of the property that shall be free from any impervious surfaces.</p> <p>[5] In residential zoning districts, the minimum green space requirement applies only to the rear yard of one and two family dwellings. The requirement is expressed as a percentage of the rear yard that is free of any impervious surfaces:</p> <ol style="list-style-type: none"> <li>1. Rear yard of 5,001 SF or greater: 50%</li> <li>2. Rear yard of between 4,501 and 5,000 SF: 45%</li> <li>3. Rear yard of between 4,001 and 4,500 SF: 40%</li> <li>4. Rear yard of between 3,501 and 4,000 SF: 35%</li> <li>5. Rear yard of between 3,000 and 3,500 SF: 30%</li> <li>6. Rear yard of less than 3,000 SF: 25%.</li> </ol>							

**Table 8: Zoning District Site Development Standards for Accessory Structures**

Accessory Structure Type	R1	R2	R3	Commercial	TC	Industrial	AP
<b>Minimum Structure Setbacks</b>							
Accessory dwelling units, detached	Front: 30 feet, but cannot be closer to the street than the principal building [2] Side: 5 feet [3] Rear: 5 feet [3] Corner side: 10 feet	Front: 30 feet, but cannot be closer to the street than the principal building [2] Side: 5 feet [3] Rear: 5 feet [3] Corner side: 10 feet	Not Applicable	Not Applicable	Not Applicable	Not Applicable	Not Applicable
Amateur radio towers	See note [1], below	See note [1], below	See note [1], below	Not Applicable	Not Applicable	Not Applicable	See note [1], below

**Table 8: Zoning District Site Development Standards for Accessory Structures**

<b>Accessory Structure Type</b>	<b>R1</b>	<b>R2</b>	<b>R3</b>	<b>Commercial</b>	<b>TC</b>	<b>Industrial</b>	<b>AP</b>
Attached Decks and open porches	Front: 30 feet Side: 3 feet Rear: 30 feet Corner side: 10 feet	Front: 30 feet Side: 15 feet Rear: 30 feet Corner side: 30 feet	Front: 30 feet Side: 15 feet Rear: 30 feet Corner side: 30 feet	Front: 30 feet Side: 10 feet Rear: 3 feet Corner side: 30 feet	Not Applicable	Not Applicable	Not Applicable
Clothesline Poles	Front: Not allowed Side: 3 feet Rear: 3 feet Corner side: 10 feet	Front: Not allowed Side: 3 feet Rear: 3 feet Corner side: 10 feet	Not Applicable	Not Applicable	Not Applicable	Not Applicable	Not Applicable
Commercial Storage Buildings	Not Applicable	Not Applicable	Not Applicable	Front: 30 feet Side: 10 feet Rear: 3 feet Corner side: 30 feet	Not Applicable	Front: 30 feet Side: 10 feet Rear: 3 feet Corner side: 30 feet	Front: 30 feet Side: 10 feet Rear: 3 feet Corner side: 30 feet
Detached decks	Front: 30 feet Side: 3 feet Rear: 3 feet Corner side: 10 feet	Front: 30 feet Side: 5 feet Rear: 5 feet Corner side: 10 feet	Front: 30 feet Side: 5 feet Rear: 5 feet Corner side: 10 feet	Front: 30 feet Side: 10 feet Rear: 10 feet Corner side: 15 feet	Not Applicable	Not Applicable	Not Applicable

**Table 8: Zoning District Site Development Standards for Accessory Structures**

Accessory Structure Type	R1	R2	R3	Commercial	TC	Industrial	AP
Detached garages or carports	Front: 30 feet, but cannot be closer to the street than the principal building [2] Side: 5 feet [3] Rear: 5 feet [3], [4] Corner side: 10 feet [4]	Front: 30 feet, but cannot be closer to the street than the principal building Side: 5 feet [3] Rear: 5 feet [3], [4] Corner side: 10 feet [4]	Front: 30 feet, but cannot be closer to the street than the principal building Side: 10 feet Rear: 10 feet Corner side: 10 feet [4]	Front: 30 feet, but cannot be closer to the street than the principal building Side: 10 feet Rear: 10 feet Corner side: 10 feet [4]	Not Applicable	Front: 30 feet, but cannot be closer to the street than the principal building Side: 10 feet Rear: 10 feet Corner side: 10 feet [4]	Front: 30 feet, but cannot be closer to the street than the principal building Side: 10 feet Rear: 10 feet Corner side: 10 feet [4]
Flagpoles	Cannot be closer than 5 feet to any property line	Cannot be closer than 5 feet to any property line	Cannot be closer than 5 feet to any property line	Cannot be closer than 5 feet to any property line	Cannot be closer than 5 feet to any property line	Cannot be closer than 5 feet to any property line	Cannot be closer than 5 feet to any property line
Gazebos	Front: 30 feet, but cannot be closer to the street than the principal building Side: 3 feet Rear: 3 feet Corner side: 10 feet	Front: 30 feet, but cannot be closer to the street than the principal building Side: 3 feet Rear: 3 feet Corner side: 10 feet	Front: 30 feet, but cannot be closer to the street than the principal building Side: 3 feet Rear: 3 feet Corner side: 10 feet	Not Applicable	Not Applicable	Not Applicable	Not Applicable



**Table 8: Zoning District Site Development Standards for Accessory Structures**

<b>Accessory Structure Type</b>	<b>R1</b>	<b>R2</b>	<b>R3</b>	<b>Commercial</b>	<b>TC</b>	<b>Industrial</b>	<b>AP</b>
Micro-unit dwellings	30 feet from a property line along a public street 10 feet from any other property line	30 feet from a property line along a public street 10 feet from any other property line	30 feet from a property line along a public street 10 feet from any other property line	30 feet from a property line along a public street 10 feet from any other property line	Not Applicable	30 feet from a property line along a public street 10 feet from any other property line	Not Applicable
Noncommercial greenhouses	Front: 30 feet, but cannot be closer to the street than the principal building Side: 3 feet Rear: 3 feet Corner side: 10 feet	Front: 30 feet, but cannot be closer to the street than the principal building Side: 3 feet Rear: 3 feet Corner side: 10 feet	Not Applicable	Not Applicable	Not Applicable	Not Applicable	Not Applicable
Patios	Front: 30 feet Side: 1 foot Rear: 1 foot Corner side: 10 feet	Front: 30 feet Side: 1 foot Rear: 1 foot Corner side: 10 feet	Front: 30 feet Side: 5 feet Rear: 3 feet Corner side: 30 feet	Front: 30 feet Side: 10 feet Rear: 3 feet Corner side: 30 feet	Not Applicable	Not Applicable	Not Applicable

**Table 8: Zoning District Site Development Standards for Accessory Structures**

Accessory Structure Type	R1	R2	R3	Commercial	TC	Industrial	AP
Sheds	Front: 30 feet, but cannot be closer to the street than the principal building [2] Side: 3 feet Rear: 3 feet Corner side: 10 feet	Front: 30 feet, but cannot be closer to the street than the principal building Side: 3 feet Rear: 3 feet Corner side: 10 feet	Front: 30 feet, but cannot be closer to the street than the principal building Side: 3 feet Rear: 3 feet Corner side: 10 feet	Front: 30 feet, but cannot be closer to the street than the principal building Side: 10 feet Rear: 3 feet Corner side: 30 feet	Not Applicable	Front: 30 feet, but cannot be closer to the street than the principal building Side: 3 feet Rear: 3 feet Corner side: 10 feet	Front: 30 feet, but cannot be closer to the street than the principal building Side: 5 feet Rear: 5 feet Corner side: 10 feet
Solar energy systems	See note [5], below	See note [5], below	See note [5], below	See note [5], below	See note [5], below	See note [5], below	See note [5], below
Swimming pools, hot tubs and spas	Front: Not allowed Side: 5 feet Rear: 5 feet Corner side: 10 feet	Front: Not allowed Side: 5 feet Rear: 5 feet Corner side: 10 feet	Front: Not allowed Side: 10 feet Rear: 10 feet Corner side: 15 feet	Front: Not allowed Side: 10 feet Rear: 10 feet Corner side: 15 feet	Front: Not allowed Side: 10 feet Rear: 10 feet Corner side: 20 feet	Not Applicable	Not Applicable
Tennis or other recreational courts	Front: 30 feet, but cannot be closer to the street than the principal building Side: 5 feet Rear: 5 feet Corner side: 10 feet	Front: 30 feet, but cannot be closer to the street than the principal building Side: 5 feet Rear: 5 feet Corner side: 10 feet	Front: 30 feet, but cannot be closer to the street than the principal building Side: 5 feet Rear: 5 feet Corner side: 10 feet	Not Applicable	Not Applicable	Not Applicable	Not Applicable

**Table 8: Zoning District Site Development Standards for Accessory Structures**

Accessory Structure Type	R1	R2	R3	Commercial	TC	Industrial	AP
Treehouses	Front: 30 feet Side: 3 feet Rear: 3 feet Corner side: 10 feet	Front: 30 feet Side: 3 feet Rear: 3 feet Corner side: 10 feet	Not Applicable	Not Applicable	Not Applicable	Not Applicable	Not Applicable
Workshops	Front: 30 feet, but cannot be closer to the street than the principal building [2] Side: 5 feet [3] Rear: 5 feet [3] Corner side: 10 feet	Front: 30 feet, but cannot be closer to the street than the principal building Side: 5 feet [3] Rear: 5 feet [3] Corner side: 10 feet	Not Applicable	Not Applicable	Not Applicable	Not Applicable	Not Applicable
<b>Maximum Structure Height</b>							
Accessory dwelling units, detached	22 feet	22 feet	Not Applicable	Not Applicable	Not Applicable	Not Applicable	Not Applicable
Amateur radio towers	Tower not to exceed 75 feet	Tower not to exceed 75 feet	Tower not to exceed 75 feet	Not Applicable	Tower not to exceed 75 feet	Tower not to exceed 75 feet	Tower not to exceed 75 feet
Commercial storage buildings	Not Applicable	Not Applicable	Not Applicable	Not Applicable	20 feet	20 feet	25 feet
Detached accessory buildings [6]	15 feet	15 feet	15 feet	Not Applicable	15 feet	15 feet	15 feet
Essential services (such as poles or towers)	As determined by the city engineer	As determined by the city engineer	As determined by the city engineer	As determined by the city engineer	As determined by the city engineer	As determined by the city engineer	As determined by the city engineer
Fences	See subsection 520.09	See subsection 520.09	See subsection 520.09	Not Applicable	See subsection 520.09	See subsection 520.09	See subsection 520.09
Flagpoles	25 feet	25 feet	25 feet	25 feet	25 feet	25 feet	25 feet

**Table 8: Zoning District Site Development Standards for Accessory Structures**

<b>Accessory Structure Type</b>	<b>R1</b>	<b>R2</b>	<b>R3</b>	<b>Commercial</b>	<b>TC</b>	<b>Industrial</b>	<b>AP</b>
Satellite dishes	Not to exceed 4 feet above the roof	Not to exceed 4 feet above the roof	Not to exceed 4 feet above the roof	Not to exceed 4 feet above the roof	Not to exceed 4 feet above the roof	Not to exceed 4 feet above the roof	Not to exceed 4 feet above the roof
Solar energy systems	Building mounted: Shall not exceed the maximum allowed building height Freestanding: 20 feet when oriented at maximum tilt	Building mounted: Shall not exceed the maximum allowed building height Freestanding: 20 feet when oriented at maximum tilt	Building mounted: Shall not exceed the maximum allowed building height Freestanding: 20 feet when oriented at maximum tilt	Building mounted: Shall not exceed the maximum allowed building height	Building mounted: Shall not exceed the maximum allowed building height Freestanding: 20 feet when oriented at maximum tilt	Building mounted: Shall not exceed the maximum allowed building height Freestanding: 20 feet when oriented at maximum tilt	Building mounted: Shall not exceed the maximum allowed building height Freestanding: 20 feet when oriented at maximum tilt
Television and Radio Antennae	Not to exceed 12 feet above the roof	Not to exceed 12 feet above the roof	Not to exceed 12 feet above the roof	Not to exceed 12 feet above the roof	Not to exceed 12 feet above the roof	Not to exceed 12 feet above the roof	Not to exceed 12 feet above the roof

**NOTES:**

- [1] The tower shall be located only in the rear yard, and set back at least 15 feet from any property line. However, necessary guy wires, anchors, and wires of less than 1/4 inch may be set back at least 3 feet from any rear or interior side property line.
- [2] On interior lots abutting directly on Twin Lake, a detached accessory garage, carport, shed, accessory dwelling unit, or workshop may be erected within the front setback area provided it does not encroach into the required front, side or corner side setback.
- [3] Garages, carports, accessory dwelling units, or workshops in the side or rear yard may be located as close as 3 feet to the property line provided that no part of the building, including eaves and foundation, is within the 3 foot area and does not encroach into a platted or dedicated easement.
- [4] If the vehicle entrance for a detached garage or carport faces a street or alley, the garage or carport shall be at least 20 feet from the corner side or rear property line.
- [5] For building-mounted solar energy systems, the collector surface and mounting devices shall not extend beyond the required setbacks on which the building is mounted. For freestanding solar energy systems, the system may not extend into the following setbacks when oriented at minimum design tilt:  
Front: 30 feet, but cannot be located closer to the street than the principal building; Side: 5 feet; Rear: 5 feet; Corner side: 10 feet.
- [6] For the purposes of this maximum height requirement, detached accessory buildings are defined as carports, detached garages, gazebos, noncommercial greenhouses, sheds and workshops.  
Some of these structures may not be allowed in every zoning district.

520.05 Architectural design standards for principal buildings.

Subd. 1. Intent. It is not the intent of the city to unduly restrict design freedom when reviewing project architecture in connection with a site plan for a principal building. However, it is in the best interest of the city to promote high standards of architectural design and compatibility with surrounding structures and neighborhoods.

Subd. 2. Exterior design and materials. Except for warehouse and industrial buildings that are adequately screened from view, the following are not allowed for building exteriors:

- (a) Blank walls;
- (b) Unadorned prestressed concrete panels;
- (c) Concrete block; and
- (d) Unfinished metal and corrugated metal.

520.07. Exterior lighting.

Subd. 1. Standards. Exterior lighting is subject to the following standards:

- (a) Any exterior lighting that is used to illuminate an off-street parking area, sign or other structure shall be hooded or controlled in some manner so as to deflect light away from any adjoining residential property or from public streets;
- (b) Exterior lighting which casts light on a public street shall not exceed one foot candle at the property line abutting the street and lighting which casts light on residential property shall not exceed 0.4 foot candle at the property line abutting that residential property; and
- (c) Bare light bulbs shall not be permitted if they can be viewed from adjacent property or the public right-of-way.

520.09. Fences and retaining walls.

Subd. 1. Fence requirements.

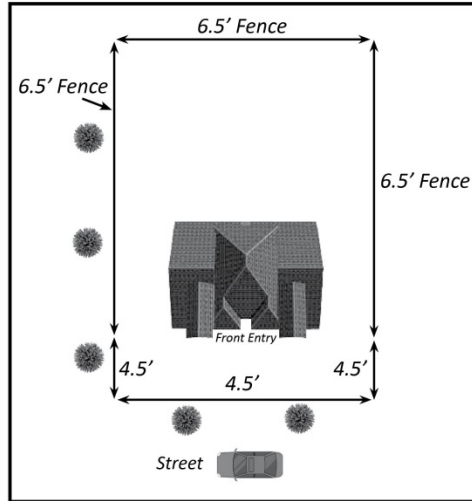
(a) Height requirements.

(1) Measurement of fence height. The height of a fence shall be measured as follows:

- (i) Fence height is measured from the average grade to the tallest part of the fence, including posts;
- (ii) In cases where the fence is located on sloped grade, the fence height shall be measured separately for each segment between posts; and
- (iii) In the case of grade being changed where the fence is to be located, such as when fill is added or berm is created, the maximum fence height shall be measured from the grade at the principal structure or the property line, whichever is closer to the proposed fence.

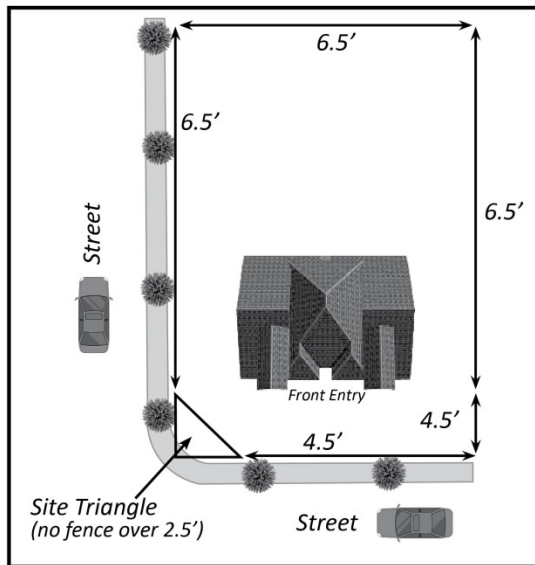
(2) Fences in residential districts. Fences in residential districts shall comply with the following:

- (i) For interior lots, fences shall not be taller than 4.5 feet in the front yard and 6.5 feet in the side or rear yard (see Figure 16); and

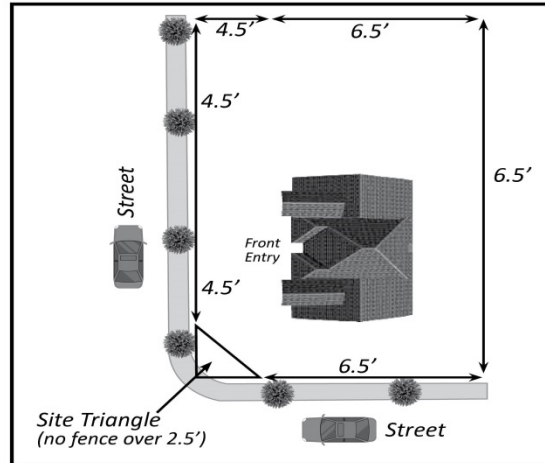


**Figure 16:** Fence height on interior residential lot

- (ii) For fences on corner lots, the fence height in the front and corner side yards is determined by which side the principal building faces (see Figures 17 and 18).



**Figure 17:** Fence location on corner residential lot (principal building facing shorter side)



**Figure 18:** Fence location on corner residential lot (principal building facing longer side)

- (3) Fences in non-residential districts. Fences in non-residential districts, including the TC-PD district, shall comply with the following:
- (i) For interior lots, fences shall not be taller than 4.5 feet in the front yard and 8.5 feet in the side or rear yard; and
  - (ii) For corner lots, fence height is determined in the same manner as for corner residential lots (see Figures 17 and 18), except that the maximum height shall be 8.5 feet where a 6.5 feet fence is allowed.
  - (iii) Fence height in front or corner side yards may exceed 4.5 feet in height up to a maximum of 8.5 feet if the fence is used as screening as allowed in the Crystal city code, subsection 520.13.
- (b) Locational requirements.
- (1) Fences may be located within a drainage and utility easement in side and rear yards. Where such fences are installed, the city will not be responsible for repairing or replacing the fence if work is done in the easement.
  - (2) Fences shall comply with the site distance triangle requirements as provided in the Crystal city code, chapter VIII.
  - (3) All fences, including footings, shall be located entirely upon the property where the fence is located. It is the property owner's responsibility to locate property lines prior to installing a fence.
- (c) Design and maintenance requirements.
- (1) Barbed wire, razor wire, concertina, dannert, and above-ground electrical fences are prohibited. In the TC and TC-PD district chain-link fences are also prohibited.
  - (2) Fences taller than four feet shall either have underground posts at least ½ of the height of the fence or underground posts at least 18 inches in depth that are completely encased in concrete.

- (3) Fences shall be maintained in good repair. Any fence that is potentially dangerous or in disrepair shall be removed or repaired.

Subd. 2. Retaining wall requirements.

- (a) Retaining walls supporting an embankment to be retained on any lot that exceeds 48 inches in height shall be benched, so that no individual vertical segment of a retaining wall exceeds a height of six feet except where the city engineer determines that topography requires a wall of greater height. Each individual horizontal bench segment, so constructed, shall be a minimum width of 36 inches (See Figure 19).
- (b) Retaining walls over 48 inches, measured from the top of the footing to the top of the wall, are required to be designed and certified by a registered professional licensed in Minnesota.



**Figure 19:** Retaining walls shall be benched, or terraced, so that no individual wall exceeds a height of six feet.

520.11. Landscaping.

Subd. 1. Purpose. The purpose of this subsection is to promote the beautification of the city and to generally protect the public welfare through the city's authority to regulate land use in a method that utilizes the benefits of landscaping. Specifically, it is the purpose of this subsection to:

- (a) Preserve and enhance the variety and extent of the city's urban forest as an integral part of this city's identity and infrastructure;
- (b) Protect privacy and provide buffering between land uses of differing intensities; and
- (c) Increase and maintain property values.

Subd. 2. Applicability. The requirements of this subsection shall apply to all relevant development review application, unless otherwise stated herein.

Subd. 3. Approved landscaping plan.

- (a) Where landscaping is required, no building permit shall be issued until the landscaping plan for the site has been submitted and approved.



- (b) Landscaping that is in compliance with the approved plans shall be installed before a certificate of occupancy is issued for the site. If landscaping is not installed, the applicant shall be required to submit a cash escrow in accordance with the requirements in the Crystal city code, section 510 for the relevant development review application.

Subd. 4. Landscaping standards.

(a) Plant quality and size.

- (1) Appropriate materials. Landscape materials should complement the form of the existing trees, plantings, and vegetation. The amount of shade or sun and soil conditions should be considered in selecting plant materials. Plant materials are to include those materials and species that are demonstrated to be hardy to conditions found in Minnesota.
- (2) Approved and prohibited tree species. Trees selected for specific site design purposes shall be those trees as identified and included on the list of approved trees as approved and amended from time to time by resolution of the city council on file in the city clerk’s office. The city’s approved list may include prohibited trees.
- (3) Free of disease. Plants shall be free of disease, insects and/or damage, and shall be correctly labeled indicating genus, species and cultivar. No label shall be removed until after the final inspection by the city is completed.
- (4) Variety of tree species. To curtail the spread of disease or insect infestation in a tree species, new trees shall comply with the diversity standards of Table 9.

<b>Table 9: Species Diversity</b>	
<b>Number of Trees Required on Site</b>	<b>Maximum Percentage of Trees that may be of a Single Species</b>
7-19	35%
20-39	30%
40 or more	25%

(5) Tree size requirements.

- (i) Deciduous canopy or shade trees shall have a minimum Diameter at Breast Height (DBH) of two inches for ball and burlap trees or DBH of two inches for container trees at the time of planting. Multi-stem varieties shall be a minimum of six feet in height above ground level at the time of planting.
- (ii) Understory, small maturing, or ornamental trees shall have a minimum DBH of 1.5 inches at time of planting. Multi-stem varieties shall be a minimum of four feet in height above ground level at the time of planting.
- (iii) Evergreen trees shall be a minimum of six feet in height for potted or ball and burlap trees at the time of planting.

(b) Required landscaping.

- (1) Generally. Any lot remaining after providing parking, sidewalks, driveways, building, or other permitted site improvements shall be planted and maintained in sod or turf grass, supplemented by required trees, shrubs, native grasses, flowering plants, or similar landscaping material.
  - (2) One and two family dwellings. For one and two family dwellings constructed after the effective date of this UDC, one overstory deciduous tree shall be planted in the front yard. An existing healthy and well-formed tree may be credited towards this requirement provided that the tree is protected before and during development of the site according to the requirements of this section. The tree to be credited shall be on the city's list of approved trees as established in subdivision 4 of this subsection.
  - (3) Uses other than one and two family dwellings. For a nonresidential, institutional, or multiple family residential principal building constructed after the effective date of this UDC, the following are the minimum landscaping requirements. Parking lots, which have specific requirements in this subsection, are exempt from these requirements.
    - (i) One overstory deciduous tree shall be planted for every 30 feet of lot frontage; and
    - (ii) Shrubs shall be planted along building foundations that are visible from the public street.
- (c) Installation of vegetation.
- (1) General requirements.
    - (i) Minimum dimensions. Wherever this UDC requires a landscaped area of a specified width, the width shall be measured within (interior measurements) any curb or wall bordering the landscaping area.
    - (ii) Soils. Where landscaping is required, good quality loose soil must be provided and shall not include substandard fill, gravel, sand or highly alkaline soil material.
    - (iii) Ball and burlap. Landscape materials installed in a ball or burlap form shall be installed such that the ball and burlap does not extend above the immediate grade at installation.
    - (iv) Protective curbing. Where landscaping is installed in areas that are designed to manage storm water run-off, no protective curbing shall be constructed that prohibits the flow of or infiltration of surface water. In other instances landscape islands and similar landscape areas may be protected by a B6-12 concrete curb and gutter where otherwise deemed necessary by the city engineer.
    - (v) Safety requirements. Landscape materials shall be located so that at maturity they do not interfere with safe sight lines for pedestrians or vehicular traffic and do not conflict with overhead lights or utility lines.
  - (2) Turf or ground cover.
    - (i) Requirements for native prairie grasses and or drought tolerant species of native are located in the Crystal city code, section 615.
    - (ii) Ground cover may consist of grass normally grown in permanent lawns in Minnesota. Such turf grass shall be planted according to the requirements found in the Crystal city code, section 615, and may be sodded or seeded, except in swales or other areas

subject to erosion where solid sod, erosion reducing net, or suitable mulch shall be used.

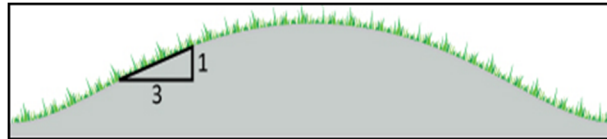
- (iii) Ground cover may be supplemented with decorative rocks, pebbles, sand, or similar materials, when used for decorative purposes.

(3) Trees.

- (i) Trees in public rights-of-way. The requirements for planting trees in the public right-of-way are found in the Crystal city code, chapter VIII.
- (ii) Tree roots. Trees of species whose roots are known to cause damage to public roadways or other public improvements shall not be planted closer than 15 feet to such public improvements.

(4) Earth berms.

- (i) Berms shall be physical barriers which block or screen a view in a manner similar to a hedge, fence or wall.
- (ii) Berms shall be constructed with proper and adequate plant material to prevent erosion. Where berms are to be mowed, the maximum permitted slope is 3:1 (See Figure 20).



**Figure 20:** Illustration of a permitted berm slope.

(d) Maintenance of landscaped areas.

- (1) All landscaping (e.g., ground cover, hedges, lawns, shrubs, and trees) shall be maintained in a healthful and thriving condition at all times; and
- (2) The landscaping shall regularly be kept clean and free of debris, litter, and weeds.

Subd. 5. Tree preservation and replacement requirements.

- (a) Tree inventory required. As part of a submittal application for site plan review, conditional use permit, or a subdivision, the applicant shall submit a tree inventory, unless the applicant can demonstrate that there are no existing trees with a DBH of 12 inches or more on the property. The inventory shall be taken and reported by a qualified arborist, nurseryman, horticulturist, or landscape architect who is licensed, certified, registered or otherwise qualified in the State of Minnesota and shall depict the following:
  - (1) Lot lines of the parcel(s) involved;
  - (2) The exact location, health, type, and size of all trees with a DBH of 12 inches or more; and
  - (3) Recommendations of which trees, or stands of trees, should be retained and protected.

(b) Tree protection requirements. To the maximum extent possible, the city desires to retain healthy larger trees as part of its urban forest. To achieve that objective, trees with a DBH of 12 inches or more shall be retained, with the following exceptions:

- (1) Trees that are dead or dying based on an analysis and report by a qualified arborist;
- (2) Trees that are determined by the city engineer to be an immediate nuisance or threat to an existing or proposed structure, underground utility, or to the public health, safety, or welfare;
- (3) Trees that are not on the city’s list of approved tree species as established in subdivision 4 of this subsection, or tree species that may be prohibited by the city;
- (4) Trees located on publicly owned land, within public rights-of-way, or within easements; and
- (5) Trees that are an obstacle to access to the lot or an obstacle to locating the proposed principal building or use and no viable alternative exists for relocating such access, building or use.

(c) Tree replacement requirements.

- (1) If a tree with a DBH of 12 inches or more is eligible for removal according to the requirements of this subsection replacement trees shall be provided in accordance with Table 10. A tree will be considered removed if 30 percent or more of the trunk diameter is injured.

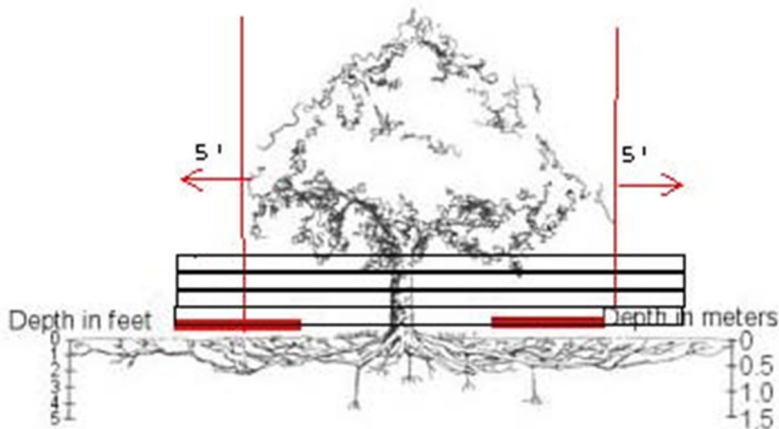
<b>Table 10: Replacement Tree Requirements</b>	
<b>Caliper of Original Tree</b>	<b>Replacement Trees Required</b>
12 to 17 inches DBH	One replacement tree for each protected tree removed
18 to 23 inches DBH	Three replacement trees for each protected tree removed
24 to 35 inches DBH	Six replacement tree for each protected tree removed
36 to 47 inches DBH	Ten replacement trees for each protected tree removed
48+ inches DBH	Twelve replacement trees for each protected tree removed

(2) Each replacement tree shall have a minimum DBH of at least two inches.

(d) Tree protection requirements. The following are the requirements for those trees that are to be preserved on the site during construction.

- (1) Paving or soil compaction prohibited. The area within the critical root zone (as defined as five feet beyond the drip line) of any protected tree shall not be subject to paving or soil compaction.
- (2) Owner’s responsibility. During site development, the property owner or developer shall be responsible for the erection of any and all barriers necessary to protect any existing or installed trees from damage both during and after construction.
- (3) Tree protection fencing.

- (i) All protected trees shall be fenced in before grading or other land-disturbing activity begins. Fencing shall extend at least five feet from the edge of the drip line (See Figure 21 for illustration of a drip line), but in no case closer than ten feet to the trunk;

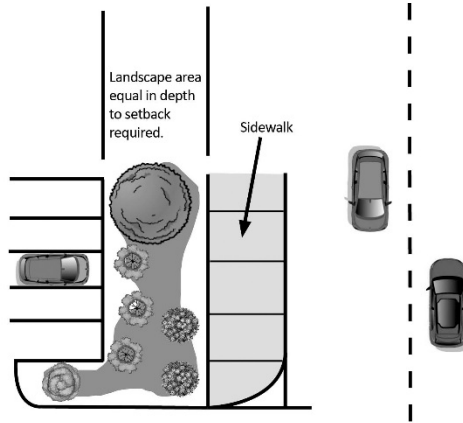


**Figure 21:** Illustration of protective fence placement for trees.

- (ii) The zoning administrator shall consider existing site conditions in determining the exact location of any tree protection fencing; and
  - (iii) All fencing required by this subsection shall be at least four feet in height and secured using appropriate posts.
- (e) Encroachments into root zones. Encroachment into root zones shall comply with the following:
- (1) Encroachments within the root zones of trees protected in accordance with this subsection shall occur only in rare instances; and
  - (2) If such an encroachment is anticipated, written verification by a qualified arborist shall be required documenting the tree's condition before and after the encroachment, including preventive measures that shall be employed prior to, during, and after the encroachment to insure the viability of the tree.

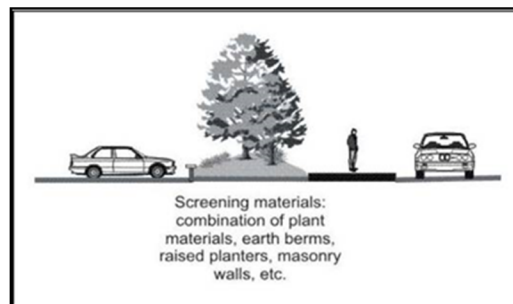
Subd. 6. Parking lot landscaping requirements.

- (a) Purpose. The purpose for parking lot landscaping requirements is to provide for effectively designed and properly placed landscape improvements to minimize the potential negative effects of large expanses of asphalt, such as creating unnecessary surface water runoff and presenting a sterile image.
- (b) Parking lots adjacent to streets. The area of a parking lot facing a street shall comply with the following:
  - (1) A parking area for a nonresidential, institutional, or multiple family residential use adjacent to a public street shall be designed to provide a landscaped planting strip of the minimum required setback area between the street right-of-way and any parking area (see Figure 22);



**Figure 22:** Perimeter landscaping required between a parking lot and a street.

- (2) The landscaping shall have a minimum height of 36 inches and be designed and maintained to screen cars from view of the street and meet the site visibility requirements of the Crystal city code, chapter VIII;
- (3) Screening materials may include a combination of plant materials including trees, shrubs, raised planters, solid decorative masonry walls, or other screening devices which meet the intent of this requirement (see Figure 23).



**Figure 23:** Illustration of parking lot perimeter screening.

- (4) A parking lot is not required to be screened from the street if the parking lot is not adjacent to a residential use and the parking lot is set back at least double the required setback.
- (c) Parking lots adjacent to side or rear property lines. Parking areas for a nonresidential, institutional, or multiple family dwelling use shall provide a perimeter landscape strip of the minimum required setback area where the parking area adjoins a side or rear property line. At a minimum the landscape strip shall contain sod or turf grass, but may be supplemented by trees, shrubs, native grasses, flowering plants, or similar landscaping materials.
- (d) Parking lots adjacent to residential uses. Parking lots adjacent to a one or two family dwelling shall comply with the following:
  - (1) A landscaped buffer of the minimum setback area shall be provided between the parking lot and the property line of the residential use;

- (2) The landscaping shall have a minimum height of 36 inches and be designed and maintained to screen cars from view of the residential use. Screening may consist of shrubs, planters, solid decorative walls, or other screening devices which meet the intent of this requirement; and
- (3) Shade trees shall also be provided at the rate of one for each 30 linear feet of landscaped area along the property line between the parking lot and the residential use.
- (e) Parking lots in the TC and TC-PD districts: Parking lots in the TC and TC-PD districts shall be screened from streets and sidewalks by a masonry retaining wall or evergreen hedge a minimum of 36 inches and a maximum of 48 inches in height. If driveway visibility would be impaired, as described in chapter 8 of the Crystal city code, the city will consider alternatives that meet screening objectives.
- (f) Landscaping for parking lot interior. The landscaping for the interior of a parking lot shall comply with the following:
  - (1) Amount of landscaping.
    - (i) Parking lots with 20 or more spaces shall provide landscaping at a minimum ratio of ten percent of the gross area of the parking lot, which is computed by means of the smallest square, circle, rectangle, triangle or combination thereof that shall encompass the extreme limits of the parking lot perimeter, not including any landscape islands within or projections into the parking lot. If parking is located on the side of the structure (not adjacent to a street) or in the rear, this landscaping ratio may be reduced to five percent; and
    - (ii) Trees meeting the size requirements of Crystal city code, subsection 520.11, subd. 4 (a) (5) shall be planted throughout the parking lot.
  - (2) Landscaping location. Landscaping shall be evenly dispersed throughout the parking lot, as follows:
    - (i) Landscaped islands shall have a minimum width of nine feet as the narrowest dimension;
    - (ii) Shade trees planted using an orchard-style planting (the placement of trees in uniformly-spaced rows) is encouraged for larger parking areas; and
    - (iii) The area not covered by the canopy of the tree, but within an interior landscape area, shall be covered by shrubs, grass, ground cover, landscape gravel, or mulch.

520.13. Screening.

Subd. 1. Purpose. The purpose of this subsection is to increase or maintain property values and generally protect the public welfare by screening uses that could have an adverse impact on neighboring properties.

Subd. 2. Applicability. The requirements of this subsection shall apply to all proposed development and new land uses unless otherwise stated.

Subd. 3. Types of screening. Unless otherwise stated, screening may consist of vegetation, fences, walls, berms, or other visual barriers.

Subd. 4. Items to be screened. The following areas shall be screened in accordance with this subsection:

(a) Waste containers. Except for one and two family dwellings, outdoor waste enclosures for dumpsters, grease collection containers and recycling containers, shall be screened on all sides by wood, masonry walls, or other material compatible with the principal building with a minimum height of six feet. One side of the storage area shall be furnished with swinging doors. Whenever feasible, the enclosure shall be located away from residential areas and at least five feet from any side or rear yard property line;

(b) Ground-mounted mechanical equipment. Ground-mounted mechanical equipment shall be screened from view of adjacent properties or public rights-of-way. This screening shall meet the following requirements:

(1) Location and height requirements.

(i) Ground-mounted equipment shall not be located between the building and the public right-of-way.

(ii) Screening shall be as high as the highest point of the equipment being screened. If a screen greater than 8 feet tall is required, the zoning administrator may require that the equipment be located in the principal building or the most visually inconspicuous area of the property that does not cause unnecessary negative impacts to residential properties.

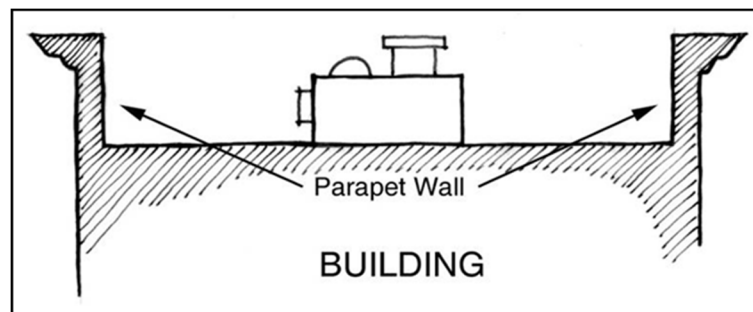
(2) Exceptions. The following ground-mounted mechanical equipment shall be exempt from the screening requirements of this subsection:

(i) Minor equipment not exceeding 18 inches in height.

(ii) Mechanical equipment accessory to a one or two-family dwelling.

(c) Roof-mounted mechanical equipment. Except for roof-mounted mechanical equipment for a one or two family dwelling, roof-mounted mechanical equipment shall be screened from view of adjacent properties and public rights-of-way, accomplished through the two methods in (1) and (2), below. As an alternative to these methods, the city may, at its discretion, allow rooftop equipment to be screened by painting it to match or approximate the color of the background against which the equipment is viewed. Solar energy systems are exempt from screening requirements if screening would interfere with system operations.

(1) Use of building walls, parapets, and/or roof systems (See Figure 24).



**Figure 24:** Example of how parapet walls are utilized



to screen roof mounted mechanical equipment.

- (2) Locate the equipment to a sufficient distance from the roof edge so as to not be visible.
- (d) Outdoor storage. Screening shall create a visual and or/sound barrier of the object being screened from adjacent properties and the public right-of-way. Commercial truck storage or parking, vehicle impound lots, and rental of trailers and/or vehicles in excess of three quarter ton (3/4) ton capacity shall utilize an opaque fence of not less than six feet in height;
- (e) Commercial uses. Screening shall create a visual and/or sound barrier between the commercial use and residential dwellings. Requirements for parking lot screening are found in the Crystal city code, subsection 520.11; and
- (f) Multiple family residential dwellings. Screening shall create a visual barrier between the multiple family dwelling and one and two family residential dwellings or commercial buildings. Requirements for parking lot screening are found in the Crystal city code, subsection 520.11.

Subd. 5. Design standards for screening. Screening shall comply with the following design standards:

- (a) Screening shall be installed to create a visual barrier so as to reduce the vision of the object being screened;
- (b) If vegetation is used for screening, it shall consist of a compact evergreen or deciduous hedge or trees of a sufficient width and density to provide an effective screen throughout the year;
- (c) If a berm is used for screening, it shall be of a sufficient height to provide an effective screen; and
- (d) A screening fence or wall shall be constructed of an opaque material. Such screening shall provide a solid screening effect and not exceed the height limitations in the Crystal city code, subsection 520.09. Fences or walls shall be compatible with the architectural materials and patterns of the principal structure (see Figure 25).



**Figure 25:** Use of a wall and fencing for screening  
that is architecturally compatible with the principal building.

Subd. 6. Approval of screening. Screening is typically approved at the time of review of a development review application, but also in those specific instances where screening is required. In addition to what is required in this subsection, the zoning administrator or city council may require a specific type of screening to be used in a specific situation.

Subd. 7. Deviation from standards. Screening which deviates from the standards identified in this subsection may be approved by the zoning administrator or the city council, dependent on the type of application required and based on the unique circumstances of the proposal. In deciding whether or not to approve the alternative screening plan, the zoning administrator or city council may consider the following:

- (a) The items are sufficiently screened by a building or vegetation or the natural features of the site;
- (b) Due to the nature of the surrounding area and the character of the items to be screened, screening of the items is not necessary; or
- (c) The required screening may obstruct views of traffic or reduce natural surveillance of the site.

520.15. Off-street parking and loading.

Subd. 1. Purpose. The purpose of off-street parking requirements is to alleviate or prevent congestion of the public right-of-way and to promote the safety and general welfare of the public, by establishing requirements for off-street parking of motor vehicles as a use that is accessory to the utilization of various parcels of land or structures.

Subd. 2 Applicability.

- (a) New uses. The parking requirements of this subsection shall apply to a zoning certificate application as provided in the Crystal city code, subsection 510.15, or site plan application as provided in the Crystal city code, subsection 510.17, for the construction of a new building or use in any zoning district.
- (b) Expanded uses.
  - (1) Whenever a building or use created prior to the effective date of this UDC is changed or enlarged in floor area, number of units, seating capacity, or otherwise that will create a need for an increase in the number of parking spaces, the additional parking spaces shall be provided on the basis of the new demand created by the enlargement or change.
  - (2) If the proposed expansion or enlargement will increase the floor area, number of dwelling units, seating capacity, or other area to an extent larger than 50 percent of the building or use prior to the effective date of this UDC, then the entire site shall come into compliance with the requirements of this subsection.
- (c) Change of use. No change of use shall be authorized unless the new use meets the minimum number of parking spaces required by this subsection.
- (d) Existing uses. The parking requirements of this subsection shall not apply to buildings and uses legally in existence on the effective date of this UDC unless modified in the manner stated in

this subsection. Furthermore, any parking facilities now serving such existing buildings or uses shall not be reduced below the requirements established in this subsection in the future.

Subd. 3. General provisions.

- (a) Parking plan required. Plans for all parking facilities, including parking garages, shall be submitted to the zoning administrator for review whether through zoning certificate application as established in the Crystal city code, subsection 510.15, or site plan review application as established in Crystal city code, subsection 510.17.
- (b) Parking spaces to be permanent. Each parking space shall be permanently available, marked, and maintained for parking purposes for the use which it is intended to serve.
- (c) Storage of vehicles and on-street parking. Parking and storage of any motorized vehicle may occur within a garage, carport, or other building approved for parking in accordance with the applicable sections of this UDC. Requirements for parking on a public street are provided in the Crystal city code, chapter XIII.
- (d) Vehicles for sale. No vehicle, trailer, or other personal property shall be parked on an unpaved surface for the purpose of displaying the vehicle, trailer, or other personal property for hire, rental, or sale, unless the applicable zoning allows the use or the use is allowed as provided in the Crystal city code, chapter XIII.
- (e) General access and circulation requirements. The traffic generated by any use, whether vehicular or pedestrian, shall be channeled and controlled in a manner that will avoid:
  - (1) Congestion on the public streets;
  - (2) Traffic hazards including obstacles to safe pedestrian access; and
  - (3) Excessive traffic through residential areas, particularly truck traffic. Internal traffic shall be so regulated as to ensure its safe and orderly flow.

Traffic into and out of business areas shall to the maximum extent possible, be forward moving with no backing into streets.

- (f) Off-street parking of motor vehicles and recreational vehicles and equipment. Motor vehicles and recreational vehicles and equipment may be parked or stored outside as provided in the Crystal City Code, chapter 13. If parked or stored outside, motor vehicles and recreational vehicles and equipment shall have current valid registration including clearly visible license plate tabs. One-and-two family dwellings and lawful vehicle sales businesses are exempt from this requirement.

Subd. 4. Rules for computation.

- (a) Calculation. The following rules shall apply when computing parking spaces:
  - (1) Driveway space meeting parking requirements. Entrances, exits, or driveways shall not be computed as any part of a required parking lot or area, except in the case of one or two family dwellings where driveways may be used in calculating the amount of off-street parking;
  - (2) Multiple uses. Unless otherwise noted or approved, off-street parking areas serving more than one use shall provide parking in an amount equal to the combined total of the

requirements for each use. The required base number of parking spaces shall be counted only once for multiple use buildings;

- (3) Area measurements. All square-footage-based parking standards shall be computed on the basis of gross floor area of all floors in a nonresidential building. Up to 15 percent of the gross floor area may be excluded from the above calculation if the area is used for storage, loading, unloading, or for mechanical equipment; and
- (4) Vehicle fuel stations. Spaces at the pump at a vehicle fuel station may count toward the minimum parking space requirements.

(b) Occupancy-or capacity-based standards.

- (1) For the purpose of computing parking requirements based on employees, students, residents, or occupants, calculations shall be based on the typical, or average, number of persons working on a single shift or the typical enrollment, whichever is applicable.
- (2) In hospitals, bassinets shall not be counted as beds.
- (3) In the case of benches, pews, and similar seating accommodations, each 24 inches thereof shall be counted as one seat for the purpose of determining the parking requirements. If fixed seating is not provided, then each seven square feet of floor area shall be counted as one seat.

(c) Unlisted uses.

- (1) Upon receiving an application for a use not specifically listed in the parking schedule below, the zoning administrator shall apply the parking standard specified for the listed use that is deemed most similar to the proposed use in regards to use, size, and intensity of use.
- (2) If the zoning administrator determines that there is no listed use similar to the proposed use, intensity, or size, they may refer to the estimates of parking demand based on recommendations of the American Planning Association (APA), the Urban Land Institute (ULI) and/or the Institute of Traffic Engineers (ITE).
- (3) The zoning administrator's decision regarding parking requirements for a specific use is appealable to the board of appeals and adjustments as provided in the Crystal city code, subsection 510.35.

Subd. 5. Tandem parking. The use of tandem parking (when one space is located directly behind another) is allowed; however, the parking spaces that will be blocked, or potentially blocked by other vehicles shall not count toward the requirements of this subsection. One and two-family dwelling units shall be exempt from this requirement.

Subd. 6. Off-street parking space requirements.

- (a) Table 11 defines the number of parking spaces required for each use within the city.
- (b) The applicant may vary from the required number of parking spaces as provided in subdivision 8 of this section.
- (c) Within the TC district, no off-street parking spaces are required for non-residential development. Residential development shall provide a minimum of one space per unit, plus one space per ten units for visitor parking.

<b>Table 11: Parking Spaces by Use</b>			
Use Type		Minimum	Maximum
<b>Residential Use Category</b>			
Accessory dwelling units		1 space in addition to the number of spaces required for the principal building on the property	Not Applicable
Bed and breakfast establishments		2 spaces for the owner/occupant of the dwelling, at least one of which must be enclosed in a garage, plus 1 space per guest sleeping room	Not Applicable
Dwellings, one and two family		2 spaces per dwelling unit, one of which must be enclosed in a garage	Not applicable
Dwellings, multiple-family		2 spaces per dwelling unit, one of which must be enclosed in a garage [1]	Not applicable
Specialized care facilities		4 spaces, plus 1 space per 5 beds	Not applicable
<b>Commercial Use Category</b>			
Banquet halls or event centers		See Public, Institutional, or Recreational Use Category	
Bowling alleys		4 spaces, plus 4 spaces for each lane	Not applicable
Funeral Homes		4 spaces, plus no less than 1 space per 3 seats in the main assembly hall, plus no less than 1 space per 300 square feet of gross floor area not used for seating. [3]	4 spaces, plus no more than 1 space per 2 seats in the main assembly hall, plus no less than 1 space per 200 square feet of gross floor area not used for seating. [3]
Health and fitness club		4 spaces, plus no less than 300 square feet of gross floor area, not including court, gym or pool area, plus 4 spaces per basketball court, plus 2 spaces per tennis or racquetball court, plus 1 space per 50 square feet of deck area for a swimming pool	Not applicable
Hotel, Motel, Extended Stay Establishments		1 space per room or suite, plus 1 space per employee on the major shift. [2]	Not applicable
Office		4 spaces, plus no less than 1 space per 500 square feet of gross floor area	4 spaces, plus no more than 1 space per 250 square feet of gross floor area

<b>Table 11: Parking Spaces by Use</b>			
Use Type		Minimum	Maximum
Restaurants and bars		4 spaces, plus no less than 1 space per 100 square feet of gross floor area	4 spaces, plus no more than 1 space per 50 square feet of gross floor area
Retail Establishments and Personal Service		4 spaces, plus no less than 1 space per 500 square feet of gross floor area [4]	4 spaces, plus no more than 1 space per 250 square feet of gross floor area [4]
Theaters or Auditoriums		4 spaces, plus no less than 1 space per 4 seats based on the cumulative design capacity of the assembly room or spaces	4 spaces, plus no more than 1 space per 2 seats based on the cumulative design capacity of the assembly room or spaces
Vehicle Repair		4 spaces, plus no less than 1 space per 500 square of gross floor area, excluding service bays. Service bays cannot be counted as parking spaces.	Not applicable
Vehicle, Boat, or Recreational Sales or Rental		4 spaces, plus 1 space per employee on the major shift. Such spaces are in addition to the vehicles parked for display	Not applicable
Vehicle Fuel Sales		4 spaces, plus 2 spaces per service or repair stall if applicable, plus no less than 1 space per 300 square feet of building area used for the sale of goods or services	4 spaces, plus 2 spaces per service or repair stall if applicable, plus no more than 1 space per 150 square feet of building area used for the sale of goods or services
Vehicle Wash or Detailing		1) Drive-through, staffed: 2 spaces, plus 1 space per employee on the major shift 2) Drive-through, not staffed: 2 spaces 3) Self-service: 2 spaces	Not applicable
<b>Industrial, Manufacturing, Research and Wholesale Use Category</b>			
Manufacturing		4 spaces, plus no less than 1 space per 1,000 square feet of gross floor area	4 spaces, plus no more than 1 space per 500 square feet of gross floor area
Warehouses		4 spaces, plus no less than 1 space per 3,000 square feet of gross floor area	4 spaces, plus no more than 1 space per 1,000 square feet of gross floor area
<b>Public, Institutional, or Recreational Use Category</b>			
High School, college, university, or		4 spaces, plus no less than 1 space per classroom, plus no less than 1 space per 2 students based on design capacity	Not applicable

Table 11: Parking Spaces by Use			
Use Type		Minimum	Maximum
trade/business school			
Hospital		Number of spaces as required per a parking study	Number of spaces as required per a parking study
Library		4 spaces, plus no less than 1 space per 400 square feet of gross floor area	4 spaces, plus no more than 1 space per 200 square feet of gross floor area
Outdoor Recreational Facilities		10 spaces per acre of play field, plus 4 per basketball court, two space per tennis court, or 1 space per 50 square feet of deck area for a swimming pool	Not applicable
Banquet halls, event centers, Religious Institutions, or similar places where persons gather or assemble		4 spaces, plus no less than 1 space per 3 seats based on the cumulative design capacity of the assembly room or spaces	4 spaces, plus no more than 1 space per 2 seats based on the cumulative design capacity of the assembly room or spaces
Schools, elementary and middle		10 spaces, plus no less than 1 space per classroom and 1 space per 40 students based on designed capacity	Not applicable
<p>Notes:</p> <ol style="list-style-type: none"> <li>1. The minimum number of parking spaces for senior housing is 1 space per household unit, 50% of which shall be enclosed in a garage.</li> <li>2. If applicable, 1 space per 4 person capacity shall be provided for conference rooms or other assembly spaces and 1 space shall be provided for a manager who resides on the property.</li> <li>3. Motor vehicle stacking space shall also be provided for making up a funeral procession, although drive aisles in the parking lot may be used for stacking.</li> <li>4. The parking requirement for retail sales and service establishments with more than 50% or more of gross floor area devoted to storage or warehouse shall be: 4 spaces, plus no less than 1 space per 500 nor more than 1 space per 250 square feet devoted to sales or service, plus no less than 1 space per 3,000 nor more than 1,000 square feet of storage.</li> </ol>			

Subd. 7. Disabled parking requirements. Parking spaces required for the disabled shall be provided in compliance with all applicable state and federal requirements. If practicable, spaces for the disabled shall be located so they provide easy access from the closest parking area to the major entrance of the use for which they are provided.

Subd. 8. Modification of parking requirements. For all uses except one and two-family dwellings, the number of parking spaces required in Table 11 may be modified according to the following provisions. If a request is made to reduce the number of parking spaces in both (b) and (c) of this subdivision, the total reduction shall not exceed ten percent of the required number of spaces. Approval of requests to provide

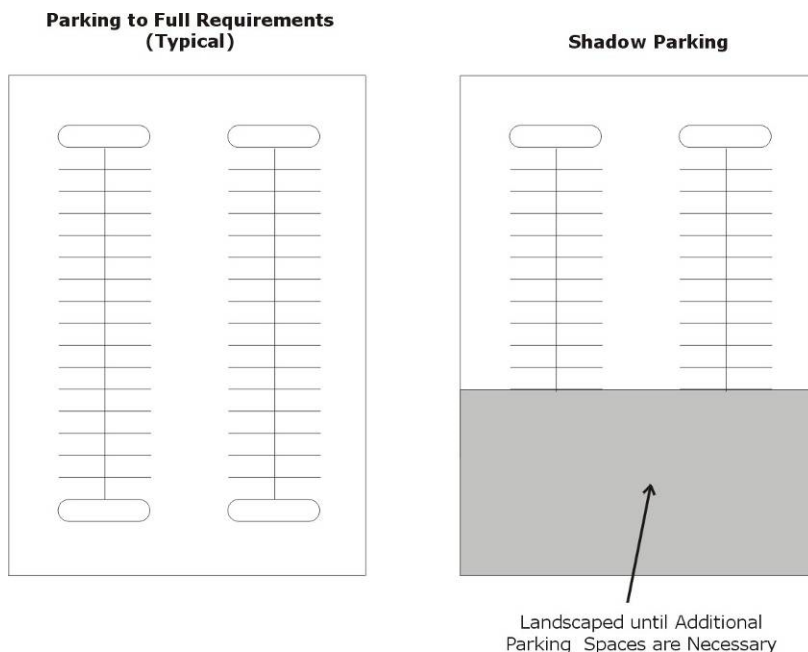
more or less parking spaces, or reducing the number of enclosed spaces, shall be made according to the applicable review procedure associated with the principal uses listed in Table 11, unless otherwise noted in this subsection.

- (a) Providing more parking spaces. An applicant may request up to ten percent additional spaces beyond the maximum allowed in Table 11, but shall be required to provide the information below. The request shall be reviewed according to a Type 1 review procedure and the decision of the zoning administrator is appealable according to the requirements in the Crystal city code, subsection 510.35.
  - (1) Number of customers, patients, visitors, residents, or other patrons of the proposed use. Information shall also be included detailing the expected parking behavior of these people (i.e., how long a customer may be at the facility);
  - (2) Number of full-time and part-time employees; and
  - (3) Number and approximate timing of deliveries.
- (b) Providing fewer parking spaces. An applicant may request a reduction of up to ten percent of the minimum required spaces in Table 11, but shall be required to provide the information required in this paragraph. The request shall be reviewed according to a Type 1 review procedure and the decision of the zoning administrator is appealable according to the requirements in the Crystal city code, subsection 510.35.
  - (1) Number of customers, patients, visitors, residents, or other patrons of the proposed use. Information shall also be included detailing the expected parking behavior of these people (i.e., how long a customer may be at the facility).
  - (2) Number of full-time and part-time employees.
  - (3) Number and approximate timing of deliveries.
- (c) Reducing the number of required enclosed parking spaces. An applicant may request a reduction of up to ten percent of the required number of enclosed spaces in Table 11 but shall be required to submit a description of why it is not feasible to construct the required number of enclosed spaces. The request shall be reviewed according to a Type 1 review procedure and the decision of the zoning administrator is appealable according to the requirements in the Crystal city code, subsection 510.35.
- (d) Shadow parking. A portion of the required parking spaces may remain landscaped and unpaved or paved with pervious (i.e., “green”) pavers, provided that the parking and unpaved areas complies with the following standards and is authorized in accordance with the approval of the relevant development review application (see Figure 26):
  - (1) The parking plan submitted with the zoning certificate or site plan review application shall denote the location and layout of that portion of the parking area that currently is deemed not required. The plan shall indicate that the “shadow” parking spaces will be constructed according to these regulations in the event that the zoning administrator determines at any time that all or any portion of this parking is necessary;
  - (2) At no time shall any portion of the required parking area that is so designated for future construction be used for the construction of any structure or paved surface with the



exception that pervious pavers may be used to provide temporary parking provided that the pavers allow for grass and other vegetation to grow through the material;

- (3) At no time shall any portion of the required parking or loading that is so designated for future construction, as provided herein, be counted as open space or other non-paved areas required by other provisions of this section; and
- (4) The owner shall initiate construction of the approved "future" parking area(s), as identified on the approved parking plan, within six months of the receipt of a certified letter or a letter through normal postal service (in the event that the certified letter is not accepted) sent to the owner of record from the zoning administrator, identifying that such parking is determined to be necessary.



**Figure 26:** Illustration of shadow parking concept.

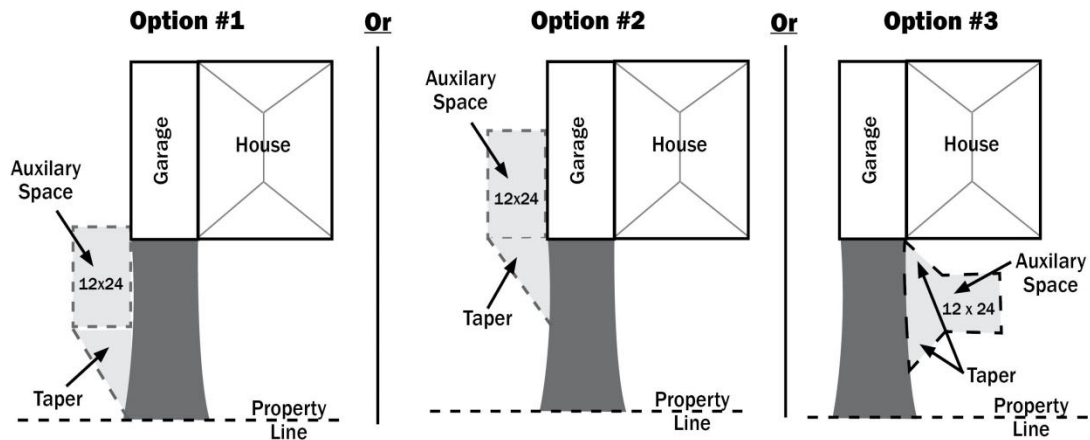
- (e) Shared parking. Except for one and two-family dwellings, a portion of the required parking spaces may be located on an adjacent property if the parking area complies with the standards in this subdivision and is authorized in accordance with the approval of the relevant development review application.
  - (1) Shared parking is encouraged and permitted if the multiple uses that the shared parking will benefit can cooperatively establish and operate the facilities.
  - (2) The applicant shall have the burden of proof for reduction of the total number of parking spaces and shall document and submit information substantiating their request. Shared parking may be approved if:
    - (i) A sufficient number of spaces is provided to meet the highest demand of the participating uses;
    - (ii) Evidence has been submitted by the parties operating the shared parking facility, to the satisfaction of the zoning administrator, documenting the nature of uses and the times

when the individual uses will operate so as to demonstrate the lack of potential conflict between them;

- (iii) The shared parking spaces will not be located in excess of 500 feet from the further most point of the space to the front door, or other viable building entrance as approved by the zoning administrator, of the use they are intended to serve;
- (iv) A shared parking agreement is submitted and reviewed as to form by the city attorney, that provides for the rights of the respective parties to use the shared parking areas in a manner adequate to accommodate multiple users or that parking spaces will be shared at specific times of the day (i.e., one activity uses the spaces during daytime hours and another activity uses the spaces during evening hours). This agreement shall include evidence of deed restrictions or other recorded covenants that ensure that the spaces will be properly maintained during the life of the development;
- (v) The approved shared parking agreement shall be filed with the application for a zoning certificate or site plan and shall be recorded at Hennepin County in a manner as to encumber all properties involved in the shared parking agreement; and
- (vi) No zoning certificate will be issued until proof of recordation of the agreement is provided to the zoning administrator.

Subd. 9. Location of parking.

- (a) Parking spaces shall be located on the same lot as the principal use they serve unless the spaces meet the requirements as provided in the Crystal city code, subsection 520.15, subdivision 8(e).
- (b) Except for one and two-family dwellings, head-in parking, directly off of and adjacent to a public street, with each stall having its own direct access to the public street, shall be prohibited.
- (c) Parking is prohibited in any screening or landscaping buffering areas required by this UDC.
- (d) In residential districts, off-street parking shall not be provided in the front setback or side street setback, except for one and two-family dwellings, subject to the limitations as provided in paragraph (e) of this subdivision.
- (e) In the case of one and two-family dwellings, off-street parking is only permitted on a hard surfaced driveway leading directly into a garage. Each property may also have one hard surfaced auxiliary parking space in addition to the driveway meeting the following requirements. Those properties without a garage or with only a single stall garage may have two auxiliary parking spaces:
  - (1) An auxiliary space shall be located immediately adjacent to one side of the driveway, immediately adjacent to one side of the garage, or as one turn-around space immediately adjacent to the driveway (see Figure 27);



**Figure 27:** Options for locating an auxiliary parking space.

- (2) An auxiliary space cannot exceed 12 feet in width and 24 feet in length, and must be at least ten feet from the habitable portion of a residential structure on an adjacent property; and
- (3) For access to the auxiliary space, a hard surfaced taper also is permitted, provided it does not extend into the boulevard and has an angle of at least 22-1/2 degrees and no more than 45 degrees. If the property has setback or topographic constraints that prevent reasonable access to a lawful auxiliary space, then the city engineer may allow the taper to extend into the boulevard but only to the minimum extent necessary to provide reasonable access.

Subd. 10. Setbacks. Except for off-street parking lots within the TC and TC-PD districts, which have separate requirements in paragraph (d) of this subdivision, all parking lots are subject to the setback requirements in paragraphs (a) through (c) of this subdivision.

- (a) The face of the curb shall not be within five feet of any property line and the back of the curb shall not be within four feet of any property line.
- (b) If a parking lot for a commercial, institutional, or multiple family dwelling use is adjacent to a property used for one or two-family residential dwellings, the face of the curb for the parking lot shall not be within ten feet of the shared property line and the back of the curb shall not be within nine feet of the shared property line.
- (c) All setbacks near intersections of public streets shall be determined by the city engineer.
- (d) Within the TC and TC-PD districts, if a parking lot is constructed it shall be subject to the following setback and locational requirements:
  - (1) Location. Off-street parking lots are prohibited in front of the building, but may be located to the rear or side of buildings (see Figure 28);

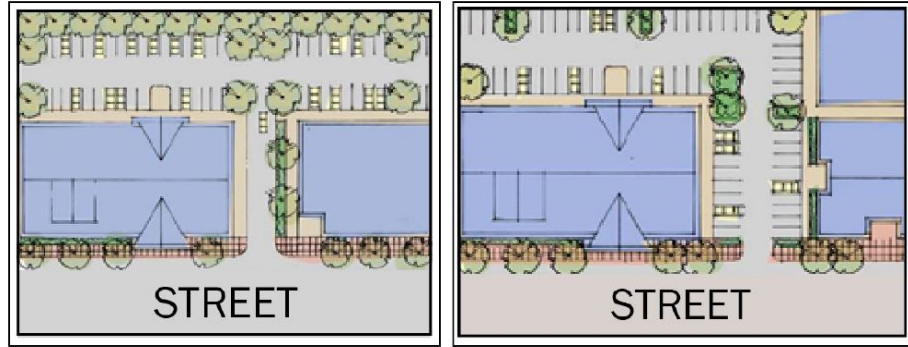
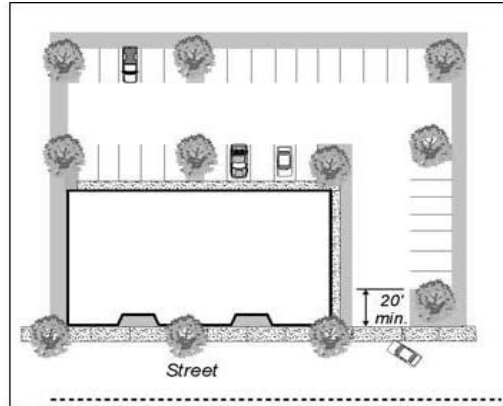


Figure 28: Allowable locations for off-street parking lots in the TC and TC-PD districts

- (2) Corner side property line. The face of the curb shall not be within 12 feet of the property line and the back of the curb shall not be within 11 feet of the property line;
- (3) Interior side property line. The face of the curb shall not be within 2 feet of the property line and the back of the curb shall not be within 1 foot of the property line; and
- (4) Rear property line. The face of the curb shall not be within 4 feet of the property line and the back of the curb shall not be within 3 foot of the property line.

Subd. 11. Parking design standards. Required parking areas shall be designed, constructed, and maintained in compliance with the requirements of this subsection.

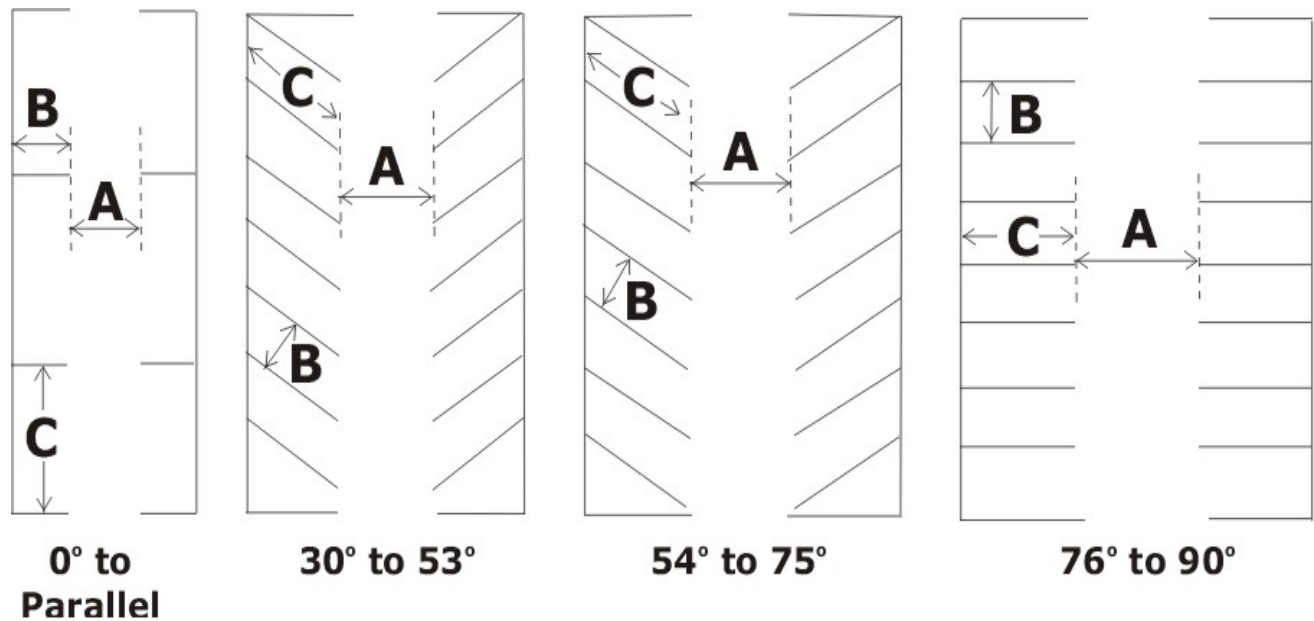
- (a) Access to parking area. Access to parking areas (i.e. driveways) shall be as provided as follows. Requirements for curb cuts and driveways approaches are provided in the Crystal city code, Chapter VIII.
  - (1) One and two-family dwellings. Driveway width shall not exceed the width of the garage's vehicle entrance plus six feet, except that properties without a garage or with only a single stall garage shall not have a driveway that exceeds 16 feet in width.
  - (2) Access for uses other than one and two-family dwellings.
    - (i) Parking areas shall provide suitable maneuvering area so that vehicles enter from and exit to a public street in a forward direction only.
    - (ii) Parking lots shall be designed to prevent access at any point other than at designated access drives.
    - (iii) A development that provides 20 or more parking spaces in a parking lot that is accessed from a collector or arterial street shall have access driveways that are not intersected by a parking aisle, parking space, or another access driveway for a minimum distance of 20 feet from the street right-of-way, to provide a queuing or stacking area for vehicles entering and exiting the parking area (See Figure 29).



**Figure 29:** Non-impeded access driveway.

- (iv) A minimum unobstructed clearance height of 14 feet shall be maintained above areas accessible to vehicles within nonresidential developments.
  - (3) To ensure proper location and configuration, a permit is required from the city manager or designee for work on driveways. For driveway plans that involve changes to an existing curb cut or construction of a new curb cut within the public right-of-way, a right of way permit application shall be approved in accordance with the Crystal city code, chapter VIII.
- (b) Parking space dimensions.
- (1) Required dimensions. Each parking space and aisle shall comply with the minimum dimensions in Table 12 as illustrated in Figure 30.

Table 12: Parking Space and Aisle Dimensions								
Angle of Parking (degrees)	One-Way Maneuvering Aisle Width (Feet) "A"	Two-Way Maneuvering Aisle Width (Feet) "A"	Parking Stall Width (Feet) "B"			Parking Stall Length (Feet) "C"		
			Compact Size	Low Turnover	Full Size	Compact Size	Low Turnover	Full Size
			0° – Parallel	12	20	8	8.5	9
30° – 53°	14	20	8	8.5	9	16	20	20
54° – 75°	18	22	8	8.5	9	16	20	20
76° – 90°	22	24	8	8.5	9	16	18	18



**Figure 30:** Parking space and aisle requirements based on angle of parking.

- (2) Width increase. When the length of a parking space abuts a column, fence, wall, or other obstruction, the required width of the entire parking space shall be increased by at least one foot.
- (3) No overhang. The required length of a parking space shall not provide for a vehicle overhanging a landscaped area or walkway.
- (4) Use of compact vehicle spaces. This paragraph provides for the establishment of compact vehicle spaces as an alternative to full sized spaces. Such spaces shall comply with the following:
  - (i) A maximum of 20 percent of spaces in any single parking lot may be dedicated to compact parking spaces;

- (ii) Compact spaces shall be clearly labeled for “compact cars” and grouped together in one or more locations or at regular intervals so that only compact vehicles can easily maneuver into the space;
  - (iii) Existing developments that wish to utilize this subsection to create additional parking spaces (e.g., either by adding land area to an existing parking lot or modifying an existing parking lot to gain more spaces) shall first apply for a zoning certificate or site plan review, whichever is applicable; and
  - (iv) The minimum off-street parking dimensions for compact vehicle spaces shall be as identified in Table 12.
- (5) Low turnover parking. This paragraph allows for the establishment of narrower parking spaces in locations where the typical user parks for more than two hours. Such spaces shall comply with the following:
- (i) The zoning administrator shall determine whether the proposed low turnover spaces are consistent with the stated purpose of this subsection;
  - (ii) Existing developments that wish to utilize this subsection to create additional parking spaces (e.g., either by adding land area to an existing parking lot or modifying an existing parking lot to gain more spaces) shall first apply for a zoning certificate or site plan review, whichever is applicable; and
  - (iii) The minimum off-street parking dimensions for low turnover parking spaces shall be as identified in Table 12.
- (c) Surfacing.
- (1) Within all zoning districts, parking lots and driveways shall be paved and permanently maintained with asphalt, concrete, or approved paving units.
  - (2) Parking lots and driveways may be constructed with the use of other all-weather surfacing as determined to be appropriate by the city engineer, where it is first determined that a surface other than asphalt or concrete is consistent with the driveways of similar properties in the vicinity, and that the alternate surface will not impair accessibility for emergency vehicles.
  - (3) The grade elevation of any parking area shall not exceed ten percent.
- (d) Striping and identification.
- (1) Parking spaces shall be clearly outlined with four-inch wide lines painted on the parking surface.
  - (2) The striping shall be continuously maintained in a clear and visible manner in compliance with the approved plans.
  - (3) The color of the striping shall be white or yellow, unless another color is required by state law (e.g., parking for the disabled).
- (e) Grading and drainage.

- (1) All grading plans relating to the parking facilities shall be reviewed and approved by the city engineer before any work can commence.
  - (2) All off-street parking facilities shall be properly graded and drained so as to dispose of all surface water accumulated within the area of the parking lot.
  - (3) In no instance shall a storm drainage facility be designed to allow the flow of water into abutting property without an approved easement.
- (f) Curbing. The purpose of curbing is to minimize storm water runoff, protect building and parking lot edges, and increase the survivability of plants. The following standards are applicable to curbing:
- (1) Except for one or two-family dwellings, all parking areas or lots shall have cast-in-place concrete barrier curb and gutter around the perimeter of the entire parking lot. The curb shall be at least six inches wide and the gutter shall be at least 12 inches wide. This minimum standard is typically referred to as “B6-12” curb and gutter.
- (g) Sight distances. Adequate sight distances for vehicles and pedestrians shall be provided for parking lots.
- (h) Parking lot landscaping. Requirements for parking lot landscaping are provided in the Crystal city code, subsection 520.11.
- (i) Parking lot lighting. If exterior lighting is proposed in the parking plan, the lighting shall meet the requirements as provided in the Crystal city code, subsection 520.07.
- (j) Pedestrian connections. When feasible, the parking plan shall show pedestrian connections within the property and to existing or planned public sidewalk and trail connections, except that in the TC and TC-PD districts a minimum six foot wide pedestrian access shall be provided from the principal entrance to any off-street parking lot.
- (k) Deviation from standards requires a detailed study. No proposed parking layout which deviates from the standards identified in subdivision 11 of this subsection and which could create a safety hazard(s) shall be allowed unless the developer provides a detailed report or study prepared by a registered transportation or civil engineer who demonstrates that the parking layout is a viable alternative and is consistent with the purpose of this section. This alternative plan is subject to the approval of the city engineer.

Subd. 12 Maintenance. All parking spaces, driveways, and striping shall be continually maintained in a clean and orderly manner and kept in good repair.

Subd. 13. Loading space requirements.

- (a) Purpose. The purpose of these requirements is to provide design standards for loading spaces if such spaces are proposed by a property owner.
- (b) Prohibition. Loading spaces are prohibited in all residential zoning districts and the TC district.
- (c) General design standards. Loading spaces shall be designed, constructed, and maintained in accordance with the standards and requirements set forth below:
  - (1) Location of required loading spaces. Loading spaces shall be:



- (i) As near as possible to the main structure and limited to the rear two-thirds of the parcel, if feasible;
  - (ii) Situated to ensure that the loading facility is screened from adjacent streets;
  - (iii) Situated to ensure that loading and unloading takes place on-site and in no case faces a public street, or is located within a required front or street side setback, adjacent public right-of-way, or other on-site traffic circulation areas;
  - (iv) Situated to ensure that all vehicular maneuvers occur on-site. The loading areas shall allow vehicles to enter from and exit to a public street in a forward motion only;
  - (v) Situated so that trucks parking in them will not encroach onto the public right-of-way or into required parking spaces or driveways. Loading spaces designed for larger trucks shall have appropriately larger access to allow maneuvering without encroaching into landscaped areas; and
  - (vi) Situated to avoid adverse impacts upon neighboring residential properties;
- (2) Lighting. Loading areas shall have lighting capable of providing adequate illumination for security and safety; lighting shall also comply with the requirements as provided in the Crystal city code, subsection 520.07; and
- (3) Striping. Loading spaces shall be striped and identified for "loading only." This striping and notation shall be continuously maintained in a clear and visible manner in compliance with the approved plans.

520.17. Surface water, drainage and erosion control.

Subd. 1. Purpose. These regulations are intended to result in the effective management of surface water run-off by improving surface water quality and minimizing public expenditures needed to protect the community from water quality problems.

Subd. 2. Applicability. Except as provided for in this subsection, these requirements are applicable for subdivision or lot consolidation applications, site plans, conditional use permits, building permits, or other land disturbing activities on existing properties, except if this requirement is waived by the city engineer.

Subd. 3. Exemptions. The provisions of this subsection do not apply to:

- (a) Any part of a subdivision if a plat for the subdivision has been approved by the city council on or before the effective date of this UDC;
- (b) Any land disturbing activity for which plans have been approved by the watershed management organization within six months prior to the effective date of this UDC;
- (c) A lot for which a building permit has been approved on or before the effective date of this UDC;
- (d) Installation of fence, sign, telephone, and electric poles and other kinds of posts or poles; or
- (e) Emergency work to protect life, limb, or property.

Subd. 4. Storm water management plan. The plan shall contain the information required in this subdivision and shall conform to the requirements of the Minnesota Pollution Control Agency's Construction Stormwater General Permit (MNR100001) for erosion, sediment and waste controls as it relates to storm water discharge.

- (a) Existing site map. A map of existing site conditions showing the site and immediately adjacent areas, including:
- (1) The street address, property identification number or legal description of the subject property;
  - (2) North point, date, scale of drawing, and number of sheets;
  - (3) Existing topography with a contour interval appropriate to the topography of the land but in no case having a contour interval greater than two feet;
  - (4) A delineation of all streams, rivers, public waters and wetlands located on and immediately adjacent to the site, including depth of water, a description of all vegetation which may be found in the water, a statement of general water quality and any classification given to the water body or wetland by the Minnesota Department of Natural Resources, the Minnesota Pollution Control Agency, and/or the United States Army Corps of Engineers;
  - (5) Location and dimensions of existing storm water drainage systems and natural drainage patterns on and immediately adjacent to the site delineating in which direction and at what rate storm water is conveyed from the site, identifying the receiving stream, river, public water, or wetland, and setting forth those areas of the unaltered site where storm water collects;
  - (6) A description of the soils of the site, including a map indicating soil types of areas to be disturbed as well as a soil report containing information on the suitability of the soils for the type of development proposed and for the type of sewage disposal proposed and describing any remedial steps to be taken by the developer to render the soils suitable;
  - (7) Vegetative cover and clearly delineating any vegetation proposed for removal; and
  - (8) 100-year floodplains, flood fringes and floodways.
- (b) Site construction plan. A site construction plan including:
- (1) Locations and dimensions of all proposed land disturbing activities and any phasing of those activities;
  - (2) Locations and dimensions of all temporary soil or dirt stockpiles;
  - (3) Locations of all proposed stormwater management facilities;
  - (4) Locations and dimensions of all construction site erosion control measures necessary to meet the requirements of this section;
  - (5) Schedule of anticipated starting and completion date of each land disturbing activity including the installation of construction site erosion control measures needed to meet the requirements of this section; and

- (6) Provisions for maintenance of the construction site erosion control measures during construction.
- (c) Plan of final site conditions. A plan of final site conditions on the same scale as the existing site map showing the site changes including:
  - (1) Finished grading shown at contours at the same interval as provided above or as required to clearly indicate the relationship of proposed changes to existing topography and remaining features;
  - (2) A delineation of any ponding, flowage or drainage easements, or other property interests, to be dedicated for stormwater management purposes;
  - (3) For applications proposing infiltration or filtration as a stormwater management practice, identification, description, results of double-ring infiltrometer tests, and permeability and approximate delineation of site soils in both existing and proposed as-developed condition;
  - (4) A landscape plan, drawn to an appropriate scale, including dimensions and distances and the location, type, size and description of all proposed landscape materials which will be added to the site as part of the development;
  - (5) A drainage plan of the developed site delineating in which direction and at what rate storm water will be conveyed from the site and setting forth the areas of the site where storm water will be allowed to collect;
  - (6) The proposed size, alignment and intended use of any structures to be erected on the site; and
  - (7) A clear delineation and tabulation of all areas which shall be paved or surfaced, including a description of the surfacing material to be used.

Subd. 5. Approval standards. The storm water management plan shall address the following standards, unless waived by the city engineer.

- (a) Impact on adjacent properties. No land disturbance shall be permitted that results in water run-off causing flooding, erosion, or deposit of minerals on adjacent properties. Such run-off shall be properly channeled into a storm drain, watercourse, pond area, or other public facilities. Any change in grade affecting water run-off onto adjacent property must be approved by the city engineer.
- (b) Site dewatering. Water pumped from the site shall be treated by temporary sedimentation basins, grit chambers, sand filters, upflow chambers, hydro-cyclones, swirl concentrators or other appropriate controls. Water may not be discharged in a manner that causes erosion or flooding of the site or receiving channels or a wetland.
- (c) Waste and material disposal. All waste and unused building materials (including garbage, debris, cleaning wastes, wastewater, toxic materials or hazardous materials) shall be properly disposed of off-site and not allowed to be carried by runoff into a receiving channel or storm sewer system.
- (d) Tracking. Each site shall have graveled roads, access drives and parking areas of sufficient width and length to prevent sediment from being tracked onto public or private roadways. Any

sediment reaching a public or private road shall be removed by street cleaning (not flushing) before the end of each workday.

- (e) Drain inlet protection. All storm drain inlets shall be protected during construction until control measures are in place with a straw bale, silt fence or equivalent barrier meeting accepted design criteria, standards and specifications contained in the MPCA publication "Protecting Water Quality in Urban Areas" and in the National Pollutant Discharge Elimination System Construction Stormwater General Permit.
- (f) Site erosion control. The following criteria apply only to construction activities that result in runoff leaving the site:
  - (1) Channelized runoff from adjacent areas passing through the site shall be diverted around disturbed areas, if practical. Otherwise, the channel shall be protected as described below. Sheet flow runoff from adjacent areas greater than 10,000 square feet in area shall also be diverted around disturbed areas, unless shown to have resultant runoff rates of less than 0.5 ft./sec. across the disturbed area for the one year storm. Diverted runoff shall be conveyed in a manner that will not erode the conveyance and receiving channels;
  - (2) All activities on the site shall be conducted in a logical sequence to minimize the area of bare soil exposed at any one time;
  - (3) Runoff from the entire disturbed area on the site shall be controlled by meeting either subparagraphs (i) and (ii), or subparagraphs (i) and (iii) of this paragraph.
    - (i) All disturbed ground left inactive for 14 or more days shall be stabilized by seeding or sodding, or by mulching or covering or other equivalent control measure.
    - (ii) For sites with more than ten acres disturbed at one time, or if a channel originates in the disturbed area, one or more temporary or permanent sedimentation basins shall be constructed. Each sedimentation basin shall have a surface area of at least one percent of the area draining to the basin and at least three feet of depth and constructed in accordance with accepted design specifications. Sediment shall be removed to maintain a depth of three feet. The basin discharge rate shall also be sufficiently low as to not cause erosion along the discharge channel or the receiving water.
    - (iii) For sites with less than ten acres disturbed at one time, silt fences, straw bales, or equivalent control measures shall be placed along all sideslope and downslope sides of the site. If a channel or area of concentrated runoff passes through the site, silt fences shall be placed along the channel edges to reduce sediment reaching the channel. The use of silt fences, straw bales, or equivalent control measures must include a maintenance and inspection schedule.
  - (4) Any soil or dirt storage piles containing more than ten cubic yards of material should not be located with a downslope drainage length of less than 25 feet from the toe of the pile to a roadway or drainage channel. If remaining for more than seven days, they shall be stabilized by mulching, vegetative cover, tarps, or other means. Erosion from piles which will be in existence for less than seven days shall be controlled by placing straw bales or silt fence barriers around the pile. In-street utility repair or construction soil or dirt storage piles located closer than 25 feet of a roadway or drainage channel must be covered with tarps or suitable alternative control, if exposed for more than seven days, and the stormdrain inlets must be protected with straw bale or other appropriate filtering barriers.

- (g) Priority streams buffer. For any project which involves more than 200 cubic yards of cut or fill, or more than 10,000 square feet of land disturbance, the storm water management plan shall include a buffer adjacent to all priority streams of not less than ten feet or 25 percent of the distance between the ordinary high water level and the nearest existing structure, whichever is less, pursuant to the policies of the Bassett Creek Watershed Management Commission.

Subd. 6. Storm water management criteria for permanent facilities.

- (a) Installation. An applicant shall install or construct, on or for the proposed land disturbing or development activity, all storm water management facilities necessary to manage increased runoff so that the two-year, ten-year, and 100-year storm peak discharge rates existing before the proposed development shall not be increased, and accelerated channel erosion will not occur as a result of the proposed land disturbing or development activity. For purposes of this subsection, peak runoff rates shall be calculated using Atlas 14 precipitation data and nested distribution data as input. An applicant may also make an in-kind or monetary contribution to the development and maintenance of community storm water management facilities designed to serve multiple land disturbing and development activities undertaken by one or more persons, including the applicant. All volume management activities taken hereunder shall be in accordance with the Shingle Creek Watershed Management Commission requirements.
- (b) Design. The applicant shall give consideration to reducing the need for storm water management facilities by incorporating the use of natural topography and land cover such as wetlands, ponds, natural swales and depressions as they exist before development to the degree that they can accommodate the additional flow of water without compromising the integrity or quality of the wetland or pond.
- (c) Best management practices.
  - (1) The following storm water management practices shall be investigated in developing a storm water management plan in the following descending order of preference:
    - (i) Natural infiltration of precipitation on-site;
    - (ii) Flow attenuation by use of open vegetated swales and natural depressions;
    - (iii) Storm water retention facilities; and
    - (iv) Storm water detention facilities.
  - (2) The following resources may be used to evaluate the use of, and design for, these storm water management practices:
    - (i) Minnesota Stormwater Manual;
    - (ii) Minimal Impact Design Standards Calculator and Design Sequence Flowchart;
    - (iii) Minnesota Department of Health and Minnesota Pollution Control Agency document called "Evaluating Proposed Stormwater Infiltration Projects in Drinking Water Supply Management Areas"; and
    - (iv) National Pollutant Discharge Elimination System Construction Stormwater General Permit.

- (d) Combination of practices. A combination of successive practices may be used to achieve the applicable minimum control requirements specified in paragraph (a) of this subdivision. Justification shall be provided by the applicant for the method selected.

Subd. 7. Detention Facility Design standards.

- (a) Detention Facilities. Storm water detention facilities constructed in the city shall be designed according to the most current technology as reflected in the MPCA publication “Protecting Water Quality in Urban Areas” and in the Minnesota Stormwater Manual, and shall contain, at a minimum, the following design factors:
- (1) A permanent pond surface area equal to 2% of the impervious area draining to the pond or 1% of the entire area draining to the pond, whichever amount is greater;
  - (2) An average permanent pool depth of four to ten feet;
  - (3) As an alternative to subsections a) and b) above, the volume of the permanent pool shall be equal to or greater than the runoff from a 2.5-inch rainfall for the fully developed site;
  - (4) A permanent pool length – to – width ratio of 3:1 or greater;
  - (5) A minimum protective shelf extending ten feet into the permanent pool with a slope of 10:1, beyond which slopes should not exceed 3:1;
  - (6) A protective buffer strip of vegetation surrounding the permanent pool at a minimum width of one rod (16.5 feet);
  - (7) All storm water detention facilities shall have a device to keep oil, grease, and other floatable material from moving downstream as a result of normal operations, including a two year storm event;
  - (8) Storm water detention facilities for new development must be sufficient to limit peak flows in each subwatershed to those that existed before the development for two, ten, and one hundred year storm events. All calculations and hydrologic models/information used in determining peak flows shall be submitted along with the storm water management plan;
  - (9) An identified overflow spillway sufficiently stabilized to convey a 100-year critical storm event; and
  - (10) All storm water detention facilities must have a forebay to remove coarse-grained particles prior to discharge into a watercourse or storage basin.

Subd. 8. Wetlands.

- (a) Runoff shall not be discharged directly into wetlands without presettlement of the runoff.
- (b) A protective buffer strip of natural vegetation at least 20 feet wide with an average width of 30 feet, measured from the ordinary high water level of the watercourse or wetland, shall surround all wetlands. For projects containing more than one acre of new or redeveloped impervious area, the average minimum buffer widths are as follows:
- (1) An average of 75 feet and a minimum of 50 feet from the edge of wetlands classified as Preserve;

- (2) An average of 50 feet and a minimum of 30 feet from the edge of wetlands classified as Manage 1; and
- (3) An average of 25 feet and a minimum of 15 feet from the edge of wetlands classified as Manage 2 or 3.

The allowable land uses and vegetative criteria for buffers are those specified in the Bassett Creek Watershed Management Commission's Requirements for Development and Redevelopment.

- (c) Wetlands must not be drained or filled, wholly or partially, unless replaced by restoring or creating wetland areas of at least equal public value. Replacement must be guided by the following principles in descending order of priority:
  - (1) Avoiding the direct or indirect impact of the activity that may destroy or diminish the wetland;
  - (2) Minimizing the impact by limiting the degree or magnitude of the wetland activity and its implementation;
  - (3) Rectifying the impact by repairing, rehabilitation, or restoring the affected wetland environment;
  - (4) Reducing or eliminating the impact over time by preservation and maintenance operations during the life of the activity; and
  - (5) Compensating for the impact by replacing or providing substitute wetland resources or environments.
- (d) For all wetlands classified as Preserve or Manage 1, the standards for bounce, inundation, and runoff control as implemented in the Policies of the Bassett Creek Watershed Management Commission shall apply.

Subd. 9. Steep slopes. No land disturbing or development activities shall be allowed on slopes of 18% or more.

Subd. 10. Catch basins. All newly installed and rehabilitated catch basins shall be provided with a sump area for the collection of coarse-grained material. Such basins shall be cleaned when they are half filled with material.

Subd. 11. Drain leaders. All newly constructed and reconstructed buildings will route drain leaders to pervious areas wherein the runoff can be allowed to infiltrate. The flow rate of water exiting the leaders shall be controlled so no erosion occurs in the pervious areas.

Subd. 12. Inspection and maintenance. All storm water management facilities shall be designed to minimize the need of maintenance, to provide access for maintenance purposes and to be structurally sound. All storm water management facilities shall have a plan of operation and maintenance that assures continued effective removal of pollutants carried in storm water runoff. The benefitted property owners shall be responsible for maintaining the storm water management facilities in accordance with the plan and as may otherwise be needed to ensure it continues to function as designed. The city engineer, or designated representative, shall inspect all storm water management facilities during construction, during the first year of operation, and at least once every five years thereafter. The inspection records will be kept on file at the public works department for a period of six years. It shall be the responsibility of the applicant to obtain

any necessary easements or other property interests to allow access to the storm water management facilities for inspection and maintenance purposes.

Subd. 13. Models/methodologies/computations. Hydrologic models and design methodologies used for the determination of runoff and analysis of storm water management structures shall be approved by the city engineer. Plans, specification and computations for storm water management facilities submitted for review shall be sealed and signed by a registered professional engineer. All computations shall appear on the plans submitted for review, unless otherwise approved by the city engineer.

Subd. 14. Watershed management plans and groundwater management plans. Storm water management plans shall be consistent with adopted watershed management plans and groundwater management plans prepared in accordance with Minnesota Statutes, section 103B.231 and 103B.255 respectively, and as approved by the Minnesota Board of Water and Soil Resources in accordance with state law.

Subd. 15. Easements. If a storm water management plan involves direction of some or all runoff off of the site, it shall be the responsibility of the applicant to obtain from adjacent property owners any necessary easements or other property interests concerning flowage of water.

Subd. 16. Bassett Creek Watershed Management Commission Standards. Any proposed project within the city and within the Bassett Creek watershed which meets or exceeds the Bassett Creek Watershed Management Commission's triggers for review, as defined in its "Requirements for Improvements and Development Proposals" (2017, and as amended), shall be subject to review by the Bassett Creek Watershed Management Commission pursuant to its policies and regulations, including a determination of the proposed project's compliance with such policies and regulations.



Section 525

Subdivision of land

525.01. Basic subdivision requirements. The city hereby adopts subdivision regulations, the authority of which is provided for in Minnesota Statutes, section 462.358. The city finds that regulation of the subdivision of real property in the city is necessary for the following purposes:

- (a) To insure the orderly, economic, and safe development of land in the city;
- (b) To insure the adequate and timely provision of urban services and facilities; and
- (c) To protect and promote the public health, safety, and welfare.

Subd. 1. Subdivision approval.

(a) Required. Subdivision approval, in compliance with the provisions of this section, shall occur as follows:

- (1) Lot consolidations as provided in the Crystal city code, subsection 510.23;
- (2) Subdivisions as provided in the Crystal city code, subsection 510.25; and
- (3) Those properties for which Minnesota condominium law, Minnesota Statutes, chapter 515 applies.

(b) Exemption. Subdivision approval is not required for adjacent parcel land conveyances as provided in the Crystal city code, subsection 510.21.

(c) Restrictions.

- (1) No lot, parcel, or tract created after the effective date of this UDC shall be issued a building permit unless the lot, parcel, or tract has been created in compliance with this UDC.
- (2) No building permits shall be issued for a habitable structure proposed to be located on an outlot.
- (3) Land will not be subdivided if the city council determines that the land is unsuitable for development because of flood hazard unless corrective measures consistent with those found in the Crystal city code, subsection 515.09 can be feasibly accomplished.
- (4) A proposed subdivision of land will not be considered by the city unless past due special assessments thereon have been paid in full or arrangements for their payment satisfactory to the city have been made.

525.03. Development agreement required.

Subd. 1. Purpose. It is the purpose of this subsection to ensure that a subdivider follows the conditions of approval and properly installs the basic improvements required in a plat. Whenever a subdivision includes any public improvements or other conditions of approval, the subdivider shall enter into a development agreement with the city, setting forth the conditions under which the subdivision has been approved.

Subd. 2. Required improvements.

- (a) Basic Improvements. All of the following required improvements to be installed under the provisions of this subsection shall be designed and constructed in accordance with the design standards of this subsection and the current version of city's engineering standard specifications, which are adopted herein by reference, and approved by and subject to the inspection of the city engineer prior to approval:
- (1) Streets, including curb and gutter;
  - (2) Sanitary sewer;
  - (3) Watermain;
  - (4) Surface water facilities (pipes, ponds, rain gardens, and similar improvements);
  - (5) Grading and erosion control;
  - (6) Sidewalks/trails;
  - (7) Street lighting;
  - (8) Street signs and traffic control signs;
  - (9) Street trees;
  - (10) Tree preservation;
  - (11) Wetland mitigation and buffers;
  - (12) Monuments required by Minnesota Statutes; and
  - (13) Miscellaneous facilities or other elements defined by the guiding documents.
- (b) Other improvements. The subdivider shall arrange for the installation of private utilities including, but not limited to, telecommunications cabling, electrical, and natural gas service.

Subd. 3. Installation of basic improvements.

- (a) The subdivider shall arrange for the installation of all required improvements in the development subject to the development agreement. All of the city's expenses incurred as the result of the required improvements shall be paid to the city by the subdivider including, but not limited to, legal, planning, engineering, and inspection expenses incurred in connection with approval and acceptance of the plat, the preparation of the development agreement, review of construction plans and documents, and all costs and expenses incurred by the city in monitoring and inspecting development of the plat. The subdivider shall reimburse the city for costs incurred in the enforcement of the development agreement, including engineering and attorneys' fees.
- (b) The city council reserves the right to, in its sole discretion, elect to install all or any part of the basic improvements required under the provisions of this subsection and assess the costs to the benefiting property owners pursuant to Minnesota Statutes, chapter 429.
- (c) Unless a grading permit has been issued by the city within the plat or land to be platted, the subdivider may not grade or otherwise disturb the earth, remove trees, construct sewer lines,

water lines, streets, utilities, public or private improvements, or any buildings within the plat or land to be platted until all the following conditions have been satisfied:

- (1) The development agreement has been fully executed by both parties and filed with the city clerk;
  - (2) The necessary security has been received by the city;
  - (3) The plat has been filed with the county recorder's office;
  - (4) The construction plans have been approved and signed by the city engineer; and
  - (5) The city has issued a letter that all conditions have been satisfied and that the subdivider may proceed.
- (d) The improvements shall be installed in accordance with this UDC, city standard specifications for utilities and street construction, and the city's engineering standard specifications. The subdivider shall submit plans and specifications that have been prepared by a competent registered professional engineer to the city for approval by the city engineer. The city shall, at the subdivider's expense, provide all on-site inspection and soil testing to certify that the construction work meets the city's standards and approved plans.
- (e) All labor and work shall be done and performed in a professional manner and in strict conformance with the approved plans and specifications. No deviations from the approved plans and specifications will be permitted unless approved in writing by the city engineer. The subdivider shall not do any work or furnish any materials not covered by the plans and specifications and special conditions of this development agreement, for which reimbursement is expected from the city, unless such work is first ordered in writing by the city engineer as provided in the specifications.

Subd. 4. Time of performance.

- (a) The subdivider shall complete all required basic improvements no later than one year following the commencement of work on the improvements, except:
- (1) Where weather precludes completion;
  - (2) For street lighting;
  - (3) For landscaping; and
  - (4) For the wearing course of streets.
- (b) Where weather precludes completion, the timeline for completion of the improvements may be extended up to an additional six months.
- (c) The subdivider shall complete street lighting within two years following the initial commencement of work on the required basic improvements.
- (d) The subdivider shall complete landscaping by the development phase within 90 days following the issuance of a building permit for the last vacant lot within a phase unless weather precludes completion, in which case the landscaping shall be completed at the outset of the next growing season.

- (e) Neither curb and gutter nor bituminous pavement shall be installed between November 15 and April 15. The final wear course on streets shall be installed between May 15 and October 1 the first summer after the base layer of asphalt has been in place one freeze thaw cycle. Any deficiencies in the base asphalt, curb, or other improvements must be repaired by the subdivider at its own cost prior to final paving. The subdivider may, however, request an extension of time from the city. If an extension is granted, it shall be conditioned upon updating the security posted by the subdivider to reflect cost increases and the extended completion date. Final wear course placement outside of this time frame must have the written approval of the city engineer.

Subd. 5. Financial guarantees.

- (a) Subsequent to execution of the development agreement, but prior to approval of a signed final plat for recording, the subdivider shall provide the city with a financial guarantee in the form of a letter of credit from a bank, cash escrow, or other form of security acceptable to the city. A letter of credit or cash escrow shall be in an amount as determined by the city engineer.
- (b) It shall be the responsibility of the subdivider to ensure that a submitted financial guarantee shall continue in full force and effect until the city engineer has approved and the city council has accepted all of the required improvements. The city engineer thereby is authorized to release the guarantee or reduce the amount of the guarantee as provided in the Crystal city code, subsection 525.03, subdivision 9 upon the approval and acceptance of the basic improvements.
- (c) When any instrument submitted as a financial guarantee contains provision for an expiration date, after which the instrument may not be drawn upon, notwithstanding the status of the development agreement or of the required improvements, the expiration date shall be December 31 or the closest business day in the case of weekends and legal holidays. Further, the financial guarantee shall be deemed automatically extended without change for six months from the expiration date unless 60 days prior to the expiration date the financial institution notifies the city in writing by certified mail that it does not elect to renew the financial guarantee for an additional period. If the instrument is not to be renewed and has not been released by the city engineer, another acceptable financial guarantee in the appropriate amount shall be submitted at least 60 days prior to the expiration. The term of any extension shall be approved by the city engineer and subject to the requirements of this section. Upon receipt of an acceptable substitute financial guarantee, the city engineer may release the original guarantee.

Subd. 6. Forms of financial guarantees.

(a) Letter of credit.

- (1) If the subdivider posts a letter of credit as a guarantee, the credit shall:
  - (i) Be irrevocable;
  - (ii) Be from a bank approved by the city;
  - (iii) Be in a form approved by the city;
  - (iv) Be for a term sufficient to cover the completion, maintenance and warranty periods identified in this section; and
  - (v) Require only that the city present the credit with a sight draft and an affidavit signed by the city manager or the city manager's designee attesting to the city's right to draw funds under the credit.

(b) Cash escrow.

- (1) If the subdivider posts a cash escrow as a guarantee, the escrow instructions approved by the city shall provide that:
  - (i) The subdivider will have no right to a return of any of the funds except as provided in the Crystal city code, subsection 525.03, subdivision 9, regarding the approval and acceptance of basic improvements; and
  - (ii) The escrow agent shall have a legal duty to deliver the funds to the city whenever the city manager presents an affidavit to the agent attesting to the city's right to receive funds whether or not the subdivider protests that right.
- (c) A cash deposit made with the city finance department may be used as part of the required financial guarantee in those instances where the subdivider elects to have the city install some or all of the public improvements.

Subd. 7. Amounts of financial guarantees. The subdivider shall submit either a financial guarantee in one of the forms listed in the Crystal city code, subsection 525.03, subdivision 6, regarding forms of financial guarantees, for an amount determined by the city engineer in accordance with the following:

- (a) Subdivider-installed improvements. For basic improvements to be installed by the subdivider, the required financial guarantee shall include all of the following fixed or estimated costs:
  - (1) Costs of the basic improvements identified in the Crystal city code, subsection 525.03, subdivision 2;
  - (2) Engineering, to include subdivider's design, construction management, surveying, inspection, and drafting;
  - (3) Twenty-five percent contingency or add-on to the costs in paragraphs (1) and (2) of this paragraph; and
  - (4) Estimated cost of energy for street lights for the first two years of operation.
- (b) City installed improvements. For basic improvements to be installed by the city, the required financial guarantee shall be the sum of the following fixed or estimated costs:
  - (1) A cash deposit in an amount equal to 25 percent of the estimated cost of installing the specified public improvements as determined by the city engineer, which costs would include charges incurred by the city for legal, planning, engineering and administration associated with the installation project(s). The deposit shall be applied to the costs of such installations, with the remainder of the costs specially assessed, in the manner provided by Minnesota Statutes, over a period of ten years together with interest thereon; or
  - (2) In lieu of the cash deposit, the subdivider may elect to have the city provide 100 percent of the cost of such installations, which costs shall be assessed over a period of ten years. In such event, the subdivider shall post a letter of credit for 60 percent of the cost of assessments, which letter of credit shall be released after the subdivider pays the principal and interest on said assessments for two years and which letter of credit shall be separate from any other letters of credit associated with the subdivider's project.

Subd. 8. Other cash requirements. The subdivider will be responsible for additional cash requirements which must be furnished to the city at the time of final plat approval. The subdivider shall not

proceed with any improvements until these cash requirements have been paid to the city. The cash requirements may include:

- (a) Park dedication fees (See the Crystal city code, subsection 525.05);
- (b) Utility charges and fees. This may include sewer availability charges (SAC) or trunk fees;
- (c) Special assessments, including interest;
- (d) The city's legal, engineering administration, and construction observation fees;
- (e) Costs associated with traffic control and street signs to be installed in the plat by the city;
- (f) Map upgrade fee; and
- (g) Other charges or fees as determined by the city.

Subd. 9. Approval and acceptance of basic improvements.

- (a) Upon receipt of proof satisfactory to the city engineer that work has been completed and financial obligations to the city have been satisfied, with city engineer approval the security may be reduced from time to time by 90 percent of the financial obligations that have been satisfied. Ten percent of the amounts certified by the subdivider's engineer shall be retained as security. Reductions in the financial guarantee shall be considered only after underground utilities are tested and found to be satisfactory and again after the base bituminous layer has been placed.
- (b) The financial guarantee shall be held by the city until, upon written notice by the subdivider and certification from a professional engineer that all of the required improvements have been completed and upon verification of such by the city staff, a portion or the entire financial guarantee is released by the city engineer. No financial guarantee shall be released in full until the following has occurred:
  - (1) All improvements have been completed and public improvements have been accepted by the city engineer;
  - (2) Iron monuments for lot corners have been installed;
  - (3) All financial obligations to the city have been satisfied;
  - (4) Reproducible record plans of all public improvements as required by the city engineer have been furnished to the city by the subdivider. Such record plans shall be certified to be true and accurate by the registered engineer responsible for the installation of the improvements;
  - (5) A warranty/maintenance guarantee has been provided as described in the Crystal city code, subsection 525.03, subdivision 10, regarding the warranty/maintenance guarantee; and
  - (6) A title insurance policy approved by the city attorney indicating that the improvements are free and clear of any and all liens and encumbrances.

Subd. 10. Warranty/maintenance guarantee. The subdivider shall submit either a warranty/maintenance bond or a letter of credit for an amount determined by the city engineer that complies with the following:

- (a) The required warranty period for materials and workmanship from the utility contractor installing public sewer and water mains shall be two years from the date of final written city acceptance of the work;
- (b) The required warranty period for all work relating to street construction, including concrete curb and gutter, sidewalks and trails, materials and equipment shall be subject to one year from the date of final written acceptance, unless the wearing course is placed during the same construction season as the bituminous base course. In those instances, the subdivider shall guarantee all work, including street construction, concrete curb and gutter, sidewalks and trails, material and equipment for a period of two years from the date of final written city acceptance of the work;
- (c) The required warranty period for trees and landscaping is one growing season following installation; and
- (d) The required warranty period for erosion control will be as established in the development agreement.

Subd. 11. Insurance. The subdivider shall take out and maintain or cause to be taken out and maintained until six months after the city has accepted the public improvements, public liability and property damage insurance covering personal injury, including death, and claims for property damage which may arise out of subdivider's work or the work of its subcontractors or by one directly or indirectly employed by any of them. Limits for the coverage shall be in accordance to the city's current requirements. The city shall be named as an additional insured on the policy, and the subdivider shall file with the city a certificate evidencing coverage prior to the city signing the plat. The certificate shall provide that the city must be given ten days advance written notice of the cancellation of the insurance.

525.05. Subdivision design standards.

Subd. 1. General standards. Each subdivision created after the effective date of this UDC shall be designed in compliance with the standards of this section, unless a variance is granted in compliance with the Crystal city code, subsection 510.33.

Subd. 2. Sidewalks, pathways, and trails. Sidewalk, pathways, trails, and other pedestrian connections shall be required in accordance with the city's Comprehensive Plan.

Subd. 3. Monuments.

- (a) Official permanent monuments shall be placed as required by Minnesota Statutes, section 505.021.
- (b) All monument markers shall be correctly in place upon final grading and installation of utilities.
- (c) The city will not issue building permits for a lot within a plat until monuments have been placed for that lot.
- (d) All United States, state, county, or other official bench marks, monuments or triangulation stations in or adjacent to the property shall be preserved in precise position.

Subd. 4. Subdivision names. The proposed name of the subdivision shall not duplicate or too closely approximate phonetically, the name of any other subdivision in the city or county. The city shall have final authority to designate the name of the subdivision.

Subd. 5. Street names. If applicable, street names shall be a continuation of the names of previously constructed streets. The city shall have final authority to designate street names in order to avoid confusion to the traveling public.

Subd. 6. Easements. Easements shall be dedicated on the plat instrument for the required use.

Subd. 7. Debris and waste. No cut trees, diseased trees, timber, debris, earth, rocks, stones, soil, junk, rubbish or other waste materials of any kind shall be buried in any land, or left or deposited on any lot or street at the time of the issuance of a certificate of occupancy, and removal of those items and materials shall be required prior to issuance of any certificate of occupancy in a subdivision. No items and materials as described in the preceding sentence shall be left or deposited in any area of the subdivision at the time of expiration of the development agreement or dedication of public improvements, whichever occurs sooner.

Subd. 8. Open space and natural features.

- (a) Natural features (including significant trees, creeks, and similar features) shall be preserved and incorporated into proposed development to the greatest extent feasible.
- (b) Development on hillsides shall generally follow the natural terrain contour. Stepped building pads, larger lot sizes, and setbacks shall be used to preserve the general shape of natural land forms and to minimize grade differentials with adjacent streets and with adjoining properties.

Subd. 9. Lot and block design.

(i) Lot dimensions.

- (1) All lot dimensions shall comply with the standards of the applicable zoning district in this UDC. Depth and width of properties reserved or laid out for residential or commercial purposes shall be adequate to provide for the off-street parking and loading facilities that may be required for the type of use contemplated, as established in this UDC.
- (2) No subdivision shall be designed to leave unsubdivided islands, strips or parcels, or property unsuitable for subdividing, which is not either accepted by the city or other appropriate entity for public use, or maintained, as common area within the development.

(ii) Lot arrangement. The lot arrangement shall be such that there will be no foreseeable difficulties, for reasons of topography or other conditions, in securing building permits to build on all lots in compliance with this UDC. In addition, all lots shall abut and have direct access to an improved public street.

(iii) Street frontage required. Each proposed parcel shall have frontage on a public street. The frontage width shall be the lot width required by the applicable zoning district.

(iv) Side lot lines. Side lines of lots shall be substantially at right angles to street lines and substantially radial to curved street lines, unless an alternative layout will result in a better street or lot plan.

(v) Corner lots. Corner lots shall be of sufficient width and depth to comply with the required minimum building setback from both streets, as established in this UDC.

(vi) Through lots.



- (1) No parcel shall have streets abutting both the front and rear lot lines, except when necessary because of topographical or other physical conditions or where access from one of the roads is prohibited. An alley is not considered a street for the purposes of this UDC.
  - (2) Vehicular access onto a through lot shall generally be from the public street with the lowest existing and projected traffic volumes, but with each proposed building designed so that its primary façade faces the higher volume street. Authorization may be given by the city for alternative access locations where appropriate because of localized traffic conditions, and/or nearby residential areas that would be adversely affected by increased traffic.
- (vii) Lots abutting water. Lots abutting a water body, wetland, drainage way, channel, stream or pond shall be of sufficient width and depth and at the elevation needed to assure that building sites are not subject to flooding. The platting of lots within the floodplain is subject to the requirements in the Crystal city code, subsection 515.09.
- (viii) Blocks.
- (1) A block shall normally be so designed as to provide two tiers of lots, unless it adjoins a railroad, arterial or collector street, lake, wetland, park, stream, or other natural feature, where it may have a single tier of lots.
  - (2) Block length and width shall be sufficient to accommodate the size of lots required by this UDC and to provide for convenient access, circulation control and safety of street traffic.

Subd. 10. Streets.

- (a) Street dedications. A street that is not constructed to city standards will not be accepted by the city for dedication as a public street. Requirements for street pavement and right-of-way widths are located in the Crystal city code, chapter VIII.
- (b) Topography and arrangement
- (1) The arrangement, width, and location of all streets shall be considered in relation to existing and planned streets, shall provide for reasonable traffic circulation and traffic calming, and shall be appropriately located in relation to topography, run-off of surface water, convenience and safety, and proposed uses of the land to be served. Wherever possible, the arrangement of streets in new subdivisions shall provide for the continuation of existing and planned streets within and outside the proposed plat. Where adjoining lands are not subdivided, the arrangement of streets shall make provision for the proper projection of streets into adjoining lands by carrying the streets to the boundaries of the plat. The arrangement of streets shall not cause hardship to owners of adjoining property in platting their own land and providing convenient access to it.
  - (2) In commercial and industrial developments, the streets and other access ways shall be planned in connection with the location of buildings, rail facilities, truck loading and maneuvering areas, and sidewalks and parking areas so as to minimize conflict of movement between the various types of traffic, including pedestrian traffic.
- (c) Grading and improvement plan. The full width of the street right-of-way shall be graded and improved in conformance with the city's engineering standard specifications and the construction plans submitted as part of the final plat application.

- (d) Roadway and access offsets. Roadways or other access points entering upon opposite sides of any given roadway shall have their centerlines located directly opposite each other or the centerlines located shall be offset at least 150 feet for local residential streets, and at least 200 feet for all other roadways. Driveways on local streets accessing one or two family residential dwellings are exempt from this requirement.
- (e) Signs, traffic signs and signals, and street lights.
- (1) Street signs of standard design approved by the city shall be installed at each street intersection or at such other locations within the subdivision as designated by the city engineer, in accordance with the Minnesota Manual on Uniform Traffic Control Devices (“MMUTCD”).
  - (2) Traffic control signs pursuant to Minnesota Statutes, section 169.06, where applicable, shall be installed at locations within the subdivision as designated by the city engineer.
  - (3) Turn lanes and traffic signals shall be installed at the expense of the subdivider when required as a result of the proposed subdivision.
  - (4) Street lights shall be installed at all intersections and at other locations, as required by the city engineer. All street lights within new subdivisions shall be on street light poles meeting the standards of the city and shall be equipped with underground electrical service, and shall conform to city lighting standards. The developer shall pay to the city the energy cost for the first two years of operation, or until the dwellings on all lots within the subdivision have been completed, whichever time period is less.
- (f) Sidewalks and trails. If required, sidewalks and trails shall be installed at the time a street is constructed. Sidewalks shall meet the width requirements in the Crystal city code, chapter VIII and this UDC.
- (g) Stub streets and cul-de-sac streets (permanent and temporary).
- (1) Stub streets shall be installed to permit future street extensions into adjoining tracts, where appropriate. Signage may be provided indicating a future street connection. Stub streets shall not exceed 150 feet in length. Where required by the city engineer a temporary connection to another street, or a temporary turnaround, shall be provided by the subdivider.
  - (2) The closed end of the cul-de-sac shall have a pavement width of 70 feet in diameter and the overall length of the road shall not exceed 500 feet in length as measured from the centerline of the nearest intersection to the closed end of the cul-de-sac.
  - (3) In those instances where a street is terminated pending future extension in conjunction with future platting and its terminus is located 150 feet or more from the nearest intersection, a temporary cul-de-sac with a pavement width of 70 feet in diameter shall be provided at the closed end. Any portion of a temporary cul-de-sac not located within the street right-of-way shall be placed in a temporary roadway easement extending at least ten feet beyond the curb line of the temporary cul-de-sac in all directions.
- (h) Alleys. Alleys may be established in the city under the following conditions:
- (1) The alleys are publicly owned and maintained;

- (2) The alleys shall be made of concrete;
  - (3) No home shall be oriented to face the alley; and
  - (4) Alleys are permitted as a secondary access when the lots front on an arterial or collector street.
- (i) Private streets. Private streets are prohibited.
  - (j) Street design standards. In order to provide for streets of suitable location, width, and general improvement to accommodate prospective traffic and afford satisfactory access to police, firefighting, snow removal, sanitation and road maintenance equipment, and to coordinate roads so as to compose a convenient system and avoid undue hardships to adjoining properties, all streets shall be subject to the standards of this subsection. Street types shall be established in the comprehensive plan.
    - (1) Street Surfacing and improvements. After the subdivider has installed sewer and water, the subdivider shall construct poured-in-place concrete sidewalks, curbs and gutters and shall surface streets to the width prescribed in this section. The designer is encouraged to include techniques that will direct surface water drainage to off-street areas. Types of pavement shall be as prescribed in the city's engineering standard specifications. Adequate provision shall be made for culverts and drains. The portion of the right-of-way outside the area surfaced shall be sodded or planted with other acceptable materials as approved by the city engineer. All road pavement, shoulders, drainage improvements and structures, curbs, turnarounds and sidewalks shall conform to all construction standards and specifications in the city's engineering standard specifications and shall be incorporated into the construction plans required to be submitted by the subdivider for final plat approval.
- (2) Grading.
    - (i) Streets shall be graded with at least 0.5 percent slope from the centerline to the curb to maintain drainage.
    - (ii) Arterial and collector streets shall have a maximum running grade of five percent.
    - (iii) All other streets shall have a maximum running slope of seven percent, or as determined by the city engineer.
  - (3) Street intersection, tangent, deflection and other design standards.
    - (i) Street Intersections shall intersect at right angles and in no instance shall the angle formed by the intersection be less than 60 degrees. Street intersections having more than four corners shall be prohibited and the curb line at street intersections shall have a radius not less than 15 feet.
    - (ii) Street tangents of at least 150 feet shall be designed between reverse curbs on collector streets and 100 feet on all local streets.
    - (iii) When connecting street lines deflect from each other at a point of more than 10 degrees, they shall be connected by a curve with a radius adequate to insure a site distance of no less than 500 feet for arterials, 300 feet for collectors, and 100 feet for local streets.
    - (iv) Half streets and any corresponding right-of-way for half streets shall be prohibited.

Subd. 11. Sanitary sewer, water, and other utilities.

- (a) The subdivider shall install adequate sanitary sewer and water facilities (including fire hydrants) subject to the specifications in the city's engineering standard specifications, and the Recommended Standards for Water Works and the Recommended Standards for Wastewater Facilities (known collectively as the "ten-state standards").
- (b) The subdivider shall install sanitary sewer, water mains and service connections, stubbed to the lot line, meeting the minimum size requirements of the city and provided to all lots in the subdivision. Where a subdivider is required to install sanitary sewer or water mains that are larger than the minimum size as required by the city, the subdivider will be compensated by the city for the cost differential for material only for the cost of the minimum size sanitary sewer or water compared to the cost of the larger mains installed.
- (c) The subdivider shall extend sewer and water mains to the lot lines of abutting sites that do not have public water service.
- (d) Requirements for managing surface water, drainage and erosion control are located in the Crystal city code, subsection 520.17.
- (e) All new utility facilities, including but not limited to telecommunications cabling, natural gas and electric power, shall be located underground.
- (f) Unless approved otherwise by the city, a ten foot wide drainage and utility easement shall be required along the front and rear property lines and a five foot wide drainage and utility easement shall be required along the side lot lines of each lot, measured from the lot lines. Such easements shall have continuity for alignment from block to block. Such easements shall also be provided at deflection points for pole-line anchors where necessary.

Subd. 12. Parks, trails, and open space dedication.

- (a) Purpose and nexus, and proportionality.
  - (1) Purpose. These requirements are established for the purpose of assisting with the implementation of the city's park master plan by providing for the orderly development of recreation areas and the conservation of natural resources and scenic beauty in the city. As a means to accomplish the goals in the plan, each developer shall be required to dedicate land, or at the discretion of the city, pay an equivalent cash payment in lieu of land dedication for parks and open space acquisition and development. Since the city is considered fully developed, it is likely that a cash payment in lieu of land dedication will be the method by which this requirement will be accomplished in most instances, although not to the complete exclusion of a land dedication requirement.
  - (2) Nexus. The city council finds that there is a rational nexus between the demands created by the subdivision and related development of land and the need for parks, trails, and open space areas.
  - (3) Proportionality. The city council herein establishes requirements for the dedication and/or development of park land, trail improvements, and open space land that is roughly proportionate to the demands created by the subdivision and development of land resulting from such subdivision approval.

- (b) Authority. It is found and declared that, pursuant to Minnesota Statutes, section 462.358, subdivision 2b, it is reasonable to require dedication of an amount of land for park, trails, or open space or a cash payment in lieu of a land dedication.
- (c) Dedication required.
- (1) The city may require that a portion of the buildable land to be divided be dedicated to the public or preserved for public use as parks, playgrounds, trails, or open space. “Buildable land” means the gross acreage of the property excluding wetlands designated by federal or state agencies, wetlands classified by the Wetland Conservation Act, or state or county rights of way. This dedication requirement applies to subdivisions, but not lot consolidations or adjacent parcel land conveyances as regulated in the Crystal city code, section 510.
  - (2) The requirement is not satisfied if the city determines that the land proposed for dedication is unsuitable for public recreational use. The dedication required by this subsection is in addition to dedication required for streets, roads, utilities, storm water ponding areas, or similar utilities and improvements. Previously subdivided property from which a park dedication has been received, being resubdivided with the same number of lots, is exempt from park dedication requirements. If, as a result of subdividing the property, the number of lots is increased, then the park dedication fee applies only to the net increase of lots.
  - (3) Land dedicated under this subsection shall conform to the city’s comprehensive plan. The amount of land required for dedication is based upon the buildable land area and equals the land the city reasonably finds it will need to acquire for park or other recreational purposes as a result of approval of the land division. Generally, ten percent of the buildable land area to be subdivided must be dedicated for residential subdivisions and five percent for commercial and industrial subdivisions.
  - (4) Prior to the dedication of the required land pursuant to this subsection, the developer shall provide the city evidence of title in a form acceptable to the city attorney or a title insurance policy insuring the city's interest in the property. In any dedication of required land, the developer must have good and marketable title to the land, free and clear of any mortgages, liens, encumbrances or assessments, except easements or minor imperfections of title acceptable to the city.
  - (5) When the city requires that a trail be constructed as part of the land dedication requirement, this trail segment shall be interpreted by the city as basic infrastructure and, therefore, the developer shall be required to pay for the construction of the trail improvement. The construction specifications of trails shall be determined by the city engineer and whenever possible, trails shall connect with existing trails and/or walkways.
- (d) Cash payment in lieu of dedication. In most cases, the city will require a cash payment in lieu of land dedication. In determining whether to require payment or dedication, the council will consider such factors as whether park land is needed in the proposed location, whether the proposed dedication is suitable for the intended use, and whether a cash payment would be more beneficial to development of the entire park system. The required cash payment is found in Table 13.

Table 13: Required cash payment	
Land Use	Required payment
Residential uses	\$1,000 per dwelling unit
Commercial/Industrial uses	\$5,000 per acre

- (1) If a property is transitioning from a pre-existing commercial or industrial use to a residential use, the city council shall consider crediting a new subdivision for the cash payment required under the previous land use.
  - (2) Cash payments in lieu of dedication are payable before the city releases the final plat for recording. The payment shall be placed in a special fund established by the city to be used solely for the purposes of acquisition and development or improvement of parks, playgrounds, trails, or open space.
- (e) Credit for private land. A credit of up to 25 percent of the dedication requirements may be awarded for park and open space that is to be privately owned and maintained by the future residents of the subdivision. A credit will not be awarded unless the following conditions are met:
- (1) Private open space may not be occupied by nonrecreational buildings and must be available for the use of all the residents of the proposed subdivision;
  - (2) Required building setbacks will not be included in computation of private open spaces;
  - (3) Use of the private open space must be restricted for park, playground, trail, or open space purposes by recorded covenants that run with the land in favor of future owners of property, and cannot be eliminated without the consent of the city council;
  - (4) Credit for private trail improvements shall only be given by the city when the trail system connects to a public trail or walkway system;
  - (5) The private open space will be of a size, shape, location, topography, and usability for park or recreational purposes, or contain unique features which are important to be preserved; and
  - (6) The private open space must reduce the demand for public recreational facilities or public open space occasioned by development of the subdivision.

Section 530

Signage

530.01. Findings, purpose and effect.

Subd. 1. Findings. The city council hereby finds as follows:

- (a) Exterior signs have a substantial impact on the character and quality of the environment;
- (b) Signs provide an important medium through which individuals may convey a variety of messages; and
- (c) Signs can create traffic hazards, aesthetic concerns and detriments to property values, thereby threatening the public health, safety and welfare.

Subd. 2. Purpose and intent. It is not the purpose or intent of this section to regulate the message displayed on any sign; nor is it the purpose or intent of this section to regulate any building design or any display not defined as a sign, or any sign which cannot be viewed from outside a building. The purpose and intent of this section is to:

- (a) Regulate the number, location, size, type, illumination and other physical characteristics of signs within the city in order to promote the public health, safety and welfare;
- (b) Maintain, enhance and improve the aesthetic environment of the city by preventing visual clutter that is harmful to the appearance of the community;
- (c) Improve the visual appearance of the city while providing for effective means of communication, consistent with constitutional guarantees and the city's goals of public safety and aesthetics; and
- (d) Provide for fair and consistent enforcement of the sign regulations set forth in this section.

530.03. General sign requirements.

Subd. 1. Permit required. Unless exempted under subdivision 2 of this subsection, no sign shall be erected, altered, reconstructed, maintained, or moved in the city without first securing a permit from the city. The content of the sign shall not be reviewed or considered in determining whether to approve or deny a sign permit. Application for a permit shall be on a form provided by the city.

Subd. 2. Exemptions. The following signs shall not require a permit. These exemptions, however, shall not be construed as relieving the owner of the sign from the responsibility of its erection and maintenance, and its compliance with the provisions of this UDC or any other law or ordinance regulating the same.

- (a) The changing of the display surface on a painted or printed sign only. This exemption, however, shall apply only to poster replacement and/or on-site changes involving sign painting elsewhere than directly on a building.
- (b) Small signs.
- (c) Governmental signs.
- (d) Menu boards for drive-through restaurants or eating establishments.

Subd. 3. Prohibited signs. The following signs are prohibited:

- (a) Any sign, signal, marking or device which purports to be or is an imitation of or resembles any official traffic control device or railroad sign or signal, or emergency vehicle signal, or which attempts to direct the movement of traffic or which hides from view or interferes with the effectiveness of any official traffic-control device or any railroad sign or signal;
- (b) All off-premise signs;
- (c) Signs painted, attached or in any other manner affixed to trees, rocks, or similar natural surfaces, or attached to public utility poles, bridges, towers, or similar public structures;
- (d) Signs placed in the public right-of-way, other than the following:
  - (i) Governmental signs;
  - (ii) Courtesy bench signs allowed with an obstruction permit as regulated by the Crystal city code, chapter VIII;
  - (iii) Signs placed in public right-of-way that are maintained by the owner or occupant of residential property abutting said right-of-way. Each sign is limited to 30 inches in height and six square feet in area, and the cumulative area of all signs is limited to 0.5 square feet of sign area per lineal foot of frontage on the right-of-way; and
  - (iv) Sandwich board signs are permitted in the public right-of-way but shall not interfere with public use of the sidewalk or right-of-way. The city's public works director has authority to determine if a sign is interfering.
- (e) A sign, including unshielded display lighting, that obstructs or distracts the vision of drivers or pedestrians, or detracts from the visibility of any official traffic control device;
- (f) A sign that contains, imitates, interferes with, obscures or causes confusion with an official traffic sign or signal, except for private, on premise directional signs;
- (g) Abandoned signs;
- (h) Roof signs; and
- (i) Vehicle signs.

Subd. 4. Substitution clause. The owner of any sign which is otherwise allowed by these sign regulations may substitute noncommercial copy in lieu of any other commercial or non-commercial copy. This substitution of copy may be made without any additional approval or permitting. The purpose of this provision is to prevent any inadvertent favoring of commercial speech over non-commercial speech, or favoring of any particular non-commercial message over any other non-commercial message. This provision prevails over any more specific provision to the contrary.

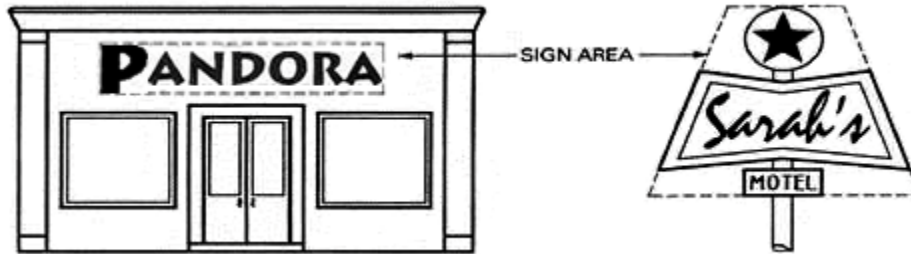
530.05. Sign design standards.

Subd. 1. Computations. The following principles shall control the computation of sign area and sign height:

- (a) The area of a sign face, which is also the sign area of a wall sign or other sign with only one face, shall be computed by means of the smallest square, circle, rectangle, triangle, or

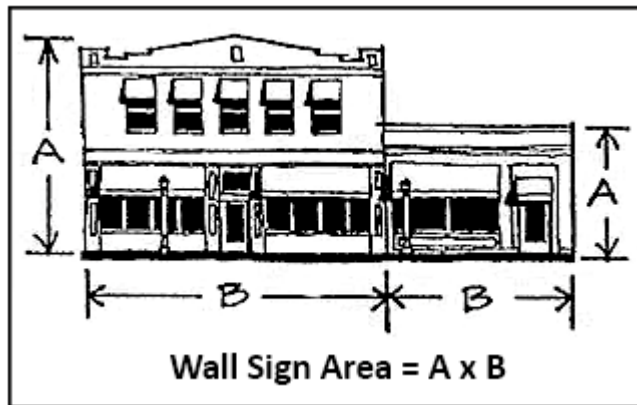


combination thereof that shall encompass the extreme limits of the writing, representation, emblem, or other display. This does not include any supporting framework, bracing, or decorative fence or wall when such fence or wall otherwise meets the regulations of this UDC and is clearly incidental to the display itself (See Figure 31);



**Figure 31:** Illustration of how sign area is calculated.

- (b) A wall façade shall be determined by multiplying the total building width by the height of the wall or surface area (see Figure 32);



**Figure 32:** Illustration of wall sign area calculation.

- (c) If a sign has two or more faces, the area of all faces shall be included in determining the total area of the sign, except that if two sign faces are placed back-to-back, and are at no point more than 30 inches from one another, the area of the sign shall be taken as the area of one face if the two faces are of equal area, or as the area of the larger face if the two faces are of unequal area; and
- (d) The height of a sign shall be computed as the distance from the base of the sign at normal grade to the top of the highest attached component of the sign.

Subd. 2. Electrical signs. Electrical signs must be installed in accordance with the current electrical code and a separate permit from the building official shall be obtained prior to placement.

Subd. 3. Height. The top of a sign, including its superstructure, if any, shall be no higher than the roof of the building to which such sign may be attached; except that the height of any changeable sign which is attached to or an integral part of a functional structure, such as a water tower, smoke stack, radio

or TV transmitting tower, beacon or similar structure shall be no higher than such structure. Signs, including any superstructure standing or erected free of any building or other structure, shall not exceed an overall height of 25 feet from ground level and shall be located on land in an area which is landscaped or if such land is part of an approved parking area, it shall be surfaced or paved as required in this UDC.

Subd. 4. Illumination. External illumination for signs shall be so constructed and maintained that the source of light meets the requirements of the Crystal city code, subsection 520.07.

Subd. 5. Intersections. A sign or sign structure shall comply with the visibility requirements in the Crystal city code, chapter VIII.

530.07. Maintenance and repair.

Subd. 1. Maintenance. Every sign shall be maintained in a safe, presentable and good structural condition at all times, including the replacement of defective parts, painting, repainting, cleaning and other acts required for the maintenance of the sign.

Subd. 2. Repairs.

- (a) Any sign located in the city which may now be or hereafter become out of order, rotten or unsafe, and every sign which shall hereafter be erected, altered, resurfaced, reconstructed or moved contrary to the provisions of this subsection, shall be removed or otherwise properly secured in accordance with the terms of this subsection by the owners thereof or by the owners of the grounds on which said sign shall stand, upon written notice by the city. No rotten or other unsafe sign shall be repaired or rebuilt except in accordance with the provisions of this subsection and upon a permit issued by the city.
- (b) In the event of the failure of the owner or person, company or corporation having control of any sign, or the owner of the ground on which the sign is located, to remove or repair said sign within 60 days after the use is terminated, a written notice shall be given and the sign may be removed by the city at the expense of the owner or manager of the sign, or the owner of the ground upon which the sign stands.

530.09. Allowed sign types.

- (a) Table 14 lists the sign types allowed within each zoning district. The symbols and headings used in the table are defined as follows:
  - (1) A “P” in a cell indicates a sign type that is allowed in the zoning district with an approved sign permit application;
  - (2) An “A” in a cell indicates a sign type that is allowed in the zoning district, but is exempt from obtaining a sign permit;
  - (3) A cell with a “-“ indicates a sign type that is not allowed in the zoning district; and
  - (4) The “sign specific standards” column cross-references standards that are specific to an individual sign type and are applicable to that sign in all districts unless otherwise stated in the sign specific standards.

Table: 14: Signs allowed by zoning district								
Sign Type	Zoning District							<u>Sign Specific Standards</u>
	R-1	R-2	R-3	C	TC	I	AP	
Canopy, Marquee, and Fixed Awnings	P	P	P	P	P	P	P	530.11, subdivision 1
Electronically controlled readerboard	P	P	P	P	-	P	P	530.11, subdivision 2
Electric	P	P	P	P	P	P	P	
Freestanding	-	-	-	P	-	P	P	530.11, subdivision 3
Governmental	A	A	A	A	A	A	A	
Monument	P	P	P	P	P	P	P	530.11, subdivision 4
Multiple Tenant	-	-	-	P	P	P	-	530.11, subdivision 6
Off-Premise	-	-	-	-	-	-	-	
Projecting	-	-	-	P	P	P	P	530.11, subdivision 5
Roof	-	-	-	-	-	-	-	
Rotating	-	-	-	-	-	-	-	
Sandwich board	-	-	-	P	P	-	-	530.11, subdivision 7
Shimmering	-	-	-	P	-	P	P	
Temporary	P	P	P	P	P	P	P	530.11, subdivision 8
Small	A	A	A	A	A	A	A	
Wall	P	P	P	P	P	P	P	530.11, subdivision 9

530.11. Sign specific standards. The following requirements for specific sign types apply in addition to those requirements found in Table 14.

Subd. 1. Canopies, marquees and fixed awnings. Signs are allowed on canopies, marquees and fixed awnings, which are an integral part of the structure to which they are attached. Within the residential districts, these signs are only allowed for multiple family dwellings, or institutional or commercial uses, but are allowed for all building types in the commercial and industrial districts. Canopy, marquee, and fixed awning signs are subject to the following standards:

- (a) An awning, canopy or marquee may not project into the public right-of-way nearer than 30 inches to the street curb or curb line;

- (b) The bottom of awning signs shall be no less than eight feet above the sidewalk or grade at any point;
- (c) Awnings, canopy or marquees projecting into the required yards may not be enclosed except with a transparent material permitting through vision;
- (d) Awnings, canopies or marquees built over the public right-of-way must be included in a liability insurance policy holding the city free of all responsibility; and
- (e) Canopies and marquees are a part of the building structure but the area of canopies and marquees may not be used in the computation of total wall area.

Subd. 2. Electronically or electrically controlled readerboards. Electronically or electrically controlled readerboards are permitted provided that the sign:

- (a) Displays a given copy or graphic image for a minimum of three seconds within the readerboard frame if having lamps of a single color, or for a minimum of sixty seconds if having lamps of more than one color;
- (b) Is included in an otherwise permitted and conforming wall, free-standing or monument sign, and the area of the readerboard may not exceed 50% of the total area of the sign in which it is integrated, or 50 square feet, whichever is less, and only one readerboard per premise is allowed;
- (c) Displays a static message with no fade, dissolve, scrolling, blinking, flashing, spinning or zooming action; and
- (d) Does not cast light on any public street in excess of one foot candle at the lot line along said street, or in excess of 0.4 foot candle at the lot line of any residential property.

Subd. 3. Freestanding or pylon signs. Freestanding or pylon signs are subject to the following standards:

- (a) Freestanding or pylon signs shall meet the requirements in Table 15; and
- (b) An electronically controlled reader board is allowed as part of a freestanding or pylon sign.

<b>Table: 15: Freestanding or Pylon Signs</b>						
<b>Sign Type</b>	<b>Number Allowed</b>	<b>Maximum Height</b>	<b>Area</b>	<b>Minimum Street Frontage</b>	<b>Setback From Lot Line</b>	<b>Setback From Right-of-Way</b>
Freestanding or pylon sign	1 [1]	25 feet	1 square foot of sign per linear foot of frontage [2]	50 feet	10 feet, and 50 feet from residential district, park, school, library, church or similar land use [3]	10 feet
<p>Notes:</p> <ol style="list-style-type: none"> <li>1. A property abutting more than one street may have one additional freestanding sign on one of the additional street rights-of-way provided that such right-of-way is on an arterial or collector street and such sign is more than 50 feet distant from any other freestanding sign on the property.</li> <li>2. The area of a sign may not exceed the following square footages based on the street the sign abuts: <ol style="list-style-type: none"> <li>1. Principal arterial - 200 square feet</li> <li>2. Minor arterial or major collector – 150 square feet</li> <li>3. Minor collector – 100 square feet</li> <li>4. Local – 50 square feet</li> </ol> </li> <li>3. All parts of a freestanding sign (supports, structure, display, or trim) shall meet this setback requirement.</li> </ol>						

Subd. 4. Monument signs. Monument signs are subject to the following standards:

- (a) In the residential districts, monuments signs are only allowed for multiple family dwellings or institutional or commercial uses;
- (b) Monument signs shall meet the requirements in Table 16; and
- (c) Except in the TC district, an electronically controlled reader board is allowed as part of a monument sign.

<b>Table: 16: Monument Signs</b>					
<b>Sign Type</b>	<b>Number Allowed</b>	<b>Maximum Height</b>	<b>Area</b>	<b>Setback From Any Property Line</b>	<b>Setback From Right-of-Way</b>
Monument	1 [1]	6 feet in R-1, R-2, R-3 and TC; 25 feet in C, I and AP	Maximum 75 square feet in R-1, R-2, R-3 and TC; same area requirements as Freestanding	10 feet	10 feet

Table: 16: Monument Signs					
Sign Type	Number Allowed	Maximum Height	Area	Setback From Any Property Line	Setback From Right-of-Way
			signs in C, I, and AP		
Note: 1. A property abutting more than one street may have one additional monument sign on one of the additional street rights-of-way provided that such right-of-way is on an arterial or major collector street.					

Subd. 5. Projecting signs. Projecting signs are subject to the following standards:

(a) Projecting signs shall meet the requirements in Table 17; and

Table: 17: Projecting Signs					
Sign Type	Number Allowed	Maximum Height	Area	Setback From Any Property Line	Setback From Right-of-Way
Projecting	Maximum of 2 wall or projecting signs per wall [1]	Minimum 10 feet clearance above grade and may not be higher than roofline	Up to 10% of the wall area to which it is affixed when combined with wall signs	10 feet, but sign may be equidistant between the side property lines if the property is less than 20 feet in width	10 feet
Note: 1. A property abutting more than one street may have one additional projecting sign on one of the additional street rights-of-way provided that such right-of-way is on an arterial or collector street and such sign is more than 50 feet distant from any other projecting sign on the property.					

(b) Buildings exceeding 80,000 square feet in size on lots of over 20,000 square feet are permitted to have wall/projecting signage of up to 250 square feet.

Subd. 6. Multiple-tenant. The following provisions shall apply to multiple-tenant buildings within the commercial and industrial districts.

(a) Wall signs. Each tenant in a multiple-tenant building may have a flat wall sign in compliance with the wall sign requirements in Table 18. In addition, the multiple-tenant building may have wall signage on common walls of the building as long as no more than ten percent of that wall is occupied by signage.

(b) Freestanding signs. Where allowed, one freestanding sign shall be permitted for each multiple tenant building.

- (c) Canopies and awnings. The design of canopies shall be in keeping with the overall building design in terms of location, size, and color. No canopies with visible wall hangers shall be permitted. Signage on canopies may be substituted for allowed building signage and shall be limited to 25% of the canopy area.

Subd. 7. Sandwich board signs. Sandwich board signs are subject to the following standards:

- (a) Signs shall not exceed six square feet in size;
- (b) One sign is allowed per property. Within the TC district, one sign is allowed per business; and
- (c) Signs shall only be displayed during business operating hours.

Subd. 8. Temporary signs. The temporary use of banners, pennants, balloon signs, portable signs and similar devices requires a permit. The permit is valid for seven consecutive days. Not more than six permits for each property, or if applicable each tenant in a multiple tenant building, may be granted in a 12-month period. The permit must be prominently displayed at the principal use in the same manner required for building permits. Temporary signs shall conform to the same location and dimension requirements as permanent signs.

- (a) Non-commercial speech signs. Notwithstanding any other provisions of these sign requirements, all signs of any size containing non-commercial speech may be posted from August 1 in any general election year until ten days following the general election and 13 weeks prior to any special election until ten days following the special election.

Subd. 9. Wall signs.

- (a) Wall signs in residential districts. In the residential districts, wall signs are allowed for multiple family dwellings, or institutional or commercial uses, subject to the following standards:
  - (1) Wall signs are only permitted on walls fronting on a public street or facing other property used for institutional, commercial or industrial purposes.
  - (2) No more than one sign is permitted on each wall.
  - (3) No wall sign shall exceed 10% of the wall area or 75 square feet in area, whichever is less.
  - (4) Wall signs for home business are allowed according to the requirements in the Crystal city code, subsection 515.23.
- (b) Wall signs in commercial and industrial districts. In the commercial and industrial districts, wall signs are subject to the following standards:
  - (1) Wall signs shall meet the requirements in Table 18;

<b>Table: 18: Wall Signs</b>		
<b>Sign Type</b>	<b>Number Allowed</b>	<b>Area</b>
Wall	Maximum of 2 wall or projecting signs per wall	Up to 10% of the wall area to which it is affixed when combined with projecting signs

- (2) Buildings exceeding 80,000 square feet in size on lots of over 20,000 square feet are permitted to have wall/projecting signage of up to 250 square feet; and
- (3) A wall sign may be displayed on the side or rear of a building facing a yard not abutting on a street under the following conditions:
  - (i) The sign is visible from a public roadway on which the building abuts;
  - (ii) The side or rear yard on the side of the building to be signed must meet district setback requirements;
  - (iii) The sign(s) may not be larger in area than the largest sign permitted elsewhere on the building; and
  - (iv) If the side or rear yard on the side of the building to be signed abuts a park property or a residential use, any lighting of sign must be shielded in accordance with the Crystal city code, subsection 520.07.



<b>Amended subsection</b>	<b>Amending ordinance</b>
Chapter V	2017-07 (Deleted all and replaced)
500	2016-01
503	2016-01
505.01, subds. 3, 32, 38, 44, 45, 51, 131, and 140	2018-01, Sec. 1
505.01, subds. 5, 8, 20, 69, 84, 86, 87, 96, 117, 122, 124, 143, 144, 152, 155	2019-02, Sec. 8
505.01, subds. 21, 22, 27, 89, and 159	2019-04, Sec. 1
505.01, subd. 37	2018-01, Sec. 1; 2019-02, Sec. 8
505.01, subd. 103	2020-03, Sec. 1
505.01, subds. 74, 98, 107, and 136	2021-02, Sec. 1
505.01, subds. 50, 149, 158, and 161	2023-07, Sec. 1
510.01	2008-06, Sec. 1
510.03	2008-06, Sec. 1
510.05	2008-06, Sec. 1
510.07	2006-08, Sec. 1; 2008-06, Sec. 1
510.09	2008-06, Sec. 1
510.11	2008-06, Sec. 1
510.15	2008-06, Sec. 1
510.15, subd. 2	2019-02, Sec. 8
510.17, subd. 2	2018-1, Sec. 2; 2019-02, Sec. 8; 2021-02, Sec. 1
510.19, subd. 7	2018-1, Sec. 3; 2021-02, Sec. 1
510.21, subds. 1, 2, and 5	2018-1, Sec. 4; 2021-02, Sec. 1
510.23, subd. 3	2018-1, Sec. 5
510.23, subd. 4	2020-03, Sec. 2
510.31, subd. 1	2019-04, Sec. 2
510.25, subd. 4	2020-03, Sec. 3
515	75.5; 2004-1; 2012-02; 2015-01; 2016-04; 2017-02
515.03	2019-04, Sec. 3
515.05, subd. 5	2019-04, Sec. 4; 2020-03, Sec. 4; 2023-07, Sec. 1
515.07	2019-04, Sec. 5
515.09	2017-02, Sec. 1
515.09, subd. 3	2018-1, Sec. 6; 2021-02, Sec. 1
515.09, subds. 4 and 14	2019-02, Sec. 8
515.09, subd. 6	2018-1, Sec. 7; 2019-02, Sec. 8
515.13, subds. 1, 3, and 4	2019-04, Sec. 6; 2020-03, Sec. 5; 2021-02, Sec. 1; 2023-07, Sec. 1
515.13, subd. 2	2019-02, Sec. 8; 2019-04, Sec. 6
515.15	2019-04, Sec. 7
515.17, subd. 1	2019-04, Sec. 8
515.17, subd. 2	2018-1, Sec. 13; 2019-02, Sec. 8; 2019-04, Sec. 9; 2021-02, Sec. 1; 2023-07, Sec. 1
515.19, subd. 2	2019-04, Sec. 10; 2023-07, Sec. 1
515.19, subd. 3	2020-03, Sec. 6
515.19, subd. 4	2018-1, Sec. 8; 2019-02, Sec. 8; 2019-04, Sec. 10;

	2021-02, Sec. 1; 2022-8, Sec. 1; 2023-07, Sec. 1
515.19, subd. 5	2019-02, Sec. 8; 2019-04, Sec. 10
515.19, subd. 6	2019-02, Sec. 8; 2020-03, Sec. 7
515.19, subd. 7	2018-1, Sec. 9
515.21, subd. 2	2019-04, Sec. 11
515.21, subd. 3	2019-02, Sec. 8; 2019-04, Sec. 12; 2021-02, Sec. 1; 2023-07, Sec. 1
515.23	2019-02, Sec. 8
515.23, subd. 2	2019-02, Sec. 8; 2019-04, Sec. 13
515.23, subd. 3	2018-1, Sec. 10; 2019-02, Sec. 8; 2019-04, Sec. 13
515.25, subd. 2	2019-02, Sec. 8; 2019-04, Sec. 14
515.25, subd. 3	2018-1, Sec. 14; 2019-04, Sec. 14; 2023-07, Sec. 1
515.27	2019-02, Sec. 8
515.27, subd. 4	2019-02, Sec. 8; 2019-04, Sec. 15
515.27, subd. 5	2021-02, Sec. 1
515.27, subd. 6	2018-1, Sec. 11
515.29, subd. 4	2019-04, Sec. 16
515.29, subd. 5	2018-1, Sec. 12
515.33, subd. 4	2017-02, Sec. 2
515.45, subd. 2	2013-01, Sec. 1
515.45, subd. 4	2013-01, Sec. 2; 2013-01, Sec. 3
515.53, subd. 4	2015-1
515.61	2016-04, Sec. 1
520	95-2; 2013-02
520.01, subds. 4, 5, and 6	2019-04, Sec. 17; 2020-03, Sec. 8; 2021-02, Sec. 1
520.03, subd. 2	2018-1, Sec. 15; 2018-1, Sec. 16; 2019-02, Sec. 8; 2019-04, Sec. 18; 2020-03, Sec. 9; 2021-02, Sec. 1; 2023-07, Sec. 1
520.09, subd. 1	2019-04, Sec. 19; 2021-02, Sec. 1; 2023-07, Sec. 1
520.11, subd. 2	2019-02, Sec. 8; 2019-04, Sec. 20
520.11, subd. 4	2018-1, Sec. 17; 2018-1, Sec. 18; 2018-1, Sec. 19; 2019-02, Sec. 8; 2019-04, Sec. 20; 2023-07, Sec. 1
520.11, subd. 5	2018-1, Sec. 20; 2019-04, Sec. 20
520.11, subd. 6	2018-1, Sec. 21; 2018-1, Sec. 22; 2018-1, Sec. 23; 2019-02, Sec. 8; 2019-04, Sec. 20; 2023-07, Sec. 1
520.13, subd. 3	2018-1, Sec. 24
520.13, subd. 4	2018-1, Sec. 25; 2018-1, Sec. 26; 2018-1, Sec. 27; 2019-04, Sec. 21; 2021-02, Sec. 1; 2023-07, Sec. 1
520.13, subd. 5	2018-1, Sec. 28; 2019-04, Sec. 21
520.13, subd. 6	2018-1, Sec. 29; 2019-04, Sec. 21; 2021-02, Sec. 1
520.13, subd. 7	2018-1, Sec. 30; 2021-02, Sec. 1
520.15, subd. 2	2019-02, Sec. 8
520.15, subd. 6	2019-02, Sec. 8; 2019-04, Sec. 22; 2020-03, Sec. 10; 2021-02, Sec. 1
520.15, subd. 3	2023-07, Sec. 1
520.15, subds. 8, 9, and 10	2019-04, Sec. 22; 2021-02, Sec. 1; 2023-07, Sec. 1
520.15, subd. 11	2018-1, Sec. 31; 2018-1, Sec. 32; 2018-1, Sec. 33; 2019-02, Sec. 8; 2019-04, Sec. 22; 2023-07, Sec. 1
520.17, subd. 2	2020-03, Sec. 11

520.17, subd. 4	2018-1, Sec. 34; 2020-03, Sec. 12; 2021-02; Sec. 1
520.17, subd. 5	2018-1, Sec. 35
520.17, subd. 6	2018-1, Sec. 36; 2018-1, Sec. 37
520.17, subd. 8	2018-1, Sec. 38
520.17, subd. 12	2018-1, Sec. 40
520.17, subd. 16	2018-1, Sec. 41
525	95-2
525.05, subd. 10	2018-1, Sec. 42; 2019-02, Sec. 8; 2019-04, Sec. 23
525.05, subd. 12	2023-07, Sec. 1
530	2002-04
530.03, subd. 2	2023-07, Sec. 1
530.03, subd. 3	2018-1, Sec. 43; 2019-02, Sec. 8
530.05, subd. 1	2019-04, Sec. 24
530.09	2019-02, Sec. 8; 2019-04, Sec. 25; 2023-07, Sec. 1
530.11, subds. 2 and 6	2019-02, Sec. 8
530.11, subd. 4	2019-04, Sec. 26; 2023-07, Sec. 1; 2023-07, Sec. 1
530.11, subd. 6	2023-07, Sec. 1
530.11, subd. 7	2018-1, Sec. 44; 2019-02, Sec. 8; 2019-04, Sec. 26
530.11, subd. 8	2023-07, Sec. 1
<b>Repealed subsection</b>	<b>Repealing ordinance</b>
515	2004-1; 2012-02
515.61	2016-04, Sec. 1
520	2013-02

## CHAPTER VI

## PUBLIC HEALTH

Section 600 – Public nuisances600.01. Public nuisance prohibition.

Subd. 1. Prohibition. A person shall not, either through an action or a failure to act, in any manner create, or cause, or maintain a public nuisance. For purpose of this section, a person that does any of the following is guilty of creating, causing, or maintaining a public nuisance:

- (a) Maintains or permits a condition which unreasonably annoys, injures, or endangers the safety, health, morals, comfort or repose of any considerable number of members of the public;
- (b) Interferes with, obstructs, or renders dangerous for passage, any public highway or right-of-way, or waters used by the public; or
- (c) Does any other act or omission declared by law or city ordinance to be a public nuisance.

Subd. 2. Hazardous buildings. This section does not apply to the procedures available to the city under Minnesota Statutes, sections 463.15 through 463.261 to correct or remove a hazardous condition of any hazardous building or property, which may occur through a separate action or in conjunction with a nuisance abatement action under this section.

600.03. Duties of city officials. City officials may apply and enforce any provision of this section relating to public nuisances in the city. Any peace officer or other designated city official may inspect private premises in accordance with the law and take all reasonable precautions to prevent the commission and maintenance of public nuisances.

600.05. Abatement procedure.

Subd. 1. Severability. The nuisance abatement procedure in this subsection is separate from, but may run concurrent with, the administrative enforcement procedure in Crystal city code, section 306.

Subd. 2. Nuisance abatement order. Whenever a peace officer or other designated city official determines that a public nuisance is being maintained or exists in the city, the official may issue a nuisance abatement order to the owner of record and occupant of the premises. The order shall be mailed to the owner at the address on record with the county for mailing tax statements for the premises and shall also be posted on the premises. The order shall identify the nuisance, specify what must be done to abate the nuisance, and provide a reasonable period of time, not less than ten days, within which the nuisance must be abated. The order shall also contain a clear statement of the right of the owner or occupant to request a hearing before the city council. If the nuisance conditions identified in the order are not fully corrected by the indicated date, the city may abate the nuisance.

Subd. 3. Opportunity to be heard. Upon receipt of a nuisance abatement order, the owner or occupant may forestall abatement action by the city by requesting a hearing before the city council. Such request must be in writing and received by the city no later than 4:30 p.m. on the compliance date indicated in the order. Upon receipt of such request, the city manager shall place the matter on the agenda for the next available city council meeting. At the meeting the city council will provide the owner and occupant an opportunity to be heard regarding the matter. At the conclusion of the hearing the city council may act to uphold, modify or dismiss the nuisance abatement order. If the city council upholds or modifies the order, it shall also identify a date by which the nuisance must be abated. The city shall provide the owner and occupant written notice of the city council's decision and the date by which the nuisance must be abated.

Subd. 4. City abatement. If the owner or occupant fails to comply with the nuisance abatement order by the established compliance date, the city may act to protect the public health, safety, and welfare by taking such actions as it determines are reasonable to abate the nuisance.

Subd. 5. Emergency procedure; summary enforcement. In cases of emergency, where delay in abatement required to complete the procedural requirements as set forth in subdivisions 2 and 3 of this subsection will permit a continuing nuisance to unreasonably endanger public health, safety, or welfare, the city manager may order summary enforcement and abate the nuisance. To proceed with summary enforcement, the peace officer or other designated city official shall determine that a public nuisance exists or is being maintained on premises in the city and that delay in abatement will unreasonably endanger public health, safety, or welfare. The officer or designated official shall notify in writing the occupant and owner of the premises of the nature of the nuisance, whether public health, safety, or welfare will be unreasonably endangered by delay in abatement required to complete the procedure set forth in subdivisions 2 and 3 of this subsection and may order that the nuisance be immediately terminated or abated. The order shall be hand delivered to the owner or occupant and, if neither is available, it shall be mailed to the owner at the address on record with the county for mailing tax statements for the premises and shall also be posted on the premises. If the nuisance is not immediately terminated or abated, the city manager may order summary enforcement and abate the nuisance.

Subd. 6. Immediate abatement. Nothing in this section shall prevent the city, without notice or other process, from immediately abating any condition that poses an imminent and serious hazard to human life or safety.

Subd. 7. Judicial remedy. Nothing in this section shall prevent the city from seeking a judicial remedy as authorized by law.

#### 600.07. Recovery of costs.

Subd. 1. Personal liability. The owner of the premises on which a nuisance has been abated by the city, or a person who has caused a public nuisance on property not owned by that person, shall be personally liable for the cost to the city of the abatement, including administrative costs. After the work has been completed and the cost determined, the city clerk or other city official shall prepare a bill for the cost and mail it to the responsible party. Thereupon the amount shall be immediately due and payable to the city.

Subd. 2. Assessment. After notice and hearing as provided in Minnesota Statutes, section 429.061, if the nuisance is a public health or safety hazard on private property, the city clerk shall, on or before September 1 following abatement of the nuisance, list the total unpaid charges along with all other such charges as well as other charges for current services to be assessed under Minnesota Statutes, section 429.101 against each separate lot or parcel to which the charges are attributable. The city council may then spread the charges against the property under that statute and any other pertinent statutes for certification to the county auditor and collection along with current taxes the following year or in annual installments, not exceeding ten, as the city council may determine in each case.

600.09. Penalty. Any person who fails to comply with an abatement notice shall be guilty of a misdemeanor. Each additional day of noncompliance constitutes a separate offense.

Section 605 – Garbage and refuse

605.01. Definitions. For purposes of this section, the terms defined in this subsection shall have the meanings given them.

Subd. 1. Approved. “Approved” means acceptable to the health authority following the determination as to compliance with established public health practices and standards.

Subd. 2. Composting. “Composting” means a microbial process that converts plant materials to a usable organic soil amendment or mulch.

Subd. 3. Dumpster. “Dumpster” means a large container for temporary storage of refuse, recycling, or source-separated compostable material.

Subd. 4. Health authority. “Health authority” means any officer or employee designated by the city manager to enforce the provisions of this section.

Subd. 5. Litter. “Litter” includes all of the following:

- (a) Refuse, as defined in this subsection;
- (b) The meaning given by Minnesota Statutes, section 609.68; and
- (c) Abandoned property in the form of deteriorated, wrecked or derelict property in unusable condition or left unprotected from the elements. The term “abandoned property” includes, but is not limited to, deteriorated, wrecked, inoperable, unlicensed, partially dismantled, or abandoned motor vehicles, trailers, boats, machinery, refrigerators, washing machines, household appliances, plumbing fixtures and furniture.

Subd. 6. Owner. “Owner” means any person, firm, corporation, or other partnership or organization who alone, jointly, or severally with others may be in ownership of, or have charge, care, or control of, any premises or business within the city as owner, employee or agent of the owner, or as trustee or guardian of the estate or person of the title holder.

Subd. 7. Pests. “Pests” means any insects, vermin, rodents, birds or any other living agent capable of reproducing itself that causes or may potentially cause harm to the public health or significant economic damage.

Subd. 8. Premises. “Premises” means any dwelling, house, building or other structure or parcel of property.

Subd. 9. Public place. “Public place” means any and all streets, sidewalks, boulevards, alleys, parks, public buildings, and other public ways.

Subd. 10. Recycling. “Recycling” means the process of collecting and preparing recyclable materials and reusing the materials in their original form or using them in manufacturing processes that do not cause the destruction of recyclable materials in a manner that precludes further use.

Subd. 11. Recyclable materials. “Recyclable materials” means materials that are separated from mixed municipal solid waste for the purpose of recycling or composting, including paper, glass, plastics, metals, automobile oil, batteries, source-separated compostable materials, and sole source food waste streams that are managed through biodegradative processes. Refuse-derived fuel or other material that is destroyed by incineration is not a recyclable material.

Subd. 12. Refuse. “Refuse” means solid waste from residential, commercial, industrial, and community activities that the generator of the waste aggregates for collection. Refuse does not include recyclable materials, source-separated compostable materials or yard waste.

Subd. 13. Refuse enclosure. “Refuse enclosure” means an enclosure capable of containing all refuse, recyclable materials, source-separated compostable materials, and yard waste stored by an establishment between pickups.

Subd. 14. Refuse enclosure - food service. “Refuse enclosure - food service” means an enclosure constructed for sanitary temporary storage of refuse, recyclable materials, and source-separated compostable materials generated by food establishments.

Subd. 15. Roll-off container. “Roll-off container” means a usually open-top dumpster characterized by a rectangular footprint. Typical container sizes are 10, 15, 20, 30, and 40 cubic yards.

Subd. 16. Source-separated compostable materials. “Source-separated compostable materials” has the meaning given it in Minnesota Statutes, section 115A.03, subdivision 32a.

Subd. 17. Vehicle. “Vehicle” means every device in, upon or by which any person or property is or may be transported or drawn upon a thoroughfare including devices used exclusively upon stationary rails or tracks.

Subd. 18. Waste matter. “Waste matter” means, collectively, refuse, recyclable materials, yard waste, and source-separated materials.

Subd. 19. Yard waste. “Yard waste” means garden wastes, leaves, lawn cuttings, weeds, shrub and tree waste, and prunings.



605.03. Refuse storage and disposal.

Subd. 1. Containers required. The owner of any residential premises, and any other person having refuse, must provide and keep on such premises sufficient containers for the storage of refuse accumulated on the premises between disposal or collection. Each such container must be water tight, must have tight fitting covers, must be impervious to pests and absorption of moisture, and must not exceed 96 gallons in size unless otherwise specifically authorized in writing by the health authority. Refuse on any premises must be stored in the containers required. All refuse from demolition or construction sites must be stored in roll-off containers or dumpsters and may not be stored on the ground. Commercial, business, industrial, or other such establishments having a refuse volume in excess of two cubic yards per week and all six family and larger dwellings, must store refuse in roll-off containers or dumpsters, or an approved equivalent, provided by its licensed collector. These containers must be so located as to be accessible to collection equipment and so as not to require an intermediate transfer.

Subd. 2. Sanitary disposal. Refuse must be disposed of in a sanitary manner as approved by the health authority and must not constitute a public nuisance.

Subd. 3. Frequency and manner of collection. The contents of refuse containers must be collected at least every other week, or more frequently if necessary or required by the provisions of any other ordinance of the city, by a collector licensed under this section. The collector must transfer the contents of the containers to the vehicle without spilling them, or if any spilling occurs, the collector must clean it up immediately and completely. Collection must be conducted in such a manner as to not create a public nuisance. Upon each collection, the containers must be completely emptied and returned to where they are kept, and the covers of the containers must be replaced.

Subd. 4. Placement of containers.

- (a) The preferred location for storage of containers is in an enclosed building. However, if stored outside, containers must be placed and kept in a neat and orderly manner and maintained in such a way as to not unreasonably interfere with the use of the adjoining property.
- (b) Containers may be placed at their designated collection location the evening before the applicable collection day and shall be removed from that location no later than 12:00 p.m. on the day following the applicable collection day.
- (c) Properties with a sidewalk directly behind the curb may place containers on that part of the sidewalk closest to the curb in accordance with subdivision 4(b) of this subsection.
- (d) Containers may never be placed on public streets or interfere in any way with the removal of snow from the roadways.

Subd. 5. Defective containers. If a container is found to be in poor repair, corroded or otherwise defective so as to permit pests to enter, or does not meet other requirements of this subsection, the health authority may notify the provider or user of the container of the deficiency and require repair or replacement of the container. If the deficiency is not corrected, the health authority may condemn the deficient container and affix a tag so stating such condemnation. It is unlawful for any person to place or deposit refuse in a container which has been condemned.

Subd. 6. Dumpsters and roll-off containers. A dumpster or roll-off container may not be located in any public place. A dumpster or roll-off container may not be located on any residential premises for more than three consecutive months during any 12-month period. The city manager, or its designee, is authorized to issue temporary permits for placement of a dumpster or roll-off container on any residential premises for more than three consecutive months when special circumstances exist justifying the issuance of the temporary permit and the purposes of this subsection will not be impaired thereby. The permit must be displayed on the dumpster or roll-off container or elsewhere on the premises. All dumpsters and roll-off containers must have the current licensed collector's name, address and phone number in clearly legible letters no less than three inches in height. No fee is required for the temporary permit.

605.05. Exterior storage - commercial and industrial. Exterior storage of refuse, including dumpsters, at buildings in property zoned for commercial or industrial uses must conform to the following rules:

- (a) The refuse must be contained in a refuse enclosure or in the case of food establishments, in a refuse enclosure - food service; and
- (b) The exterior storage area must be constructed in compliance with the open and outdoor storage requirements contained in the city's zoning regulations.

605.07. Refuse hauler regulations.

Subd. 1. License required. It is unlawful to engage in hauling or conveying of waste matter from a premises, other than one's own domicile, in the city without a license. Each vehicle so used must be licensed.

Subd. 2. License procedure. Applications for license or renewal of license must contain a description of the types and makes of motor vehicles used for collection, a schedule of services to be made to the customers, the frequency of service to be rendered, and full information where and how the material collected will be disposed of, and any other information the health authority will require. Applications to provide routine weekly collection and removal of refuse from residences must provide complete collection of all refuse which normally results from day to day use of this type of property except furnishings, appliances, building or construction wastes and similar bulky wastes for which individuals must make special arrangements. The health authority may require vehicle inspection before processing the license application. An application for license under this subsection must be submitted to the health authority for review and recommendation and approved by the city council if it meets the requirements of this subsection. Fees for licenses are set by Crystal city code, appendix IV.

Subd. 3. Pricing requirement. Applications for license or renewal of license must contain a description of refuse collection charges. The charges must increase with the volume or weight of the refuse collected from a premises. The charges imposed on a premises that recycle shall not be greater than the charges imposed on a premises that do not recycle.

Subd. 4. Insurance. Applicants for licenses or renewals of licenses must file with each application a copy of an insurance policy or policies and an endorsement, under which there is coverage as to each vehicle in the minimum amounts of \$1,000,000 for bodily injury to each person; \$1,000,000 aggregate per occurrence; and, \$1,000,000 for loss or damage to property. Every policy must provide that it will not be cancelled or terminated for any reason without at least ten days' written notice thereof first being given to the city.

Subd. 5. Vehicle decals; specifications. Whenever a license or renewal has been granted hereunder, the health authority will furnish to the licensee a decal for each vehicle signifying that the vehicle is licensed by the city. The licensee must apply the decal to the left forward side of the vehicle's body or in another visible location as required by the health authority. Old, expired, or otherwise invalid decals must be removed. Licenses and decals are non-transferable to other vehicles. Every vehicle used to collect refuse must also clearly identify the name and phone number of the owner or operator of that vehicle.

Subd. 6. Vehicle construction, maintenance and loading. Every vehicle used to collect waste matter must be constructed in such a way that all waste matter is securely transported, and that there is no dripping or leaking of any collected materials. Vehicles must be equipped with the necessary tools to handle spills and the hauler must clean up any spills immediately. Vehicles must be equipped with an audible electronic back-up alarm. Vehicles must be kept in good repair, regularly cleaned, and maintained in a way to prevent persistent odors.

Subd. 7. Service cancellation. A licensed refuse hauler must cancel service to any premises when the only container or containers thereon have been condemned and may cancel service for cause or when the party charged for the collection service is two months or more overdue in payment for such services. When a refuse hauler cancels service to any premises, written notice thereof must be served upon or mailed to the occupant, manager or owner of the premises and a copy of the notice must be mailed to the health authority.

Subd. 8. Vehicle storage and parking. It is unlawful to park or store a refuse collection vehicle within 100 feet of any residential premises, or within 200 feet of any food establishment, for purposes other than, or for periods inconsistent with, providing collection at said premises.

Subd. 9. Collection schedules and districts. The city council has the authority to create and modify collection districts for refuse and recycling and may designate specific days during which collection in each district may occur. Licensed haulers must establish their collection routes and days of collection in a manner consistent with the city's approved collection districts and specified days of collection. Violation of this subdivision is grounds for revocation of the hauler's license. It is not a violation of this subsection to collect refuse or recyclable materials on a day other than the specified collection day if the collection is due to a missed pick up or is during a week in which a legal holiday occurs.

Subd. 10. Collection hours. The collection or removal of refuse or recycling shall not occur between the hours of 10 p.m. and 6 a.m. on any day.

605.09. Public nuisance; abatement. Unless stored in containers in compliance with this section, any accumulation of refuse on any premises is deemed a public nuisance and may be abated under Crystal city code, section 600.

605.11. Composting.

Subd. 1. Compost containers. Composting shall only be conducted within a covered or uncovered container, enclosed on all vertical sides, and constructed of the following:

- (a) Wood;
- (b) Wire mesh;
- (c) A combination of wood and wire;
- (d) Metal barrels with ventilation; or
- (e) Commercially fabricated bins or barrels.

Containers shall be durable and shall be constructed and maintained in a structurally sound manner. Wood used in the construction of a compost container must be sound and free of rot.

Subd. 2. Size. The maximum size for a compost area on residential lots shall be 15 cubic yards. The maximum size on non-residential lots shall be 25 cubic yards for lots under 10,000 square feet and 120 cubic yards for lots over 10,000 square feet.

Subd. 3. Location on property. A compost container may not be placed closer than five feet from a property line or closer than 20 feet to any habitable building not on the subject property. The compost may be located only in a rear yard as defined in the zoning regulations.

Subd. 4. Prohibited contents. The following materials may not be placed in a compost: meat, fats, oils, grease, bones, whole eggs, milk or other dairy products, human or pet wastes, pesticides, herbicides, noxious weeds, diseased plant material in which the disease vector cannot be rendered harmless through the composting process, and any garbage or refuse that may cause a public health risk or create nuisance conditions.

Subd. 5. Maintenance. Compost materials shall be layered, aerated, moistened, turned, and managed to promote effective decomposition of the materials in a safe, secure and sanitary manner. Compost materials shall be covered with a layer of material such as leaves, straw, wood chips, or finished compost to reduce odor.

Subd. 6. Nuisance. Operating a compost in a manner that results in objectionable odors or placing prohibited materials in a compost are both deemed public nuisances and may be abated under Crystal city code, section 600.

#### 605.13. Wood piles.

Subd. 1. General rule. The outside storage of cut firewood for residential buildings is permitted in residential zoning districts of the city subject to the provisions of this subsection. The rules in this subsection do not apply to wood stored inside of a building.

Subd. 2. Location and storage. All firewood located upon a residential premises must be cut/split, prepared for use, and stored in neat, secure stacks. Stacks of wood may be located only in rear yards as defined in the zoning regulations and may not be located on a property line. A stack of wood located within five feet of the lot property line must be screened with a solid wall or fence.

605.15. Litter.

Subd. 1. General rule. It is unlawful to throw, scatter or deposit litter on or in private or public property, bodies of water, vehicles or structures within the city. Property owners must maintain their premises free of refuse or other litter, except as otherwise expressly authorized by this section. The owner, lessee or occupant of private property, whether occupied or vacant, must maintain the property free of litter.

Subd. 2. Nuisance; abatement. The accumulation of excess litter on private property is deemed a public nuisance and may be abated under Crystal city code, section 600.

Subd. 3. Not exclusive. The authority granted by this subsection is in addition and independent of the authority granted and the procedure established by Crystal city code, section 1315.

Section 610 - Recycling

610.01. Definitions. For purposes of this section, the terms defined in this subsection have the meanings given them.

Subd. 1. Dwelling unit. “Dwelling unit” means a residential structure in the city that is designated by the recycling authority to receive recycling collection services.

Subd. 2. Generator and mixed municipal solid waste. “Generator” and “mixed municipal solid waste” have the meanings given those terms in Minnesota Statutes, section 115A.03.

Subd. 3. Multifamily dwelling. “Multifamily dwelling” means a building designed with three or more dwellings exclusively for occupancy by three or more families living independently of each other.

Subd. 4. Recycling and recyclable materials. “Recycling” and “recyclable materials” have the meanings given those terms in Crystal city code, subsection 605.01.

Subd. 5. Recycling authority. “Recycling authority” means the official designated by the city manager to perform the powers and duties of the recycling authority as provided in this section. The recycling authority may be the administrator of the Hennepin Recycling Group joint powers entity of which the city is a member.

Subd. 6. Recycling container. “Recycling container” means a receptacle designated by the recycling authority for the accumulation and collection of recyclable materials at a dwelling unit.

Subd. 7. Recycling collection services. “Recycling collection services” means the collection of recyclable materials accumulated in recycling containers from a location at a dwelling unit that is designated by the recycling authority for regular collection.

Subd. 8. Recycling services. “Recycling services” means recycling collection services, carryout collection services, and any other services provided to a dwelling unit in accordance with this section.

610.03. Recycling authority; powers. The recycling authority is responsible for supervising and controlling the collection, processing, and marketing of recyclable materials from all dwelling units in the city. The recycling authority may contract with one or more haulers or processors for the collection, processing and marketing of some or all types of recyclable materials from dwelling units. The recycling authority may adopt and enforce additional rules not inconsistent with this section as necessary for the collection, processing, and marketing of recyclable materials, including but not limited to rules governing the days and hours of collection, the types of recyclable materials to be collected, the manner in which generators must prepare recyclable materials for collection, the recycling containers to be used, and the location of recycling containers for collection. The rules of the recycling authority are not effective until approved by the city council.

610.05. Recycling rates; billings.

Subd. 1. Rates. The city council may establish rates for recycling services from time to time by resolution. By resolution the city council may also charge the cost of recycling containers to owners or occupants of dwelling units as a recycling service.

Subd. 2. Billing. Each owner or occupant of a dwelling unit must pay the rates for recycling collection services, unless an exemption is obtained as provided in this section. The amounts payable for recycling services will be shown as a separate charge on the utility bill for the dwelling unit and will be payable according to the same terms as those provided in this code for utility bills.

610.07. Assessment of unpaid bills. On or before September 1st of each year, the city clerk must list the total unpaid charges for recycling services against each lot or parcel to which they are attributable. The city council may then spread the charges against the property benefitted as a special assessment in the same manner as provided for current services by Minnesota Statutes, section 429.101 and other pertinent statutes for certification to the director of property taxation of Hennepin County and collection the following year along with the current taxes.

610.09. Rate exemption.

Subd. 1. Exemption. A dwelling unit will not be billed for recycling collection services if the owner or occupant of the dwelling unit establishes that the recyclable materials generated at the dwelling unit are separated from mixed municipal solid waste by the generator, are separately collected, and are delivered to a final destination for reuse in their original form or for use in a manufacturing process.

Subd. 2. Application. Application for an exemption must be made by the owner or occupant of the dwelling unit to the recycling authority. The owner or occupant must produce evidence to the recycling authority of the amount, by weight and type, or recyclable materials that are separated, collected and delivered for reuse in their original form or for use in a manufacturing process. The recycling authority may establish additional reasonable criteria for determining when an exemption will be granted. The recycling authority's decision to grant or deny a request for exemption is final.

Subd. 3. Expiration and renewal. Rate exemptions granted under this subsection shall automatically expire after three years. Upon expiration, the owner or occupant may reapply pursuant to the application requirements contained in subdivision 2 of this subsection.

610.11. Ownership of recyclable materials; scavenging prohibited.

Subd. 1. Ownership. Recyclable materials are the property of the generator until collected by authorized city employees, collectors or haulers. Recyclable materials become the property of the city, authorized collector, or authorized hauler upon collection.

Subd. 2. No scavenging. It is unlawful for a person, other than authorized employees of the city or authorized haulers, to distribute, collect, remove or dispose of recyclable materials after the materials have been placed or deposited for collection. This subdivision shall not apply during city-sanctioned curbside cleanup events.

Subd. 3. Penalty. A violation of this subsection is a misdemeanor and may be punished as provided in Crystal city code, section 115.

610.13. Relation to other provisions of code. To the extent that the provisions of this section are inconsistent with the provisions of Crystal city code, section 605, the provisions of this section govern.

610.15. Multifamily dwellings.

Subd. 1. Recycling services. Owners of multifamily dwellings containing more than eight dwelling units must provide recycling collection services to all residents of the dwelling. Recyclable materials must be collected at least once per month.

Subd. 2. Recycling; notice. Owners of multifamily dwellings must provide notice to all new tenants of the opportunity to dispose of recyclable materials as well as the location of the disposal site.

Subd. 3. Recycling; preparation. Owners of multifamily dwellings must provide information to all new tenants related to the proper preparation of recyclable materials for collection.

Subd. 4. Recycling containers. Owners of multifamily dwellings must insure that stolen or broken containers for recyclable materials are replaced within a reasonable time.

Subd. 5. Landfilling prohibited. It is unlawful for an owner of a multifamily dwelling or an agent or contractor of an owner, to transport for disposal or to dispose of recyclable materials in a solid waste disposal facility, or to contract for such transportation or disposal.

Subd. 6. Penalties. Violation of subdivisions 1, 2, 3 or 4 of this subsection is punishable as a petty misdemeanor. Upon a third or subsequent violation of subdivisions 1, 2, 3 or 4 by the same owner, the violation is punishable as a misdemeanor. Violation of subdivision 5 of this subsection is punishable as a misdemeanor.

610.17. Commercial buildings.

Subd. 1. Responsibility. Owners of commercial buildings must meet the recycling requirements imposed upon them by Minnesota Statutes, section 115A.151.

Subd. 2. Penalties. A violation of this subsection is punishable as a petty misdemeanor. Upon a third or subsequent violation by the same owner, the violation is punishable as a misdemeanor.



610.19. Defective recycling containers. If a recycling container is found to be in poor repair, corroded or otherwise defective so as to permit pests to enter, or does not meet other requirements of this section, the recycling authority may notify the provider or user of the deficiency and require repair or replacement of the recycling container. If the deficiency is not corrected, the recycling authority may condemn the deficient recycling container and affix a tag so stating such condemnation. It is unlawful for any person to place or deposit recyclable materials in a recycling container which has been condemned.

Section 615 – Vegetation

615.01. Definitions. For purposes of this section, the terms defined in this subsection have the meanings given them.

Subd. 1. Maintenance plan. “Maintenance plan” means a document submitted with an application for a native vegetation permit demonstrating a precise course of maintenance for numerous individual plants in a landscape over months and seasons.

Subd. 2. Native vegetation. “Native vegetation” means those indigenous trees, shrubs, wildflowers, grasses and other plants that have naturally adapted themselves to the climate and soils of the area but require cultivation and maintenance to remain viable.

Subd. 3. Native vegetation permit. “Native vegetation permit” means a permit issued by the city pursuant to this section allowing an owner or occupant to cultivate native vegetation upon their property, subject to the restrictions of this section.

Subd. 4. Natural habitat. “Natural habitat” means uncultivated, valued, and sensitive habitat on which native vegetation exists in a pristine state and provides habitat for a variety of species native to the area. Such vegetation shall maintain itself in a stable condition with minimal human intervention.

Subd. 5. Noxious weed. “Noxious weed” means an annual, biennial, or perennial plant designated by the Minnesota Commissioner of Agriculture or the city council as injurious to public health, the environment, public roads, crops, livestock, or other property.

Subd. 6. Rain garden. “Rain garden” means a shallow planted depression in the ground designed to allow for stormwater runoff to slowly infiltrate the soil.

Subd. 7. Rank vegetation. “Rank vegetation” means uncultivated vegetation growing at a rapid rate due to unplanned, unintentional, or accidental circumstances.

Subd. 8. Turf grass. “Turf grass” means cultivated vegetation consisting of a highly maintained surface of dense grass underlain by a thick root system.

Subd. 9. Weeds. “Weeds” means unsuitable, unwanted, or uncultivated vegetation, often causing injury to the desired vegetation type.

615.03. Weed inspector. As provided by state law, the mayor is the weed inspector. These duties may be assigned to the city manager or the city manager’s designee.

615.05. General rules.

Subd. 1. Lot areas. All lot areas not designated for buildings, pedestrians or vehicles, parking, recreation, and storage shall be provided with turf grass, native vegetation, or combined ground cover of cultivated vegetation, garden, hedges, trees and shrubbery.

Subd. 2. Noxious weed prohibition. No owner or occupant of any lot shall allow any noxious weeds to grow on any part or portion of said lot.

Subd. 3. Height limitation. No owner or occupant shall allow any turf grass, weeds, or rank vegetation to grow to a height greater than eight inches on any lot or parcel of land. However, a native vegetation permit exempts an owner or occupant from this subsection. The height of native vegetation shall be as stated in the native vegetation permit.

615.07. Native vegetation permit.

Subd. 1. Application. The application for a native vegetation permit and renewal application, which shall be provided by the city manager, or its designee, shall contain the following:

- (a) The Latin and common names of the species the property owner or occupant plans to cultivate.
- (b) A maintenance plan, which shall contain the following:
  - (1) A planting diagram showing the location and mature height of all specimens of native vegetation; and
  - (2) Detailed information on the upkeep of the planting and any long-term maintenance requirements.

Subd. 2. Permit issuance. Upon submission of an application in accordance with this subsection, the city manager, or its designee, shall review the application and either approve or deny it. If approved and issued, the permit grants any property owner or occupant with written permission of the owner the ability to cultivate native vegetation on the applicable property. A native vegetation permit shall be valid for five years from the date of approval. The city manager, or its designee, shall not approve a permit for any applicant having unresolved city code violations or administrative citations.

615.09. Compliance. The city manager, or its designee, may regularly inspect any property holding a native vegetation permit for compliance with the maintenance plan on file with the city. For any property out of compliance with the maintenance plan, the city manager, or its designee, shall provide mailed notice to the permit holder requiring that the property conform to the maintenance plan within 30 days. Should that period pass without action by the permit holder, the city manager, or its designee, shall:

- (a) Revoke the native vegetation permit;
- (b) Remove all improperly maintained native vegetation;

- (c) Declare the property ineligible for a native vegetation permit, unless sold, for a period of two years; and
- (d) Assess the property for all fees associated with any removal of improperly maintained native vegetation in accordance with Minnesota Statutes, section 429.101 and city charter, section 8.02.

615.11. Additional exemptions.

Subd. 1. Exemptions. The following exemptions shall apply according to their terms.

Subd. 2. Vacant land. The owner of vacant and unoccupied land consisting of a contiguous tract of one acre or more is exempt from the eight-inch limit, provided that weeds, turf grass, native vegetation, and rank vegetation thereon are cut at least twice annually. The first cutting shall not be later than June 1, and the last cutting shall be no earlier than July 15.

Subd. 3. Natural habitat.

- (a) All private lands designated by the city council as natural habitat shall be exempt from the provisions of this section.
- (b) All public lands designated in the city's comprehensive plan as natural habitat shall be exempt from the provisions of this section.

Subd. 4. Rain gardens. An area comprised of a rain garden is exempt from the eight-inch limit. However, in no event shall a rain garden contain noxious weeds and all rain gardens shall be maintained by the owner or occupant to ensure that they properly function and meet all other requirements of this section.

615.13. Penalty. A person who fails or neglects to cut and remove or otherwise eradicate weeds or grass as directed in this section, or who fails, neglects, or refuses to comply with the provisions of any notice provided under this section, or who violates any provision of this section, or who resists or obstructs the cutting, removal, or eradication of weeds or grass under this section, is guilty of a misdemeanor. Each day on which the violation continues is a separate offense.

Section 620 – Warning signs for pesticide application

620.01. Definitions. For purposes of this section, the terms defined in this subsection have the meanings given them.

Subd. 1. Commercial applicator. “Commercial applicator” means a person who is engaged in the business of applying fertilizer for hire.

Subd. 2. Fertilizer. “Fertilizer” means a substance containing one or more recognized plant nutrients that is used for its plant nutrient content and designed for use or claimed to have value in promoting plant growth. Fertilizer does not include animal and vegetable manures that are not manipulated, marl, lime, limestone, and other products exempted by Rule by the Minnesota Commissioner of Agriculture.

Subd. 3. Noncommercial applicator. “Noncommercial applicator” means a person who applies fertilizer during the course of employment, but who is not a commercial lawn fertilizer applicator.

Subd. 4. Pesticide. “Pesticide” means a substance or mixture of substances intended to prevent, destroy, repel, or mitigate a pest, and a substance or mixture of substances intended for use as a plant regulator, defoliant, or desiccant.

620.03. Warning signs for pesticide application. All commercial or noncommercial applicators that apply pesticides to turf areas must post or affix warning signs on the property where the pesticides are applied. The warning signs shall comply with the requirements of Minnesota Statutes, section 18B.09, subdivision 3.

620.05. Penalty. Any person violating this section shall be guilty of a petty misdemeanor.

Section 625 - Noise control

625.01. General rule. No person shall cause to be made any loud audible noises that unreasonably or unnecessarily annoy, disturb, or cause any breach of peace. Any person who causes such noise that can be heard from the exterior of their structure or property, whether public or private, or motor vehicle is in violation of his section.

625.03. Unlawful noises.

Subd. 1. Prohibited. The following acts are declared to be loud, disturbing, and unnecessary noises in violation of this section, but said enumeration shall not be deemed to be exclusive.

Subd. 2. Horns, signaling devices, etc. The sounding of any horn or signaling device on any automobile, motorcycle, or other vehicle, except as a danger warning.

Subd. 3. Noise amplifying devices and musical instruments. The using, operating, or permitting to be played any musical instrument or other machine or device that is used for the production or reproduction of sound in such manner as to disturb the peace, quiet or repose of a person or persons of ordinary sensibilities.

- (a) The use or operation of any musical instrument or other machine or device for the production or reproduction of sound in such a manner as to be plainly audible at a distance of 50 feet from such instrument, machine, or device shall be prima facie evidence of a violation of this section.
- (b) When sound violating this section is produced or reproduced by a machine or device that is located in or on a vehicle, the person in charge or control of the vehicle at the time of the violation is guilty of the violation.
- (c) This section shall not apply to sound produced by the following:
  - (1) Amplifying equipment used in connection with activities which are authorized, sponsored or permitted by the city, so long as the activity is conducted pursuant to the conditions of the license, permit, or contract authorizing such activity;
  - (2) Church bells, chimes or carillons;
  - (3) School bells;
  - (4) Anti-theft devices; or
  - (5) Machines or devices for the production of sound on or in authorized emergency vehicles.

Subd. 4. Yelling, shouting, etc. Yelling, shouting, hooting, whistling, or singing at any time or place so as to unreasonably annoy or disturb the quiet, comfort or repose of persons in any office, or in any dwelling, hotel, motel, or other place of residence, or of any persons in the vicinity.

Subd. 5. Animals, birds, etc. No person shall keep any animal that unreasonably disturbs the comfort or repose of persons in the vicinity.

Subd. 6. Whistles or sirens. The blowing of a locomotive whistle or steam whistle attached to any stationary boiler or any siren whatsoever except to give notice of the time to begin or stop work or as a warning of fire or danger (or to test such equipment), or by public emergency vehicles.

Subd. 7. Exhausts. The discharge into the open air of the exhaust of any vehicle except through a muffler or other device which will effectively prevent loud or explosive noises therefrom.

Subd. 8. Defect in vehicle or load. The use of any automobile, motorcycle, or vehicle so out of repair, so loaded, or in such manner as to create a loud and unnecessary grating, grinding, rattling, or other noise which shall disturb the comfort or repose of any persons in the vicinity.

Subd. 9. Loading, unloading, opening boxes. The creation of a loud and excessive noise in connection with loading or unloading any vehicle or the opening and destruction of bales, boxes, crates, or containers.

Subd. 10. Construction or repairing of buildings. No person shall engage in the erection (including excavating), demolition, alteration, or repair of any building except between the hours of 7:00 a.m. and 10:00 p.m. on any weekday or between the hours of 8:00 a.m. and 9:00 p.m. on any weekend or holiday, further excepting that the building inspector may, in cases of emergency, grant permission to repair at any time when said inspector finds that such repair work will not affect the health and safety of the persons in the vicinity. When such construction is authorized by the building inspector, the inspector shall inform the city clerk of the permit.

Subd. 11. Schools, courts, churches, hospitals. The creation of any excessive noise on any street or private property adjacent to any school, institution of learning, church, court, or hospital while the same are in use which unreasonably interferes with the use thereof provided conspicuous signs are displayed in such streets indicating that the same is a school, hospital or court street.

Subd. 12. Noisy parties and gatherings. No person shall, between the hours of 10:00 p.m. and 7:00 a.m., congregate at, or participate in any party or gathering of two or more people from which noise emanates of a sufficient volume so as to disturb the peace, quiet, or repose of another person. No person shall knowingly remain at such a noisy party or gathering.

- (a) Noise of such volume as to be clearly audible at a distance of 50 feet from the structure or building in which the party or gathering is occurring, or in the case of apartment buildings, in the adjacent hallway or apartment, shall be prima facie evidence of a violation of this section.

- (b) When a police officer determines that a party or gathering is in violation of this section, the officer may order all persons present at the premises where the violation is occurring, other than the owner or tenants of the premises, to disperse immediately. No person shall knowingly remain at such a party or gathering.
- (c) The following are exempt from violation of this section:
  - (1) Activities which are duly organized, sponsored or licensed by the city, so long as the activity is conducted pursuant to the conditions of the license, permit or contract authorizing such activity;
  - (2) Church bells, chimes or carillons; and
  - (3) Persons who have gone to a party for the sole purpose of abating the violation.
- (d) Every owner or tenant of the premises where a party or gathering in violation of this section occurs, who is present at such party or gathering, is guilty of a misdemeanor. Any person who refuses to disperse from a party or gathering in violation of this section after being ordered by a police officer to do so, is guilty of a misdemeanor.

Subd. 13. Noise standards. Any noise that exceeds the noise standards established in Minnesota Rules, chapter 7030, which is incorporated in and made part of this section

625.05. Exemptions authorized. Upon special request made by contractors, the city council may exempt contractors performing public works operations from the requirements set forth in this section.

625.07. Penalty. Any person who violates any part of this section shall be guilty of a misdemeanor.



Section 630 – Disorderly Property

630.01. Definitions. For the purposes of this section, the terms defined in this subsection have the meaning given them, except that any term not defined in this subsection shall have the meaning given the term in Crystal city code, subsection 425.07 to the extent it is defined therein.

Subd. 1. Disorderly property. “Disorderly property” means any property to which a verified incident occurs involving a violation of any of the following:

- (a) Crystal city code, section 2010 regarding public nuisances;
- (b) Crystal city code, section 605 regarding garbage and refuse;
- (c) Crystal city code, section 635 regarding litter;
- (d) Crystal city code, section 645 regarding noise control;
- (e) Crystal city code, section 910 regarding animal control, and Minnesota Statutes, sections 609.226 and 347.56 regarding potentially dangerous and dangerous dogs;
- (f) Crystal city code, section 930 regarding drug abuse and control, and federal and state laws regarding the possession of controlled substances, unlawful sale or possession of small amounts of marijuana, and possession or use of drug paraphernalia as defined in Minnesota Statutes, sections 152.01, et seq.;
- (g) Crystal city code, subsection 2005.01 regarding disorderly conduct or Minnesota Statutes, section 609.72;
- (h) Crystal city code, chapter XII regarding the sale, consumption, and display of liquor and beer, or Minnesota Statutes, sections 340A.701, 340A.702, or 340A.703 regarding the sale of intoxicating liquor;
- (i) Minnesota Statutes, sections 609.321, subdivision 9 and 609.324 regarding prostitution and housing individuals engaged in prostitution;
- (j) Crystal city code, sections 935 or 945 regarding gun control and the use of firearms as defined in Minnesota Statutes, sections 609.66, et. seq.;
- (k) Minnesota Statutes, sections 609.221, 609.222, 609.223, 609.2231, and 609.224 regarding assault, excluding domestic assault;
- (l) Minnesota Statutes, chapter 260C regarding juvenile safety and placement;
- (m) Minnesota Statutes, section 609.33 regarding the owning, leasing, operating, managing, maintaining, or conducting a disorderly house or inviting or attempting to invite others to visit or remain in a disorderly house;
- (n) Minnesota Statutes, section 617.23 regarding indecent exposure;

- (o) Minnesota Statutes, section 609.595 regarding criminal damage of property;
- (p) Minnesota Statutes, section 609.50 regarding interference with a police officer;
- (q) Minnesota Statutes, section 609.713 regarding terroristic threats;
- (r) Minnesota Statutes, section 609.715 regarding unlawful assemblies;
- (s) Minnesota Statutes, section 609.71 regarding riots;
- (t) Minnesota Statutes, section 609.78 regarding interference with “911” phone calls;
- (u) Minnesota Statutes, sections 609.75, 609.755, and 609.76 regarding gambling;
- (v) Minnesota Statutes, section 243.166 regarding predatory offender registration;
- (w) Minnesota Statutes, section 609.229 regarding crimes committed for the benefit of a gang;
- (x) Minnesota Statutes, section 609.26, subdivision 1(8) regarding the causing or contributing to a child being a runaway; or
- (y) Minnesota Statutes, section 609.903 regarding racketeering.

Subd. 2. Licensee. “Licensee” means the person or entity issued a rental license for property issued under Crystal city code, subsection 425.17.

Subd. 3. Property. “Property” means any real property and includes any dwelling, dwelling unit, general housing unit, premises, and accessory structures located on the lot or parcel. This term does not include public property or public right-of-ways.

Subd. 4. Rental license. “Rental license” means a license issued under Crystal city code, subsection 425.17 for the operation of a rental property.

Subd. 5. Rental property. “Rental property” means a property for which a rental license is issued by the city.

Subd. 6. Verified incident. “Verified incident” or “verified disorderly property incident” means the occurrence of any incident that constitutes a disorderly property responded to by a police officer who, after completing a timely investigation, finds evidence supporting the existence of one or more violations constituting a disorderly property. It is not necessary that criminal charges be brought or convictions obtained relative to the incident. Multiple incidences of disorderly property violations verified during a single response shall constitute one verified incident.

630.03. Prohibition. It is a violation of this section for a property owner, licensee, occupant, or person in control of property to keep, cause, or permit the property to be used in a way that constitutes a disorderly property. Any person who violates this section may be issued an administrative citation and be required to pay a civil penalty as provided herein in addition to any criminal proceedings that may be brought related to the verified incidence or incidences constituting a disorderly property. A violation of this section applies to the property and is the responsibility of the property owner or licensee of the property, regardless of the number of living units on the property.

630.05. First notice.

Subd. 1. Notice and contents. Upon the occurrence of a verified disorderly property incident, the city manager shall provide the property owner a notice of first violation. The notice shall, at a minimum, include the date of the incident, identify the specific disorderly property violation, the address of the property at which the incident occurred, that the notice constitutes an administrative notice for the purposes of Crystal city code, section 306, and that a second violation within 12 months may result in the imposition of an administrative penalty. For the purposes of providing notices required under this section, the city shall mail the notice to the property owner using the address on record with Hennepin County for the mailing of tax statements. The notice shall be sent by certified and regular mail.

Subd. 2. Rental property. If the property at which the verified incident occurs is a rental property, the notice shall be sent to the licensee with direction to take steps to prevent further violations. If the property owner is not the licensee, a copy of the notice shall also be sent to the property owner. For the purpose of providing notices required under this section to licensee, the city shall mail the notice to the licensee at the address the licensee provided the city as part of seeking the rental license for the property. The notice shall be sent certified and regular mail.

630.07. Second notice.

Subd. 1. Notice and contents. If another verified disorderly property incident occurs at the same property within 12 months from the date of the first verified incident, the city manager shall provide the property owner a notice of second violation, which shall constitute an administrative citation under Crystal city code, section 306. The notice shall, at a minimum, include the information required of the first notice together with the amount of the civil penalty being imposed and the right to request a hearing on the administrative citation before a hearing officer in accordance with Crystal city code, section 306. The civil penalty imposed shall be paid as provided in accordance with Crystal city code, subsection 306.07, subdivision 3.

Subd. 2. Rental property. If the property at which the verified incident occurs is a rental property, the notice shall be sent to the licensee and require the licensee to submit a written report of the actions taken, and proposed to be taken, by the licensee to prevent further disorderly property violations on the property. If the property owner is not the licensee, a copy of the notice shall also be sent to the property owner. This written report must be submitted to the city manager no more than ten days from the date of the disorderly property notice and must detail all actions taken by the licensee in response to all disorderly property notices within the preceding 12 months.

630.09. Third notice.

Subd. 1. Notice and contents. If another verified disorderly property incident occurs at the same property within 12 months from the date of the second incident, the city manager shall provide the property owner a notice of third violation, which shall constitute an administrative citation under Crystal city code, section 306. The notice shall, at a minimum, include the information required of the second notice. The civil penalty imposed shall be paid in accordance with Crystal city code, subsection 306.07, subdivision 3.

Subd. 2. Rental property. If the property at which the verified incident occurs is a rental property, the notice shall be sent to the licensee and inform the licensee that the rental dwelling license for the property may be denied, revoked, suspended, or not renewed by the city council as a result of the disorderly property violations as provided in Crystal city code, subsection 630.13. If the property owner is not the licensee, a copy of the notice shall also be sent to the property owner.

630.11. Additional violations. After a third notice of a verified disorderly property incident is issued for a property, the city may issue an administrative citation for each subsequent verified incident that occurs at the property within 12 months of the preceding verified incident. Each such notice shall constitute an administrative citation under Crystal city code, section 306. The city shall provide the owner or, if it is a rental property, the licensee a notice of violation containing the same information required in a third notice. The civil penalty applicable to each such subsequent violation shall be paid in accordance with Crystal city code, subsection 306.07, subdivision 3.

630.13. Rental license action.

Subd. 1. Authorized. Upon the occurrence of a third verified disorderly property incident within 12 months of a second verified disorderly property incident, the city council may deny, revoke, suspend, or not renew a rental license as provided in this subsection.

Subd. 2. Initiated. An action to deny, revoke, suspend, or not renew a rental license under this section must be initiated by the city manager who must give to the licensee written notice of a hearing before the city council to consider such denial, revocation, suspension, or non-renewal. Such written notice must specify all violations of this section, and must state the date, time, place, and purpose of the hearing. If the property owner is not the licensee, a copy of the notice shall also be sent to the property owner. The hearing must be held no less than ten days and no more than 30 days from the date of such notice.

Subd. 3. Action. Following the hearing, the city council may deny, revoke, suspend, or not renew the rental license for all or any part or parts of the property, or may grant a rental license upon such terms and conditions as it deems necessary to accomplish the purposes of this section and Crystal city code, section 425.

Subd. 4. Eligibility for New License. Upon a decision to revoke, suspend, deny, or not renew a rental license for violations of this section, the licensee will not be eligible for any new rental licenses for the property for a period determined by the city council, but not to exceed one year. For any licensee who has had two or more rental licenses revoked, suspended, denied, or not renewed for violations of this section for any of their rental properties in the city, the city council may determine that the licensee will not be eligible for any new rental licenses for a period determined by the city council, but not to exceed two years.

Subd. 5. Exception. No adverse rental license action shall be imposed where the verified disorderly property incident occurred during the pendency of eviction proceedings (unlawful detainer) or within 30 days of notice given by the licensee to a tenant to vacate the premises where the verified incident was related to conduct by that tenant or by other occupants or guests of the tenant's unit, provided that the eviction is being diligently pursued by the licensee. Further, an action to deny, revoke, suspend, or not renew a rental license based upon violations of this section may be postponed or discontinued at any time if it appears that the licensee has taken appropriate measures which will prevent further instances of disorderly property incidences.

<b>Amended subsection</b>	<b>Amending ordinance</b>
Chapter VI (Deleted and replaced)	2017-03
600.01	2019-02, Sec. 9
600.05	2001-04, Sec. 4
600.15	96-5, Sec. 1
605.03, subd. 4	2005-17, Sec. 1
620.01, subds. 2-6, 8, and 9	96-15, Sec. 1
620.03	96-15, Sec. 1
620.05	96-15, Sec. 1
620.07	96-15, Sec. 1
620.09	96-15, Sec. 1
620.11, subd. 2	96-15, Sec. 1
620.13	96-15, Sec. 1
620.15	96-15, Sec. 1
620.19	96-15, Sec. 1
620.21	96-15, Sec. 1
620.23	96-15, Sec. 1
630	2018-02, Sec. 2
635.01, subd. 2	96-6, Sec. 1; 97-11, Sec. 1
635.09	97-11, Sec. 2
635.11	97-11, Sec. 3
640	2006-06, Sec. 2
640.13, subd. 3	2016-02, Sec. 1
640.15, subd. 4	2007-04, Sec. 2
645.01, subd. 1	2007-03, Sec. 4
645.01, subd. 8	1997-8, Sec. 1
646	2001-08
655	1996-2, Sec. 2
660	99-13, Sec. 1
665	2001-03
670	2005-21, Sec. 1

<b>Repealed subsection</b>	<b>Repealing ordinance</b>
605	2004-09
610	2010-07, Sec. 1
615	2010-07, Sec. 2
625	2010-07, Sec. 3
630	2010-07, Sec. 4
640	2006-06, Sec. 1
660	2010-07, Sec. 5

## CHAPTER VII

## PUBLIC UTILITIES

Section 700 - Storm sewer utility

700.01. Storm sewer system; statutory authority; utilities superintendent. Minnesota Statutes, section 444.075, authorizes cities to impose just and reasonable charges for the use and availability of storm sewer facilities (collectively, the “charges”). By this section, the city elects to exercise such authority. The city utilities superintendent shall discharge the responsibilities imposed by this chapter, together with such other duties as may be required or assigned to that person.

700.03. Findings and determinations. In providing for such charges, the city council makes the following findings and determinations.

- (a) In the exercise of its governmental authority and in order to promote the public health, safety, convenience and general welfare, the city has constructed, operated and maintained a storm sewer system (“the system”). This section is adopted in the further exercise of such authority and for the same purposes.
- (b) The system, as constructed, heretofore has been financed and paid for through the imposition of special assessments and ad valorem taxes. Such financing methods were appropriate to the circumstances at the time they were used. It is now necessary and desirable to provide an alternative method of recovering some or all of the future costs of improving, maintaining and operating the system through the imposition of charges as provided in this section.
- (c) In imposing charges, it is necessary to establish a methodology that undertakes to make them just and equitable. Taking into account the status of completion of the system, past methods of recovering system costs, the topography of the city and other relevant factors, it is determined that it would be just and equitable to assign responsibility for some or all of the future costs of operating, maintaining and improving the system on the basis of the expected storm water runoff from the various parcels of land within the city during a standard one-year rainfall event.
- (d) Assigning costs and making charges based upon typical storm water runoff cannot be done with mathematical precision but can only be accomplished within reasonable and practical limits. The provisions of this section undertake to establish a reasonable and practical methodology for making such charges.

700.05. Rates and charges.

Subd. 1. Residential equivalent factor. Rates and charges for the use and availability of the system are to be determined through the use of a “residential equivalent factor” (“REF”). For the purposes of this section, one REF is defined as the ratio of the average volume of surface water runoff coming from one acre of land and subjected to a particular use, to the average volume of runoff coming from one acre of land subjected to typical single-family residential use within the city during a standard one-year rainfall event.

Subd. 2. Determination of REF’s for land uses. The REFs for the following land uses within the city and the billing classifications for those land uses are as follows:

<u>Land Uses</u>	<u>REF</u>	<u>Classification</u>
Cemeteries, vacant	.25	1
Parks and railroads	.75	2
Two-family residential	1.00	3
Single-family residential	1.00	4
Public and private schools and institutional uses, airport	1.25	5
Multiple-family residential uses and churches	3.00	6
Commercial, industrial and warehouse uses	5.00	7

Subd. 3. Other land uses. Other land uses not listed in the foregoing table are to be classified by the city manager, or its designee, by assigning them to the classes most nearly like the listed uses, from the standpoint of probable hydrologic response. Appeals from the city’s determination of the proper classifications may be made to the city council in the same manner as other appeals from administrative determinations.

700.07. Establishing basic rate. In determining charges, the city council may from time to time, by resolution establish a basic system rate to be charged against one acre of land having an REF of one. The charge to be made against each parcel of land will then be determined by multiplying the REF for the parcel’s land use classification times the parcel’s acreage times the basic system rate.

700.09. Standard acreage. For the purpose of simplifying and equalizing charges against property used for single-family and two-family residential purposes, each of such properties is considered to have an acreage of one-fifth acre.



700.11. Adjustments of charges. The city council may by resolution, from time to time, adopt policies providing for the adjustment of charges for parcels or grounds of parcels, based upon hydrologic data supplied by affected property owners, demonstrating an actual hydrologic response substantially different from the REF being used for the parcel or parcels. The adjustment may be made only after receiving the recommendation of the city manager, or its designee, and may not be made effective retroactively. If the adjustment would have the effect of changing the REF for all or substantially all of the land uses in a particular classification, however, such adjustment must be accomplished by amending the REF table in Crystal city code, subsection 700.05, subdivision 2.

700.13. Excluded lands. A charge for system availability of service will not be made against land which is either (i) public street right-of-way or (ii) vacant and unimproved with substantially all of its surface having vegetation as ground cover.

700.15. Supplying information. The owner, occupant or person in charge of any premises must supply the city with such information as the city may reasonably request related to the use, development and area of the premises. Willful failure to provide such information or to falsify it is a violation of this subsection.

700.17. Estimated charges. If the owner, occupant or person in charge of any premises fails or refuses to provide the information requested, as provided in Crystal city code, subsection 700.15, the charge for such premises must be estimated and billed in accordance with such estimate, based upon information then available to the city.

700.19. Billings and collections. Bills for charges for the use and availability of the system must be rendered by the finance department in accordance with usual and customary practice in rendering of water and sanitary sewer service bills. Bills must be rendered quarterly, must be payable at the office of the city finance department and may be rendered in conjunction with billings for water or sanitary sewer service, or both.

700.21. Penalties and remedies for delinquency or default in paying billings. Penalties and remedies for late payments or non-payment of billings are the same as those applicable to billings rendered for water and sanitary sewer service.

700.23. Use of revenues. Revenues received from charges are to be placed in a separate storm sewer system account and used first to pay the normal, reasonable and current costs of operating and maintaining the system. Revenues from time to time received in excess of such costs may be used to finance improvements to and betterment of the system.

700.25. Responsibility. Each owner shall be responsible for maintaining, cleaning, repairing and replacement of their private connection up to the publicly owned catch basin or the publicly owned drain tile system. The city shall not be liable for any stoppages or back-ups in the public storm sewer system.

Section 705 - Sewer system; private sewers

705.01. Definitions. For the purposes of this section, the terms defined in this subsection have the meanings given them.

Subd. 1. Sewage works. “Sewage works” means facilities for collecting, pumping, treating and disposing of sewage.

Subd. 2. Superintendent. “Superintendent” means the city utilities superintendent in the public works department.

Subd. 3. Sewage. “Sewage” means a combination of the water-carried wastes from residences, business buildings, institutions, and industrial establishments, together with such ground, surface and storm water as may be present.

Subd. 4 Sewer. “Sewer” means a pipe or conduit for carrying sewage.

Subd. 5. Public sewer. “Public sewer” means a sewer in which all owners of abutting properties have equal rights and is controlled by public authority.

Subd. 6. Sanitary sewer. “Sanitary sewer” means a sewer which carried sewage and to which storm, surface and ground waters are not intentionally admitted.

Subd. 7. Storm sewer or storm drain. “Storm sewer or storm drain” means a sewer which carried storm and surface waters and drainage, but excludes sewage and polluted industrial wastes.

Subd. 8. Industrial wastes. “Industrial wastes” means the liquid wastes from industrial processes as distinct from sanitary sewage.

Subd. 9. Garbage. “Garbage” means all putrescible animal, vegetable, or other matter that attends the preparation, consumption, display, dealing in or storage of meat, fish, fowl, birds, fruit or vegetables, including the cans, containers or wrappers wasted along with such materials.

Subd. 10. Properly shredded garbage. “Properly shredded garbage” means the wastes from the preparation, cooking and dispensing of food that has been shredded to such degree that particles will be carried freely under the flow conditions normally prevailing in public sewers with no particle greater than one-half inch in any dimension.

Subd. 11. Building drain. “Building drain” means that part of the lowest horizontal piping of a drainage system which receives the discharge from soil, waste and other drainage pipes inside the walls of the building and conveys it to the building sewer, beginning five feet outside the inner face of the building wall.

Subd. 12. Building sewer. “Building sewer” means the extension from the building drain to the public sewer or other place of disposal.

Subd. 13. Biochemical oxygen demand or BOD. “Biochemical oxygen demand” or “BOD” means the quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure in five days at 20 degrees C., expressed in parts per million (ppm) by weight.

Subd. 14. Ph. “ph” means the logarithm of the reciprocal of the weight of hydrogen ions in grams per liter of solution.

Subd. 15. Suspended solids. “Suspended solids” means solids that either float on the surface of, or are in suspension in water, sewage or other liquids and which are removable by laboratory filtering.

Subd. 16. Natural outlet. “Natural outlet” means any outlet into a watercourse, pond, ditch, lake or other body of surface or ground water.

Subd. 17. Watercourse. “Watercourse” means the channel in which a flow of water occurs, either continuously or intermittently.

Subd. 18. Sewage treatment plant. “Sewage treatment plant” means an arrangement of devices and structures used for treating sewage.

Subd. 19. Cleanout. “Cleanout” means the location where the sanitary sewer service line to a property can be accessed from outside the served building via pipe that extends from the service line to ground level. The function of a cleanout is to allow for inspection and cleaning of the sanitary sewer service line without needing to enter the served building.

#### 705.03. Public sewers; general rules.

Subd. 1. Deposits. It is unlawful to place, deposit or permit to be deposited in an unsanitary manner human or animal excrement, garbage, or other objectionable waste in public or private property in the city.

Subd. 2. Discharge of sewage. It is unlawful to discharge sanitary sewage, industrial wastes, or other polluted waters into a natural outlet in the city.

Subd. 3. Septic tanks. Except as otherwise provided in this section, it is unlawful for any person to construct or maintain any privy, privy vault, septic tank, cesspool, or other facility intended or used for the disposal of sewage.

Subd. 4. Sewer connections. The owner of a house, building or properties used for human occupancy, employment, recreation, or other purpose, situated within the city and abutting on a street, alley, or right-of-way in which there was located on August 5, 1955 or thereafter located a public sanitary sewer of the city, is required at the owner's expense to install suitable toilet facilities therein, and to connect such facilities directly with the proper public sewer in accordance with the provisions of this section within 90 days after the date of official notice to do so. The owner of a house, building or property where cesspools or drainfields and septic tanks have been in existence prior to the construction of the sanitary sewer, must connect with the public sewer when such cesspools, drainfields or septic tanks are in need of repairs, reconstruction or pumping.

705.05. Private sewers.

Subd. 1. Permits. Building permits or plumbing permits for new construction of buildings or for the alteration of existing buildings will not be granted unless a direct connection to the public sanitary sewer is provided for. The city's building or plumbing inspector must examine plans and specifications of the applicant to insure compliance with this subsection.

Subd. 2. Connection. When a public sewer becomes available to a property served by a private sewage disposal system, a direct connection must be made to the public sewer in compliance with this section and any septic tanks, cesspools and other similar private sewage disposal facilities must be abandoned and filled with suitable material.

Subd. 3. Septic tanks; cesspools; filling. Contents of abandoned septic tanks or cesspools may be pumped into the sewer or may be emptied by flowing the contents thereof into the building sewer pipe at the property line, provided that a screen is placed at the inlet to the pipe to prevent obstructions from entering the system. After such draining into the sewer system the line must be flushed with clean water for a period of two hours. Solids may not be permitted to enter the sewer system.

705.07. Building sewers.

Subd. 1. Permit required. It is unlawful to uncover, make any connections with or opening into, use, alter, or disturb any public sewer or appurtenance thereof without first obtaining a written permit from the city and otherwise complying with the terms of this section.

Subd. 2. To whom issued. Permits for building sewers and connections may be issued only to master plumbers and pipelayers card holders licensed and bonded in accordance with Crystal city code, appendix IV.

Subd. 3. Plumbers; insurance. Prior to the commencement of construction work the master plumber must obtain a policy of insurance against damages to property or injury or death to persons, which policy must indemnify and save harmless the city and all of its officers and personnel against any claim, demand, damages, actions, or causes of action arising out of or by reason of the doing of the work or activities related to incident thereto, and from any costs, disbursements or expenses of defending the same. The property damage insurance coverage must, at minimum, meet the city's liability limits contained in Minnesota Statutes, section 466.04. Proof of insurance must be filed with the city clerk prior to commencement of construction work. The policy must provide that the city is to be notified immediately of any termination of or modification to such insurance. Changes in insurance coverage or insurance carriers must be reported immediately to the city clerk. If the insurance coverage provided in this section is inadequate in amount, then the master plumber must indemnify and save harmless the city and all of its officers and personnel in like manner.

Subd. 4. Application for permit. The master plumber or pipelayers card holder must make application for a building sewer permit on forms furnished by the city. The permit application must be supplemented by any plans, specifications, or other information that the superintendent may reasonably require, and accompanied by the fee imposed by Crystal city code, appendix IV. A permit card with a permit number furnished by the city must be prominently displayed on the property where sewer connection is being made. The permit card must be displayed for the duration of the building sewer work.

Subd. 5. Costs. Costs and expenses incident to the installation and connection of the building sewer must be borne by the owner of the property. The owner must indemnify the city from any loss or damage that may directly or indirectly be occasioned by the installation of the building sewer.

Subd. 6. Separate building sewers. A separate and independent building sewer must be provided for every building. Old building sewers may be used in connection with new buildings only when they are found, upon examination and testing by the superintendent, to meet all the requirements of this section.

Subd. 7. Construction materials. The Minnesota Plumbing Code is hereby adopted and incorporated in this section by reference. All sanitary sewer construction and material shall meet the requirements of the Minnesota Plumbing Code, except as follows:

- (a) If the distance is farther than 75 feet from the street to the building, a four-inch cleanout pipe with leak-proof cover set just below grade must be installed and brought to the surface of the ground from the sanitary sewer service at a distance not to exceed each 75-foot interval;
- (b) The diameter of all building sewer pipe must be equal to or less than the diameter of the service stub;
- (c) All quarter bends used in the sewer lines must be long sweep of bends;
- (d) A maximum of only two quarter bends will be permitted in a building sewer without cleanout;

- (e) No construction of the building sewer will be allowed until the service has been uncovered to establish the maximum building sewer grade. If the distance is farther than 100 feet from the street to the building, grade will be established and maintained by stubs and batter boards;
- (f) Only joints connected with approved connectors will be allowed connecting the building sewer to the building drain or the building drain to the public sewer; and
- (g) Joints and connectors must be made gastight and watertight.

Subd. 8. Private sewer crossings. Building sewer pipe may be laid across existing cesspools and septic tanks providing pipe rests on a steel reinforced concrete slab, the ends of which rest directly on the concrete block walls. The two center sections of a regular cesspool cover laid parallel with each other may be used.

Subd. 9. Building intersection. Whenever possible the building sewer must be brought to the building at an elevation below the basement floor. No building sewer may be laid parallel to or within three feet of any bearing wall which might thereby be weakened. The depth must be sufficient to afford protection from frost. The building sewer must be laid at a uniform grade and in straight alignment insofar as possible.

Subd. 10. Pumps. In buildings in which a building drain is too low to permit gravity flow to the public sewer, sanitary sewage carried by such drain must be lifted by approved artificial means and discharged to the building sewer.

Subd. 11. Excavations. Excavations required for the installation of a building sewer must be open trench work unless otherwise approved by the superintendent. Tunneling may be permitted but no tunnel may exceed six feet in length and the pipe must be installed so as to permit inspection of all joints. Backfill may not be placed until work has been inspected.

Subd. 12. Connections. The connection for the building sewer into the public sewer must be made at the "Y" branch, if such branch is available at a suitable location. If the public sewer has no properly located "Y" branch available, the owner must at the owner's expense make a machine-cut hole into the public sewer to receive the building sewer, with entry in the downstream direction at an angle of approximately 45 degrees. A 45 degree ell may be used to make such connection, with the spigot end cut so as not to extend past the inner surface of the public sewer. The invert of the building sewer at the point of connection must be the same or at a higher elevation than the invert of the public sewer. A smooth, neat joint must be made, and the connection made secure and watertight by use of approved saddle or encasement in concrete. All new, repaired, or reconstructed connections into the public sewer shall be made with connections approved by the superintendent, or its designee, and shall be fully connected into the main so as not to allow the intrusion of roots, clear water, or other material not originating from inside the building. Special fittings may be used for the connection only when approved by the superintendent and the city engineer. Where building sewers or house sewers have been provided for each separate structure, all connections to the public sanitary sewer must be made where building sewers and house sewers have been installed. Connection with the public sanitary sewer at any other location must be approved by the engineer prior to the starting of any construction. If the building sewer or house sewer which has been installed cannot be used, then the property owner must pay the full cost of making the connection elsewhere.

Subd. 13. Inspection of work. The applicant for the building sewer permit must notify the superintendent when the building sewer is ready for inspection and connection to the public sewer. The connection must be made under the supervision of the superintendent, or its designee.

Subd. 14. Barricades. Excavations for building sewer installation must be adequately guarded with barricades and lights so as to protect the public from hazard. Streets, sidewalks, parkways and other public property disbursed in the course of the work must be restored in a manner satisfactory to the city. Traffic control must be accomplished by following rules of the Minnesota Uniform Traffic Control Manual.

Subd. 15. Responsibility. Each owner shall be responsible for maintaining, cleaning, repairing, and replacement of the sewer lateral from the building to the public sewer main. The city shall not be liable for any stoppages in the portion of the sewer lateral that are privately owned.

Subd. 16. Cleanouts. A cleanout shall be installed within ten feet of the outside of any auxiliary building and one thereafter for every 75 feet where multiple buildings are served by one connection to the sanitary sewer main.

705.09. Storm water discharge.

Subd. 1. Designation of storm sewers. Storm water and other unpolluted drainage must be discharged to such sewers as are specifically designed as storm sewers, or to a natural outlet approved by the city council. Industrial cooling waters or unpolluted process waters may be discharged upon approval of the city council to a storm sewer, or natural outlet. Discharge of sump pump, footing drain and other runoff-related water into storm sewers is strictly prohibited and any such existing connection shall immediately be disconnected pursuant to Crystal city code, section 730.

Subd. 2. Wastes prohibited in sewers. Except as provided in this section, it is unlawful to discharge or cause to be discharged any of the following described waters or wastes to any public sewer:

- (a) Liquid or vapor having a temperature higher than 150 degrees F;
- (b) Water or waste which may contain more than 100 parts per million, by weight, of fat, oil or grease;
- (c) Gasoline, benzene, naphtha, fuel oil, or other flammable or explosive liquid, solid or gas;
- (d) Garbage that has not been properly shredded;
- (e) Ashes, cinders, sand, mud, straw, shavings, metal, glass, rags, feathers, tar, plasters, disposable diapers, baby wipes, surface or sanitizing wipes, linens, and other similar wet-strength paper materials, or any other solid or viscous substance capable of causing obstruction to the flow in sewers or other interference with the proper operation of the sewage works;

- (f) Water or wastes having a pH lower than 5.5 or higher than 9.0, or having any other corrosive property capable of causing damage or hazard to structures, equipment or personnel of the sewage works;
- (g) Waters or wastes containing a toxic or poisonous substance in sufficient quantity to injure or interfere with any sewage treatment process, constitute a hazard to humans or animals, or create any hazard in the receiving waters of the sewage treatment plant;
- (h) Water or wastes containing suspended solids of such character and quantity that unusual attention or expense is required to handle such material at the sewage treatment plant; or
- (i) Noxious or malodorous gases or substances capable of creating a public nuisance.

Subd. 3. Interceptors. Grease, oil, and sand interceptors must be provided when necessary for the proper handling of liquid wastes containing grease in excessive amounts or any flammable wastes, sand or other harmful ingredients, except that such interceptors must not be required for private living quarters or dwelling units. All such interceptors must be of a type and capacity approved by the engineer, and must be located as to be readily and easily accessible for cleaning and inspections. Grease and oil interceptors must be constructed of impervious materials capable of withstanding abrupt and extreme changes in temperature. They must be of substantial construction, watertight, and equipped with easily removable covers which when bolted in place must be gastight and watertight. Where installed, grease, oil and sand interceptors must be maintained by the owner, at the owner's expense, in continuously efficient operation at all times.

705.11. Approval of industrial wastes.

Subd. 1. Prohibited wastes. The admission into the public sewers of any water or wastes enumerated in this subsection must be approved by the city engineer, or its designee:

- (a) A five day BOD greater than 300 parts per million by weight;
- (b) Containing more than 350 parts per million by weight of suspended solids; or
- (c) Containing any quantity of substances having the characteristics described in Crystal city code, subsection 705.09, subdivision 3.
- (d) Having an average daily flow greater than 2% of the average daily sewage flow of the city.

The owner must provide at the owner's expense such preliminary treatment as may be necessary to:

- (e) Reduce the BOD to 300 parts per million by weight and the suspended solids to 350 parts per million by weight;
- (f) Reduce objectionable characteristics or constituents to within the maximum limits provided for in Crystal city code, subsection 705.09; or
- (g) Control the quantities and rates of discharge of such waters or wastes.



Plans, specifications, and any other pertinent information relating to proposed preliminary treatment facilities must be submitted for the approval of the city engineer, or its designee, and of the Minnesota Pollution Control Agency. No construction of facilities may be commenced until written approvals are obtained from each.

Subd. 2. Preliminary treatment facilities. Where preliminary treatment facilities are provided for any waters or wastes, they must be maintained continuously in satisfactory and effective operation by the owner at the owner's expense.

Subd. 3. Control manholes. The owner of property served by a building sewer carrying industrial waste must install a suitable control manhole in the building sewer to facilitate observation, sampling and measurement of the wastes. The manhole, when required, must be accessibly and safely located, and must be constructed in accordance with plans approved by the city engineer, or its designee. The manhole must be installed by the owner at the owner's expense, and must be maintained by the owner so as to be safe and accessible at all times.

Subd. 4. Test methods. Measurements, tests, and analysis of the characteristics of waters and wastes to which reference is made in subdivisions 1 and 2 of this subsection will be determined in accordance with methods employed by the Minnesota Department of Health, and will be determined at the control manhole provided for in subdivision 3 of this subsection, or from suitable samples taken at the control manhole. If a special manhole has not been required, the control manhole will be considered to be the nearest downstream manhole in the public sewer to the point at which the building sewer is connected.

Subd. 5. Industrial exceptions. Nothing in this subsection is to be construed to prevent a special agreement or arrangement between the city and an industrial concern whereby an industrial waste of unusual strength or character may be accepted by the city for treatment, subject to payment therefor by the industrial concern.

705.13. Damage. It is unlawful to maliciously, willfully, or negligently break, damage, destroy, uncover, deface or tamper with any structure, appurtenance, or equipment that is a part of the municipal sewage works.

705.15. Inspections. The city engineer, superintendent, and other duly authorized employees of the city bearing proper credentials and identification may enter upon all properties for the purposes of inspection, observation, measurement, sampling and testing, in accordance with the provisions of this subsection.

Section 710 - Sanitary sewer service charges

710.01. Definitions. For purposes of this section, the terms defined in this subsection have the meanings given them.

Subd. 1. Normal Sewage. “Normal sewage” means water-carried waste products from residences, public buildings, business or industrial establishments, schools, or any other buildings or structures, including the excrements or other discharge from human beings or animals, together with such ground water infiltration as may be present.

Subd. 2. Industrial waste. “Industrial waste” means a liquid, gaseous or solid waste substance resulting from any process of industry, manufacturing, trade, business, the development of any natural resource or a similar activity.

Subd. 3. Sewer charges. “Sewer charges” means and includes, without limitation, sewer rate charges, permit charges, availability charges, connection charges and any rate or charge authorized by Minnesota Statutes, section 444.075 or imposed by this section.

Subd. 4. Strength charge. “Strength charge” means a charge imposed on users of the sanitary sewer system that is based on wastewater volume and chemical oxygen demand or total suspended solids levels that exceed based concentrations as established by the board of the Metropolitan Council. The strength charge is in addition to any other charges or fees that may apply to the user.

Subd. 5. Superintendent. “Superintendent” means the city utilities superintendent in the public works department.

710.03. (Reserved).

710.05. Sewer use rates.

Subd. 1. Charges imposed. The rates and charges for the use and service of the sanitary sewer system are fixed by this subsection. The rates and charges are made against each lot, parcel of land, unit or premises connecting directly or indirectly to the system and from which only normal sewage is discharged into the system.

Subd. 2. Schools. For a public or private school the quarterly charge will be charged whether school is in session or not and will be based upon the metered water consumption on the premises served. The minimum quarterly charge is provided in Crystal city code, appendix IV.

Subd. 3. Commercial, industrial and institutional uses.

- (a) Consumption. The sewer service charge is based upon metered water consumption on the premises served. The minimum quarterly charge is provided in Crystal city code, appendix IV. If the premises has an unmetered private water supply system, the quarterly charges set forth in subdivision 2 of this subsection shall apply.
- (b) Strength Charge. Anyone discharging waste into the sanitary sewer system at a chemical oxygen demand or total suspended solids concentrations in excess of the base levels established by the board of the Metropolitan Council shall be subject to a strength charge in addition to the sewer service charge and any other charges which may apply to the user. The amount of the charge is based on the user's type of production or a strength charge formula as established by the Metropolitan Council and which is incorporated herein by reference.

Subd. 4. Residential units. The sewer service charge for residential units is the quarterly charge set by subdivision 2 of this subsection. Each available unit of occupancy in a multiple residence is a residential unit.

Subd. 5. Crystal airport personal properties. There will be no sewer service charge if the water service is turned off.

Subd. 6. Additional Charges. To the extent the Metropolitan Council charges a fee for use of the Metropolitan Disposal System that is in addition to the fees and charges imposed by this section, the user is responsible for paying such additional fees or charges directly to the Metropolitan Council or to the city if the charge is imposed on the city for such use.

710.07. Metered water supply.

Subd. 1. Installation. A meter recording the use of water may be installed on any nonresidential lot, parcel, premises or unit enumerated in Crystal city code, subsection 710.03, and thereafter the sewer use rate will be based upon such use of water. The engineer may require and order the installation of the meter on any such lot, parcel, premises, or unit or class thereof where it is determined that the flat charges are impractical to apply or result in inequitable charges because they are insufficient or excessive. Thereafter the rate will be based upon use of water as metered.

Subd. 2. Maintenance of meters. A water meter installed for use or used as a basis for the computation of sewer rates must be installed and maintained in good operating condition at all times. The installation of a water meter must be without expense to the city. Water meters must be of a type approved by the superintendent, or its designee, and must accurately measure all water received on the premises. Installation of and maintenance of the meter must be made in accordance with Crystal city code, chapter IV, specifically the provisions in Crystal city code, subsection 425.11, subdivision 5.

710.09. Water credit. If the lot, parcel of land, or premises discharges normal sewage or industrial waste into the sanitary sewerage system, either directly or indirectly, and it can be shown to the satisfaction of the city engineer, or its designee, that a portion of the water measured by the water meter does not and cannot enter the sanitary sewerage system, then the city engineer, or its designee, may permit or require the installation of other or additional meters in such a manner that the quantity of water which actually could enter the sewer system may be determined. In these cases, the charges or rates will be based upon the amount of water which enters the sanitary sewerage system.

710.11. Information. The owner, occupant, or person in charge of any premises will supply the city with such information as the city may reasonably require related to use of water, use of sewer, or sewer rates. Willful failure to provide such information or willful falsification of such information is a violation of this section as is willful failure to comply with any requirement or order issued pursuant to this section.

710.13. Estimated bills. If the owner, occupant or person in charge of any premises fails or refuses to provide information as provided in Crystal city code, subsection 710.11 or fails or refuses to comply with any requirement of this section, then the charge for the premises will be estimated and billed accordingly.

710.15. Pro-ration of charges. For a fraction of a quarter the charges and rates for non-metered units will be pro-rated according to the month of the quarter in which connection to the sewer is made.

710.17. Billing. Bills for charges for the use and service of the sewerage system will be made out by the city office in accordance with the usual and customary practices. Bills must be rendered quarterly.

710.19. Collections.

Subd. 1. Enforcement. A bill for sewer charges is due and payable on the 20<sup>th</sup> day of the month in which the bill is rendered. If payment of the billing has not been received by the city by the 25<sup>th</sup> day of the applicable month, a penalty of 10% of the billed amount will be added to the billed amount. The city may certify an unpaid bill, together with costs and interest, to the taxpayer services division manager for collection together with taxes against the property served as authorized by Minnesota Statutes, sections 279.03 and 444.075. This certification will be made regardless of who applied for sewer services, whether it was the owner, tenant or other person. Applications for sewer service will contain an explanation in clear language that unpaid sewer bills will be collected with real estate taxes in the following year. The city may also bring a civil action or pursue other remedies to collect unpaid charges.

Subd. 2. Fees and interest. When unpaid charges are certified for collection with taxes the term “charges” includes a certification fee set by Crystal city code, appendix IV and interest on the unpaid charges at the annual rate set by Crystal city code, appendix IV.

Section 715 - City water system

715.01. Utilities superintendent. The city utilities superintendent is to discharge the responsibilities imposed by this section, together with such other duties as may be required or assigned to that person, and shall be referred to in this section as the “superintendent.”

715.03. General operation. The municipal water system is to be operated as a public utility and convenience from which revenue will be derived under the management and control of the city council, subject to the provisions of the agreement of the joint water commission. The system is to be operated and maintained in such a manner as to provide its service with maximum efficiency.

715.05. Use of water restricted to authorized persons. It is unlawful to make, construct or install a water service installation or make use of a water service that is connected to the water system except in the manner provided in this section.

715.07. Damage to water system. It is unlawful to remove or damage a structure, appurtenance or property of the water system, or fill or partially fill any excavation, or raise or open any gate constructed or maintained for the water system.

715.09. (Reserved)

715.11. Deficiency of water; shutting off water. The city is not liable for a deficiency or failure in the supply of water to consumers. In case of fire, or alarm of fire, or in making repairs or construction of new works, water may be shut off and may remain shut off as long as deemed necessary by the superintendent, or its designee.

715.13. Supply from one service. Not more than one housing unit or building may be supplied from one service connection except by special permission of the superintendent, or its designee.

715.15. Tapping of mains prohibited. It is unlawful for a person except one employed or authorized by the city to tap a distribution main or pipe of the water supply system or insert stopcocks or ferrules therein.

715.17. Repair of leaks. The consumer or owner must maintain the service pipe from the building side of the curb stop or building side of the building gate valve into the house or building. In the case of failure upon the part of a consumer or owner to repair a leak occurring in the service pipe within 24 hours after verbal or written notice from the superintendent, the water will be disconnected and will not be turned on until a penalty charge has been paid and the leak repaired. If the waste of water is great or if damage is likely to result from the leak, the water may be disconnected immediately pending repairs. The maintenance responsibility of the consumer or owner begins where connection is made into the curb stop. The curb stop and the service connection extending beyond the curb stop into the city’s main are owned by the city.

715.19. Abandoned services.

- (a) Service installations that have been abandoned to not be used by property owner in the foreseeable future or have not been used for three years may be disconnected and plugged at the main by the city at the discretion of the city, and the related expense of the city will be charged to the property as an unpaid utility bill.
- (b) As an alternative, at the discretion of the city engineer, or its designee, the owner may pay to the city the Alternative Service Abandonment Fee shown in Crystal city code, appendix IV. This fee relieves the owner of any future responsibility for the abandoned water service instead of plugging the main at the owner's expense.
- (c) When buildings are reconstructed or redeveloped and it is desired to increase or change the old water service, connections with the mains may not be made until all old services have been removed and the main plugged by the owner's authorized contractor after said contractor obtains the required utility street cut permit from the city, and any related expense of the city will be charged to the property as an unpaid utility bill.

715.21. Excavation and construction requirements.

- (a) An excavation for the water system may not be made until a permit for the connection has been issued by the superintendent, or its designee. The permit fee is set in Crystal city code, appendix IV.
- (b) Excavations for making a tap from city water mains must conform to Federal Register Part 2 Department of Labor, Occupational Safety and Health Administration, 29 CFR 1926, Occupational Safety and Health Standards - Excavations: Final Rule. The excavations must extend to a depth at least 12 inches lower than the bottom of the water main. Ample clear space must be allowed for insertion of tapping machine. Excavations must be safe. If not determined safe by the tapper a tap may not be made. A safe ladder must be furnished by the contractor for use of entry, tapping, inspection and exiting.
- (c) In compliance with the Minnesota Plumbing Code, separation of water service pipes and sewer service pipes must be no less than ten feet apart horizontally or may be placed in a common trench if the bottom of the water service pipe is kept at a minimum of 12 inches above the top of the sewer pipe at all points and the water pipe is placed on a solid shelf at one side of the common trench. A common trench may also be used without the separation requirements if the sewer pipe is of ductile iron, schedule 40 plastic, or SDR35 ASTM D3034 plastic pipe and the water pipe is of copper or ductile iron.

715.23. Private water supplies.

Subd. 1. No connections. It is unlawful to connect a water pipe of the water system with a pump, well, tank or piping that is connected with any other source of water supply. If such cross connections are found to exist, the owner or the owner's plumber must give notice to the superintendent, or its designee, and make an immediate correction of the problem. Failure to correct the problem will result in the discontinuation of the city's water supply.

Subd. 2. New private wells prohibited. It is unlawful to construct or install a new private water well within the city. Existing private water wells may continue to be used and maintained until such time as they are required to be sealed under Minnesota Statutes, section 103I.301 or other applicable law.

715.25. Use confined to premises. It is unlawful to permit water from the water system to be used for any purpose, except upon that person's premises unless written consent is obtained from the superintendent, or its designee.

715.27. Connections beyond city boundaries. Where water mains of the city are in any street or alley adjacent to or outside the corporate limits of the city, the city may issue permits to the owners or occupants of properties adjacent or accessible to the water mains to make proper water service pipe connections with the water mains of the city, and to be supplied with water in conformity with the applicable provisions of this section and subject to the contract for the supply of water between the city and the city of Minneapolis or other municipalities.

715.29. Restrictions against sprinkling; other limitations of water use. Water customers and consumers are governed by the applicable regulations promulgated by the city of Minneapolis as to the limitations in the time and manner of using water and such other applicable regulations promulgated by the joint water commission affecting the preservation, regulations and protection of the water supply. If the city council determined that a shortage of water supply threatens the city, the council may by resolution limit the times and hours during which water may be used from the water system. If there is a critical water deficiency or other emergency affecting water availability, the city manager or mayor may order temporary measures to reduce water demands until the council has an opportunity to meet and determine the need to extend, expand, or discontinue the measures. It is unlawful to cause or permit water to be used for anything other than in home use during the period covered by the order issued by the city manager or mayor, or by the council resolution. A daily penalty will be charged for this violation as provided in Crystal city code, appendix IV. Charges will be added to that person's next utility bill.

715.31. Applications.

Subd. 1. Forms provided. Applications for service installations and for water service are made to the city on printed forms as provided by the city.

Subd. 2. Requirements. Applications for service installations and for water service must be made by the owner or agent of the property to be served and state the size and location of service connection required. The applicant must, at the time of making application, pay to the city the amount of fees or deposit required for the installation of the service connection set in appendix IV. Applications for services larger than one inch must be accompanied by two sets of plans or sketches indicating preferred location or service pipe and size of service based on building demand.

Subd. 3. Existing service connection. When service connections have been installed, application for water service may be made to the city, either by the owner, agent, tenant or occupant of the premises.

Subd. 4. Approval. The size of water service connections and meters, along with the installation thereof, must be approved by the superintendent, or its designee.

Subd. 5. Meter yoke. A meter yoke will be furnished to the contractor or plumber at the time a connection permit is issued.

Subd. 6. Notice period. The plumber must notify the city inspection department within 24 hours after piping is complete and ready for meter and remote radio transmitter installation, giving street address and permit number.

Subd. 7. Billing. Water billing starts at the time of installation of the water meter, or if the meter is not installed, seven days after completion of outside piping whereby the billing will be calculated upon the minimum quarterly rate prorated on a monthly basis.

#### 715.33. Service charges.

Subd. 1. Permit. A permit must be obtained from the city to connect to the existing water service leads at the curb stop box and interior plumbing.

Subd. 2. Assessment. The owner is required to repair and restore any right-of-way that is disturbed while making connections to the city's water service. All repair and restoration must be completed in accordance with city standards. If the owner fails to repair or restore a disturbed right-of-way as required by this subdivision, the city may make all necessary repairs and restoration and, if not reimbursed by the owner, the city is authorized to specially assess the property for the costs associated therewith under Minnesota Statutes, chapter 429 and other pertinent statutes for certification to the director of property taxation of Hennepin County and collection with the current taxes.

- (a) When restoring a roadway all backfill materials must be mechanically compacted in 12 inch layers to the density of the adjacent material in the roadway area in accordance with the Minnesota Department of Transportation standard specifications to the existing street grade.
- (b) The owner must install, or have installed, the service connections from the water main to the property line. Payment for the service connections must be made before the work is started.
- (c) Service larger than two inch requires the owner to contract a qualified tapper who must be approved by the superintendent, or its designee. The tapping sleeves must be stainless steel. The sleeves must be mechanical joint or approved equal with a flanged outlet for connection to the tapping sleeve. The tapping sleeves must be as manufactured by Ford "fast tap" with ductile iron gland and stainless steel bolts or JCM model 432 stainless steel tapping sleeve, or approved equal. The owner must also provide valves and valve boxes. The valves must be resilient seat manufactured to meet applicable requirements of AWWA C500 and AWWA C109-80. The resilient seat valves must be Waterous, American, Clow or Mueller. The valve boxes must be Tyler 6860 or approved equal.



715.35. Damage to shutoff box. Before any grading or excavation is started, the water shutoff box must be located and checked for damage by the contractor. Location ties will be furnished by the superintendent, or its designee, at time connection permit is issued. If the shutoff box cannot be located or is found bent or in a damaged condition, the superintendent is to be called at once. The contractor assumes all responsibility for damage to the shutoff box unless the superintendent, or its designee, certifies that damage existed before excavation or grading started.

715.37. Time for connections. If the plumber or contractor laying the service pipe fails to have the connection made at the time specified in the application, notice must be given to the superintendent fixing another day on which the plumber wishes to make connection. The notice must be given at least two days previous to the excavation for laying of the service pipe, and the connection must be made before 2:30 p.m. except in special cases, and then the work may be done only upon a written order from the superintendent.

715.39. Property Assessments. The permit fee for water main tapping will be paid for each connection in the amount specified in Crystal city code, appendix IV. In addition, before any permit is issued, the following conditions must be complied with:

- (a) A permit will not be issued to tap or connect with any water main of the city directly or indirectly from any lot or tract of land unless the finance officer has certified:
  - (1) That such lot or tract of land has been assessed for the cost of construction of the water main with which the connection is made.
  - (2) If no assessment has been levied for the construction cost, the proceedings for levying an assessment have been or will be completed in due course.
  - (3) If no assessment has been levied and no assessment proceedings will be completed in due course, that a sum equal to the portion of cost of constructing said water main would be assessable against the lot or tract has been paid to the city.
- (b) If the certificate cannot be issued by the city finance officer, or its designee, a permit to tap or connect to any water main may not be issued unless the applicant has paid an additional connection fee, equal to the portion of the cost of construction of the main which would be assessable against the lot or tract to be serviced by such tapping connection, including interest at a rate equal to the interest rate of 20 years or the amount of years the assessment was decreased, when it is determined by the city's public works director, or its designee, that the improvement was not subject to utilization until a later date. The assessable cost is to be determined upon the same basis as any assessment previously levied against other property for the main. If no such assessment has been levied, the assessable cost will be determined upon the basis of the uniform charge which may have been or which will be charged for similar tapping or connection with the main, allocated on frontage basis, or both.

715.41. Location and installation of stop boxes and building gate valve. Curb stop boxes must be installed at a point on the property line most suitable to the property, and must be left in an accurate vertical position when back filling is completed. Curb stop boxes will be installed at an approximate depth of 7 1/2 feet below the grade established by the public works director. Type K copper tubing must be used for installation of water services. The curb stop must be mounted on a concrete block for a good base support. The building gate valve if wet tapped must be located next to the watermain within two feet and must remain at the same depth as the watermain. This will be considered the building shut off. Whenever possible a wet tap is recommended so as not to interrupt existing customers.

715.43. Supervision by plumber. Piping connections from curb box to house supply piping must be made under the supervision of a licensed plumber.

715.45. Turning on water. Only an authorized city employee may turn on or off any water supply at the stop box.

715.47. Accounts; how kept. Accounts must be kept on the books of the finance department by the house and street number and under the account number assigned thereto, and by the name of the owner or of the person signing the application for service. Bills and notices sent by the finance department will be sent to the house or street number of the property. If nonresident owners or agents desire personal notice sent to a different address, they must file an application therefor with the finance department. An error in address must be promptly reported to the finance department. Responsibility for a notice of change of ownership rests with the owner. For purposes of this section the term "owner" has the meaning given by subsection 105.01, subdivision 7.

715.49. Water rates.

Subd. 1. Schedule. The rate due and payable to the city by each water user within the city for water taken will be charged consistent with the rates contained in Crystal city code, appendix IV, payable periodically, subject, however, to a service charge to each water user for each period during which water service is furnished. This service charge represents fixed or capital costs associated with maintenance of the water system. The charges and units of water are set and defined by resolution of the city council on an annual basis in Crystal city code, appendix IV.

Subd. 2. Estimates. In the case that it is not possible to obtain a reading from the meter, the amount of water used will be estimated in accordance with the amount used previously in comparable periods of the past year.

Subd. 3. Billing. Where service is for less than a full billing period, the charge will be prorated.

Subd. 4. Extraterritorial rates. Rates due and payable by each water user located beyond the territorial boundaries of the city will be determined by special contract.

Subd. 5. Rates when no connection made. Where a service pipe is connected to the stop box and laid into the building with no intention of connection to the building piping for use immediately, the service charge set in Crystal city code, subsection 715.49, subdivision 1 shall apply.

Subd. 6. Meter and transmitter required. A meter must be installed on the street valve in the house and a remote radio transmitter outside regardless of whether inside piping is connected.

Subd. 7. Discontinuation. If a water customer elects to discontinue the use of the municipal water system, the regular or service charge continues until such date as the service pipe is excavated and disconnected at the stop box.

Subd. 8. The service charge set forth in Crystal city code, appendix IV does apply to any residence in which the owner and head of the household is receiving retirement survivors insurance or disability insurance under the Social Security Act, 42 U.S.C. section 301.

715.51. Payment of charges. Any prepayment or overpayment of charges may be retained by the city and applied on subsequent quarterly statements.

715.53. Penalty for late payment. Each billing for water service not paid when due incurs a penalty charge of ten percent of the amount past due.

715.55. Collection.

Subd. 1. Certification. An amount due for water charges may be certified to the taxpayer services division manager for collection with real estate taxes in accordance with Minnesota Statutes, sections 444.075 and 279.03. This certification will be made regardless of who applied for water services, whether it was the owner, tenant or other person. Applications for water service will contain an explanation in clear language that unpaid water bills will be collected with real estate taxes in the following year. The city may bring a civil action or other remedies to collect unpaid charges.

Subd. 2. Charges; fees and interest. For purposes of this subsection the term “water charges” means and includes without limitation water rate charges, permit charges, availability charges, connection charges and any rate or charge authorized by Minnesota Statutes, section 444.075 or imposed by this section. When unpaid charges are certified for collection with taxes the term “charges” includes a certification fee set by Crystal city code, appendix IV and interest on the unpaid charges at the annual rate set by Crystal city code, appendix IV.

715.57. Water meters.

Subd. 1. Authorization. Except for extinguishment of fires only authorized city employees may use water from the water system or permit water to be drawn therefrom, unless the same is metered by passing through a meter supplied or approved by the city. Only persons authorized by the superintendent, or its designee, may connect, disconnect, take apart, or in any manner change, or cause to be changed, or interfere with any such meter or the action thereof.

Subd. 2. Fee. A water meter fee must be paid by customers for the furnishing of water meters and remote radio transmitters by the city. The customer must pay the fee before the water meter and remote radio transmitter are installed by the city. The fee required is not a customer service deposit and is not computed with reference to or based upon service supplied; the fee is required to insure the safekeeping and proper maintenance of the meter only, and for no other purpose. The fee is set by Crystal city code, appendix IV. The fee stands to the credit of the property where the meter is installed, rather than to credit of the owner of the property at the time of the original fee payment. The water meter fee is non-refundable.

Subd. 3. Meter repair; expense. The city will maintain and repair all meters and remote radio transmitters when rendered unserviceable through ordinary wear and tear and replace them if necessary. However, where replacement, repair, or adjustment of any meter or remote radio transmitter is rendered necessary by the act, neglect, including damage from hot water backup, freezeups, or carelessness of the owner or occupant of any premises, the expense caused the city thereby will be charged against and collected from the water customer.

Subd. 4. Meter test. A consumer may, by written request, have a meter (up to one inch) tested by the water department; at which time the owner may be present or have a representative present. If the meter is found to register within two percent of being correct, it shall be deemed satisfactory and a charge will be made for making the test in accordance with Crystal city code, appendix IV. If the meter is found to register incorrectly by more than two percent, no charge will be made for making the test. If the meter is found to over-register more than two percent, there will be a proportional deduction made from the previous water bill.

Subd. 5. Meters and remote radio transmitter ownership. Except for additional or auxiliary meters, water meters and remote radio transmitters are the property of the city.

Subd. 6. Accessibility. Authorized city employees, authorized contractors and authorized employees of the authorized contractors have free access at reasonable hours to all parts of every building and premises connected with the water system for reading, inspection and repair of meters and remote radio transmitters. Failure to provide access may result in one or more of the following actions:

- (a) Imposition, along with and in addition to other charges for service, of a quarterly penalty charged as established by Crystal city code, appendix IV;
- (b) Termination of service to the premises; or
- (c) Billing and collecting for service to the premises on an estimated consumption basis whether or not meter readings are being obtained.

Subd. 7. Commercial and industrial buildings. Commercial or industrial buildings must be metered with one master meter of adequate size, as approved by the superintendent, or its designee. If additional or auxiliary meters are desired for recording the subdivision of such supply, the meters must be furnished and set up by the owner or consumer at the owner's or the consumer's expense, and the owner or consumer must assume all responsibility of reading, billing and maintaining same.

715.59. Water meter setting. Water meters must be installed in accordance with the rules established in this subsection.

- (a) The service pipe from the water main to the meter, when the same enters the building, must be brought through the floor in a vertical position.
- (b) The meter must be located so that the bottom is not less than 12 inches above the finished floor line and not greater than 24 inches above the finished floor line. A full flow street side valve must be placed approximately 12 inches above the floor. In addition a gate valve or ball valve must be installed on the house side adjacent to the meter, or just above the meter yoke. Fittings and pipe are to be red brass or bronze. Full flow valves must be 125 pounds standard. The meter must be set not more than 12 inches measured horizontally from the inside line of the basement wall, unless an alternate method is approved by the superintendent, or its designee. An approved yoke must be provided to support the meter in the proper vertical position. Meters larger than one inch must be set on a pedestal. The outside remote radio transmitter must be installed not less than three nor more than five feet above grade level and mounted on the side of the building five feet from the front.
- (c) Meters two inch or greater in size must be equipped with a bypass line equal to one-half the size of the existing pipe size so that in the event a meter needs to be tested, repaired, or replaced, the building will still have a minimum amount of water supplied. The bypass line must be valved on each side, in addition to the meter valves and when completed must be sealed by the city utility department. This seal may not be tampered with and will be subject to a fine if seal is found tampered with or broken.
- (d) Meter, valves and yoke must be kept readily accessible at all times.

715.61. Charges for the availability of municipal water.

Subd. 1. Purpose. The purpose of this subsection is to establish a system of charges for the availability of municipal water in order to provide for an equitable sharing of the cost of the municipal water system and is adopted pursuant to Minnesota Statutes, section 444.075.

Subd. 2. Subject properties. The charges provided for in this subsection apply to properties in the city that:

- (a) Are improved and have water-consuming plumbing facilities; and
- (b) Abut upon streets or other places where water mains are located.

Subd. 3. Schedule of charges. Periodic charges may be made against all properties not connected to the municipal water system. Charges are set by Crystal city code, appendix IV. Charges against properties not connected to the municipal water systems and not listed above will be made on the basis of the meter size which would be needed if the property were connected to the municipal water system, based upon sizes of meters installed on similar properties elsewhere in the city.

Subd. 4. Accounts and procedures. Accounts will be kept, bills will be rendered and collected, and charges will be made for delinquent accounts in accordance with the procedures applicable to charges for municipal water.

715.63. (Reserved).

715.65. Water service; discontinuing of seasonal customers; freeze-ups.

Subd. 1. Water service, discontinuing. A consumer desiring to discontinue the use of water must notify the city's water department.

Subd. 2. Seasonal customers. There are no seasonal customers for water and sanitary sewer services. Charges are based upon the consumption of water. If there is no consumption for that month, a fee is charged according to the current rate schedule or the customer may have the water shut off and turned on at the curb box at the current fee.

Subd. 3. Freeze-ups. Water breaks due to freezing lines, in which a residence is not in use, are the responsibility of the owner. The owner will be charged for all water consumption as well as any sewer rates. An owner may appeal their sewer billing to the city council.

715.67. Discontinuance of water service.

Subd. 1. Grounds. Water service to a property may be shut off at a curb stop box by the city for the following reasons:

- (a) Violation of a provision of this Crystal city code relating to the operation, maintenance or connection to the water system by any person;
- (b) Fraud or misrepresentation by an owner or occupant in connection with an application for service or for services provided under this section; or
- (c) Failure of the owner or occupant to pay rates and charges or other financial obligations under this section for water service when due.

Subd. 2. Shut-off procedures. If the city manager, or its designee, determines that grounds exist for shutting off water service, the city will notify the owner or occupant or both of the city's intent to shut off water service by mailed written notice not less than ten days nor more than 30 days prior to the date of shut-off. The notice must state that the owner or occupant or both may request a hearing before the city council at its next regularly scheduled meeting and that at the hearing the owner or occupant or both may present testimony as to why the service should not be shut off. The request for a hearing must be presented in writing to the city manager not later than the fifth day after mailing of the notice. A request from either the owner or occupant is sufficient to require the hearing. If a request for a hearing is received, the city may not shut off service until the hearing has been held and then only at the direction of the city council. If a request for a hearing is not timely received, the city may shut off the water service without further notice.

Subd. 3. Emergency shut-off. The procedure in subdivision 2 of this subsection does not apply to water shut-off pursuant to Crystal city code, subsection 715.17.

715.69. Fire services.

Subd. 1. Supervision. The construction of fire services must be made under the personal supervision of an authorized employee of the city. The cost of this supervision will be charged to the owner.

Subd. 2. Detect meters. Private fire protection services may be constructed with detect meters. All outlet valves must be sealed, and the system approved by the city's water department and fire department shall conform with all building codes. Detector checks the same size as building piping must be installed in all fire lines with a rising stem gate valve on each side of the check. All fire service lines will be equipped with a Watts Model 909 backflow preventer or approved equal unless waived by the superintendent, or its designee. This requirement includes, but is not limited to, annual testing to be performed by the owner, and a copy of such test to be presented to the city. Testing must be done by an accredited backflow preventer tester.

Subd. 3. Purpose. Fire protection systems may be opened in case of fire or for inspection and may not supply water for domestic use other than fire suppression purposes.

Subd. 4. Notice. When seals on a fire protection system are broken the owner or occupant must notify the city's water department within 24 hours.

Subd. 5. Multiple services. If more than one service is installed on the same premises, the piping of one may not be connected with the other, except with permission of the city engineer, or its designee.

Subd. 6. Sizing. The fire marshal may limit the size of fire protection services where the street mains are not adequately sized in order to protect public interest.

Subd. 7. Meter requirement. If the owner or occupant of any premises is found to be using water from a fire service for purposes other than fire protection, the city's water department may require the owner of the premises to furnish and install, at the owner's expense and under the direction of the water department, an approved water meter and radio and to keep the same in accurate operating condition.

715.71. Fire hydrants; permit required to use.

Subd. 1. Hydrant usage. Hydrants are available throughout the city, but the use of a fire hydrant, unless authorized by the city's water department, is prohibited. Temporary service from fire hydrants is available for contractors. A hydrant rental fee is required for usage of a hydrant for small water users. A hydrant rental fee, along with a metered charge, is required for tank filling and prolonged usages of fire hydrant. The meter will be furnished by the city's water department.

Subd. 2. Permits. Permits to use a fire hydrant will be issued for each individual job or contract, and for a minimum of 30 day periods as the superintendent, or its designee, may determine. The permit must state the location of the hydrant and will be for the use of that hydrant and none other.

Subd. 3. Deposit. The user must make an advance cash deposit per Crystal city code, appendix IV to guarantee payment for water used and to cover breakage and damage to hydrant and water meter. The deposit will be refunded upon expiration of the permit, less applicable charges for use.

Subd. 4. Rental charge. The user will pay a rental charge for each hydrant meter per Crystal city code, appendix IV and the current water rates will be charged.

Subd. 5. Hydrant opening. Hydrants may be opened only with a hydrant operating wrench. The hydrant must be fully opened in order to operate properly.

Subd. 6. Damage to hydrant. The fire hydrant will be checked before and after the usage. Any damage done will be charged to the holder of the permit.

Subd. 7. Additional charge. Hydrant meters not returned at the end of the construction season and kept over winter months will be charged an additional rental charge upon return of the meter.

715.73. Senior citizen rates. The city council may by resolution establish maximum water and sewer use rates for senior citizens and disabled persons, the qualifications for, and the method of administering the special rates.



Section 720 - Street lighting

720.01. System established. The city street lighting system is established and continued. The system consists of street lighting facilities, whether owned by the city or otherwise, for which the city purchases and supplies electrical energy from a public utility.

720.03. Costs of system. The costs of the street lighting system are the actual costs as billed to the city by the public utility, plus ten percent for administrative expense.

720.05. Billing; billing units.

Subd. 1. Unit defined. For purposes of this section, a billing unit is:

- (a) A single family residence;
- (b) An individual dwelling unit in a multiple-unit dwelling, which must be considered to be 3/4 of one billing unit;
- (c) Each two dwelling units in a motel or hotel;
- (d) Each commercial or industrial office, store, plant, warehouse or institution;
- (e) Each school building; and
- (f) Each church building.

Subd. 2. Billing. The service charge to be billed to each billing unit is determined by dividing the total system cost by the number of billing units. The city clerk, or its designee, is to send quarterly bills to each billing unit directed to the same person to whom city sewer and water billings are sent for that unit. If a billing unit is not connected to the city water or sewer system the bill is to be sent to the owner of the billing unit. Bills are to be sent to all such units whether occupied or unoccupied. In the case of vacant property or property upon which construction is in progress, a bill may not be sent until city water and sewer service commences, or might have commenced if the property were to connect to city water and sewer service, and such billing will be pro-rated for the period of actual liability for street lighting service.

720.07. Assessment of unpaid bills. On or before November 1<sup>st</sup> of each year, the city clerk, or its designee, will list the total unpaid charges for street lighting service against each separate lot or parcel to which they are attributable. The city council will then spread the charges against property benefited as a special assessment under Minnesota Statutes, section 429.101 and other pertinent statutes for certification to the director of property taxation of Hennepin County and collection the following year along with the current taxes.

725 - Assessment of unpaid utility charges

725.01. Authority. This section is adopted pursuant to city charter, subsection 8.03.

725.03. Assessment of unpaid utility bills.

Subd. 1. Additional authority. The method of collecting unpaid utility charges provided for in this section is in addition to other collection methods specified in this chapter and law.

Subd. 2. Assessment of unpaid bills. On or before November 1 of each year, the city clerk, or its designee, will list the total unpaid charges for utility services governed by this chapter against each separate lot or parcel to which the charges are attributable. The city council will then spread the charges against property benefited as a special assessment under Minnesota Statutes, section 429.101 and other pertinent statutes for certification to the taxpayer services division manager of Hennepin County and collection the following year together with current taxes.

Subd. 3. Definition of charges. For purposes of this section, the term “utility charges” means without limitation: water rate; sewer rate; storm sewer rate charges; permit charges; late payment charges; availability charges; connection charges; and any rate or charge authorized by Minnesota Statutes, section 444.075, or imposed by this chapter and Crystal city code, appendix IV.

Section 730 – Illicit discharges into the  
sanitary sewer system

730.01. Purpose. The discharge of water from roof, surface, groundwater sump pump, footing tile, swimming pool, or other natural precipitation into the city sewerage system results in flooding and overloading of the sewerage system. When this water is discharged into the sanitary sewer system it is treated at the sewage treatment plant. This results in very large and needless expenditures. The city council, therefore, finds it in the best interest of the city to prohibit such discharges.

730.03. Discharge prohibited. Except as otherwise expressly authorized in this section, no water from any roof, surface, groundwater sump pump, footing tile, swimming pool, or other natural precipitation shall be discharged into the sanitary sewer system. Dwellings and other buildings and structures which require, because of infiltration of water into basements, crawl spaces, and the like, a sump pump discharge system shall have a permanently installed discharge line which shall not at any time discharge water into the sanitary sewer system, except as provided herein. A permanent installation shall be one which provides for year round discharge capability to either the outside of the dwelling, building, or structure, or is connected to city storm sewer or discharge through the curb and gutter to the street. It shall consist of a rigid discharge line, without valving or quick connections for altering the path of discharge, and if connected to the city storm sewer line, shall include a check valve and an air gap located in a small diameter structure.

730.05. Disconnection. Any person with a yard drain, roof surface, groundwater sump pump, footing tile, or swimming pool connected to and/or discharging into the sanitary sewer system shall disconnect or remove same. Any disconnects or openings in the sanitary sewer system shall be closed or repaired in an effective, workmanlike manner.

730.07. Inspection. Every person owning improved real estate that discharges into the city's sanitary sewer system shall allow an employee of the city or a designated representative of the city to inspect the buildings to confirm that there is no sump pump or other prohibited discharge into the sanitary sewer system. In lieu of having the city inspect their property, any person may furnish a certificate from a licensed plumber certifying that their property is in compliance with this section.

730.09. Future inspections. Each sump pump connection identified will be reinspected periodically.

730.11. New construction. All new dwellings with sumps for which a building permit is issued shall have a pump and shall be piped to the outside of the dwelling before a certificate of occupancy is issued.

730.13. Surcharge. A surcharge as specified in Crystal city code, appendix IV is hereby imposed on property owners who are not in compliance with this section or who have refused to allow their property to be inspected to determine if there is compliance. All properties found during reinspection to have violated this section will be subject to the penalty for all months between the two most recent inspections.

730.15. Winter discharge. The city manager, or its designee, is authorized to issue a permit to allow a property owner to discharge surface water into the sanitary sewer system. The permit shall authorize such discharge only from November 15 to March 15 and a property owner is required to meet at least one of the following criteria in order to obtain the permit:

- (a) The freezing of the surface water discharge from the sump pump or footing drain is causing a dangerous condition, such as ice buildup or flooding, on either public or private property;
- (b) The property owner has demonstrated that there is a danger that the sump pump or footing drain pipes will freeze up and result in either failure or damage to the sump pump unit or the footing drain and cause basement flooding; or
- (c) The water being discharged from the sump pump or footing drain cannot be readily discharged into a storm drain or other acceptable drainage system.

Following ten days written notice and an opportunity to be heard, the city manager, or its designee, may require a property to discharge their sump pump into the sanitary sewer from November 15 to March 15 if surface water discharge is causing an icy condition on streets.

Section 735 – Illicit discharges into storm drainage system

735.01. Purpose and objectives. The purpose of this section is to provide for the health, safety, and general welfare of the city's citizens through the regulation of non-storm water discharges to the storm drainage system to the maximum extent practicable as required by federal and state law. This section establishes methods for controlling the introduction of pollutants into the municipal separate storm sewer system (MS4) in order to comply with requirements of the National Pollutant Discharge Elimination System (NPDES) permit process. The objectives of this section are:

- (a) To regulate the contribution of pollutants to the municipal separate storm sewer system (MS4) by stormwater discharges by any user;
- (b) To prohibit illicit connections and discharges to the municipal separate storm sewer system; and
- (c) To establish legal authority to carry out all inspection, surveillance and monitoring procedures necessary to ensure compliance with this section.

735.03. Definitions. For the purposes of this section, the terms defined in this subsection have the meanings given them.

Subd. 1. Authorized enforcement agency. "Authorized enforcement agency" means the city of Crystal.

Subd. 2. Best management practices or BMPS. "Best management practices" or "BMPS" means schedules of activities, prohibitions of practices, general good housekeeping practices, pollution prevention and educational practices, maintenance procedures, and other management practices to prevent or reduce the discharge of pollutants directly or indirectly to stormwater, receiving waters, or stormwater conveyance systems. BMPs also include treatment practices, operating procedures, and practices to control site runoff, spillage or leaks, sludge or water disposal, or drainage from raw materials storage.

Subd. 3. Clean Water Act. "Clean Water Act" means the federal Water Pollution Control Act (33 U.S.C. § 1251 et seq.).

Subd. 4. Construction activity. "Construction activity" means activities subject to NPDES Construction Permits. These include construction projects resulting in land disturbance of one acre or more. Such activities include but are not limited to clearing and grubbing, grading, excavating, and demolition.

Subd. 5. Hazardous materials. “Hazardous materials” means any material, including any substance, waste, or combination thereof, which because of its quantity, concentration, or physical, chemical, or infectious characteristics may cause, or significantly contribute to, a substantial present or potential hazard to human health, safety, property, or the environment when improperly treated, stored, transported, disposed of, or otherwise managed.

Subd. 6. Illicit discharge. “Illicit discharge” means any direct or indirect non-storm water discharge to the storm drain system, except as exempted in this section.

Subd. 7. Illicit connection. “Illicit connection” means any drain or conveyance, whether on the surface or subsurface, which allows an illegal discharge to enter the storm drain system including but not limited to any conveyances which allow any non-storm water discharge including sewage, process wastewater, and wash water to enter the storm drain system and any connections to the storm drain system from indoor drains and sinks, regardless of whether said drain or connection had been previously allowed, permitted, or approved by an authorized enforcement agency or, any drain or conveyance connected from a commercial or industrial land use to the storm drain system which has not been documented in plans, maps, or equivalent records and approved by an authorized enforcement agency.

Subd. 8. Industrial activity. “Industrial activity” means activities subject to NPDES Industrial Permits as defined in 40 CFR, section 122.26 (b)(14).

Subd. 9. Municipal separate storm sewer system or MS4. “Municipal separate storm sewer system” or “MS4” means the system of conveyances (including sidewalks, roads with drainage systems, municipal streets, catch basins, curbs, gutters, ditches, manmade channels, or storm drains) owned and operated by the city and designed or used for collecting or conveying stormwater, and is not used for collecting or conveying sewage.

Subd. 10. National Pollutant Discharge Elimination System (NPDES) storm water discharge permit. “National Pollutant Discharge Elimination System (NPDES) storm water discharge permit” means a permit issued by the EPA (or by a state under authority delegated pursuant to 33 USC § 1342 (b)) that authorizes the discharge of pollutants to waters of the United States, whether the permit is applicable on an individual group, or general area-wide basis.

Subd. 11. Non-storm water discharge. “Non-storm water discharge” means any discharge to the storm drain system that is not composed entirely of storm water.

Subd. 12. Person. “Person” means any individual, association, organization, partnership, firm, corporation or other entity recognized by law and action as either the owner or as the owner’s agent.

Subd. 13. Pollutant. “Pollutant” means anything which causes or contributes to pollution. Pollutants may include, but are not limited to: paints, varnishes, and solvents; oil and other automotive fluids; non-hazardous liquid and solid wastes and yard wastes; refuse, rubbish, garbage, litter, or other discarded or abandoned objects, pesticides, herbicides, and fertilizers; hazardous substances and wastes and residues that result from constructing a building or structure; and noxious or offensive matter of any kind.

Subd. 14. Premises. “Premises” means any building, lot, parcel of land, or portion of land whether improved or unimproved including adjacent sidewalks and parking strips.

Subd. 15. Storm drain system. “Storm drain system” means publicly-owned facilities by which storm water is collected and/or conveyed, including but not limited to any roads with drainage systems, municipal streets, gutters, curbs, inlets, piped storm drains, pumping facilities, retention and detention basins, natural and human-made or altered drainage channels, reservoirs, and other drainage structures.

Subd. 16. Storm water. “Storm water” means any surface flow, runoff, and drainage consisting entirely of water from any form of natural precipitation, and resulting from such precipitation.

Subd. 17. Storm water pollution prevention plan. “Storm water pollution prevention plan” means a document which describes the best management practices and activities to be implemented by a person or business to identify sources of pollution or contamination at a site and the actions to eliminate or reduce pollutant discharges to stormwater, stormwater conveyance systems, and/or receiving waters to the maximum extent practicable.

Subd. 18. Wastewater. “Wastewater” means any water or other liquid, other than uncontaminated storm water, discharged from a facility.

735.05. Applicability. This section shall apply to all water entering the storm drain system generated on any developed or undeveloped lands unless explicitly exempted by the city.

735.07. Responsibility for administration. The city shall administer, implement, and enforce the provisions of this section. Any powers granted or duties imposed upon city may be delegated in writing by the city engineer to persons or entities acting in the beneficial interest of or in the employ of the city.

735.09. Severability. The provisions of this section are hereby declared to be severable. If any provision, clause, sentence, or paragraph of this section or the application thereof to any person, establishment, or circumstances shall be held invalid, such invalidity shall not affect the other provisions or application of this section.

735.11. Ultimate responsibility. The standards set forth herein and promulgated pursuant to this section and minimum standards; therefore this section does not intend or imply that compliance by any person will ensure that there will be no contamination, pollution, nor unauthorized discharge of pollutants.

735.13. Discharge prohibitions.

Subd. 1. Prohibition of illegal discharges. No person shall discharge or cause to be discharged into the municipal storm drain system or watercourses any materials, including but not limited to pollutants or waters containing any pollutants that cause or contribute to a violation of applicable water quality standards, other than storm water. The commencement, conduct or continuance of any illegal discharge to the storm drain system is prohibited except as described as follows:

- (a) The following discharges are exempt from discharge prohibitions established by this section: water line flushing or other potable water sources; landscape irrigation or lawn watering; diverted stream flows; rising ground water; ground water infiltration to storm drains; uncontaminated pumped ground water; foundation or footing drains (not including active groundwater dewatering systems); crawl space pumps; air conditioning condensation; springs; noncommercial washing of vehicles; natural riparian habitat or wetland flows; dechlorinated swimming pools; and any other water source not containing pollutants;
- (b) Discharges specified in writing by the city as being necessary to protect public health and safety;
- (c) Dye testing is an allowable discharge, but requires a verbal notification to the city agency prior to the time of the test; and
- (d) The prohibition shall not apply to any non-storm water discharge permitted under an NPDES permit, waiver, or waste discharge order issued to the discharger and administered under the authority of the Environmental Protection Agency, provided that the discharger is in full compliance with all requirements of the permit, waiver, or order and other applicable laws and regulations, and provided that written approval has been granted for any discharge to the storm drain system.

Subd. 2. Prohibition of illicit connections.

- (a) The construction, use, maintenance or continued existence of illicit connections to the storm drain system is prohibited.
- (b) This prohibition expressly includes, without limitation, illicit connections made in the past, regardless of whether the connection was permissible under law or practices applicable or prevailing at the time of the connection.
- (c) A person is considered to be in violation of this section if the person connects a line conveying sewage to the MS4, or allows such a connection to continue.



- (d) Improper connections in violation of this section must be disconnected and redirected, if necessary, to an approved onsite wastewater management system or the sanitary sewer system upon approval from the city.
- (e) Any drain or conveyance that has not been documented in plans, maps, or equivalent, and which may be connected to the storm sewer system, shall be located by the owner or occupant of that property upon receipt of written notice of violation from the city requiring that such locating be completed. Such notice will specify a reasonable time period within which the location of the drain or conveyance is to be determined, that the drain or conveyance be identified as storm sewer, sanitary sewer, or that the outfall location or point of connection to the storm sewer system, sanitary sewer system or other discharge point be identified. Results of these investigations are to be documented and provided to the city.

735.15. Watercourse protections. Every person owning property through which a watercourse passes, or such person's lessee, shall keep and maintain that part of the watercourse within the property free of trash, debris, excessive vegetation, and other obstacles that would pollute, contaminate, or significantly retard the flow of water through the watercourse. In addition, the owner or lessee shall maintain existing privately owned structures within or adjacent to a watercourse, so that such structures will not become a hazard to the use, function, or physical integrity of the watercourse.

735.17. Industrial or construction activity discharges. Any person subject to an industrial or construction activity NPDES storm water discharge permit shall comply with all provisions of such permit. Proof of compliance with said permit may be required in a form acceptable to the city council prior to the allowing of discharges to the MS4.

735.19. Monitoring of discharges.

Subd. 1. Applicability. This section applies to all facilities that have storm water discharges associated with industrial activity, including construction activity.

Subd. 2. Access to facilities.

- (a) The city or their designee shall be permitted to enter and inspect facilities subject to regulation under this section as often as may be necessary to determine compliance with this section. If a discharger has security measures in force which require proper identification and clearance before entry into its premises, the discharger shall make the necessary arrangements to allow access to representatives of the city.
- (b) Facility operators shall allow the city ready access to all parts of the premises for the purposes of inspection, sampling, examination and copying of records that must be kept under the conditions of an NPDES permit to discharge storm water, and the performance of any additional duties as defined by state and federal law.
- (c) The city shall have the right to set up on any permitted facility such devices as are necessary in the opinion of the city to conduct monitoring and/or sampling of the facility's storm water discharge.

- (d) The city has the right to require the discharger to install monitoring equipment as necessary. The facility's sampling and monitoring equipment shall be maintained at all times in a safe and proper operating condition by the discharger at its own expense. All devices used to measure stormwater flow and quality shall be calibrated to ensure their accuracy.
- (e) Any temporary or permanent obstruction to safe and easy access to the facility to be inspected and/or sampled shall be promptly removed by the operator at the written or oral request of the city and shall not be replaced. The costs of clearing such access shall be borne by the operator.
- (f) Unreasonable delays in allowing the city access to a permitted facility are a violation of a storm water discharge permit and of this section. A person who is the operator of the facility with a NPDES permit to discharge storm water associated with industrial activity commits an offense if the person denies the city reasonable access to the permitted facility for the purpose of conducting any activity authorized or required by this section.
- (g) If the city has been refused access to any part of the premises from which stormwater is discharged, and the city is able to demonstrate probable cause to believe that there may be a violation of this section, or that there is a need to inspect and/or sample as part of a routine inspection and sampling program designed to verify compliance with this section or any order issued hereunder, or to protect the overall public health, safety and welfare of the community, then the city may seek issuance of a search warrant from any court of competent jurisdiction.

735.21. Best management practices. The owner or operator of a commercial or industrial establishment shall provide, at their own expense, reasonable protection from accidental discharge of prohibited materials or other wastes into the municipal storm drain system or watercourses through the use of structural and non-structural best management practices (BMPs), as adopted or provided by the city. Further, any person responsible for a property or premise, which is, or may be, the source of an illicit discharge, may be required to implement, at said person's expense, additional structural and non-structural BMPs to prevent the further discharge of pollutants to the municipal separate storm sewer system. Compliance with all terms and conditions of a valid NPDES permit authorizing the discharge of storm water associated with industrial activity, to the extent practicable, shall be deemed compliant with the provisions of this section. These BMPs shall be part of a storm water pollution prevention plan (SWPPP) as necessary for compliance with requirements of the NPDES permit.

735.23. Notification of spills. Notwithstanding other requirements of law, as soon as any person responsible for a facility or operation, or responsible for emergency response for a facility or operation has information of any known or suspected release of materials which are resulting or may result in illegal discharges or pollutants discharging into storm water, the storm drain system, or water of the U.S. said person shall take all necessary steps to ensure the discovery, containment, and cleanup of such release. In the event of such a release of hazardous materials said person shall immediately notify emergency response agencies of the occurrence via emergency dispatch services. In the event of a release of non-hazardous materials, said person shall notify the city's public works department in person or by phone or email no later than the next business day. Notifications in person or by phone shall be confirmed by written notice addressed and mailed to the city within three business days of the phone notice. If the discharge of prohibited materials emanates from a commercial or industrial establishment, the owner or operator of such establishment shall also retain an on-site written record of the discharge and the actions taken to prevent its recurrence. Such records shall be retained for at least three years.

735.25. Enforcement.

Subd. 1. Notice of violation.

- (a) Whenever the city finds that a person has violated a prohibition or failed to meet a requirement of this section, the city may order compliance by written notice of violation to the responsible person. The notice of violation shall contain:
- (1) The name and address of the alleged violator;
  - (2) The address when available or a description of the building, structure or land upon which the violation is occurring, or has occurred;
  - (3) A statement specifying the nature of the violation;
  - (4) A description of the remedial measures necessary to restore compliance with this section in a time schedule for the completion of such remedial action;
  - (5) A statement of the penalty or penalties that shall or may be assessed against the person to whom the notice of violation is directed;
  - (6) A statement that the determination of violation may be appealed to the city by filing a written notice of appeal within 15 days of service of notice of violation; and
  - (7) A statement specifying that, should the violator fail to restore compliance within the established time schedule, the work will be done by the city or their designee and the expense thereof shall be charged to the violator.
- (b) Such notice may require without limitation:
- (1) The performance of monitoring, analysis, and reporting;

- (2) The elimination of illicit connections or discharges;
- (3) That violating discharges, practices, or operations shall cease and desist;
- (4) The abatement or remediation of storm water pollution or contamination hazards and the restoration of any affected property;
- (5) Payment of a fine to cover administrative and remediation costs; and
- (6) The implementation of source control or treatment BMPs.

Subd. 2. Compensatory action. In lieu of enforcement proceedings, penalties, and remedies authorized by this section, the city may impose upon a violator alternative compensatory action, such as attendance at compliance workshops, creek cleanup, etc.

Subd. 3. Suspension of MS4 access.

- (a) Suspension due to illicit discharges in emergency situations. The city may, without prior notice, suspend MS4 discharge access to a person when such suspension is necessary to stop an actual or threatened discharge which presents or may present imminent and substantial danger to the environment, or to the health or welfare of persons, or to the MS4 or Waters of the United States. If the violator fails to comply with a suspension order issued in an emergency, the city may take such steps as deemed necessary to prevent or minimize damage to the MS4 or Waters of the United States, or to minimize danger to persons.
- (b) Suspension due to the detection of illicit discharge. Any person discharging to the MS4 in violation of this section may have their MS4 access terminated if such termination would abate or reduce an illicit discharge. The city will notify a violator of the proposed termination of its MS4 access. The violator may petition the city for reconsideration and a hearing. A person commits an offense if the person reinstates MS4 access to premises terminated pursuant to this section, without the prior approval of the city.

Subd. 4. Criminal prosecution. Any person that has violated or continues to violate this section shall be liable to criminal prosecution to the fullest extent of the law, and shall be subject to a criminal penalty of \$1,000 dollars per violation per day and/or imprisonment for a period of time not to exceed 90 days. The city may recover all attorneys' fees, court costs, and other expenses associated with enforcement of this section, including sampling and monitoring expenses.

735.27. Appeal of notice of violation. Any person receiving a Notice of Violation may appeal the determination of the city. The notice of appeal must be received within 15 days from the date of the Notice of Violation. Hearing on the appeal before the appropriate authority or his/her designee shall take place within 15 days from the date of receipt of the notice of appeal. The decision of the city or their designee shall be final.

735.29. Enforcement measures after appeal. If the violation had not been corrected pursuant to the requirements set forth in the Notice of Violation, or, in the event of an appeal, within 15 days of the decision of the municipal authority upholding the decision of the city, then representatives of the city shall enter upon the subject private property and are authorized to take any and all measures necessary to abate the violation and/or restore the property. It shall be unlawful for any person, owner, agent or person in possession of any premises to refuse to allow the government agency or designated contractor to enter upon the premises for the purposes set forth above.

735.31. Cost of abatement of violation. Within 30 days after abatement of the violation, the owner of the property will be notified of the cost of abatement, including administrative costs. The property owner may file a written protest objecting to the amount of the assessment within 15 days. If the amount due is not paid within a timely manner as determined by the decision of the municipal authority, the charges shall become a special assessment against the property and shall constitute a lien on the property for the amount of the assessment. Any person violating any of the provisions of this article shall become liable to the city by reason of such violation.

735.33. Injunctive relief. It shall be unlawful for any person to violate any provision or fail to comply with any of the requirements of this section. If a person has violated and continues to violate the provisions of this section, the city may petition for a preliminary or permanent injunction restraining the person from activities which would create further violations or compelling the person to perform abatement or remediation of the violation.

735.35. Violations deemed a public nuisance. In addition to the enforcement processes and penalties provided, any condition caused or permitted to exist in violation of any of the provisions of this section is a threat to public health, safety, and welfare, and is declared and deemed a nuisance, and may be summarily abated or restored at the violator's expense, and/or a civil action to abate, enjoin, or otherwise compel the cessation of such nuisance may be taken.

<b>Amended subsection</b>	<b>Amending ordinance</b>
700.01	2017-05, Sec. 1
700.05	2017-05, Sec. 1
700.07	2017-05, Sec. 1
700.11	2017-05, Sec. 1
700.25	2017-05, Sec. 1
705.01, subd. 3	2011-01, Sec. 1; 2017-05, Sec. 2
705.01, subds. 10 and 14	2017-05, Sec. 2
705.01, subd. 20	2018-01, Sec. 45
705.05, subd. 1	2017-05, Sec. 2
705.07, subds. 1-4, and 14	2011-01, Sec. 2
705.07, subds. 4, 7, 12, and 13	2011-01, Sec. 2; 2017-05, Sec. 2
705.07, subds. 6, 9, and 15	2017-05, Sec. 2
705.07, subd. 16	2018-01, Sec. 46
705.09, subd. 1	2002-01, Sec. 1; 2011-01, Sec. 3; 2017-05, Sec. 2; 2018-09, Sec. 1; 2019-02, Sec. 10
705.09, subd. 2	2002-01, Sec. 1; 2017-05, Sec. 2
705.09, subd. 3	2002-01
705.11	2017-05, Sec. 2
710.01, subds. 4-6	2017-05, Sec. 3
710.03	2017-05, Sec. 3
710.05, subd. 2	94-14, Sec. 1; 2017-05, Sec. 3; 2018-09, Sec. 2; 2020-02, Sec. 2
710.05, subds. 3 and 6	2017-05, Sec. 3; 2018-09, Sec. 2
710.05, subds. 4 and 5	2018-09, Sec. 2
710.07, subd. 1	2011-01, Sec. 6
710.07, subd. 2	2011-01, Sec. 6; 2017-05, Sec. 3
710.09	2011-01, Sec. 7; 2017-05, Sec. 3
710.17	2017-05, Sec. 3
710.19	94-14, Sec. 2; 2017-05, Sec. 3
710.21	2017-05, Sec. 3
715.01	2017-05, Sec. 4
715.11	2017-05, Sec. 4
715.13	2017-05, Sec. 4
715.17	2011-01, Sec. 9; 2017-05, Sec. 4
715.19	2011-01, Sec. 10; 2017-05, Sec. 4
715.21	2017-05, Sec. 4
715.23	2017-05, Sec. 4
715.25	2017-05, Sec. 4
715.27	2011-01, Sec. 11
715.29	2017-05, Sec. 4
715.31, subds. 1, 3, 5, and 6	2011-01, Sec. 12

715.31, subds. 4, 6, and 7	2017-05, Sec. 4
715.33	2011-01, Sec. 13; 2017-05, Sec. 4
715.35	2017-05, Sec. 4
715.37	2011-01, Sec. 14; 2017-05, Sec. 4
715.39	2017-05, Sec. 4
715.49, subds. 1, 2, and 4-8	2011-01, Sec. 15
715.49, subds. 4-7	2017-05, Sec. 4
715.55, subd. 1	94-14, Sec. 3; 2017-05, Sec. 4
715.55, subd. 2	2017-05, Sec. 4
715.57, subds. 1, 4, 6, and 7	2017-05, Sec. 4
715.57, subds. 2, 3, 5, and 6	2011-01, Sec. 16
715.59	2011-01, Sec. 17; 2017-05, Sec. 4
715.63	2011-01, Sec. 18; 2017-05, Sec. 4
715.65	2017-05, Sec. 4
715.67, subd. 1	2011-01, Sec. 19
715.67, subds. 2 and 3	2017-05, Sec. 4
715.69, subds. 1, 5, and 7	2011-01, Sec. 20
715.69, subds. 2, 4, 5, and 7	2017-05, Sec. 4
715.71, subds. 1, 3-5, and 7	2011-01, Sec. 21
715.71, subds. 1 and 2	2017-05, Sec. 4
715.73	2017-05, Sec. 4
720.05	2017-05, Sec. 5
720.07	2005-16, Sec. 1; 2017-05, Sec. 5
725	95-14, Sec. 1
725.03, subd. 2	2004-10, Sec. 1; 2017-05, Sec. 6
730	2002-01, Sec. 2; 2017-05, Sec. 7
730.05	2017-05, Sec. 7
730.07	2017-05, Sec. 7
730.11	2017-05, Sec. 7
730.13	2011-01, Sec. 22; 2017-05, Sec. 7
730.15	2017-05, Sec. 7
735	2017-05, Sec. 8

<b>Repealed subsection</b>	<b>Repealing ordinance</b>
710.03	2020-02, Sec. 1
715.09	2011-01, Sec. 8
715.63	2020-02, Sec. 3

## CHAPTER VIII

## PUBLIC RIGHT-OF-WAYS

Section 800 - Public right-of-ways

800.01. Definitions. For the purposes of this section, the terms defined in this subsection have the meanings given them. Any term not defined in this section shall have the meaning given it in Minnesota Statutes, section 237.162 or Minnesota Rule, part 7819.0100, to the extent defined therein.

Subd. 1. Abandoned facility. “Abandoned facility” means a facility no longer in service or physically disconnected from a portion of the operating facility, or from any other facility, that is in use or still carries service. A facility is not abandoned unless declared so by the registrant.

Subd. 2. Applicant. “Applicant” means any person requesting a right-of-way permit from the city to perform work in or obstruct a right-of-way.

Subd. 3. Collocate or collocation. “Collocate” or “collocation” has the meaning given in Minnesota Statutes, section 237.162, subdivision 10.

Subd. 4. Construction performance bond. “Construction performance bond” means any of the following forms of security provided at the permittee’s option:

- (a) Individual project bond;
- (b) Blanket bond, or other form of construction bond, in a form acceptable to the local government;
- (c) Cash deposit;
- (d) Security of a form listed or approved under Minnesota Statutes, section 15.73, subdivision 3;
- (e) Letter of credit, in a form acceptable to the city; or
- (f) Self-insurance, in a form acceptable to the city.

Subd. 5. Curb cut. “Curb cut” means the edge of the street where joined by the driveway approach, whether or not standard concrete curb and gutter are present on the street.

Subd. 6. Degradation. “Degradation” means a decrease in the useful life of the right-of-way caused by excavation in or disturbance of the right-of-way, resulting in the need to reconstruct such right-of-way earlier than would be required if the excavation did not occur.



Subd. 7. Degradation cost. “Degradation cost” means the cost to achieve a level of restoration as determined by the city at the time the right-of-way permit is issued as shown in Crystal city code, appendix IV.

Subd. 8. Degradation fee. “Degradation fee” means the estimated fee established at the time of permitting by the city to recover costs associated with the decrease in the useful life of the right-of-way caused by the excavation, and which equals the degradation cost.

Subd. 9. Delay penalty. “Delay penalty” means the city may establish and impose a reasonable delay penalty for unreasonable delays in right-of-way excavation, obstruction, patching, or restoration.

Subd. 10. Department. “Department” means the department of public works of the city.

Subd. 11. Department inspector. “Department inspector” means any person authorized by the director to carry out inspections related to the provisions of this Crystal city code.

Subd. 12. Director. “Director” means the director of the department of public works of the city.

Subd. 13. Driveway. “Driveway” means the area on private property providing vehicular access to the garage or parking area.

Subd. 14. Driveway approach. “Driveway approach” means the area within the right-of-way providing vehicular access from the curb cut to the driveway.

Subd. 15. Emergency. “Emergency” means a condition that poses a clear and immediate danger to life or health, or of a significant loss of property; or that requires immediate repair of facilities in order to restore service to a customer.

Subd. 16. Equipment. “Equipment” means any tangible asset used to install, repair, or maintain facilities in any right-of-way.

Subd. 17. Excavate. “Excavate” means to dig into or in any way remove or physically disturb or penetrate any part of a right-of-way. The term shall include, but is not limited to, horizontal directional drilling and the creation, construction, or modification of any curb cut or driveway approach located within a right-of-way.

Subd. 18. Facility or facilities. “Facility” or “facilities” means any tangible asset in the public right-of-way required to provide utility service. The term includes, but is not limited to, small wireless facilities, micro wireless facilities, and wireless support structures.

Subd. 19. Five-year project plan. “Five-year project plan” means a project adopted by the city for construction within the next five years.

Subd. 20. Local representative. “Local representative” means a person or persons, or designee of such person or persons, located within the seven-county Twin Cities region that is authorized by a registrant to accept service and to make decisions for that registrant regarding all matters within the scope of this section.

Subd. 21. Management costs. “Management costs” has the meaning given in Minnesota Statutes, section 237.162, subdivision 9.

Subd. 22. Micro wireless facility. “Micro wireless facility” has the meaning given in Minnesota Statutes, section 237.162, subdivision 14.

Subd. 23. Obstruct. “Obstruct” means to place any tangible object in a right-of-way so as to hinder free and open passage over that or any part of the right-of-way.

Subd. 24. Permittee. “Permittee” means a person to whom a right-of-way permit has been granted by the city under this section.

Subd. 25. Person. “Person” means any individual or entity subject to the laws and rules of this state, however organized, whether public or private, whether domestic or foreign, whether for profit or nonprofit, and whether natural, corporate, or political.

Subd. 26. Probation. “Probation” means the status of a person that has not complied with the conditions of this section.

Subd. 27. Probationary period. “Probationary period” means one year from the date that a person has been notified in writing that they have been put on probation.

Subd. 28. Registrant. “Registrant” means any person who:

- (a) Has or seeks to have its equipment or facilities located in any right-of-way; or
- (b) In any way occupies or uses, or seeks to occupy or use, the right-of-way or place its facilities in the right-of-way.

Subd. 29. Restoration cost. “Restoration cost” means the amount of money paid to the city by a permittee to achieve the level of restoration according to Crystal city code, appendix IV and paid in lieu of a degradation fee.

Subd. 30. Right-of-way. “Right-of-way” means the area on, below, or above a public roadway, highway, street, cartway, bicycle lane and public sidewalk in which the city has an interest, including other dedicated rights-of-way for travel purposes and utility easements of the city. A right-of-way does not include the airwaves above a right-of-way with regard to cellular or other nonwire telecommunications or broadcast service.

Subd. 31. Right-of-way permit or permit. “Right-of-way permit” or “permit” means a permit obtained from the director to excavate or obstruct a right-of-way, or to perform sidewalk, driveway, curb, curb and gutter, or to plant any tree, shrub, or bush in a right-of-way.

Subd. 32. Small wireless facility. “Small wireless facility” has the meaning given in Minnesota Statutes, section 237.162, subdivision 11.

Subd. 33. Supplementary application. “Supplementary application” means an application made to excavate or obstruct more of the right-of-way than allowed in, or to extend, a permit that had already been issued.

Subd. 34. Two-year project plan. “Two-year project plan” means a project that the city has scheduled for construction within the next two years.

Subd. 35. Unusable facilities. “Unusable facilities” means facilities in the right-of-way which have remained unused for one year and for which the registrant is unable to provide proof that it has either a plan to begin using it within the next 12 months or a potential purchaser or user of the facilities.

Subd. 36. Wireless facility. “Wireless facility” has the meaning given in Minnesota Statutes, section 237.162, subdivision 13.

Subd. 37. Wireless service. “Wireless service” has the meaning given in Minnesota Statutes, section 237.162, subdivision 15.

Subd. 38. Wireless support structure. “Wireless support structure” has the meaning given in Minnesota Statutes, section 237.162, subdivision 16.

Subd. 39. Wireline backline facility. “Wireline backline facility” has the meaning given in Minnesota Statutes, section 237.162, subdivision 17.

#### 800.03. Administration.

Subd. 1. Intent. The intent of this section is to establish regulations and standards in order to protect the investment the city has made in its right-of-ways and other public grounds, and to protect public health, safety, and welfare associated with excavations, obstructions, and the placement of items in right-of-ways. By adopting this section the city council is intending to regulate its right-of-ways for the purposes of Minnesota Rules, chapter 7819, Minnesota Statutes, sections 237.162 and 237.163, and all other applicable laws and rules, which are incorporated in and made part of this section. The provisions of this section are intended to be, and shall be interpreted as being, consistent with all applicable federal, state, and local laws, rules, regulations, and ordinances.

Subd. 2. Director authority. The director is the principal city official responsible for the administration of the right-of-ways and the sidewalks, curbs, gutters, and other public facilities located with the right-of-ways. The director is authorized to issue the permits provided for under this section, administer and enforce the regulations in this section, and to take such other actions as may be required to manage and protect the right-of-ways. The director may delegate any or all of the duties hereunder.

Subd. 3. Legal compliance. Nothing in this section relieves a person from complying with the provisions of the Minnesota Statutes, chapter 216D, “one call” notification system, or any other applicable federal, state, or local law, rule, regulation, or ordinance.

800.05. Registration.

Subd. 1. Required; exceptions. Each right-of-way user who has, or who proposes to place, any equipment or facilities in the right-of-way, including persons with installation and maintenance responsibilities by lease, sublease or assignment, must register with the director prior to applying for a right-of-way permit and conducting any work in the right-of-way. Registration will consist of providing application information and paying a registration fee. Other right-of-way users may apply for a right-of-way permit as provided in this section without needing to register with the city. Registration is not required of the city or of any person conducting work under contract with the city.

Subd. 2. Required information. The information provided to the director at the time of registration shall include, but is not limited to, the following:

- (a) Each registrant’s name, physical address, e-mail address, and telephone number;
- (b) The name, physical address, e-mail address, and telephone number of a local representative of the registrant. The local representative or designee shall be available at all times. Current information regarding how to contact the local representative in an emergency shall be provided at the time of registration;
- (c) A certificate of insurance or self-insurance that does each of the following:
  - (1) Verifies that an insurance policy has been issued to the registrant by an insurance company licensed to do business in the state of Minnesota, or a form of self-insurance acceptable to the director;

- (2) Verifies that the registrant is insured against claims for personal injury, including death, as well as claims for property damage arising out of: the use and occupancy of the right-of-way by the registrant, its officers, agents, employees and permittees; and the placement and use of facilities in the right-of-way by the registrant, its officers, agents, employees and permittees including, but not limited to, protection against liability arising from completed operations, damage of underground facilities and collapse of property;
  - (3) Names the city as an additional insured as to whom the coverages required herein are in force and applicable and for whom defense will be provided as to all such coverages;
  - (4) Requires that the director be notified 30 days in advance of cancellation of the policy or material modification of a coverage term; and
  - (5) Indicates comprehensive liability coverage, automobile liability coverage, workers compensation, and umbrella coverage established by the director in amounts sufficient to protect the city and the public and to carry out the purposes and policies of this section.
- (d) If the registrant is a corporation, a copy of the certificate required to be filed under Minnesota Statutes, section 300.06 as recorded and certified to by the Secretary of State; and
- (e) A copy of the registrant's order granting a certificate of authority from the Minnesota Public Utilities Commission ("PUC") or other authorization or approval from the applicable state or federal agency, where the person is lawfully required to have such authorization or approval from said commission or other state or federal agency.

Subd. 3. Notice of changes. The registrant shall keep all of the information listed above current at all times by providing to the director information as to changes within 15 days following the date on which the registrant has knowledge of any change.

Subd. 4. Renewal. Registrations expire on December 31<sup>st</sup>. A registrant shall renew its registration annually and shall not be issued a right-of-way permit unless its registration is current at the time of application.

#### 800.07. Right-of-way permit.

Subd. 1. Required. It is unlawful for any person to do any of the following within a right-of-way without first obtaining a right-of-way permit from the director:

- (a) Obstruct, excavate, or place any facilities;

- (b) Lay, construct, move, or modify any sidewalk, driveway approach, curb, or curb and gutter; or
- (c) Plant or place any new trees, shrubs, or bushes.

The placement of trees, shrubs, or bushes in the right-of-way will not be allowed, except under unique circumstances where the plantings are part of a development approved by the city. No plantings may occur unless the director determines they will not interfere with safety or the maintenance of the right-of-way.

Subd. 2. Exceptions. A right-of-way permit is not required for any of the following:

- (a) Work performed by the city or by a city contractor; and
- (b) For a property owner to plant or maintain boulevard plantings, other than trees, shrubs, or bushes, in the area of the right-of-way between their property and the street curb, provided such plantings comply with Crystal city code, subsection 800.49, subdivision 5.

Subd. 3. Permit scope. Right-of-way permits issued under this section are location based and only allow the identified work to occur at the specified location and only for the period identified in the permit. Any excavation or obstruction occurring outside of the scope of the right-of-way permit is prohibited and is a violation of this section.

Subd. 4. Permit extensions. No person may excavate or obstruct the right-of-way beyond the date or dates specified in the permit unless such person:

- (a) Makes a supplementary application for another right-of-way permit before the expiration of the initial permit; and
- (b) A new permit or permit extension is granted.

Subd. 5. Permit display. Permits issued under this section shall be conspicuously displayed or otherwise available at all times at the indicated work site and shall be available for inspection by city staff.

#### 800.09. Permit applications.

Subd. 1. Required information. Application for a right-of-way permit is made to the director. Permit applications shall contain, and will be considered complete, only upon compliance with the requirements of this subdivision.

- (a) Registration with the director if required by Crystal city code, subsection 800.07.
- (b) Submission of a completed permit application form, including all required attachments, and scaled drawings showing the location and area of the proposed project and the location of all known existing and proposed facilities.
- (c) Payment of money due the city for:
  - (1) Permit fees and other management costs;
  - (2) Prior obstructions or excavations;
  - (3) Any undisputed loss, damage, or expense suffered by the city because of applicant's prior excavations or obstructions of the right-of-way or any emergency actions taken by the city; and
  - (4) Franchise fees, if applicable.
- (d) If the application involves excavation, the posting of a new or larger construction performance bond to cover the costs association with the restoration of the additional excavation area.

Subd. 2. Consolidated small wireless facilities applications. An applicant for a right-of-way permit for small wireless facilities may submit a consolidated application for to 15 small wireless facilities, or a greater number if agreed to by the director, provided that all small wireless facilities in the application:

- (a) Are located within a two-mile radius;
- (b) Consist of substantially similar equipment; and
- (c) Are to be placed on similar types of wireless support structures.

In rendering a decision on a consolidated permit application, the city may approve some small wireless facilities and deny others, but may not use denial of one or more permits as a basis to deny all small wireless facilities in the application.

Subd. 3. Construction performance bond. A construction performance bond in the amount determined by the director is required from each person requesting a right-of-way permit involving excavation, except a duly licensed and bonded plumber, a public utility corporation holding a franchise from the city, or when the director determines it is impractical to require a construction performance bond given the size of the project. However, the director electing to not require a construction performance bond does not excuse or waive the permittee's obligation to fully restore the right-of-way. The bond must be conditioned that the holder will perform the work in accordance with the applicable regulations, will indemnify and save harmless the city from all damage caused in the execution of such work or costs in connection with the repair of the right-of-way excavated, and that the holder will pay any and all damages that will be suffered by the city by reason of the failure of the person securing the permit to observe the terms of this section or by reason of negligence in the execution of the work.

800.11. Issuance of permit; conditions.

Subd. 1. Permit issuance. The director shall act on complete applications and issue right-of-way permits as is appropriate under this section. If the application is for the placement of small wireless facilities, the city shall act to approve or deny the application within 90 days after the filing of a complete application or it shall be deemed approved. The 90 day period shall be tolled if:

- (a) The city receives applications from one or more applicants seeking approval of permits for more than 30 small wireless facilities within a seven-day period. In such case, the city may extend the deadline for all such applications by 30 days by informing the affected applicants in writing of such extension;
- (b) The applicant fails to submit all required documents or information and the city provides written notice of incompleteness to the applicant within 30 days of receipt the application. Upon submission of additional documents or information, the city shall have ten days to notify the applicant in writing of any still-missing information; or
- (c) The city and a small wireless facility applicant agree in writing to toll the review period.

Subd. 2. Conditions. The director may impose reasonable conditions, in accordance with the law, upon the issuance of the permit and the performance of the applicant thereunder to protect the health, safety and welfare or to protect the right-of-way and its current use. The director may require, as a condition of the permit, the applicant to provide notice of its project to properties within a certain area surrounding the project site.

Subd. 3. On-site meeting. If a project involves an excavation that extends more than 500 feet in length, the applicant must coordinate with city staff for an on-site utility meeting with Gopher State One Call.

Subd. 4. Small wireless facility conditions. In addition to any other conditions placed on a permit, the erection or installation of a wireless support structure, the collocation of a small wireless facility, or other installation of a small wireless facility in the right-of-way, shall also be subject to the following conditions:



- (a) A small wireless facility shall only be collocated on the particular wireless support structure, under those attachment specifications, and at the height indicated in the applicable permit application;
- (b) No new wireless support structure installed within the right-of-way shall exceed 50 feet in height without the city's written authorization, provided that the city may impose a lower height limit in the applicable permit to protect the public health, safety, and welfare or to protect the right-of-way and its current use, and further provided that a registrant may replace an existing wireless support structure exceeding 50 feet in height with a structure of the same height subject to such conditions or requirements as may be imposed in the applicable permit;
- (c) No wireless facility may extend more than ten feet above its wireless support structure;
- (d) Where an applicant proposes to install a new wireless support structure in the right-of-way, the city may impose separation requirements between such structure and any existing wireless support structure or other facilities in and around the right-of-way;
- (e) Where an applicant proposes collocation on a decorative wireless support structure, sign, or other structure not intended to support small wireless facilities, the city may impose reasonable requirements to accommodate the particular design, appearance, or intended purpose of such structure;
- (f) where an applicant proposes to replace a wireless support structure, the city may impose reasonable restocking, replacement, or relocation requirements on the replacement of such structure; and
- (g) New wireless support structures erected for the siting of small wireless facilities in the right-of-way adjacent to the R-1 zoning district require a conditional use permit in accordance with Crystal city code, subsection 515.19, subdivision 6(c).

Subd. 5. Small wireless facility agreement. A small wireless facility shall only be collocated on a wireless support structure owned or controlled by the city, or any other city asset in the right-of-way, after the applicant has executed a standard small wireless facility collocation agreement with the city. The standard collocation agreement may require the payment of fees and costs as established in Crystal city code, appendix IV, but not in excess of the amounts established by statute. The standard collocation agreement shall be in addition to, and not in lieu of, the required right-of-way permit, provided, however, that the applicant shall not be additionally required to obtain a license or franchise in order to collocate. Issuance of a right-of-way permit for a small wireless facility does not supersede, alter, or affect any then-existing agreement between the city and the applicant.

Subd. 6. Permit denial. The director may deny a right-of-way permit for failure to meet the requirements and conditions of this section or if the director determines that the denial is necessary to protect the health, safety, and welfare or is necessary to protect the right-of-way and its current use. The decision to deny a permit application must be made in writing and must document the basis for the denial. The director must notify the applicant in writing within three business days of the decision to deny the permit. If an application is denied, the right-of-way user may address the reasons for denial identified by the director and resubmit its application. If the application is resubmitted within 30 days of receipt of the notice of denial, no additional application fee shall be imposed. The director must approve or deny the resubmitted application within 30 days after submission.

800.13. Permit fees.

Subd. 1. Amount. The fee for a right-of-way permit is set out in Crystal city code, appendix IV and shall be in an amount sufficient to recover the city's management costs, right-of-way restorations costs, if applicable, and, if the permit is for small wireless facilities, the engineering, make-ready, and construction costs associated with the collocation of those facilities.

Subd. 2. Payment. No right-of-way permit shall be issued without payment of the applicable fees. The city may allow applicant to pay such fees within 30 days of billing. Permit fees are nonrefundable, including if the director acts to revoke a permit.

800.15. Work requirements and limitations.

Subd. 1. Compliance with other laws. Obtaining a right-of-way permit does not relieve permittee of its duty to obtain all other necessary permits, licenses, and authority and to pay all fees required by the city or other applicable rule, law or regulation. A permittee shall comply with all requirements of local, state and federal laws, including Minnesota Statutes, chapter 216D ("one call" notification system). A permittee shall perform all work in conformance with all applicable codes and established rules and regulations, and is responsible for all work done in the right-of-way pursuant to its permit, regardless of who does the work.

Subd. 2. Installation requirements. The excavation, backfilling, patching and restoration, and all other work performed in the right-of-way shall be done in conformance with engineering standards adopted by the PUC or other applicable local requirements, insofar as they are not inconsistent with the PUC rules.

Subd. 3. Prohibited work. Except in an emergency, and with the approval of the director, no right-of-way obstruction or excavation may be done when seasonally prohibited or when conditions are unreasonable for such work.

Subd. 4. Barricades; traffic control. The permittee must provide and maintain all traffic control devices in compliance with the Minnesota Manual on Uniform Traffic Control Devices related to its work in the right-of-way. Work must progress in an expeditious manner until completion in order to avoid unnecessary inconvenience to traffic. Excavations shall be protected by a suitable barricade, guard, or fence sufficient to prevent persons or animals from entering the excavation.

Subd. 5. Interference with right-of-way. A permittee shall not so obstruct a right-of-way that the natural free and clear passage of water through the gutters or other waterways shall be interfered with. Private vehicles of those doing work in the right-of-way may not be parked within or next to a permit area, unless parked in conformance with city parking regulations. The loading or unloading of trucks must be done solely within the defined permit area unless specifically authorized by the permit.

Subd. 6. 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.

800.17. Right-of-way patching and restoration.

Subd. 1. Timing. The work to be done under a right-of-way permit involving excavation, including the patching and restoration of the right-of-way as required herein, must be undertaken and completed promptly but in no case later than the dates specified in the permit, increased by as many days as work could not be done because of extraordinary circumstances beyond the control of the permittee or when work was prohibited as unseasonal or unreasonable under Crystal city code, subsection 800.15, subdivision 3. The permittee shall be charged a delay penalty for failing to complete the patching and restoration work by the completion date.

Subd. 2. Patch and restoration. The permittee shall patch its own work and shall, at the time of application for an excavation permit, post a construction performance bond in accordance with the provisions of Minnesota Rule, part 7819.3000 in the amount determined by the director to be sufficient to cover the cost of restoration. If, within 12 months after completion of the restoration of the right-of-way, the director determines that the right-of-way has been properly restored, the performance bond shall be released.

Subd. 3. Standards. The permittee shall perform patching and restoration according to the standards and with the materials specified by the director. The director shall have the authority to prescribe the manner and extent of the restoration, and may do so in written procedures of general application or on a case-by-case basis. The director in exercising this authority shall comply with PUC standards for right-of-way restoration and shall further be guided by Crystal city code, appendix IV and the following considerations:

- (a) The number, size, depth and duration of the permittee's excavations, disruptions or damage to the right-of-way;
- (b) The traffic volume carried by the right-of-way; the character of the neighborhood surrounding the right-of-way;
- (c) The preexcavation condition of the right-of-way; the remaining life-expectancy of the right-of-way affected by the excavation;
- (d) Whether the relative cost of the method of restoration to the permittee is in reasonable balance with the prevention of an accelerated depreciation of the right-of-way that would otherwise result from the excavation, disturbance or damage to the right-of-way; and

- (e) The likelihood that the particular method of restoration would be effective in slowing the depreciation of the right-of-way that would otherwise take place.

Subd. 4. Guarantees. If permittee restores the right-of-way, the permittee guarantees its work and shall maintain it for 12 months following its completion. During this 12-month period it shall, upon notification from the director, correct all restoration work to the extent necessary, using the method required by the director. Work shall be completed within 30 calendar days of the receipt of the notice from the director, not including days during which work cannot be done because of circumstances constituting force majeure or days when work is prohibited as unseasonal or unreasonable under Crystal city code, subsection 800.15, subdivision 3.

Subd. 5. Failure to restore. If the permittee fails to restore the right-of-way in the manner and to the condition required by the director, or fails to satisfactorily and timely complete all restoration required by the director, the director at its option may do such work. In that event the permittee shall pay to the city, within 30 days of billing, the cost of restoring the right-of-way. If permittee fails to pay as required, the city may exercise its rights under any existing construction performance bond.

Subd. 6. Degradation cost in lieu of restoration. In lieu of right-of-way restoration, a permittee may elect to pay a degradation fee. However, the permittee shall remain responsible for patching and the degradation fee shall not include the cost to accomplish these responsibilities.

#### 800.19. Joint applications.

Subd. 1. Joint application. Registrants may jointly apply for permits to excavate or obstruct the right-of-way at the same place and time.

Subd. 2. With city projects. Registrants who join in a scheduled obstruction or excavation performed by the director, whether or not it is a joint application by two or more registrants or a single application, are not required to pay the obstruction and degradation portions of the permit fee.

Subd. 3. Shared fees. Registrants who apply for permits for the same obstruction or excavation, which the director does not perform, may share in the payment of the obstruction or excavation fees. Registrants must agree among themselves as to the portion each will pay and indicate the same on their applications.

#### 800.21. Inspection.

Subd. 1. Notice of completion. When the work under any permit hereunder is completed, the permittee shall furnish a completion certificate in accordance with Minnesota Rules, part 7819.1300.

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

Subd 3. Authority of director. The director, together with any other authority provided by this Crystal city code, is authorized to do the following:

- (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; and
- (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 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 Crystal city code, section 800.27.

800.23. Supplementary applications.

Subd. 1. Limitation on area. A right-of-way permit is valid only for the area of the right-of-way specified in the permit. No permittee may do any work outside the area specified in the permit, except as provided herein. Any permittee which determines that an area greater than that specified in the permit must be obstructed or excavated must do each of the following before working in that greater area:

- (a) Make application for a permit extension and pay any additional fees required thereby; and
- (b) be granted a new right-of-way permit or permit extension.

Subd. 2. Limitation on dates. A right-of-way permit is valid only for the dates specified in the permit. No permittee may begin its work before the permit start date or, except as provided herein, continue working after the end date. If a permittee does not finish the work by the permit end date, it must apply and pay for a new permit for the additional time it needs, and receive the new permit or an extension of the old permit before working after the end date of the previous permit. This supplementary application must be done before the original permit end date.

800.25. Work done without a permit.

Subd. 1. Emergency situations. Each registrant shall immediately notify the director of any event regarding its facilities which it considers to be an emergency. The registrant may proceed to take whatever actions are necessary to respond to the emergency. Within two business days after the occurrence of the emergency the registrant 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 section for the actions it took in response to the emergency. If the director becomes aware of an emergency regarding a registrant's facilities, the director shall make all reasonable efforts to contact the local representative of each registrant affected, or potentially affected, by the emergency. In any event, the director may take whatever action it deems necessary to respond to the emergency and such cost shall be borne by the registrant whose facilities occasioned the emergency.

Subd. 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 section, deposit with the director the fees necessary to correct any damage to the right-of-way and comply with all of the requirements of this section.

800.27. Revocation of permits.

Subd. 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 where a substantial breach remains uncured for 15 calendar days after permittee receives written notice of such breach from the city. 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 permittee's 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 Crystal city code, subsection 800.21, subdivision 3.

Subd. 2. Written notice of breach. If the director 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 director 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 director, at director's discretion, to place additional or revised conditions on the permit to mitigate and remedy the breach.

Subd. 3. Response to notice of breach. Within two business days of receiving written notification of the breach, permittee shall provide the director with a plan, acceptable to the director, that will cure the breach. Permittee's failure to contact the director, 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. Further, permittee's failure to so contact the director, or the permittee's failure to submit an acceptable plan, or permittee's failure to reasonably implement the approved plan, shall automatically place the permittee on probation for one full year.

Subd. 4. Cause for probation. From time to time, the director may establish a list of conditions of the permit, which if breached will automatically place the permittee on probation for one full year, such as, but not limited to, working out of the allotted time period or working on right-of-way intentionally and materially outside of the permit authorization.

Subd. 5. Automatic revocation. If a permittee, while on probation, commits a breach as outlined above, permittee's permit shall be deemed revoked immediately upon written notification of the breach from the city and permittee will not be allowed further permits for one full year, except for emergency repairs.

Subd. 6. 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.

#### 800.29. Location of facilities.

Subd. 1. Undergrounding. Except as provided in this section, and as may otherwise be permitted by an existing franchise, the construction or installation of new facilities, and the replacement or relocation of old facilities, shall be done underground or contained within buildings or other structures in conformity with applicable codes. The undergrounding of new facilities shall not be required if the facilities are placed on existing utility poles to serve existing residential, commercial, or industrial structures. The placement of new facilities, or the replacement of existing facilities, to extend utility service from the right-of-way into individual properties to serve new or substantially renovated structures shall be undergrounded. If the facilities for which the utility poles were originally erected are undergrounded, all other facilities on the utility poles must also be undergrounded.

Subd. 2. Nuisance. Any facilities found in a right-of-way that have not been registered shall be deemed a public nuisance. The city may exercise any remedies or rights it has at law or in equity, including, but not limited to, abating the nuisance or taking possession of the facilities and restoring the right-of-way to a useable condition.

Subd. 3. Limitation of space. In order to protect health, safety, and welfare or, when necessary, to protect the right-of-way and its current use, the director shall have the power to prohibit or limit the placement of new or additional facilities within the right-of-way. In making such decisions, the director shall strive to the extent possible to accommodate all existing and potential users of the right-of-way, in accordance with the law and shall be guided 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.

800.31. Relocation of equipment or facilities.

Subd. 1. Required; exception. The director may require all registrants to promptly remove and relocate its equipment and facilities in the right of way, at the registrant's expense, when the director reasonably determines that the registrant's equipment or facilities interferes or will interfere with one or more of the following:

- (a) An existing or planned public project;
- (b) The health, safety or welfare of the public; or
- (c) The safety and convenience of travel over the right-of-way.

A registrant shall not be required to remove or relocate its facilities from any right-of-way which has been vacated in favor of a non-governmental entity unless and until the reasonable costs thereof are first paid to the registrant.

Subd. 2. Interference. For the purposes of this subsection, "interfere" means that the location of the equipment or facilities:

- (a) Restricts the city from carrying out a public project or duty to protect the public health, safety, or welfare;
- (b) Causes, or will cause, the city to incur significant additional cost or be exposed to potential liability to the registrant or third parties in carrying out a public project or duty, were the equipment or facilities to remain in the same location; or
- (c) Constitutes a safety hazard.

Subd. 3. Restoration. Following the removal and relocation of the equipment or facilities the registrant shall, at its own expense, restore the right-of-way affected to the same condition that existed prior to the removal.

800.33. Moving and damage to facilities.

Subd. 1. Moving facilities. When the director does work in the right-of-way and finds it necessary to maintain, support, or move a registrant's facilities to protect it, the director shall notify the local representative of the registrant as early as is reasonably possible. Upon notification the registrant may move its facilities at its own expense or, at the director's discretion, the city may move registrant's facilities. The city shall bill the registrant for its costs to move the facilities and the registrant shall pay the bill in full within 30 days from the date of billing.



Subd. 2. Damage to other facilities. Each registrant shall be responsible for the cost of repairing any facilities in the right-of-way which it or its facilities damages. Each registrant shall be responsible for the cost of repairing any damage to its own facilities.

800.35. Right-of-way vacation.

Subd. 1. Reservation of right. If the city vacates a right-of-way which contains the facilities of a registrant, and if the vacation does not require the relocation of registrant's or permittee's facilities, the city shall reserve, to and for itself and all registrants having facilities in the vacated right-of-way, the city's, and all registrants' right to install, maintain and operate their respective facilities in the vacated right-of-way and to enter upon such right-of-way at any time for the purpose of reconstructing, inspecting, maintaining or repairing the same.

Subd. 2. Relocation of facilities. If the vacation requires the relocation of a registrant's facilities, the costs of relocation shall be paid as follows:

- (a) If the vacation proceedings are initiated by the registrant or permittee, the registrant or permittee must pay the relocation costs;
- (b) If the vacation proceedings are initiated by the city, the registrant must pay the relocation costs unless otherwise agreed to by the city and the registrant; or
- (c) If the vacation proceedings are initiated by a person or persons other than the registrant, the city shall require such other person or persons to pay the relocation costs.

800.37. Indemnification and liability. By registering with the director, or by accepting a permit under this section, a registrant or permittee agrees to all of the provisions of this subsection.

Subd. 1. Limitation of liability. By reason of the acceptance of a registration or the granting of a right-of-way permit, the city does not assume any liability for any of the following:

- (a) For injuries to persons, damage to property, or loss of service claims by parties other than the registrant or the city; or
- (b) For claims or penalties of any sort resulting from the installation, presence, maintenance, or operation of facilities by registrants or activities of registrants.

Subd. 2. Indemnification Required. A registrant or permittee shall indemnify, keep, and hold the city, its elected officials, officers, employees and agents free and harmless from any and all liability on account of injury to persons or damage to property occasioned by the issuance of permits or by the construction, maintenance, repair, inspection, or operation of registrant's or permittee's facilities located in the right-of-way.

Subd. 3. Exclusions. 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 local government unit's negligence as to the issuance of permits or inspections to ensure permit compliance. The city shall not be indemnified if the injury or damage results from the performance in a proper manner of acts that the registrant or permittee reasonably believes will cause injury or damage, and the performance is nevertheless ordered or directed by the city after receiving notice of the registrant's or permittee's determination.

Subd. 4. Defense. If a suit is brought against the city under circumstances where the registrant or permittee is required to indemnify, the registrant or permittee, at its sole cost and expense, shall defend the city in the suit if written notice of the suit is promptly given to the registrant or permittee within a period in which the registrant or permittee is not prejudiced by the lack or delay of notice. If the registrant or permittee is required to indemnify and defend, it shall thereafter have control of the litigation, but the registrant or permittee may not settle the litigation without the consent of the city. Consent will not be unreasonably withheld. This part is not, as to third parties, a waiver of any defense, immunity, or damage limitation otherwise available to the city. In defending an action on behalf of the city, the registrant or permittee is entitled to assert in an action every defense, immunity, or damage limitation that the city could assert in its own behalf.

#### 800.39. Abandoned and unusable facilities.

Subd. 1. Discontinued operations. A registrant who has determined to discontinue its operations in the city must either:

- (a) Provide information satisfactory to the director that the registrant's obligations for its facilities in the right-of-way under this section have been lawfully assumed by another registrant; or
- (b) Submit to the director a proposal and instruments for transferring ownership of its facilities to the city. If a registrant proceeds under this clause, the city may, at its option:
  - (1) Purchase the facilities;
  - (2) Require the registrant, at the registrant's own expense, to remove the facilities; or
  - (3) Require the registrant to post a bond in an amount sufficient to reimburse the city for reasonably anticipated costs to be incurred in removing the facilities.

Subd. 2. Abandoned facilities. Facilities of a registrant who fails to comply with subdivision 1 of this subsection, and which, for two years, remains unused shall be deemed to be abandoned. Abandoned facilities are deemed to be a public nuisance. The city may exercise any remedies or rights it has at law or in equity, including, but not limited to, the following:

- (a) Abating the nuisance;
- (b) Taking possession of the facilities and restoring them to a useable condition; or
- (c) Requiring removal of the facilities by the registrant, or the registrant's successor in interest.

Subd. 3. Removal. Any registrant who has unusable and abandoned facilities in any right-of-way shall remove it from that right-of-way during the next scheduled excavation if the facilities are underground or within 60 days if the facilities are above ground, unless this requirement is changed or waived in writing by the director.

800.41. Right of appeal. A right-of-way user may file a written request appealing any of the following decisions to the city council:

- (a) Denial of a registration;
- (b) Denial of a permit;
- (c) Revocation of a permit; or
- (d) Amount of the fees imposed.

The city council shall act on a timely written request at its next regularly scheduled meeting. The city council shall decide the appeal in writing and provide the right-of-way user a copy of the decision.

800.43. Sidewalk, curb and gutter construction.

Subd. 1. Responsibility. The director is responsible for the control and supervision of the construction and repair of all public sidewalks, curb, or curb and gutter and supervises or constructs such public sidewalk and curb and gutter whenever the same is ordered by the city council.

Subd. 2. Permit Required. It is unlawful for a person to lay or construct a sidewalk, driveway approach, curb, or curb and gutter upon any right-of-way or public ground without first obtaining a right-of-way issued in accordance with this section. Any sidewalk, driveway approach, curb, or curb and gutter work performed shall comply with the standards established in this section and any conditions or requirements placed on the permit.

Subd. 3. Nuisance. Failure to perform any sidewalk, driveway approach, curb, or curb and gutter work in accordance with the standards established in this section or any conditions or requirements placed on the permit, failure to complete the work, or the failure to fully restore the right-of-way to at least the same condition it was in prior to the work constitutes a nuisance and is subject to abatement by the city. The city may recover its costs to abate the nuisance, together with all other related costs, from the property to which the work relates by special assessment pursuant to Minnesota Statutes, section 429.101 or through any other means available to the city under law.

800.45. Curb cut standards.

Subd. 1. Compliance. All curb cuts located within a right-of-way shall meet the standards specified in this subsection.

Subd. 2. One-family and two-family dwellings. One-family dwellings and two-family dwellings shall comply with the following requirements:

- (a) A parcel may have no more than one curb cut regardless of the amount of street frontage. The city manager, upon the recommendation of the director, may find that one additional curb cut may be permitted if the additional curb cut provides access to an existing conforming or lawfully nonconforming structure, such as a garage or paved surface lawfully used for vehicular parking, and that the parcel cannot be put to reasonable use without the additional curb cut. A parcel that has a curb cut on a public street and also abuts a public alley may have one access opening to the alley for use only to access a garage;
- (b) A two-family dwelling may have a second curb cut, subject to the following requirements and the additional requirements of this section:
  - (1) The curb cuts and driveway approaches shall be at least 10 feet apart; and
  - (2) The total width of the curb cuts shall not exceed 50% of the lot's street frontage;
- (c) The curb cut width shall match the width of the driveway approach at the curb opening, but in no circumstance shall a curb cut or any part of a driveway approach exceed 22 feet in width at the curb opening. In the event that a driveway approach is installed or reconstructed to be narrower than the curb cut, then the curb cut shall be narrowed to match the width of the driveway approach. If the curb cut is narrower than the driveway at the property line, then there may be an angled transition in the width of the driveway approach provided that the angle is no more than 45 degrees. If the director determines that, due to setback or topographic constraints, greater width in the boulevard is required for an angled transition to a wider, conforming driveway or lawful auxiliary space on private property, noncompliance with this paragraph may be authorized;

- (d) When a property is permitted more than one auxiliary parking space in accordance with this Crystal city code, the director may approve an additional angled transition in the width of the driveway approach to provide access to such auxiliary space. The additional area must only be on one side of the curb cut, be no more than three feet wider than the curb cut at the edge of the street pavement, and shall have an angle of no more than 45 degrees. The combined width of the driveway approach plus this additional area shall not exceed 22 feet anywhere in the street right-of-way, unless there are setback or topographic constraints that require greater width to provide reasonable access to a conforming driveway or lawful auxiliary space;
- (e) Two adjacent one-family dwellings or a two family dwelling with two separate driveways may share a single curb cut. In no circumstances shall a shared curb cut exceed 32 feet in width at the curb opening;
- (f) Curb cut openings and driveway approaches may be directly adjacent to the lot line extended to the street curb;
- (g) A shared curb cut and driveway approach may straddle the common lot line between the properties sharing the curb cut and driveway approach; and
- (h) No curb cut or driveway approach access on a collector or arterial street shall be located less than 30 feet from the corner. No curb cut access on a local street shall be located less than 20 feet from the corner. Distances shall be measured from the end of the adjacent intersection curb radius.

Subd. 3. Other uses. Uses other than one-family and two-family dwellings shall comply with the following requirements:

- (a) A parcel may have no more than one curb cut for each 100 feet of street frontage, with fractional curb cuts being rounded up or down to the nearest whole curb cut, and each parcel In no circumstance shall a curb cut or any part of a driveway approach exceed 36 feet in width. The width of a driveway approach shall not exceed the curb cut width, unless the property has setback or topographic constraints and the director makes a determination that for the property to have reasonable access the driveway must be allowed to be wider at the property line than it is at the curb cut;
- (b) Curb cuts and driveway approaches shall be at least five feet from the side lot line extended to the street;
- (c) entitled to at least one curb cut;

- (d) Curb cuts and driveway approaches shall not be located less than 40 feet from one another, except when each adjacent curb cut is for one-way traffic separated by a median; and
- (e) No curb cut access or driveway approach on a collector or arterial street shall be located less than 30 feet from the corner. No curb cut access on a minor street shall be located less than 20 feet from the corner. This distance shall be measured from the end of the adjacent intersection curb radius.

800.47. Width of streets and sidewalks.

Subd. 1. 50 foot or greater streets. Streets having a width of 50 feet or more must have a roadway measured from curb to curb of at least 24 feet. If sidewalks are constructed, they must be at least five feet wide and located at least one half foot from the property line. The remaining portion of the street is boulevard.

Subd. 2. Streets less than 50 feet. Streets having a width of less than 50 feet must have a roadway measured from curb to curb of at least 18 feet. If sidewalks are constructed, they must be at least five feet wide and located within the right-of-way. The remaining portion of the street is boulevard.

Subd. 3. Effect. This subsection does not require the city to construct a sidewalk on any existing right-of-way.

800.49. Nuisances.

Subd. 1. Prohibitions. The acts prohibited by this subsection are declared to be public nuisances and are subject to abatement by the city and recovery of the city's abatement costs pursuant to Minnesota Statutes, section 429.101 or such other law as may apply.

Subd. 2. Litter and offensive liquids. It is unlawful to throw, spill, place, deposit, or leave in or upon any right-of-way or other public place in the city any amount of glass, nails, tacks, or other items that can damage tires, or any garbage, rubbish, waste matter, or other litter of any kind. It is further prohibited to allow any malodorous, noxious, offensive, or other waste liquids of any kind to run, drip, or fall into or upon any public right-of-way or other public place.

Subd. 3. Snow and ice. It is unlawful to deposit or push any accumulation of ice or snow in, upon, or across any public right-of-way or upon any other public place.

Subd. 4. Signs. It is unlawful to mar, injure, deface, or destroy any lawful sign, or place or cause to be placed any advertising device or representation of any kind upon any fence, tree, guide posts or boards, sign boards, awnings, lamp posts, lamp or lanterns, street signs, and utility poles located within a public right-of-way or other public place.

Subd. 5. Plantings.

- (a) Boulevard plantings. Flowers, ornamental grasses, forbs and bushes grown on that part of any boulevard between the roadway and the property line of the adjoining landowner are allowed without a permit from the city, provided they meet the following height requirements and comply with all other laws and regulations, including, but not limited to, any sight triangle restrictions. Rain gardens, as defined in Crystal city code, section 615, are allowed within a boulevard but must comply with the height requirements contained herein. Nothing contained in this subsection shall excuse compliance with Crystal city code, section 615. Plantings shall comply with each of the following:
- (1) From the curb inward for five feet, only grass or groundcover may be planted, except for approved plantings within a permitted rain garden;
  - (2) From five feet inward to ten feet inward from the curb, a maximum plant height of 18 inches shall be maintained; and
  - (3) From ten feet inward from the curb to the end of the easement, no plant height restrictions shall apply.
- (b) Unlawful plantings; removal. Trees, bushes, or any plant life, other than grass, shall not be planted or replanted within any right-of-way except in accordance with a right-of-way permit issued for that purpose. If trees, bushes or any plant life other than grass is planted or replanted in violation of this section, upon written notice to the adjoining land owner, lessee or occupier of the land by any city employee, the adjoining land owner, lessee, or occupier of land must within 30 days of such notice, remove or cause to be removed from the right-of-way the unlawful tree, bush, or other plant life. If not removed within the 30 day period, the tree, bush, or other plant life which is in violation of this section may be removed by or at the direction of the city, and the expense of such removal may be charged against the adjoining land owner, lessee or occupier of land.
- (c) Damaging trees and shrubbery. It is unlawful to cut down, injure or destroy any fruit, shade or other tree or shrubbery lawfully growing on or located in a right-of-way or other public ground in the city without the permission of the city.

Subd. 6. Damaging public property. It is unlawful to make any excavation, to build or construct any fence, sidewalk, or building or structure of any nature, or to remove any earth or soil in or from any public right-of-way or public grounds in the city for any purpose without a written permit from the city authorizing such work and then only in accordance with all applicable provisions of this Crystal city code and any conditions or restrictions placed on the permit.

Subd. 7. Obstruct sewers or drains. It is unlawful to throw or deposit, or cause to be thrown or deposited, into any drain, catch basin, sewer, or gutter any item, material, or substance which may damage or obstruct the structure, or to otherwise cause the diversion or stoppage of water running through the structure.

800.51. Reservation of regulatory and police powers. A permittee's or registrant'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.

800.53. Franchise rights reserved. Nothing in this section precludes the city from requiring a franchise agreement with the applicant, as allowed by law, in addition to requirements set forth herein.



Section 805 – Special Events

805.01. Definitions. The definitions in Crystal city code, subsection 2100.01 apply to this section, except the term “right-of-way” shall have the meaning given it in Crystal city code, subsection 800.01.

805.01. Special events.

Subd. 1. Permit required. A special event permit shall be required if any portion of a special event is proposed to occur in, or is reasonably anticipated to involve the obstruction of, a right-of-way.

Subd. 2. Exceptions. A special event permit is not required for funeral processions or those events exempt under Crystal city code, subsection 2100.09, subdivision 2.

Subd. 3. Procedure. An application for a special event permit affecting a right-of-way shall be submitted and processed in accordance with Crystal city code, subsection 2100.09.

Section 810 – Visibility Triangle

810.01. Visibility triangle.

Subd. 1. Applicability. Property adjacent to the intersection of any street with any other street (intersection visibility triangle) or property adjacent to any approach of a driveway or alley to any public street or sidewalk (approach visibility triangle), collectively known as “visibility triangle,” is subject to the requirements in this section.

Subd. 2. Intersection visibility triangle defined. An intersection visibility triangle, which may include private property and/or public right-of-way, is a triangular area defined as follows (see Figure 1):

- (a) At intersecting streets, each leg of the triangle shall be 40 feet long, measured along the street curb from the hypothetical intersection of the extended curb lines of the intersecting streets; and
- (b) The hypotenuse of the triangle shall be the line connecting the outside end of each leg.

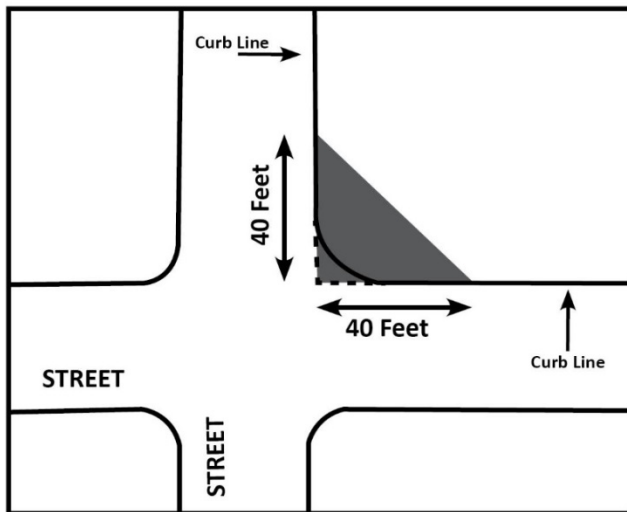


Figure 1: Illustration of Intersection Visibility Triangle

Subd. 3. Approach visibility triangle defined. An approach visibility triangle, which may include private property and/or public right-of-way, is a triangular area defined as follows (see Figures 2 and 3):

- (a) At a driveway or alley, each leg of the triangle shall be ten feet long, measured along the edge of the alley or driveway and the edge of the public street or sidewalk from the intersection of said edges; and
- (b) The hypotenuse of the triangle shall be the line connecting the outside end of each leg.

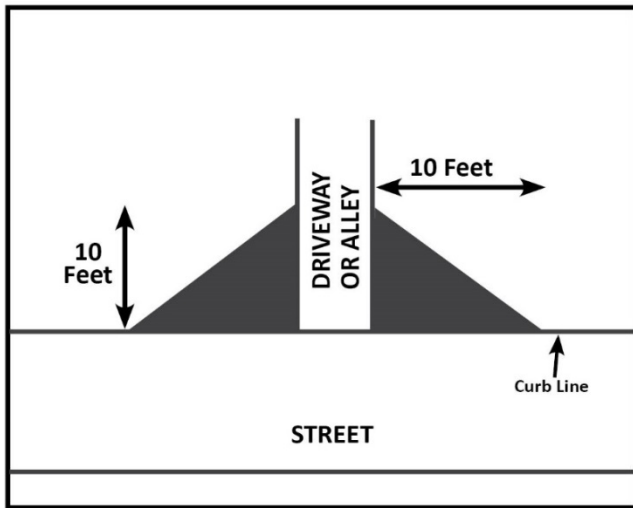


Figure 2: Illustration of Approach Visibility Triangle for approaches to a public street

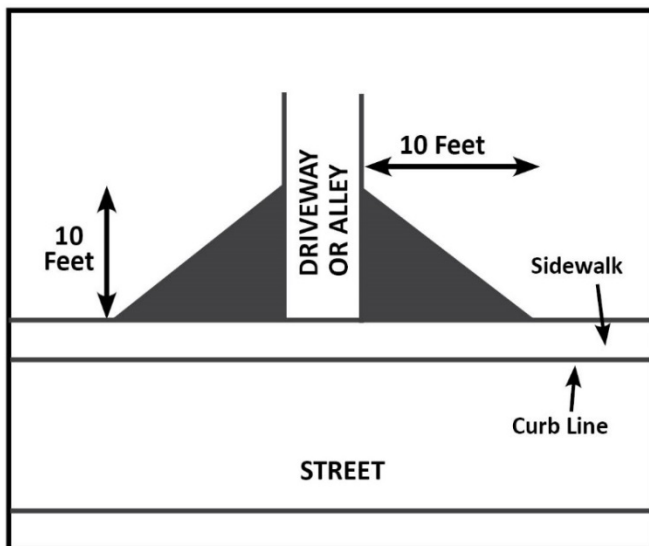


Figure 3: Illustration of Approach Visibility Triangle for approaches to a public sidewalk

Subd. 4. Structures or landscaping in visibility triangles.

- (a) Measurement of height. The height of structures or landscaping elements proposed in a visibility triangle is measured from the top of the adjacent curb.
- (b) Prohibitions. The following are prohibited within the visibility triangles as illustrated in Figures 1, 2 and 3:
  - (1) Any structure or landscape element, except signs, in excess of 30 inches in height. An exception to this requirement shall be for existing trees where the canopy is trimmed to a minimum of eight feet above grade. For any portion of the visibility triangle in the public right-of-way, the provisions of the Crystal city code, subsection 800.49, subdivision 5 pertaining to boulevard plantings also apply and the more restrictive provisions shall govern;
  - (2) Signs on private property that interfere with or obstruct sight distances for those travelling on the public right-of-way; and
  - (3) Signs placed in the public right-of-way, except for governmental signs as defined in the Crystal city code, section 505.
- (c) Exceptions. Upon request of a property owner, the director may grant an exception to these prohibitions based on facts and circumstances unique to the property which cause these prohibitions to be neither reasonable nor necessary. In such cases the property owner shall submit a written request for relief from these prohibitions including the rationale therefor. Such a request shall be subject to the review and approval of the director and placed in the city's records for the respective property.

Section 815 - Snow removal; sidewalks

815.01. Sidewalks; snow and ice removal. The city will provide for snow removal from the sidewalks of the city in accordance with a policy adopted by the city council that takes into account the amount of available personnel, equipment, and funds the city reasonably has available for such activities.

<b>Amended subsection</b>	<b>Amending ordinance</b>
Chapter VIII (Delete all and replace)	2018-03, Sec. 1
800.03	2000-9, Sec. 1
800.10	2008-01
800.21	2000-9, Sec. 3
800.45	2019-02, Sec. 11
802	98-8, Sec. 1
802.03	2017-02, Sec. 3
802.11, subd. 1	2017-02, Sec. 5
802.15, subd. 1	2017-02, Sec. 6
802.19, subd. 2	2015-04
802.19, subds. 3 and 4	2017-02, Sec. 7
802.20	2017-02, Sec. 8
802.21, subd. 3 and 4	2017-02, Sec. 9
802.31	2017-02, Sec. 10
805A	2017-07, Sec. 3
815.05, subd. 1	95-5
815.05, subd. 7	2010-05, Sec. 1
815.15	2011-4
<b>Repealed subsection</b>	<b>Repealing ordinance</b>
815.15	2011-4

## CHAPTER IX

## PUBLIC SAFETY

Section 900 - Emergency Management

900.01. Act adopted. The Minnesota Emergency Management Act of 1996, Minnesota Statutes, chapter 12, insofar as it relates to cities, is adopted by reference as part of this section as fully as if set forth herein.

900.03. Emergency management organization.

Subd. 1. Agency and director. There is created and continued, an emergency management organization under the supervision and control of a director of emergency management, hereinafter called the director. The director is appointed by the mayor for an indefinite term and may be removed by the mayor at any time. The director serves without salary but is paid actual necessary expenses. The director is responsible for the organization, administration, and operation of the local organization for emergency management, subject to the direction and control of the local governing body.

Subd. 2. Organization and functions. The emergency management organization is organized into such divisions and bureaus, consistent with the state emergency management program, as the director deems necessary to provide for the efficient performance of local emergency management functions during an emergency. The organization performs emergency management functions within the city and conducts such functions outside the city as may be required pursuant to Minnesota Statutes, chapter 12, or this section.

900.05. Powers and duties of director.

Subd. 1. Intergovernmental arrangements. The director shall represent the city on any regional or state organization for emergency management. The director may develop proposed mutual aid agreements with other political subdivisions within or outside the state for reciprocal emergency management and assistance in an emergency too great to be dealt with unassisted, and presents such agreements to the city council for its action. Such agreements must be consistent with the emergency management program and during an emergency, the emergency management organization must render assistance in accordance with the provisions of such agreements.

Subd. 2. Emergency management program. The director must prepare a comprehensive general plan for the emergency response of the city and present such plan to the city council for its approval. When the city council has approved the plan by resolution, all emergency management personnel of the city will perform the duties and functions assigned by the plan.

Subd. 3. Reports. The director must prepare and present to the city council periodically a report of activities and recommendations.

Section 905 - Fire prevention

905.01. Minnesota State Fire Code adopted. The Minnesota State Fire Code, Minnesota Statutes, chapter 299F and Minnesota Rules, chapter 7511, are hereby adopted by the city of Crystal including all supplements, appendices B, C, D and F, and subsequent amendments. The purpose of this action is for prescribing regulations governing conditions hazardous to life and property from fire, maintenance of buildings and premises, explosion and other like emergencies.

905.03. Enforcement by fire district. The Minnesota State Fire Code, as adopted herein, shall be administered and enforced by the West Metro Fire-Rescue District. All references to and duties of the bureau of fire prevention, the fire marshal, fire inspectors and required reports shall be governed by the West Metro Fire-Rescue District.

905.05. Definitions. The term “municipality” as used in the Minnesota State Fire Code means the city of Crystal. The term “fire district” means the West Metro Fire-Rescue District.

905.07. Storage of flammable liquids, liquefied petroleum gases, explosives, and blasting agents.

Subd. 1. Flammable or combustible liquids in outside above-ground tanks. The storage of flammable or combustible liquids in outside above-ground tanks is permitted within the I-Industrial zoning districts only. This does not include the storage of such materials as such may be used directly for residential purposes.

Subd. 2. Storage of liquefied petroleum gases. The storage of liquefied petroleum gases, explosives, and blasting agents is permitted in the I-1 and I-2 zoning districts only.

905.09. Special use permits. Storage of flammable liquids in outside above-ground tanks, the establishment of a bulk plant for flammable liquids, the bulk storage of liquefied petroleum gases, and the storage of explosives and blasting agents is not permitted within the corporate limits of the city, except the I-1 and I-2 zoning districts, and only upon written approval of the fire district and the city of Crystal building official.

905.11. Appeals. Any appeal from an order issued by the state fire marshal or fire district shall be governed by Minnesota State Fire Code, section 108.

905.13. Permits; fees. Permits are governed by the Minnesota State Fire Code. All permits will be issued by the building safety division of the city and must be approved by the fire district. Fees for permits are set by Crystal city code, appendix IV.



905.15. Fire lanes.

Subd. 1. Fire lanes, establishment. The fire marshal is hereby authorized to establish fire lanes on public or private property as may be deemed necessary. Such fire lanes shall ensure that the travel of fire equipment is not interfered with, and that access to fire hydrants or buildings may not be blocked. When a fire lane has been established, it shall be marked by a sign bearing the words "NO PARKING-FIRE LANE". When the fire lane is on public property or a public right-of-way, the sign or signs shall be erected by the city, and when on private property, they shall be erected by the owner at the owner's expense within 30 days after the owner has been notified of the order. Thereafter, no person shall leave a vehicle unattended or otherwise occupy or obstruct the fire lane.

Subd. 2. Enforcement of fire lanes. When any motor vehicle occupies or obstructs any duly established fire lane in a manner inconsistent with its intended use for fire protection purposes, or prevents access to any fire hydrant, the fire marshal or police department may order the impoundment of the vehicle, pursuant to applicable law. Any vehicle impounded hereunder shall be released in accordance with applicable law, including Minnesota Statutes, chapter 168B.

Subd. 3. Temporary use of fire lanes. The fire marshal is hereby authorized to temporarily designate fire lanes established hereunder upon which parking of vehicles shall be temporarily permitted when, in the fire marshal's opinion, such parking is necessary for public safety or convenience.

905.25. Commercial cooking ventilation systems.

Subd. 1. Periodic servicing. Commercial kitchen hoods shall comply with the provisions of the state fire code. Such equipment shall be inspected by the fire code official as required in the state fire code.

Subd. 2. Permits. A person cleaning a commercial cooking ventilation system or its components as referred to in subdivision 1 of this subsection for the removal of combustible grease, must first obtain a permit from the city. Permits must be obtained a minimum of three days prior to starting work. Upon completion of cleaning, the fire district must be notified for inspection and approval of work. The permit fee is fixed in Crystal city code, appendix IV.

905.27. Open burning.

Subd. 1. Recreational fires. Open burning shall be allowed for the purpose of recreation. (For example, fires for warmth, for the cooking of foodstuffs, or ceremonial purposes.) No permit is required for recreational fires, but they shall adhere to the following regulations at all times.

- (a) Recreational fires shall not be used for disposal of yard waste, construction materials, or common household trash. Fuel for recreational fire shall only be that of aged, dry firewood.

- (b) All recreational fires must be in an approved outdoor fireplace or pit, and must be no more than three feet in diameter. The outside edge of an at grade pit shall be ringed with brick, rock, or other non-combustible material to prevent fire spread. Commercially manufactured steel outdoor fire pits and structures may be used provided they are not more than three feet in diameter.
- (c) Recreational fires shall be kept a minimum of 25 feet from any structure or combustible materials. Portable outdoor fireplaces shall be used in accordance with the manufacturer's instructions and shall be kept a minimum of 15 feet from any structure or combustible materials.
- (d) Recreational fires shall not be allowed if winds exceed seven miles per hour.
- (e) Recreational fires shall be constantly attended by the property owner or designated adult until fire is completely extinguished. A garden hose or other adequate means of extinguishment shall be available within 15 feet of the fire for emergency purposes.
- (f) All recreational fires or open burning shall be conducted in accordance with Minnesota Statutes, section 88.171.
- (g) All recreational fires shall be extinguished no later than 11:00 P.M.
- (h) At the discretion of the fire code official, any recreational fire not adhering to the above regulations, and or that poses a dangerous condition shall be considered a public nuisance and shall be immediately extinguished upon direction from the fire code official or their designee. Any person or persons who fail to comply with these conditions shall be in violation of this subsection.
- (i) Portable outdoor fireplaces shall be used in accordance with manufacturer's instructions and shall not be operated within 15 feet of a structure made of combustible material.

Subd. 2. Open burning; use of open-flame, liquefied-petroleum gas, or charcoal cooking devices on vertical apartment balconies or patios is hereby prohibited. No person shall kindle, maintain or cause any fire or open flame on any apartment balcony above ground level or ground floor patio immediately adjacent to or within ten feet of any combustible construction. No person shall store any fuel, barbecue torch, or other similar heating or lighting chemicals or device in either of the above locations. **Exception:** Listed electric or gas-fired barbecue grills that are permanently mounted and wired or plumbed to the building's gas supply or electrical system and that maintain a minimum clearance of 18 inches (457 mm) on all sides, unless listed for lesser clearances, may be installed on balconies and patios when approved by the fire chief.

Subd. 3. Fire control costs. Every person, firm, or corporation shall be liable for fighting, preventing the spread of, or extinguishing any fire caused by or resulting from their actions, negligence, or omissions. The fire chief shall keep a record of all costs, including all work done by firefighters and other city employees, as well as any equipment used, and shall file the same with the city clerk. Thereupon, the city clerk shall bill the person, firm or corporation liable therefore. No license of any person, firm or corporation liable for the expenses incurred in fire control as provided herein shall be renewed if the licensee is in default hereunder.

Section 910 - Animal control

910.01. Definitions. For purposes of this section, the terms defined in this subsection have the meanings given them.

Subd. 1. Animal. “Animal” means a dog or other domestic animal.

Subd. 2. Animal control officer. “Animal control officer” means an agency of the state, county, municipality, or other governmental subdivision of the state which is responsible for animal control operations in its jurisdiction.

Subd. 3. Commercial kennel license. “Commercial kennel license” means a license required of any person, firm, corporation, or organization operating, or in control of, a commercial kennel.

Subd. 4. Custodian. “Custodian” means any person, firm, corporation, or organization that is temporarily responsible for the care, custody, or control of an animal, other than the owner of the animal.

Subd. 5. Owner. “Owner” means any person, firm, corporation, organization, or department possessing, owning, harboring, having an interest in, or having care, custody, or control of an animal on more than a temporary basis.

Subd. 6. Commercial kennel. “Commercial kennel” means any place where dogs or other animals are kept as part of a business involving the raising, selling, boarding, breeding, showing, or grooming of dogs or other animals. The term includes pet shops, kennels and other similar types of operations.

Subd. 7. Dangerous dog. “Dangerous dog” means any dog that has:

- (a) Without provocation, inflicted substantial bodily harm on a human being on public or private property;
- (b) Killed a domestic animal without provocation while off the owner’s property; or
- (c) Been found to be potentially dangerous, and after the owner has notice that the dog is potentially dangerous, the dog aggressively bites, attacks, or endangers the safety of humans or domestic animals.

Subd. 8. Domestic animal. “Domestic animal” means a domesticated dog, cat, ferret, chicken, pot-bellied pig, or rabbit.

Subd. 9. Great bodily harm. “Great bodily harm” has the meaning given it under Minnesota Statutes, section 609.02, subdivision 8.

Subd. 10. Multiple animal license. “Multiple animal license” means a license required of any person possessing or maintaining more animals on a property than is allowed under this section without a license.

Subd. 11. Potentially dangerous dog. “Potentially dangerous dog” means any dog that:

- (a) When unprovoked, inflicts bites on a human or domestic animal on public or private property;
- (b) When unprovoked, chases or approaches a person, including a person on a bicycle, upon the streets, sidewalks, or any public or private property, other than the dog owner’s property, in an apparent attitude of attack; or
- (c) Has a known propensity, tendency, or disposition to attack unprovoked, causing injury or otherwise threatening the safety of humans or domestic animals.

Subd. 12. Proper enclosure. “Proper enclosure” means securely confined indoors or in a securely enclosed and locked pen or structure suitable to prevent the animal from escaping and providing protection from the elements for the dog. A proper enclosure does not include a porch, patio, or any part of a house, garage, or other structure that would allow the dog to exit of its own volition, or any house or structure in which windows are open or in which door or window screens are the only obstacles that prevent the dog from exiting.

Subd. 13. Provocation. “Provocation” means an act that an adult could reasonably expect may cause a dog to attack or bite.

Subd. 14. Special event. “Special event” means an event designated by city council resolution and occurring in a city park, other than a designated dog park.

Subd. 15. Substantial bodily harm. “Substantial bodily harm” has the meaning given it under Minnesota Statutes, section 609.02, subdivision 7a.

#### 910.03. General provisions.

Subd. 1. Custodians of animals. A custodian is required to comply the requirements imposed on an owner under this section while the person is in possession of an animal.

Subd. 2. Animal control officer. The city manager shall designate the animal control officer.

Subd. 3. Enforcement. The police department and animal control officer are authorized to enforce the provisions of this section, including issuing citations for violations, transporting animals to the city animal pound, and destroying animals in accordance with the provisions of this section.

Subd. 4. Interference with officers. An unauthorized person shall not take or attempt to take from any officer any animal taken up by a police officer or the animal control officer in compliance with this section, or in any manner interfere with or hinder the officer or agent of the city in the discharge of the person's duties.

Subd. 5. Muzzles. When the animal control officer determines that a dog is infected with rabies, the police chief may require that the dog be muzzled while in public.

Subd. 6. Diseased animals prohibited. It is unlawful to knowingly bring into the city, or have in one's possession, an animal that is afflicted with infectious or contagious diseases. Such diseased animals must be destroyed in a humane manner unless the disease is curable and the animal is under the care of, and receiving treatment from, a licensed veterinarian.

Subd. 7. Zoning regulations. It is unlawful to keep or harbor an animal or fowl, except domestic animals, within any district of the city zoned residential unless otherwise permitted by the Crystal city code.

#### 910.05. Vaccination of animals.

Subd. 1. Required. Each dog, cat, or ferret over three months of age must be vaccinated for rabies. The vaccination must be administered by or under the supervision of a licensed doctor of veterinary medicine. The certificate of vaccination must show that the animal has been vaccinated in accordance with the current recommendation of the National Association of State Public Health Veterinarians and the Centers for Disease Control of the United States Department of Health, Education and Welfare. The certificate is prima facie proof of the required vaccination.

Subd. 2. Vaccination tag. An owner must have a current rabies vaccination tag securely affixed to the collar of its dog or cat when the animal is off of the owner's property. It is unlawful to falsify a vaccination tag.

#### 910.07. Regulations on number of animals.

Subd. 1. Noncommercial. The number of animals that may be kept on a property without a license, or with a multiple animal license, are as follows:

	Dogs	Cats	Pot-bellied Pig	Chickens	Combined Total Number of Animals Allowed*
No license required	Up to 3	Up to 3	1	4	Up to 4
Multiple animal license required	4 to 5	4 to 5	No more than 1 allowed	No more than 4 allowed	Up to 5

\* No more than three dogs over the age of three months shall be kept on a property without a multiple animal license. No more than three cats over the age of three months shall be kept on a property without a multiple animal license. Without a multiple animal license, the combination of dogs, cats, or pot-bellied pig shall not exceed four. A multiple animal license shall entitle a property owner to keep no more than five total animals on the property. In no event shall more than one pot-bellied pig be kept on a property. A pot-bellied pig is counted toward the total number of animals, but chickens are not.

Subd. 2. Commercial. Anyone engaging in the business of raising, selling, boarding, showing, treating, or grooming animals is required to obtain a commercial kennel license regardless of the number of animals involved in the business.

910.09. Multiple animal licenses and commercial kennel licenses. Every person proposing to keep more animals on a property than are allowed without a license, or to operate a commercial kennel, is required to obtain either a multiple animal license or a commercial kennel license from the city and is required to comply with the provisions of this subsection. No license shall be required for veterinarians as provided in Minnesota Statutes, section 347.40.

Subd. 1. Application. Application for an appropriate license must be made using the forms provided by the city and shall be submitted to the city clerk together with the payment of the appropriate fees required by Crystal city code, appendix IV. The applicant must provide, at the time of application, an up-to-date detailed plan and description of the premises and structures wherein the kennel is to be operated, the number and types of animals proposed to be handled therein, and such other information as the city may deem necessary. If the application is for a renewal of a previous license and no changes in the premises, structures, or operation have been made or are contemplated to be made, a new plan or description need not be provided but the completeness and accuracy of the existing plan must be so certified.

Subd. 2. Procedure.

- (a) The city clerk shall forward complete applications to the animal control officer for review.
- (b) The animal control officer shall review the application, conduct an inspection of the property if deemed needed, and make a recommendation regarding the requested license.

(c) The city council shall determine whether to issue the requested license.

Subd. 3. License term. Licenses expire on April 30 of each year.

Subd. 4. Posting. A commercial kennel license must be posted in a conspicuous place on the property. A multiple animal license need not be posted, but must be produced upon request by the city.

Subd. 5. Vaccination of animals. A certificate of vaccination for rabies shall be kept for every dog, cat, and ferret kept at a licensed premises and must be produced upon request by the city.

910.11. Pot-bellied pigs. In addition to the other regulations contained in this section, the following additional regulations shall apply to pot-bellied pigs.

Subd. 1. Only one allowed. No person may keep more than one pot-bellied pig, which must be kept solely for the private use and enjoyment of the person.

Subd. 2. Single-family dwelling. A pot-bellied pig may be kept only by residents of single family detached dwellings.

Subd. 3. Neutered or spayed. All male pot-bellied pigs must be neutered by the age of three months, and all female pot-bellied pigs must be spayed by the age of one year. The owner shall maintain a record showing the animal has been neutered or spayed by a licensed doctor of veterinary medicine upon the animal reaching the age indicated herein.

910.13. Chickens. In addition to the other regulations contained in this section, the following additional regulations shall apply to chickens.

Subd. 1. Prohibitions.

- (a) No person shall keep on any single family or two family residential property more than four total chickens. Chickens are not counted toward the number of animals that may be kept on a property without a multiple animal license.
- (b) No person shall keep roosters, or adult male chickens, on any property within the city.
- (c) Chickens are not allowed on properties with three or more dwelling units.
- (d) Cockfighting is specifically prohibited within the city.



- (e) The slaughter of chickens is prohibited in the city.
- (f) The raising of chickens for breeding purposes is prohibited in the city.
- (g) Chickens over the age of four weeks shall not be kept inside of a dwelling or garage.

Subd. 2. Owner present. The owner of the chickens shall live in the dwelling on the property. If the property is not owner-occupied, then the property owner must provide a written statement to the city confirming that the tenant may have chickens at the property.

Subd. 3. Shelter requirements. Chickens shall be properly protected from the weather and predators in a shelter or coop, and have access to the outdoors in an enclosure or fenced area. The shelter and/or enclosure shall meet all of the following requirements:

- (a) Applicable building, property maintenance and zoning requirements of Crystal city code, chapters IV and V;
- (b) All electrical work shall be done according to applicable codes and with appropriate permits;
- (c) The shelter shall be situated closer to the chicken owner's dwelling than to any of the neighboring dwellings, and in no case closer than five feet to the lot line;
- (d) Shelter and enclosure must not be located closer to an adjacent street than the owner's dwelling;
- (e) Screening from abutting residentially used properties and streets in the form of a solid privacy fence of at least four feet in height constructed according to the fence standards of Crystal city code, subsection 515.13, subdivision 7 shall be provided for the shelter and enclosure;
- (f) A shelter shall not exceed 120 square feet in size and shall not exceed six feet in height;
- (g) An enclosure or fenced area for chickens shall not exceed 20 square feet per bird and shall not exceed six feet in height and shall have protected overhead netting to prevent attracting predators and other animals running at large;

- (h) An enclosure or fenced area may be constructed with wood and/or woven wire materials that allow chickens to contact the ground; and
- (i) The structure must be properly constructed and of quality materials to deter rodents and predators.

Subd. 4. Prevention of nuisance conditions. Owners shall care for chickens in a humane manner and shall prevent nuisance conditions by ensuring the following conditions are met:

- (a) The shelter and enclosure are maintained in good repair, and in a clean and sanitary manner free of vermin and objectionable odors;
- (b) Feces and discarded feed is regularly collected and stored in a leak-proof container with a tight-fitting cover to prevent nuisance odors and the attraction of vermin until it can be disposed properly;
- (c) Chicken feed shall be stored in leak-proof containers with a tight-fitting cover to prevent attracting vermin;
- (d) Chickens shall be secured inside of a shelter from sunset to sunrise each day to prevent nuisance noise and attracting predators;
- (e) Chickens shall remain in either the shelter or enclosure at all times and shall not run at large; and
- (f) The shelter shall be winterized to protect the chickens in cold weather.

Subd. 5. Sale of farm poultry or eggs. Owners must comply with all requirements and performance standards for home enterprises in Crystal city code, subsection 515.33, subdivision 3b and all Minnesota Department of Agriculture requirements for the sale of eggs.

910.15. Manner of keeping animals.

Subd. 1. Sanitary conditions. It shall be unlawful to engage in any of the following:

- (a) Keeping an animal in an unclean or unsanitary place or in an unclean or unsanitary condition so as to endanger the animal's health or safety;
- (b) Owning, harboring, keeping, or having in possession or on one's premises an animal in a manner that produces an odor that can be detected by any person from a location outside of the building or premises where the animal is kept; or

- (c) Owning, harboring, keeping, or having in possession or on one's premises an animal that by howling, yelping, barking, fighting or otherwise, produces noise that disturbs the peace, quiet or repose of a person of ordinary sensibility.

Subd. 2. Basic care. All animals shall receive kind and humane treatment from their owners, which shall include proper, adequate, clean, ventilated, and sanitary housing or shelter from the elements and sufficient food and water for their comfort. Failure to provide basic care is a violation of this subsection.

Subd. 3. Removal of animal feces required. An owner or custodian shall immediately pick up and remove any feces deposited on public property or on the property of another. Any such person must have in their possession a means to collect and dispose of all fecal matter in a proper manner.

Subd. 4. Accumulation of feces prohibited. An owner or custodian shall keep the premises on which an animal is kept free from an unreasonable accumulation of fecal matter.

910.17. Confinement and control. A person who owns or keeps an animal, or the parent or guardian of a person under 18 years of age who keeps an animal, may not permit the animal to be on private land in the city unless the animal is effectively restrained from leaving the land by leashing or fencing, except on the owner's own private land. The owner of the land may keep an animal on that land but the animal must be kept under the immediate supervision and verbal command of a responsible person. A person having custody or control of an animal may not permit the animal to be on public property in the city unless the animal is effectively restrained by leash not exceeding six feet in length. An animal in heat must be confined in an enclosure that prevents its escape and the entry of other animals. While on the owner's property, a dog designated as dangerous must be kept in a proper enclosure and as otherwise provided in Minnesota Statutes, sections 347.51 and 347.52, and this section.

910.19. Public nuisance.

Subd. 1. Violation. An animal is a public nuisance if its owner or custodian violates Crystal city code, subsection 910.15:

- (a) Three times within a period of 60 consecutive days;
- (b) Four times within a period of 180 consecutive days; or
- (c) Five times within a period of 360 consecutive days.

For purposes of this subsection, the date of a violation is the date the violation occurs, not the date of conviction for the violation.

Subd. 2. Other nuisance conditions. An animal is a public nuisance if the animal:

- (a) Attacks a person without provocation, causing injury to that person;
- (b) Attacks a domestic animal outside the premises of the animal's owner, causing injury to that domestic animal;
- (c) Has a demonstrated propensity to attack without being provoked or to otherwise endanger the safety of persons or domestic animals;
- (d) Habitually interferes with the public use of a public right-of-way;
- (e) Habitually destroys or damages real or personal property of a person other than its owner;  
or
- (f) Is required to be quarantined pursuant to Crystal city code, section 910.25, but is at large.

Subd. 3. Proceedings for disposition of nuisance animals. An animal that is a public nuisance under this subsection is to be disposed of in the manner provided by Minnesota Statutes, sections 347.04 to 347.07.

Subd. 4. Complaint. The complaint required by Minnesota Statutes, sections 347.04 to 347.07 may be prepared and presented to the district court by the animal control officer or any peace officer designated by the police chief.

#### 910.21. Commercial kennels.

Subd. 1. Design. Kennel floors and walls must be constructed of impervious and easily cleanable materials and all structures, areas, and accessories shall be designed to facilitate frequent and easy cleaning. All areas must be adequately and properly ventilated. Every kennel must be suitably enclosed or fenced in such a manner as to prevent the running at large or escape of animals confined therein. Doors, windows and other openings must be screened from May 1 to October 1. The premises must be provided with the adequate and safe sewer and water connections, plumbing and plumbing fixtures.

Subd. 2. Construction. New kennels or repairs or alterations of existing kennels must have plans filed with and approved by the animal control officer, and or the building official if such construction is subject to the state building code, before a building permit may be issued. All new construction or reconstruction must comply with this section and other applicable provisions of this Crystal city code.

Subd. 3. Operation. Kennels must be maintained in a clean, healthful, sanitary, and safe condition and so as not to create a health hazard or public nuisance. Kennels must be operated in a humane manner, and the licensee and persons having charge thereof and their employees or agents may not deprive the animals of necessary food, water or shelter, or perform any act of cruelty to the animals or in any way further any acts of cruelty toward them or any act tending to produce such cruelty.

Subd. 4. Conditions. Cages, pens, benches, boxes or receptacles in which the animals are confined must be kept clean, sanitary and in good repair and must be properly sufficient and humane in size for the confinement of the animals. Show or display cases, windows, counters and shelves used in handling the animals must be kept clean, sanitary, free from dust and dirt and in good repair. Plumbing fixtures and other accessories must be kept in a clean and sanitary condition and in good repair. Delivery vehicles must be kept clean. Utensils used in the preparation of food and the feeding of the animals must be kept clean, sanitary and in good repair. The use of the utensils for such purpose that are badly worn, rusted or corroded or in such condition that they cannot be rendered clean and sanitary, is prohibited.

Subd. 5. Waste disposal. Refuse and other wastes must be removed frequently and stored and disposed of as set forth in Crystal city code, section 605 or by another method approved by the city.

Subd. 6. Records. A commercial kennel licensee must keep the records deemed necessary by the city.

910.23. Animal pounds.

Subd. 1. Designation. The city shall designate one or more animal pounds at which animals seized shall be kept in accordance with Minnesota Statutes, section 346.47.

Subd. 2. Disposal. Animals impounded under this section must be held in accordance with Minnesota Rules, part 1721.0520, and may be disposed of as outlined in Minnesota Rules, part 1721.0520, subpart 10.

Subd. 3. Reclamation. An owner or claimant of a dog impounded by reason of violation of any provision of this section may reclaim the dog within five business days upon obtaining a license therefor, if unlicensed, and paying the appropriate impounding fees as set forth in Crystal city code, appendix IV. The reclamation of a dangerous dog is set forth in Crystal city code, subsection 910.39.

910.25. Impounding.

Subd. 1. Animal bites. An animal that is capable of transmitting rabies and that has bitten a person such that the skin has been broken, as determined by the responding officer, or the person seeks the services of a doctor, must be taken up and impounded at the city animal pound and quarantined for at least ten days from the time of the bite, and in any event until it is determined whether or not the animal had or has rabies. If the animal has bitten a person, the animal may be immediately euthanized if required to test for rabies as determined by the state or county health authority, as recommended by the Centers for Disease Control may be, or at the request of the owner. If non-lethal testing is possible and the animal is found to be rabid, it must be destroyed; if it is found not to be rabid, it will be returned to the owner provided that owner first pays for the cost of impounding and quarantining it. If the owner does not pay such costs within five business days after being notified to claim or retrieve the animal, the animal may be disposed of as provided in Crystal city code, subsection 910.23. If the animal control officer determines that exceptional medical conditions so require, the officer may permit the animal to be impounded and quarantined at an impounding facility other than the city animal pound, provided that the facility must be one acceptable to the police chief and the animal must be kept separate and apart from all other animals and under the care and supervision of a licensed veterinarian. The cost incurred by the city in carrying out the provisions of this subsection must be paid by the owner of the impounded animal.

Subd. 2. Bitten animals. An animal that has been bitten by a known rabid animal must be impounded. The animal may be immediately killed if it cannot, with reasonable effort, be captured and impounded. An animal impounded under this subsection shall be destroyed unless the owner makes provisions for a suitable quarantine period of not less than six months for unvaccinated animals, or if the owner provides proof of a previous vaccination for a period of 30 days.

Subd. 3. Potentially dangerous or dangerous dogs. A potentially dangerous or dangerous dog shall not be returned to its owner until the owner has complied with the relevant provisions of state law and this section and paid all associated costs. The police chief has the discretion to determine if the dog may be returned to its owner before the owner has complied with all the relevant provisions.

910.27. Suspension and revocation of commercial kennel license. A commercial kennel license may be temporarily suspended by the animal control officer, with the approval of the city manager, for violation by the licensee of any of the terms of this section that constitute a health hazard or creates a nuisance, or revoked after an opportunity for a hearing by the city council upon a serious violation or repeated violations upon recommendation of the animal control officer.

910.29. Special events. It is unlawful to bring an animal onto city park property during a special event conducted on that park property. The city manager is authorized and directed to prepare and promulgate rules specifying the beginning and ending times of the special events designated by the city council during which the prohibition will be in effect.

910.31. Exceptions. This section does not apply to the following:

- (a) A dog owned and controlled by local, state and federal law enforcement agencies that is used in law enforcement or related activities;
- (b) Animals actually used by handicapped persons for personal assistance;
- (c) Animals used for entertainment purposes as part of an authorized special event;
- (d) Persons or places selling only frogs, fish, worms or reptiles for use as live bait for fishing;  
or
- (e) Animals which are allowed to be off-leash in a designated off-leash park, unless as otherwise determined by the city.

Potentially Dangerous and Dangerous Dogs

910.33. Adoption by reference. Except as otherwise provided in this section, the regulatory and procedural provisions of Minnesota Statutes, sections 347.50 to 347.565, which provide for the regulation of dangerous and potentially dangerous dogs, are adopted by reference.

910.35. Potentially dangerous dogs.

Subd. 1. Notice to owner of declaration. The animal control officer shall notify the owner by delivering, mailing, or posting on the owner's residence a notification informing the owner of the declaration of its dog as potentially dangerous, the basis for the declaration, the procedure for appealing the declaration, and the result of the owner's failure to appeal the declaration as described in subdivision 2 of this subsection.

Subd. 2. Appeal. An appeal of the declaration must be submitted on the form supplied by the city. The completed form and appeal fee must be submitted to the police department within 14 days of notification. Appeals consist of a record review by the police chief. The owner shall be notified of the results of the record review within ten days of the receipt of the completed appeal form and appeal fee. If the owner fails to appeal the declaration within 14 days, the owner forfeits the right to appeal and the declaration of the dog as potentially dangerous is final. If the declaration is upheld, the owner must comply with all applicable requirements.

Subd. 3. Registration. Any person who has a dog that has been designated as potentially dangerous dog pursuant to this subsection or pursuant to Minnesota Statutes, section 347.50, must register the dog as a potentially dangerous dog with the city.

- (a) The owner shall make the potentially dangerous dog available to be photographed by the animal control officer for identification purposes at a time and place specified by the animal control officer.
- (b) The registration of the potentially dangerous dog must be renewed annually with the city until the dog is deceased or is determined to be no longer potentially dangerous. The current owner of a potentially dangerous dog must notify the animal control officer in writing of the death of the dog or its transfer to another owner or to another location within 30 days of the dog's death or transfer. If requested by the city, the owner must execute an affidavit under oath setting forth the circumstances of the dog's death and disposition or the complete name, address, email address, and telephone number of the person to whom the dog was transferred to. The animal control officer, or its designee, shall be allowed to inspect the dog and the place where the dog is now located at any reasonable time.
- (c) The owner of a potentially dangerous dog must be 18 years of age or older.



Subd. 4. Microchip implantation. Any dog that is determined to be potentially dangerous by the city pursuant to the definition and process contained in this subsection or pursuant to Minnesota Statutes, section 347.50 shall be implanted with a microchip for identification purposes within 14 days of the final declaration of the dog as potentially dangerous. All costs related to purchase and implantation of the microchip shall be borne by the owner of the dog. The name of the microchip manufacturer and identification number of the microchip, along with the owner's telephone number, address, and email address, must be provided to the city. If the microchip is not implanted by the owner, the city may have a microchip implanted in the dog at the owner's expense. Upon request, the owner or custodian of a potentially dangerous dog must make the dog available to the animal control officer for an inspection to determine whether a microchip has been implanted.

Subd. 5. Sterilization. The city may require a potentially dangerous dog to be sterilized at the owner's expense within 30 days of the final declaration of the dog as potentially dangerous. If the owner does not have the dog sterilized, the animal control officer may arrange for and have the dog sterilized at the owner's expense. Upon request, the owner of a potentially dangerous dog must make the dog available to the animal control officer for an inspection or provide proof in the form of a statement from a licensed veterinarian to determine whether the dog has been sterilized.

Subd. 6. Obedience class. The city may require that the owner and its potentially dangerous dog attend an evaluation conducted by an animal behaviorist.

#### 910.37. Dangerous dogs.

Subd. 1. Notice to owner of declaration. The animal control officer shall notify the owner of the declaration by delivering, mailing, telephoning if possible, or posting a notification on the owner's residence. The notice shall include:

- (a) A description of the dog; the authority for and purpose of the dangerous dog declaration and seizure, if applicable; the time, place, and circumstances under which the dog was declared dangerous; and the telephone number and contact person where the dog is being kept, if applicable;
- (b) A statement that the owner of the dog may request a hearing concerning the dangerous dog declaration and, if applicable, prior potentially dangerous dog declarations for the dog, and that failure to do so within 14 days of the date of the notice will terminate the owner's right to a hearing;
- (c) A statement that if an appeal request is made within 14 days of the notice, the owner must immediately comply with the requirements of Minnesota Statutes, section 347.52, paragraphs (a) and (c), and until such time as the hearing officer issues an opinion;

- (d) A statement that if the hearing officer affirms the dangerous dog declaration, the owner will have 14 days from receipt of that decision to comply with all other requirements of Minnesota Statutes, sections 347.51, 347.515, and 347.52 and this section.
- (e) A form to request a hearing; and
- (f) A statement that all actual costs of the care, keeping, and disposition of the dog are the responsibility of the person claiming an interest in the dog, except to the extent that a court or hearing officer finds that the seizure or impoundment, if applicable, was not substantially justified by law.

Subd. 2. Hearing. Any hearing must be held within 14 days of the request to determine the validity of the dangerous dog declaration. The hearing will be held before an impartial hearing officer. In the event that the dangerous dog declaration is upheld by the hearing officer, actual expenses of the hearing up to a maximum of \$1,000 will be the responsibility of the dog's owner. The hearing officer shall issue a decision within ten days after the hearing. The decision must be delivered to the dog's owner by hand delivery or registered mail as soon as practical and a copy must be provided to the animal control officer.

Subd. 3. Registration. Any person who has a dog that has been designated as a dangerous dog pursuant to this subsection or pursuant to Minnesota Statutes, section 347.50, subdivision 1, must register the dog as a dangerous dog with the city, pay an annual fee in addition to the dog license fee, and meet all other requirements set forth in this subsection as well as those provided in Minnesota Statutes, sections 347.51, 347.515, and 347.52. After being presented with sufficient evidence that the state law and the city requirements have been met as provided below and in state law, the city shall issue a certificate of registration to the owner of a dangerous dog.

- (a) The owner shall make the dangerous dog available to be photographed by the animal control officer for identification purpose at a time and place specified by the animal control officer.
- (b) The registration of the dangerous dog must be renewed annually with the city until the dog is deceased or is determined to be no longer dangerous. The current owner of the dangerous dog must notify the animal control officer in writing of the death of the dog or its transfer to another owner or to another location within 30 days of the dog's death or transfer. If requested by the city, the owner must execute an affidavit under oath setting forth the circumstances of the dog's death and disposition or the complete name, address and telephone number of the person to whom the dog was transferred to.
- (c) The owner of the dangerous dog must be 18 years of age or older.

- (d) The owner of a dangerous dog must post a sign with the uniform dangerous dog warning symbol in a conspicuous location near the front door of the property. The city shall provide the owner with a warning symbol for posting on the owner's property pursuant to Minnesota Statutes, section 347.51, subdivision 2a. The city may charge the registrant a reasonable fee for the symbol.
- (e) A dangerous dog must be securely confined indoors or confined in a secure outdoor enclosure suitably sized for the dog and otherwise meeting the requirements of a proper enclosure. An enclosure is secure and proper within the meaning of this section if it meets the following minimum specifications:
- (f) When the dog is confined in an enclosure, all access points of the enclosure must be locked. The animal control officer may seize a dangerous dog that is unconfined while on the owner's property and not otherwise restrained as provided below.
- (g) A dangerous dog shall be sterilized at the owner's expense within 30 days of the final determination of the dog as dangerous. If the owner does not have the dog sterilized, the animal control officer, or its designee, may arrange for and may have the dog sterilized at the owner's expense. Upon request, the owner of a dangerous dog must make the dog available to the animal control officer, or its designee, for an inspection to determine whether the dog has been sterilized.
- (h) Any dog that is determined to be dangerous by the city pursuant to the definition contained within this section or pursuant to Minnesota Statutes, section 347.50 shall be implanted with a microchip for identification purposes within 14 days of the final determination of the dog as dangerous. All costs related to purchase and implantation of the microchip shall be borne by the owner of the dog. The name of the microchip manufacturer and identification number of the microchip must be provided to the city. If the microchip is not implanted by the owner, the city may have a microchip implanted in the dog at the owner's expense. Upon request, the owner or custodian of a dangerous dog must make the dog available to the animal control officer, or its designee, for an inspection to determine whether a microchip has been implanted.
- (i) The owner must obtain a surety bond or a policy of liability insurance from a company authorized to conduct business in Minnesota in the amounts set forth in Minnesota Statutes, section 347.51, subdivision 2.

Subd. 4. Obedience class. The city may require that the owner and its dangerous dog attend and complete an approved obedience class.

Subd. 5. Restraint. If a dangerous dog is outside of the proper enclosure, it must be securely muzzled and restrained with a chain not exceeding three feet in length, and having a tensile strength sufficient to restrain it. The dog's muzzle must be designed in a manner that will prevent it from biting any person or animal but that will not cause injury to the dog or interfere with its vision or respiration.

Subd. 6. Removal of dangerous dog classification. Beginning six months after a dog is declared a dangerous dog, pursuant to Minnesota Statutes, section 347.51, subdivision 3a, the owner may request on an annual basis that the city review the dog's designation as a dangerous dog. The owner must provide evidence that the dog's behavior has changed due to the dog's age, neutering, environment, completion of obedience training that includes modification of aggressive behavior, or other factors. If the police department, or its designee, finds sufficient evidence that the dog's behavior has changed, the city may rescind the dangerous dog classification or take any other reasonable action suggested by the facts. The owner of the dog shall be notified in writing of the review results within ten days of receipt of the request.

Subd. 7. Concealment. Any person who harbors, hides, or conceals a dog declared dangerous that has been ordered into custody shall be guilty of a misdemeanor.

910.39. Seizure of dangerous dogs.

Subd. 1. Required. The animal control officer shall immediately seize a dangerous dog if:

- (a) After 14 days after the owner has notice that the dog is dangerous, the dog is not validly registered under Minnesota Statutes, section 347.51;
- (b) After 14 days after the owner has notice that the dog is dangerous, the owner does not secure the proper liability insurance or surety coverage;
- (c) The dog is not maintained in the proper enclosure;
- (d) The dog is outside the proper enclosure and not under physical restraint of a responsible person; or
- (e) The dog is not sterilized within 30 days.

If an owner of a dog is convicted of a crime for which the dog was originally seized, the court may order that the dog be confiscated and destroyed in a proper and humane manner, and that the owner pay the costs incurred in confiscating, confining, and destroying the dog.

Subd. 2. Reclaimed. A dangerous dog seized under subdivision 1 of this subsection may be reclaimed by the owner of the dog upon payment of impounding and boarding fees, and presenting proof to the animal control officer, that the requirements of Minnesota Statutes, sections 347.51 and 347.52 will be met. A dog not reclaimed under this subdivision within seven days may be disposed of in accordance with law and the owner is liable for costs incurred in confining and disposing of the dog.

Subd. 3. Subsequent offenses. If a person has been convicted of a misdemeanor for violating a provision of Minnesota Statutes, sections 347.51, 347.515, or 347.52, and the person is charged with a subsequent violation relating to the same dog, the dog will be seized by the animal control officer. If the owner is convicted of the crime for which the dog was seized, the court shall order that the dog be destroyed in a proper and humane manner and the owner pay the cost of confining and destroying the animal. If the owner is not convicted and the dog is not reclaimed by the owner within seven days after the owner has been notified that the dog may be reclaimed, the dog may be disposed of in accordance with law.

Subd. 4. Prevention of disposition of seized dogs. A person claiming an interest in a seized dog may prevent disposition of the dog by posting security in an amount sufficient to provide for the dog's actual cost of care and keeping. The security must be posted within seven days of the seizure inclusive of the date of the seizure.

Subd. 5. Right to a hearing when dog seized. The owner of any seized dog has the right to a hearing before an impartial hearing officer. The notice and hearing requirements provided in section 910.37, subdivisions 1 and 2, shall apply.

#### 910.41. Restrictions on future ownership.

Subd. 1. Convictions. A person may not own a dog if he or she has been convicted of any of the violations set forth in Minnesota Statutes, section 347.542. This prohibition applies to any member of that same person's household.

Subd. 2. Non-compliance. An owner of a potentially dangerous dog or dangerous dog that fails to comply with the requirements of this section or state law may be prohibited or restricted from future ownership or custody of other dogs. An owner in violation of this section or state law shall be notified in writing and may request a hearing within 14 days of the receipt of the notice of violation. If a hearing is requested, the police chief shall schedule a hearing before an impartial hearing officer within 14 days of the receipt of the request. A hearing fee shall be paid to the city prior to the scheduling of the hearing. The owner shall be notified of the hearing results in writing within ten days.

#### 910.43. Penalty.

Subd. 1. Failure to comply with statutory requirements. A person who violates a provision of Minnesota Statutes, sections 347.51, 347.515, or 347.52 is guilty of a misdemeanor.

Subd. 2. Failure to comply. It is a misdemeanor to remove a microchip from a dangerous or potentially dangerous dog, to fail to renew the registration of a dangerous dog, to fail to account for a dangerous dog's death or change of location where the dog will reside, to sign a false affidavit with respect to a dangerous dog's death or change of location where the dog will reside, or to fail to disclose ownership of a dangerous dog to a property owner from whom the person rents property.

Subd. 3. Enhanced penalty. A person who is convicted of a second or subsequent violation of subdivisions 1 or 2 of this subsection is guilty of a gross misdemeanor.

Subd. 4. Ownership violation. An owner who violates Minnesota Statutes, section 347.542, subdivision 1, or Crystal city code, subsection 910.41, subdivision 1 is guilty of a gross misdemeanor.

Subd. 5. Household member violation. Any household member who knowingly violates Minnesota Statutes, section 374.542, subdivision 2, or Crystal city code, subsection 910.41, subdivision 1 is guilty of a gross misdemeanor.

910.45. Destruction of a dog in certain circumstances.

Subd. 1. Circumstances. Notwithstanding Minnesota Statutes, sections 347.51 through 347.55, a dog may be destroyed in a proper and humane manner by the animal control officer, if the dog:

- (a) Inflicted substantial or great bodily harm on a human on public or private property without provocation;
- (b) Inflicted multiple bites on a human on public or private property without provocation;
- (c) Bit multiple human victims on public or private property in the same attack without provocation; or
- (d) Bit a human on public or private property without provocation in an attack where more than one dog participated in the attack.

Subd. 2. Hearing. The dog may not be destroyed until the owner has had the opportunity for a hearing before an impartial decision maker.

910.47. Public protection from dogs. An owner of a dog shall at all times prevent the dog from attacking, biting, or otherwise causing injury or attempting to cause injury to any person engaged in a lawful act or from causing injury or attempting to cause injury to a domestic animal.

910.49. Conditioning equipment prohibited.

Subd. 1. Equipment use. No person shall use or possess any device, equipment, treatment or products for the strengthening or conditioning of an animal with the intent to enhance the animal's ability to inflict bodily injury upon human beings or domestic animals on public or private property.

Subd. 2. Exception. This prohibition shall not apply to equipment used to train a dog for recreational hunting assistance. Recreational hunting training assistance equipment shall include, but is not limited to, soft hold training and decoy retrieval apparatuses.

910.51. Collars, leashes, tie outs.

Subd. 1. Collars. Collars may not exceed two pounds in weight and must be made of durable material strong enough to hold the dog it is intended for. No collars are to be used other than for humane restraint. Collars may not be equipped with any type of sharp prongs on the inside of the collar or weighted devices that may cause injury or discomfort to the animal's neck. Blunt pronged training collars are permitted if property fitted and unaltered from the manufactured design.

Subd. 2. Leashes. Leashes must not exceed six feet in length.

Subd. 3. Chains, tethers and tie outs. Chains, tethers, or tie outs must be at least three times the length of the animal secured to it. Tie outs must be of durable material, strong enough to hold the animal it is intended for. Any animal secured with a tie out must be in an area that would not allow the animal to become tangled around objects while allowing access to shelter and water. Tie outs must be placed in such a location as to inhibit the animal secured from reaching a public sidewalk, street or alley. The tie out must not allow the secured animal access to any neighboring property unless written permission has been obtained from the property owner. Animals may only be restrained in a humane manner.

Section 915 - Building security

915.01. Definition. For purposes of this section, a “dead bolt lock” means a locking bolt that, when in the locked position, can only be moved positively by turning a knob, key, sliding bolt or mechanism activated by working a combination. The term does not include a lock bolt moved by a skeleton-type key.

915.03. Dead bolt lock required. Multiple dwellings, hotels, motels and apartment hotels must provide dead bolt locks on all entrance doors of each dwelling unit, at least one that must be capable of being locked from the exterior.

915.05. Responsibility for security. The owner, operator or agent of buildings covered by this section is responsible for compliance with this section.

915.07. Security enforcement. The chief building inspector administers and enforces this section.



Section 921 - Curfew921.01. Findings and purpose.

Subd. 1. In recent years, there has been a significant increase in juvenile victimization and crime. At the same time, the crimes committed by and against juveniles have become more violent. A significant percentage of juvenile crime occurs during curfew hours.

Subd. 2. Because of their lack of maturity and experience, juveniles are particularly susceptible to becoming victims of older perpetrators. The younger a person is, the more likely the juvenile is to be a victim of crime.

Subd. 3. While parents have the primary responsibility to provide for the safety and welfare of juveniles, the city also has a substantial interest in the safety and welfare of juveniles. Moreover, the city has an interest in preventing juvenile crime, promoting parental supervision and providing for the well-being of the general public.

Subd. 4. A city-wide curfew in substantially the same form as the county-wide curfew will reduce juvenile victimization and crime and will advance public safety, health and general welfare.

921.03. Definitions. For the purposes of this section, the terms defined in this subsection have the meanings given them.

Subd. 1. Juvenile. “Juvenile” means a person under the age of 18. The term does not include persons under 18 who are married or have been legally emancipated.

Subd. 2. Parent. “Parent” means birth parents, adoptive parents and stepparents.

Subd. 3. Guardian. “Guardian” means an adult appointed pursuant to Minnesota Statutes, sections 525.6155 or 525.6165 who has the powers and responsibilities of a parent as defined by Minnesota Statutes, section 525.619.

Subd. 4. Responsible adult. “Responsible adult” means a person 18 years or older specifically authorized by law or by a parent or guardian to have custody and control of a juvenile.

Subd. 5. Public place. “Public place” means any place to which the public or a substantial group of the public has access and includes, but is not limited to, streets, highways and the common areas of schools, hospitals, apartment houses, office buildings, transport facilities and shops.

Subd. 6. Emergency. “Emergency” means a circumstance or combination of circumstances requiring immediate action to prevent property damage, serious bodily injury or loss of life.

Subd. 7. Serious bodily injury. “Serious bodily injury” means bodily injury that creates a substantial risk of death or that causes death, serious permanent disfigurement or protracted loss or impairment of the function of any body part or organ.

Subd. 8. Establishment. “Establishment” means any privately-owned place of business to which the public is invited, including but not limited to any place of amusement, entertainment or refreshment.

Subd. 9. Proprietor. “Proprietor” means any individual, firm, association, partnership or corporation operating, managing or conducting any establishment. The term includes the members or partners of an association or partnership and the officers of a corporation.

921.05. Prohibited acts.

Subd. 1. Curfew hours; juveniles under 12. It is unlawful for a juvenile under the age of 12 to be present in any public place or establishment within the city:

- (a) Any time between 9:00 p.m. on any Sunday, Monday, Tuesday, Wednesday or Thursday and 5:00 a.m. of the following day; or
- (b) Any time between 10:00 p.m. on any Friday or Saturday and 5:00 a.m. on the following day.

Subd. 2. Curfew hours; juveniles ages 12 to 14. It is unlawful for a juvenile, age 12 to 14, to be present in any public place or establishment within the city:

- (a) Any time between 10:00 p.m. on any Sunday, Monday, Tuesday, Wednesday or Thursday and 5:00 a.m. of the following day; or
- (b) Any time between 11:00 p.m. on any Friday or Saturday and 5:00 a.m. on the following day.

Subd. 3. Curfew hours; juveniles ages 15 to 17. It is unlawful for a juvenile, age 15 to 17, to be present in any public place or establishment within the city:

- (a) Any time between 11:00 p.m. on any Sunday, Monday, Tuesday, Wednesday or Thursday and 5:00 a.m. of the following day; or
- (b) Any time between 12:01 a.m. and 5:00 a.m. on any Saturday or Sunday.

Subd. 4. Parent or Guardian. It is unlawful for a parent or guardian of a juvenile knowingly, or through negligent supervision, to permit the juvenile to be in any public place or establishment within the city during the hours prohibited in subdivisions 1, 2, and 3 of this subsection.

Subd. 5. Proprietors. It is unlawful for a proprietor of an establishment within the city to knowingly permit a juvenile to remain in the establishment or on the establishment's property during the hours prohibited in subdivisions 1, 2, and 3 of this subsection.

Subd. 6. Absent proprietors. If the proprietor is not present at the time of the curfew violation, the responding officer must leave written notice of the violation with an employee of the establishment. A copy of the written notice must be served upon the establishment's proprietor personally or by certified mail.

921.07. Defenses; juveniles.

Subd. 1. Affirmative defenses; juveniles. It is an affirmative defense for a juvenile to prove that:

- (a) The juvenile was accompanied by the juvenile's parent, guardian, or other responsible adult;
- (b) The juvenile was engaged in a lawful employment activity or was going to or returning home from the juvenile's place of employment;
- (c) The juvenile was involved in an emergency situation;
- (d) The juvenile was going to, attending or returning home from an official school, religious or other recreational activity either sponsored or supervised, or both, by a public entity or a civic organization;
- (e) The juvenile was on an errand at the direction of a parent or guardian;
- (f) The juvenile was exercising First Amendment rights protected by the United States Constitution or Article I of the Constitution of the State of Minnesota;
- (g) The juvenile was engaged in interstate travel; or
- (h) The juvenile was on the public right-of-way boulevard or sidewalk abutting the property containing the juvenile's residence or abutting the neighboring property, structure or residence.

Subd. 2. Affirmative defenses; proprietors. It is an affirmative defense for a proprietor of an establishment to prove that:

- (a) The proprietor or employee reasonably and in good faith relied upon a juvenile's representations of proof of age. Proof of age may be established pursuant to Minnesota Statutes, 340A.503, subdivision 6, or other verifiable means, including, but not limited to, school identification cards and birth certificates; or
- (b) The proprietor or employee promptly notified the responsible police agency that a juvenile was present on the premises of the establishment during curfew hours.

921.09. Family curfew. The parents, guardian or legal custodian of a person under the age of 18 may designate an earlier curfew which has the effect of law for that person.

921.11. Penalty. A violation of this section is a misdemeanor.

921.13. Review. The city council will conduct yearly reviews of this section to assess the effectiveness of and continuing need for a juvenile curfew. Prior to the annual review, the city prosecuting attorney must prepare and submit a report to the city council evaluating violations of this section and juvenile crime and victimization during the preceding year.

Section 925 - Inhaling or consumption of hazardous substances or glue

925.01. Prohibition. It is unlawful to intentionally inhale, breathe, drink, or otherwise ingest a hazardous substance for the purpose of inducing symptoms of intoxication, elation, dizziness, paralysis, irrational behavior, physical, or in any manner change, distort, or disturb the audio, visual, or mental processes. For the purpose of this subsection, any such condition so induced must be deemed to be an intoxicated condition. For the purposes of this subsection “hazardous substance” includes those substances identified in Minnesota Rule, part 5206.0400, subpart 5, which is incorporated herein by reference, and any additional substances identified by the city council by resolution as a hazardous substance. The provisions of this subsection do not apply to any person who inhales, breathes, drinks, or otherwise ingests such material or substance pursuant to the direction or prescription of any doctor or other licensed medical professional authorized by law to so direct or prescribe.

925.03. General. It is unlawful for the purpose of violating or aiding another to violate any provision of this section, to intentionally possess, buy, sell, transfer possession, or receive possession of glue.

925.05. Sales.

Subd. 1. Possession. Except as otherwise provided in this section, a person 17 years of age or under may not possess or buy glue.

Subd. 2. Transfers. Except as otherwise provided in this section, it is unlawful to sell or transfer possession of glue to another person 17 years of age or under.

Subd. 3. Exception; consent. A person may sell or transfer possession of glue to a person 17 years of age or under for model building or other lawful use where the juvenile has in possession and exhibits the written consent of a parent or guardian.

Subd. 4. Exception; lawful sale. This section does not apply where the glue or cement is sold, delivered, or given away simultaneously with and as part of a kit used for the construction of model airplanes, model boats, model automobiles, model trains, or other similar models.

925.07. Sales. A person making a sale or transfer of possession of glue to a person 17 years of age or under who exhibits the written consent of a parent or guardian must record the name, address, sex, and age of the person and the name and address of the consenting parent or guardian. Data required by this section must be kept in a permanent type register available for inspection by the police department for a period of at least six months.

925.09. Sale of glue. Retail establishments may not sell glue from a self-service display.

925.11. YMCA. This section does not apply to the distribution of glue or cements by youth organizations such as the YMCA for use by its regularly organized model classes.

925.13. Application. This section does not apply to a person who inhales, breathes, drinks, or otherwise in any manner uses intoxicating liquor as defined by law. This section does not apply to a person who inhales, breathes, drinks or otherwise in any manner uses any narcotic, dangerous drug, or other materials or substance or combination thereof, which material or substance or combination thereof is defined by, and the use of which is prohibited or regulated by law.

Section 930 - Drug abuse and control

930.01. State drug control law adopted. Minnesota Statutes, section 151.40 and Minnesota Statutes, chapter 152, relating to prohibited drugs, are hereby adopted by reference and are as much a part of this Crystal city code as if fully set forth herein. A violation of the statutes herein adopted is a violation of this Crystal city code.

930.03. Possession of opium-smoking paraphernalia prohibited. It is unlawful to use, possess or have under his control for use any stem, bowl, lamp, yen hock or other opium-smoking paraphernalia or accessories used for the smoking or inhalation of opium or marijuana smoking paraphernalia such as, but not limited to, roach clips and roach pipes.

Section 940 - Civil disorder

940.01. Policy. Numerous bombings and the detonation of explosives have occurred in the metropolitan area of which the city is a part. Numerous calls and other information have come to the authorities of the city of threatened bombings and explosions in various buildings and parts of the city. Such conditions may pose a threat to the safety and security of the citizens and property owners of the city. It is therefore necessary that the city council take all prudent steps to safeguard its residents and citizens.

940.03. Emergency board.

Subd. 1. Board created. There is hereby created an emergency board composed of the mayor, city manager and chief of police. Upon the occurrence of an emergency which poses a general threat to the public safety, such board must convene immediately at the call of the mayor at a place to be designated by the mayor.

Subd. 2. Board; powers. The emergency board, by vote of two of its members, may prohibit the sale, exchange or transportation of any commodities deemed to be dangerous, such as: firearms, ammunition, explosives, and intoxicating beverages. Notice of such action must be served upon persons and businesses involved therein by the police department of the city. Such prohibition must terminate within 24 hours unless ratified or extended by the city council as provided in the city charter.

Subd. 3. Notice. The emergency board must upon convening immediately notify each member of the city council of such meeting and any action taken.

940.05. Evacuation.

Subd. 1. Public, private defined. "Public" as used in this section means any commercial, business, or institutional premise. "Private" means residential, private dwellings.

Subd. 2. Public places. If a notice or other communication or information comes to the police department of the city relating to any threatened explosion of a bomb or other device in or on any public premise within the city, the chief of police may evacuate such public premise and provide appropriate assistance in the evacuation.

Subd. 3. Private premises. If a notice or communication or information comes to the police department relating to threatened explosions of a bomb or other device in or on any private premise of the city, the chief of police must immediately inform occupants and assist with evacuation if requested.

940.07. Bomb threats. It is unlawful:

- (a) As a hoax, to communicate or cause to be communicated the fact that a bomb or any other explosive device has been placed in any building or in any location other than a building;



- (b) As a hoax, to threaten to bomb any person, place or building;
- (c) To knowingly permit any telephone or other means of communication under one's control to be used for any purposes prohibited by this section; or
- (d) As a hoax, to place or cause to be placed in any location any article, constructed or placed with intent to give the impression that the article possesses explosive capability.

Section 945 - Use of Firearms

945.01. Firearms.

Subd. 1. Permit. It is unlawful to shoot, discharge or explode any firearm, cartridge or shell containing an explosive or air rifle within the corporate limits of the city without first obtaining a written permit as required by Minnesota Statutes, sections 624.71 through 624.719 and as provided in this Crystal city code, section 945.

Subd. 2. Exceptions. Subdivision 1 of this subsection does not apply to:

- (a) Persons duly authorized to act as law enforcement officers, or members of military forces of the United States or the state of Minnesota in the discharge of their duties;
- (b) Persons engaged in target shooting, with inanimate objects as targets, within a building or structure safely enclosed where the sound of the shooting or discharge will not be a nuisance to persons occupying adjacent property;
- (c) Persons engaged in target or trap shooting on target or trap shooting ranges licensed as such by the city council as provided in Crystal city code, subsection 945.05;
- (d) Persons acting in self-defense when the use of firearms for that purpose would be lawful under the laws of the state of Minnesota; or
- (e) For the destruction of diseased, injured or dangerous birds, animals or reptiles by persons specifically authorized to do so by Crystal city code, subsection 910.23.

945.03. Killing of birds and animals. It is unlawful, with or without a permit, to use any shotgun, rifle or other firearm for hunting, shooting or otherwise capturing or killing any animal or bird, except as authorized by Crystal city code, subsection 945.01.

945.05. Licenses for target and trap shooting. The council may license the use of firearms and air rifles for target shooting and trap shooting at any suitable place within the city upon application of the owner or occupant of the premises to be licensed and payment of a license fee established by Crystal city code, appendix IV. All such licenses expire on December 31 of the year in which granted. A license may not be granted until the chief of police and the council are satisfied that target shooting or trap shooting at the place to be licensed will not be a hazard to persons, animals or property on or adjacent to the licensed premises. A license may not be granted with respect to a place not a safe distance from a public street nor to any place where the sound of the shooting will be a nuisance to the residents in the vicinity. In granting such a license the council may prescribe the hours during which shooting will be permitted and the caliber of rifles or other firearms which may be used. A license may be terminated by the council at any time after reasonable notice to the licensee and hearing, if the council finds that any provision of the license has been violated or that use of the target or trap shooting range has become hazardous to any person, property, animals or is a nuisance.

945.07. Permits to destroy animals. The city manager may grant a permit to any person on application for the use of appropriate firearms or air rifles for destruction of a diseased, dangerous or injured animal, but the permit is not valid for longer than the 24 hours period specified in the permit.

945.09. Civil liability. This section does not authorize the use of any firearm or air rifle in a manner that will endanger any human being or property. A permit or license granted hereunder does not relieve the person acting thereunder from civil liability for any damage resulting from such use of the firearm or air rifle.

Section 950 - Private swimming pools

950.01. Swimming pool defined. For purposes of this section a swimming pool is any structure, basin, chamber, or tank containing an artificial body of water for swimming, diving or recreational bathing and having a depth of more than 24 inches at any point and a surface area of 150 square feet or more.

950.03. Fencing required around outdoor swimming pools. Outdoor swimming pools existing and hereafter constructed must be completely enclosed by a security fence or wall at least four feet high and located at least four feet from the edge of the swimming pool on at least one-half of the perimeter. Fence openings or points of entry into the pool area must be equipped with gates. Gates must be equipped with self-closing and self-latching devices placed at the top of the gate or in a manner otherwise inaccessible to children. Openings between the fence bottom and the ground or other surface may not exceed four inches.

950.05. Exception. This section does not apply to above-ground outdoor swimming pools having at least four foot height, vertical or outward-inclined sidewalls; provided that sole access is by means of removable ladder, ramp, or stairs that must be removed when the pool is not in use.

Section 955 - Alarm system

955.01. Scope and Purpose.

Subd. 1. Scope. This section regulates the use of burglary, safety alarms, and fire alarm systems, establishes users' fees, and establishes a system of administration related thereto.

Subd. 2. Purpose. The purpose of this section is to protect the public safety services of the city from misuse of public safety alarms and to provide for the maximum possible service to public safety alarm users.

955.03. Definitions. For purposes of this section, the terms defined in this subsection have the meanings given them.

Subd. 1. Alarm user. "Alarm user" means a person in control of any building, structure, or facility wherein an alarm system is maintained.

Subd. 2. Police communications center. "Police communications center" is the city facility used to receive emergency requests for service and general information from the public.

Subd. 3. Alarm system. "Alarm system" means an alarm installation designed to be used for the prevention or detection of burglary, robbery, or fire on the premises which contain an alarm installation: automobile alarm devices are not an alarm system.

Subd. 4. False alarm. "False alarm" means an alarm signal eliciting a response by police or fire personnel when a situation requiring a response does not, in fact, exist, and which is caused by the activation of the alarm system through mechanical failure, alarm malfunction, improper installation, unknown fire or sprinkler system alarm, pull station activation with no fire, renovation/construction caused, caused by testing or service person(s), failure of a smoke detector or heat detector, dispatch central station, or the inadvertence of the owner or lessee of an alarm system: the term does not include alarms caused by climatic conditions such as tornadoes, thunderstorms, utility line mishaps, violent conditions of nature or any other conditions which are clearly beyond the control of the alarm manufacturer, installer or owner.

955.05. User fees.

Subd. 1. Payment. User fees are to be paid to the city treasurer within 30 days from the date of notice by the city to the alarm user.

Subd. 2. Appeal. An alarm user that is required by the city to pay a user fee as the result of a false alarm may make a written appeal of the false alarm charge to the police chief or fire chief within ten days of notice by the city of the false alarm charge. Following review and determination by the police chief or fire chief the decision may be appealed to the city manager who will make a final determination as to whether the user is to be charged with a false alarm.

955.07. Payment of fees.

Subd. 1. Payment deadline. User fees are to be paid to the city treasurer within 30 days from the date of notice by the city to the alarm user.

Subd. 2. Unpaid charges. Delinquent user fees, together with a certification fee in the amount set forth in Crystal city code, appendix IV, will be certified by the city clerk who must prepare an assessment roll each year providing for assessment of such amounts against the respective properties served. The assessment will include interest on the unpaid user and certification fees at the annual rate set by Crystal city code, appendix IV. Assessments will be certified against any property to which alarm calls were directed, regardless of whether the alarm user was the owner, tenant or other person. The assessment roll must be delivered by the city clerk to the city council for adoption on or before November 1 of each year.

955.09. Alarm report. If an alarm user has incurred three false alarms within one calendar year, the alarm user must submit a written report to the chief of police or fire chief within ten days after being notified of the third false alarm, describing actions taken or to be taken to discover and eliminate the cause of the false alarms. Failure to submit the written report is a violation of this section.

955.11. Administrative rules. The chief of police or fire chief must prepare such rules as are necessary for the implementation of this section.

955.13. Confidentiality.

Subd. 1. Treated as confidential. Information submitted in compliance with this section will be held in confidence and exempt from discovery to the extent permitted by law.

Subd. 2. Statistics. Subject to requirements of confidentiality, the chief of police or fire chief may develop and maintain statistics for the purpose of ongoing alarm systems evaluation.

955.17. Enforcement and penalties. Failure or omission to comply with any provisions of this section is a petty misdemeanor.

Section 960 - Arrest; citations

960.01. Peace officers. For purposes of this section, the term “peace officer” has the meaning given it by Minnesota Statutes, section 626.84. The term includes “part-time peace officers” but does not include “reserve officers” as those terms are defined in Minnesota Statutes, section 626.84.

960.03. Arrests; citations. Peace officers employed by the city may enforce a provision of this Crystal city code or state law, the violation of which is a petty misdemeanor, a misdemeanor or a gross misdemeanor. Peace officers may make arrests and issue citations in lieu of arrest as provided by law.

960.05. Employees. City employees in the department of protective inspection, department of health and sanitation, and fire department may issue citations for violation of those provisions of this Crystal city code and state law which the employees are responsible for enforcing.

960.07. Police reserves. Members of the police reserve may, under the direction of the chief of police, issue a citation in lieu of arrest.

960.09. Juvenile specialist. A person holding the position of juvenile specialist in the police department may, under the direction of the chief of police, issue citations in lieu of arrest.

960.11. Community service officer. A person holding the position of community service officer in the police department may, under the direction of the chief of police, issue citations in lieu of arrest.

960.13. Twin Lakes. Subject to the direction of the chief of police, persons authorized by this section to issue notices of violation and to issue citations in lieu of arrest, and non-sworn personnel from the police departments of the cities of Brooklyn Center and Robbinsdale, may issue notices and citations in lieu of arrest in any part of the city lying in Twin Lakes, on islands in Twin Lakes, and on public lands adjacent to Twin Lakes for violations of applicable laws, ordinances or regulations.

Section 965 - Golf activity

965.01. Golf play prohibited.

Subd. 1. Prohibited. Golf play and practice on unenclosed private and public property in the city is prohibited.

Subd. 2. Practice balls.

- (a) Golf play and practice with light plastic balls on private property is permitted.
- (b) A person engaging in golf practice with light plastic balls on unenclosed private or public property may not permit the balls to enter on to the property of another or to enter on to a public way.

Subd. 3. Exceptions.

- (a) Golf play and practice in enclosed commercial structures or as part of a supervised program of public recreation is permitted.
- (b) Golf play and practice with light plastic balls in parks, as defined in Crystal city code, chapter VIII, is permitted in designated areas.



Section 970 – Archery activity

970.01. Archery activities prohibited.

Subd. 1. Prohibited. Archery activities, including but not limited to, the use of any kind of bow and arrow or related equipment on private or public property in the city is prohibited.

Subd. 2. Exceptions. Archery activities and practice in enclosed private property structures, or commercial structures licensed by the city, or as part of a city sponsored or supervised program of public recreation, are permitted.

Section 975 – Angling permitted

975.01. Angling activities.

Subd. 1. Definitions. For purposes of this section, the terms defined in this subsection have the meanings given them.

- (a) Angling. “Angling” means taking fish with a hook and line.
- (b) Angler. “Angler” means a person who takes fish by angling.

Subd. 2. Allowed. Unless otherwise prohibited by statutes or regulations promulgated by the Minnesota Department of Natural Resources, angling is permitted in all public bodies of water in the city, consistent with applicable statutes and regulations.

Subd. 3. Prohibitions. Taking fish by any other means, including but not limited to, shooting, snaring, spearing, netting or by any other means other than angling, or by means of any other device other than with a hook and line, is prohibited in any body of water in the city, unless specifically authorized pursuant to the statutes and regulations of the Minnesota Department of Natural Resources relating to angling or taking of fish.

Section 976 – Targeted residential picketing

976.01. Targeted picketing in residential neighborhoods.

Subd. 1. Definitions. For purposes of this subsection, the terms defined in this subdivision have the meanings given them.

- (a) Targeted residential picketing. “Targeted residential picketing” means:
  - (1) Marching, standing, or patrolling by one or more persons directed solely at a particular residential building in a manner that adversely affects the safety, security, or privacy of an occupant of the building;
  - (2) Marching, standing, or patrolling by one or more persons which prevents an occupant of a residential building from gaining access to or exiting from the property on which the residential building is located; or
  - (3) Standing, marching, patrolling or picketing by one or more persons directed solely at a particular residential building without the consent of that building’s occupants.
- (b) Residential building. “Residential building” means a building used in whole or in part as a dwelling, including a single-family home, multiple-family unit such as an apartment, and a structure containing both a dwelling unit and a unit used for nondwelling purposes.

Subd. 2. Prohibited activity. No person shall engage in targeted residential picketing within the city.

Subd. 3. Violation. Any person who engages in targeted residential picketing within the city is guilty of a misdemeanor.

<b>Amended subsection</b>	<b>Amending ordinance</b>
900.01	2018-04, Sec. 2
900.03	2018-04, Sec. 2
900.05	2018-04, Sec. 2
905.01	2018-04, Sec. 3
905.03	2004-3, Sec. 2; 2018-04, Sec. 3
905.05	2004-3, Sec. 3
905.07	2018-04, Sec. 3
905.09	2004-3, Sec. 4; 2018-04, Sec. 3
905.11	2004-3, Sec. 5
905.13	2004-3, Sec. 6
905.15	2004-3, Sec. 7; 2018-04, Sec. 3
905.25	2004-3, Sec. 8; 2018-04, Sec. 3
905.27	2004-3, Sec. 9; 2018-04, Sec. 3
910 (Delete all and replace)	2018-04, Sec. 4
910.01	2019-02, Sec. 13; 2013-03, Sec. 1; 2010-04, Sec. 1
910.05	2013-03, Sec. 1; 2002-14, Sec. 1 and 2
910.07	2018-09, Sec. 4; 2010-04, Sec. 4
910.09	2010-04, Sec. 5
910.11	2010-04, Sec. 6
910.13	2010-04, Sec. 7
910.15	2010-04, Sec. 8
910.17	2010-04, Sec. 9
910.19	2019-02, Sec. 11; 2010-04, Sec. 10
910.23	2010-04, Sec. 11
910.27	2010-04, Sec. 12; 2002-14, Sec. 3; 99-12, Sec. 1
910.49	2010-04, Sec. 14
921	98-1
925.01	2018-04, Sec. 5
935	2013-04, Sec. 1
940.09	2014-02, Sec. 5; 2010-04, Sec. 5
945.01	2013-04, Sec. 2
955.01, subd. 1	2007-13, Sec. 1
955.03, subds. 4 and 5	2007-13, Sec. 1
955.05, subd. 1	2001-01; 2007-13, Sec. 1
955.05, subd. 2	2007-13, Sec. 1
955.07, subd. 1	2001-01
955.07, subd. 2	2001-01; 2004-10, Sec. 2
955.09	2007-13, Sec. 1
955.11	2007-13, Sec. 1
955.13	2007-13, Sec. 1
965	94-6
970	2007-1

975	2007-2
976	2021-03, Sec. 2
<b>Repealed subsection</b>	<b>Repealing ordinance</b>
905.17	2004-3, Sec. 10
905.19	2004-3, Sec. 10
905.21	2004-3, Sec. 10
905.23	2004-3, Sec. 10
905.27	2019-2, Sec. 12
910.43	2002-14, Sec. 4
910.45	2010-04, Sec. 13
920	98-1
940.09	2014-02
955.15	2007-13, Sec. 1

## CHAPTER X

## LICENSES AND PERMITS; GENERAL PROCEDURES

Section 1000 – General licensing provisions

1000.01. **Purpose.** By the enactment of this section, the city council intends to establish a uniform system for the issuance, denial, revocation, suspension, and renewal of business licenses required by this Crystal city code. The specific provisions for each business license are contained in chapter XI.

1000.03. **Businesses requiring a license.** The following businesses, as defined in Crystal city code, chapter XI, are subject to this section, the applicable subsection in Crystal city code, and require a license issued by the city.

<b>Business</b>	<b>Bond</b>	<b>Insur- ance</b>	<b>Tax Return</b>	<b>Site Inspec- tion</b>	<b>Back- ground Investi- gation</b>	<b>Public Hearing</b>	<b>Record- keeping/ Reports</b>	<b>Limited Hours</b>	<b>Regu- lated by Sub- section</b>
Consumer Fireworks				X					1100
Tobacco					X				1105
Peddlers/ Solicitors					X			X	1110
Tree Trimming	X	X							1115
Secondhand Dealers	X		X		X		X		1120
Pawnbrokers	X		X		X	X	X		1125
Lawful Gambling					X		X	X	1130
Adult Establishments			X		X		X	X	1135
Therapeutic Massage		X		X	X			X	1140

Alcohol licensing is addressed in Crystal city code, chapter XII, but is also subject to this chapter.

1000.05. **Fees.** The fees for the various licenses are adopted by city council resolution from time to time and are set out in Crystal city code, appendix IV. An application is not complete, and shall not be processed, until the required fees have been submitted to the city.

1000.07. **Application of chapter; conflicts.** The provision of this section shall apply to all city licenses. Other provisions related to specific licenses are intended to supplement the provisions in this section, unless they conflict with the provisions of this section in which case the provisions related to the specific licenses shall prevail.

1000.09. Licenses required. It is unlawful to engage in a trade, profession, business, or privilege in the city for which a license is required by any provision of this Crystal city code without first obtaining a license from the city in the manner provided in Crystal city code, chapters X and XI, and any other applicable provisions.

1000.11. License application.

Subd. 1. Contents. Application for all new licenses and renewals shall be made to the city clerk upon forms provided by the city and shall include all information requested in such forms. Any application submitted on the incorrect form or that is incomplete shall be rejected and shall not be processed. The city manager is authorized to determine if an application is complete and, if not, what additional information is required to make it complete. Unless the applicable application form indicates otherwise, every new application must provide the information as required in this subdivision.

- (a) If the applicant is a natural person:
- (1) The name, description, date of birth, street address, phone number, and email address of applicant;
  - (2) Whether the applicant is a citizen of the United States or resident alien;
  - (3) Whether the applicant has ever used or has been known by a name other than the applicant's name, and if so, any other names used and information concerning dates and places used;
  - (4) The street address at which the applicant has lived during the preceding ten years;
  - (5) Whether the applicant has ever been convicted of a felony, crime, or violation of any ordinance other than a traffic ordinance. If so, the applicant must furnish information as to the time, place, and offense of all such convictions;
  - (6) The applicant's current personal financial statement and true copies of the applicant's federal and state tax returns for the two years prior to application;
  - (7) The type, name, and location of every business or occupation in which the applicant has been engaged during the preceding five years and the names and addresses of the applicant's employers and partners, if any, for the preceding five years;
  - (8) The name of the business if it is to be conducted under a designation, name, or style other than the name of the applicant and a certified copy of the certificate as required by Minnesota Statutes, section 333.01; and

- (9) If the applicant does not manage the business, the name of the managers or other persons in charge of the business and all information concerning each of them required in (a)(1)-(5) of this subdivision.
- (b) If the applicant is a partnership:
    - (1) The names and addresses of all general and limited partners and all information concerning each general partner required in (a)(1)-(5) of this subdivision;
    - (2) The names of the managing partners and the interest of each partner in the licensed business;
    - (3) A true copy of the partnership agreement shall be submitted with the application. If the partnership is required to file a certificate as to a trade name pursuant to Minnesota Statutes, section 333.01, a certified copy of such certificate must be attached to the application;
    - (4) A true copy of the federal and state tax returns for the partnership for the two years prior to application; and
    - (5) If the applicant does not manage the business, the name of the managers or other persons in charge of the business and all information concerning each of them required in (a)(1)-(5) of this subdivision.
  - (c) If the applicant is a corporation or other organization:
    - (1) The name of the corporation or business form, and if incorporated, the state of incorporation;
    - (2) A true copy of the Certificate of Incorporation, Articles of Incorporation or Association Agreement, and By-laws shall be attached to the application. If the applicant is a foreign corporation, a Certificate of Authority issued pursuant to Minnesota Statutes, section 303.06, must be attached. Any proposed change in either the articles or the by-laws of the corporation must be reported to the city clerk 14 days prior to the date such change is to be adopted by the corporation. In the case of a corporate application the application must also describe fully the relationship of the corporation to any other corporation including the name, business address, state of incorporation, names of stockholders, directors and officers thereof as provided hereafter, but in the case of publicly held corporations the city manager may accept disclosure documents required by the Securities and Exchange Commission of the United States of America in lieu of such information;



- (3) The name of the managers or other persons in charge of the business and all information concerning each manager, proprietor, or agent required in (a)(1)-(5) of this subdivision; and
- (4) A list of all persons who control or own an interest in excess of five percent in such organization or business form or who are officers of the corporation or business form and all information concerning said persons required in (a)(1)-(5) of this subdivision.

This subdivision 1(c) shall not apply to a corporation whose stock is publicly traded on a stock exchange and is applying for a license to be owned and operated by it.

- (d) For all applicants:
  - (1) Whether the applicant holds a business license from any other governmental unit;
  - (2) Whether the applicant has previously been denied, or had revoked or suspended, a business license from any other governmental unit;
  - (3) The location and legal description of the business premises to be licensed;
  - (4) If the applicant does not own the business premises, a true and complete copy of the executed lease;
  - (5) Whether all real estate and personal property taxes that are due and payable for the premises to be licensed have been paid, and if not paid, the years and amounts that are unpaid;
  - (6) Whenever the application is for premises either planned or under construction or undergoing substantial alteration, the application must be accompanied by a set of preliminary plans showing the design of the proposed premises to be licensed;
  - (7) The applicant's social security number or individual taxpayer identification number, and Minnesota business identification number, as applicable; and
  - (8) Such other information as the city council or issuing authority may choose to require.

Subd. 2. Managers. When a licensee places a manager in charge of a business, or if the named manager in charge of a licensed business changes, the licensee must complete and submit the appropriate documentation required for managers in subdivision 1 of this subsection within 14 days and if a background investigation of the manager is required, the licensee must pay an amount equal to the cost of the investigation, as contained in Crystal city code, appendix IV, to ensure compliance with this section.

Subd. 3. Application execution. All applications for a license must be signed and certified by the following:

- (1) If the applicant is a natural person by such person; or
- (2) If the applicant is a corporation, by an officer thereof; if that of a partnership, by one of the general partners; and if that of an unincorporated association, by the manager or managing officer thereof.

Subd. 4. False statements. It is unlawful to knowingly make a false statement in a license application. In addition to all other penalties, the license may be subsequently revoked by the city council for a violation of this subdivision.

#### 1000.13. Payment of fees.

Subd. 1. Included with application. The fees required for a license, license renewal, or investigation, as provided in Crystal city code, appendix IV, must be paid at the office of the city clerk at the time of application. Unless otherwise expressly provided by this Crystal city code, a license fee may not be prorated for a portion of a year. License fees are not refundable regardless of whether the application is approved, denied, or withdrawn.

Subd. 2. Renewals; late fees. In the event that a license renewal fee is not paid prior to the expiration of the corresponding license, the following late fees shall apply:

- (a) One to seven days after expiration, a penalty in the amount of 25% of the license fee;
- (b) Eight to 30 days after expiration, a penalty in the amount of 50% of the license fee; and
- (c) After 30 days, the license shall be deemed expired and the business or activity for which the license is required must cease and a new license for such activity will not be considered until the licensee reapplies and appears before the city council. Failure to cease operations of the business or activity after said 30 days shall constitute a misdemeanor.

Subd. 3. Late payment of the license fee with penalty no bar to prosecution for operating without a license. The late payment of the license fee along with the penalty set forth herein is no bar to any prosecution by the city for operating any licensed trade, business, profession, activity, or privilege within the city without a license therefor.

1000.15. Bonds; insurance. Any bonds required by this Crystal city code must be executed by two sureties, or a surety company, shall be subject to the approval of the city manager, and must be in at least the amount required in Crystal city code, appendix IV. Where policies of insurance are required, the policies must provide the types and amounts of coverage required by this Crystal city code and must be in a form acceptable to the city attorney. When commercial general liability coverage is required, the policy shall name the city as an additional insured. Satisfactory evidence of coverage by bonds and/or insurance, when required, must be filed with the city clerk before a license can be issued.

1000.17. Persons or locations ineligible for city license. In addition to any other license-specific ineligibilities contained in this Crystal city code, a city license for a business or activity will not be issued to any of the following:

- (a) A person not a citizen of the United States or a resident alien;
- (b) A person under 18 years of age;
- (c) A person who within five years of the license application date had a similar license revoked by any other jurisdiction;
- (d) A person whom the city council determines not to be of sufficient good moral character and repute;
- (e) When the city council determines, after investigation, that issuance or renewal of the license would adversely affect the public health, safety or welfare;
- (f) A person that is prohibited by federal, state, or other local law, ordinance, or other regulation from holding a license;
- (g) Where operation of the licensed premises would violate any applicable zoning ordinances;  
or
- (h) If taxes, assessments or other financial claims of the city or the state of Minnesota on the licensee's business premises are delinquent and unpaid.

1000.19. Investigations. If a background investigation is expressly required prior to the issuance of a license, the application will be referred to the chief of police for a computerized criminal history, as authorized by Crystal city code, section 311. Every individual or person having any beneficial interest in the license, and the manager of the business, must be investigated. The chief must report the findings and comments to the city manager who must order or conduct such additional investigations as the city manager deems necessary or as the city council directs.

1000.21. Approval or denial of licenses. Upon the receipt of a complete application, payment of fees, and completion of any requisite investigations, a license will be either approved or denied in accordance with the provisions of this Crystal city code. If the city determines the applicant and the place proposed for the business are eligible for a license, then the city will issue the license. The city council shall make the final decision on whether to issue a license, but the city manager is authorized to issue a provisional license if the city manager determines the applicant is eligible for the license and that it is impractical to delay the issuance of the license to the next city council meeting. An applicant issued a provisional license may undertake the business activity authorized by the provisional license with the understanding, and conditioned on, the city council approving the application. If the city council subsequently denies the application, the provisional license ends and all related business activities must cease.

1000.23. License certificates; term. License certificates will include the date of issuance, the activity licensed, and the term of the license. Unless expressly provided elsewhere, the term of each licensing period begins on January 1 and ends on December 31 of each year.

1000.25. Exhibition of license certificate. A licensee shall display its license on the licensed business premises in a conspicuous place and shall present the license certificate upon request of any police officer or authorized representative of the city. If any licensed services are authorized to be provided off of the licensed business premises, the licensee shall have in possession a copy of the licensee when providing such off-site services.

1000.27. Transfer of license. A license will be issued to the particular applicant and only for the business premises as described in the application. Unless otherwise expressly authorized by this Crystal city code, a license issued by the city is not transferable from person to person or from premises to premises. If the licensee is a partnership or a corporation, a change in the identity of any partner or holder of more than five percent of the issued and outstanding stock of the corporation will be deemed a transfer of the license.

1000.29. Renewal of license. License renewals are issued in the same manner and subject to the same conditions as original licenses. Renewal applications and fees shall be submitted at least 30 days prior to expiration. Licensees are responsible for renewing their licenses in accordance with this Crystal city code in order to prevent a lapse in licensure. A licensee shall be ineligible to renew a license if the licensee has failed to pay an administrative penalty imposed by the city council related to the licensed activity.

1000.31. Revocation; denial; suspension. In addition to any other provision in this Crystal city code, a city-issued license may be denied, suspended, or revoked by the city council for any of the following causes:

- (a) Fraud, misrepresentation, bribery, or incorrect statement contained in the application for license, or made in carrying on the licensed activity;
- (b) Conviction of any felony or of any crime related to the licensed activity;
- (c) Conducting a licensed activity in such manner as to constitute a breach of the peace, or a threat to the health, safety and welfare of the public, or a disturbance of the peace or comfort of the residents of the city, upon recommendation of appropriate city officials;
- (d) Expiration or cancellation of any required bond or insurance policy, or failure to notify the city within a reasonable time of changes in the terms of the required insurance or carriers;
- (e) Actions that are unauthorized or otherwise beyond the scope of the license granted;
- (f) Violation of any federal, state or local regulation or provision;
- (g) Failure to continuously comply with all conditions required as part of the license;
- (h) Failure to comply with the applicable zoning code; or
- (i) Failure to pay an administrative penalty imposed by the city council.

1000.33. Hearing. A license may not be suspended or revoked until after a hearing is granted to the licensee. The hearing shall be held before the city council upon due notice to the licensee, either personally served or mailed at least five days in advance, stating the time and place of such hearing, together with a statement of the alleged violations to be the cause for the revocation or suspension of the license. At the hearing, the licensee shall have an opportunity to be heard by the city council regarding the allegations. The city council shall determine whether to suspend or revoke the license and shall provide the licensee written notice of its decision. If the city council suspends or revokes the license, all licensed activities shall cease immediately and the licensee shall otherwise comply with the requirements in the city council's written decision.

1000.35. Reissuance. Once a license has been revoked, an application for a new license from the same applicant or for the same business premises shall not be submitted for at least 12 months from the date of revocation unless the city council approves an earlier submission.

1000.37. Inspections of licensed premises. The police department, health authority, or any other appropriate city official may enter upon the premises where any licensed activity is being conducted for the purpose of inspection, at any reasonable hour, without a warrant, to determine compliance with this Crystal city code and any conditions placed on the license.

1000.39. Financial responsibility. Prior to the issuance of a license the applicant must file with the city clerk satisfactory evidence of financial responsibility. Satisfactory evidence of financial responsibility shall be shown by a certification under oath that the property taxes, public utility bills, and all state and federal taxes or other governmental obligations or claims concerning the business entity applying for the license are current, and that no notice of delinquency or default has been issued, or if any of the financial obligations stated in this subsection are delinquent or in default, that any such delinquency or default is subject to a payment plan or other agreement approved by the applicable governmental entity. The certification shall be signed by an individual applicant or all individual owners and/or shareholders of the business entity. Operation of a business licensed by the city without having updated evidence on file with the city of the financial responsibility required by this subsection is grounds for revocation or suspension of the license.

1000.41. Violations. Any violation of the licensing provisions contained in Crystal city code, chapters X or XI shall be deemed a misdemeanor. Additionally, if a licensee or an employee of a licensee is found to have violated any applicable licensing provisions, the city council may impose an administrative penalty on the licensee. Notwithstanding any presumptive penalties that are expressly provided in this Crystal city code or in Crystal city code, appendix IV, the city council shall have the discretion to impose penalties that are appropriate in their judgment unless they would otherwise conflict with any statutory requirements or limits.

Section 1005 – General permit procedures

1005.01. Purpose. By the enactment of this section, the city council intends to establish a uniform system for the issuance of permits for all activities for which permits are required.

1005.03. Fees. The fees for the various permits are adopted by city council resolution from time to time and are set out in Crystal city code, appendix IV.

1005.05. Application of chapter; conflicts. The provision of this section shall apply to all city permits. Other provisions related to specific permits are intended to supplement the provisions in this section, unless they conflict with the provisions of this section in which case the provisions related to the specific permits shall prevail.

1005.07. Permits required. It is unlawful to engage in any activity or privilege in the city for which a permit is required by any provision of this Crystal city code without first obtaining a permit from the city in the manner provided in this section.

1005.09. Application for permit. Application for a permit is made to the city clerk on forms furnished by the city. The application must contain information as to location, nature, extent and costs of the proposed structure, work, installation, or other purposes, and other information which the building inspector or other duly authorized persons may require under this Crystal city code. The application must contain a declaration that the facts and representations therein made are true and correct, which statement must be subscribed to by the person or persons, or officers or agents of a corporation, applying for said permit. If the applicant is seeking two or more licenses at the same time, the information required of the applicant in the application forms may be combined to avoid duplication, provided all of the information required by the application is provided.

1005.11. Granting of permits. Upon payment to the city by the applicant of the required fee for any permits, and upon approval of the appropriate inspector, the permit will be issued, except where city council approval is expressly required, in which case the inspector is authorized to issue such permit only after approval is granted by the city council.

1005.13. Payment of fee.

Subd. 1. Payment. The permit fee and other fees and charges set forth in Crystal city code, Crystal city code, appendix IV must be collected by the city before the issuance of any permits, and the city clerk, building inspector, or other persons duly authorized to issue such permit for which the fee is required shall not issue a permit until such fee has been paid.

Subd. 2. Increased fee. If a person begins work of any kind for which a city permit is required without first having secured said permit, that person must, when subsequently securing such permit, pay twice the fee prescribed for such permit and is further subject to the penalty provisions of this Crystal city code.

<b>Amended subsection</b>	<b>Amending ordinance</b>
Chapter X (Delete all and replaced)	2018-05
1000.15	2019-03, Sec. 1
1000.19	2019-03, Sec. 2
1000.39	2019-03, Sec. 3
1005.29	2011-5
<b>Repealed subsection</b>	<b>Repealing ordinance</b>
1005.15	2019-03, Sec. 4



## CHAPTER XI

## BUSINESS AND TRADE REGULATIONS

Section 1100 – Consumer fireworks

1100.01. Purpose. The purpose of this section is to regulate the sale of consumer fireworks and to prohibit the sale of other types of fireworks in order to protect the health, safety and welfare of the general public.

1100.03. Definitions. For the purposes of this section, the terms defined in the subsection have the meanings given them.

Subd. 1. Consumer fireworks. “Consumer fireworks” means wire or wood sparklers of not more than 100 grams of mixture per item, other sparkling items which are nonexplosive and nonaerial and contain 75 grams or less of chemical mixture per tube or a total of 500 grams or less for multiple tubes, snakes and glow worms, smoke devices, or trick noisemakers which include paper streamers, party poppers, string poppers, snappers, and drop pops, each consisting of not more than twenty-five hundredths grains of explosive mixture.

Subd. 2. Explosive fireworks. “Explosive fireworks” means any fireworks that contain pyrotechnic or flash powder, gunpowder, black powder, or any other explosive compound constructed to produce detonation or deflagration.

Subd. 3. Fireworks. “Fireworks” means any substance or combination of substances or article prepared for the purpose of producing a visible or an audible effect by combustion, explosion, deflagration, or detonation, and includes blank cartridges, toy cannons, and toy canes in which explosives are used, the type of balloons which require fire underneath to propel them, firecrackers, torpedoes, skyrockets, Roman candles, daygo bombs, sparklers, or other fireworks of like construction, and any fireworks containing any explosive or inflammable compound, or any tablets or other device containing any explosive substance and commonly used as fireworks. The term includes explosive fireworks. The term does not include consumer fireworks, toy pistols, toy guns, in which paper caps containing 25/100 grains or less of explosive compound are used, and toy pistol caps which contain less than 20/100 grains of explosive mixture.

1100.05. State law adopted. Minnesota Statutes, sections 624.20 through 624.25 are hereby adopted and incorporated herein by reference.

1100.07. Prohibition; licensure. It shall be unlawful to sell fireworks in the city in violation of any provision of Minnesota Statutes, sections 624.20 through 624.25. It shall be lawful to sell consumer fireworks in the city only upon the issuance of a license in accordance with this Crystal city code, section 1100.

1100.09. Licensing process.

Subd. 1. Application. The application for a license shall contain the type of consumer fireworks to be sold and the estimated quantity of consumer fireworks that will be stored on the licensed premises.

Subd. 2. License fees. License fees, as prescribed in Crystal city code, appendix IV, shall be subject to the limitations in Minnesota Statutes, section 624.20, subdivision 1(d).

Subd. 3. Inspection. Upon the submission of a complete application, the city shall conduct an inspection of the proposed business premises.

Subd. 4. Conditions of license. In addition to any other requirement contained in this Crystal city code, a license shall be issued subject to the following conditions:

- (a) The display of items for sale must comply with National Fire Protection Association Standard 1124 (2017 edition), which is incorporated herein by reference; and
- (b) If the applicant does not own the business premises, the written authorization of the property owner for the applicant's use of the property for the sale of permitted consumer fireworks.

Subd. 5. License prohibitions. No license shall be issued for the sale of consumer fireworks at a movable place of business, including without limitation, mobile sales made from motorized vehicles, mobile sales kiosks, non-permanent stands or trailers or to transient merchants or as a seasonal or temporary sales license, unless the place of business complies with National Fire Protection Association Standard 1124 (2017 edition).

Section 1105 – Tobacco and related products

1105.01. Definitions. For the purposes of this section, the terms defined in this subsection have the meanings given them.

Subd. 1. Covered products. “Covered products” means tobacco, tobacco-related device, electronic delivery device, or nicotine or lobelia delivery product as those terms are defined in this subsection.

Subd. 2. Electronic delivery device. "Electronic delivery device" means any product containing or delivering nicotine, lobelia, or any other substance, whether natural or synthetic, intended for human consumption through inhalation of aerosol or vapor from the product. Electronic delivery devices includes, but is not limited to, devices manufactured, marketed, or sold as electronic cigarettes, electronic cigars, electronic pipe, vape pens, modes, tank systems, or under any other product name or descriptor. Electronic delivery device includes any component part of a product, whether or not marketed or sold separately. Electronic delivery device excludes drugs, devices, or combination products, as those terms are defined in the Federal Food, Drug, and Cosmetic Act, that are authorized for sale by the United States Food and Drug Administration.

Subd. 3. Moveable place of business. “Moveable place of business” means any form of business operated out of a truck, van, automobile or other type of vehicle or transportable shelter and not a fixed-address storefront or other permanent type of structure authorized for sales transactions.

Subd. 4. Nicotine or lobelia delivery device. “Nicotine or lobelia delivery device” means any product containing or delivering nicotine or lobelia intended for human consumption, or any part of such a product, that is not tobacco as defined in this subsection, not including any product that has been approved or certified by the United States Food and Drug Administration for sale as a tobacco-cessation product, as a tobacco-dependence product, or for other medical purposes, and is marketed and sold for such an approved purpose.

Subd. 5. Sale. “Sale” means any transfer of goods for money, trade, barter or other consideration.

Subd. 6. Tobacco. "Tobacco" means cigarettes and any product containing, made, or derived from tobacco that is intended for human consumption, whether chewed, smoked, absorbed, dissolved, inhaled, snorted, sniffed, or ingested by any other means, or any component, part, or accessory of a tobacco product including, but not limited to the following: cigars; cheroots; stogies; perique; granulated, plug cut, crimp cut, ready rubbed, and other smoking tobacco; snuff; snuff flour; cavendish; plug and twist tobacco; fine cut and other chewing tobaccos; shorts; refuse scraps, clippings, cuttings and sweepings of tobacco; and other kinds and forms of tobacco. Tobacco excludes drugs, devices, or combination products, as those terms are defined in the Federal Food, Drug, and Cosmetic Act, that are authorized for sale by the United States Food and Drug Administration.

Subd. 7. Tobacco-related devices. "Tobacco-related devices" means cigarette papers or pipes for smoking or other devices intentionally designed or intended to be used in a manner which enables the chewing, sniffing, smoking, or inhalation of aerosol or vapor of tobacco or tobacco products. Tobacco-related devices include components of tobacco-related devices which may be marketed or sold separately.

Subd. 8. Vending machine. "Vending machine" means any mechanical, electric or electronic, or other type of device that dispenses tobacco, tobacco products, or tobacco-related devices upon the insertion of money, tokens or other form of payment directly into the machine by the person seeking to purchase the covered product.

1105.03. General rule. It is unlawful to buy for retail sale, sell at retail, or otherwise dispose for consideration covered products without a tobacco license issued by the city.

1105.05. Investigations. A background investigation of all interested individuals, including managers, is required and shall be conducted pursuant to Crystal city code, subsection 1000.19 prior to the issuance of a license or license renewal.

1105.07. Ineligibility. In addition to the provisions contained in Crystal city code, subsection 1000.17, the city council may deny a license to a person who within the past five years has been convicted of any violation of a federal, state, or local law, ordinance provision, or other regulation relating to tobacco, tobacco products, tobacco-related devices, electronic delivery device or nicotine or lobelia delivery devices.

1105.09. Specified location. A license under this section will not be issued for a movable place of business. The license is issued only for the covered products at a specific place of business.

1105.11. Prohibited sales and use.

Subd. 1. Unlawful sale. It is unlawful to sell, offer for sale or deliver tobacco, tobacco-related devices, electronic delivery devices, or nicotine or lobelia delivery devices to a person under the age of 21 years.

Subd. 2. Use by persons under 21. It is unlawful for any person under the age of 21 years to purchase, possess, or consume tobacco, tobacco-related devices, electronic delivery devices, or nicotine or lobelia delivery devices.

Subd. 3. Vending machines. The sale of tobacco, tobacco-related devices, electronic delivery devices, or nicotine or lobelia delivery devices by vending machines is prohibited.

Subd. 4. Individual packages. It is unlawful to offer for sale or to sell cigarettes packaged in units smaller than a carton containing ten packages, or single packages of smokeless tobacco in open displays that are accessible to the public without the intervention of a store employee.

1105.13. Administrative civil penalties.

Subd. 1. Individuals. A person who sells, gives or otherwise furnishes a covered product to a person under the age of 21 years is subject to an administrative penalty identified in Crystal city code, appendix IV, after the individual has received notice, served personally or by mail, of the alleged violation and been provided an opportunity for a hearing.

Subd. 2. Licensee. If a licensee or an employee of a licensee is found to have sold, given or otherwise furnished a covered product to a person under the age of 21 years, or committed a violation of Minnesota Statutes, chapter 297F, the city council shall impose administrative penalties on the licensee as provided in Crystal city code, appendix IV. Prior to imposing an administrative penalty the city shall provide the licensee written notice of the alleged violation and provide an opportunity for the licensee to be heard by the city council.

Subd. 3. Defense. It is an affirmative defense to a charge of selling, giving or otherwise furnishing a covered product to a person under the age of 21 years in violation of this section that the licensee or individual making the sale relied in good faith upon proof of age as described in Minnesota Statutes, section 340A.503, subdivision 6.

Subd. 4. Education and training. In addition to or in lieu of any other penalty imposed under this section, any person under the age of 21 years who purchases, possesses, or consumes a covered product shall attend an educational seminar approved by the chief of police regarding the legal and medical implications of using a covered product.

Subd. 5. Presumptions regarding administrative penalties. Though the administrative penalties described in this subsection are presumed, in no event shall the amount of any fine or period of suspension be less than the amounts and periods required in Minnesota Statutes, section 461.12, subdivisions 2 and 3. Other mandatory requirements may be made of the business including, but not limited to, meetings with law enforcement to present a plan of action to ensure the problem will not continue, mandatory education sessions with crime prevention staff, or other actions the city council may deem appropriate.

1105.15. Compliance monitoring.

Subd. 1. Compliance checks. As required by Minnesota Statutes, section 461.12, subdivision 5, the police department shall at least once a year perform compliance checks at each location licensed under this section to sell a covered product. License applicants may be informed of this policy at the time of license application and renewal. Violators of this section may be subject to more frequent compliance monitoring than non-violating licensees. The police department may annually report to the city council the results of said compliance checks.

Subd. 2. Exemption. A person no younger than 17 nor older than 20 may be enlisted by the police department to assist in the compliance checks. If the person is under the age of 18, no such person may conduct compliance checks unless the police department obtains written consent from the person's parent or guardian and the person must at all times act only under the direct supervision of a law enforcement officer, an employee of the licensing department, or in conjunction with an in-house program that has been pre-approved by the police department. A person who purchases or attempts to purchase tobacco while acting in this capacity is exempt from any penalties related to said purchase or attempt to purchase.

Subd. 3. Additional checks. If a licensee or employee of a licensee is guilty of a second violation within the 24-month period since the initial violation, the police department must conduct at least one compliance check at that licensed premises within the time remaining in that 24-month period.

1105.17. Signage and age verification required.

Subd. 1. Signage. At each location where tobacco, tobacco-related devices, electronic delivery devices, or nicotine or lobelia delivery products are sold, the licensee shall display a sign in plain view to provide public notice that selling any of these products to any person under the age of 21 is illegal and subject to penalties. The notice shall be placed in a conspicuous location in the licensed establishment and shall be readily visible to any person who is purchasing or attempting to purchase these products. The sign shall provide notice that all persons responsible for selling these products must verify, by means of photographic identification containing the bearer's date of birth, the age of any person under 30 years of age.

Subd. 2. Age verification. At each location where tobacco, tobacco-related devices, electronic delivery devices, or nicotine or lobelia delivery products are sold, the licensee shall verify, by means of government-issued photographic identification containing the bearer's date of birth, that the purchaser or person attempting to make the purchase is at least 21 years of age. Verification is not required if the purchaser or person attempting to make the purchase is 30 years of age or older. It shall not constitute a defense to a violation of this subdivision that the person appeared to be 30 years of age or older.

Section 1110 - Peddlers, solicitors  
and transient merchants

1110.01. Definitions. For purposes of this section, the terms defined in this subsection have the meanings given them.

Subd. 1. Person. “Person” means any person, individual, co-partnership, limited liability company and corporation, both as principal and agent, who engage in, do, or transact any temporary and transient business in the state or city regulated by this section.

Subd. 2. Peddler. “Peddler” means a person who goes from house to house, door to door, business to business, street to street, or any other type of place to place for the purpose of offering for sale, selling or attempting to sell, and delivering immediately upon sale the goods, wares, products, merchandise, or other personal property that the person is carrying or transporting; the term does not include vendors of milk, bakery products or groceries who distribute their products to regular customers on established routes. The term Peddler shall mean the same as the term “hawker.”

Subd. 3. Solicitor. “Solicitor” means a person who goes from house to house, door to door, business to business, street to street, or any other type of place to place for the purpose of obtaining or attempting to obtain orders for the sale of goods, wares, or merchandise including magazines, books, periodicals, other personal property or services of which they may be carrying or transporting samples, or that may be described in a catalog or by other means, and for which delivery or performance shall occur at a later time. The absence of samples or catalogs shall not remove a person from the scope of these provisions if the actual purpose of the person’s activity is to obtain or attempt to obtain orders as discussed above. The term solicitor shall mean the same as the term “canvasser.”

Subd. 4. Transient merchant. “Transient merchant” means a person, whether as owner, agent, consignee, or employee who engages in a temporary business out of a vehicle, trailer, box car, tent, other portable shelter, store front, or from a parking lot for the purpose of displaying for sale, selling or attempting to sell, and delivering goods, wares, products, merchandise or other personal property and who does not remain or intend to remain in any one location for more than four consecutive days as part of four sale events each year.

1110.03. License required. It is unlawful to engage in the business of peddler, solicitor, or transient merchant in the city without first obtaining a license therefore as provided by this section, unless exempt from such license pursuant to Crystal city code, subsection 1110.07. In addition, no person shall conduct business as a transient merchant for an out-of-state business within the city limits without first having obtained the appropriate licensure from Hennepin County.

1110.05. Application. Applications for a city license under this section must be filed with the city clerk and must contain all information required in the city's application form, including:

- (a) Physical description of the applicant (hair color, eye color, height, weight, distinguishing marks or features);
- (b) Complete permanent home and local address of the applicant; and in the case of transient merchants, the local address from which proposed sales will be made with a letter of signed permission from the property owner;
- (c) A brief description of the nature of the business and the goods to be sold or services to be provided;
- (d) The name, address, and phone number of the employer, principal, or supplier of the applicant, together with credentials establishing the exact relationship;
- (e) The dates during which the applicant intends to conduct business and the names of its agents conducting business in the city;
- (f) The supply source of the goods, or property prepared to be sold, or orders taken for the sale thereof, the location of such goods or products at the time of the application, and the proposed method of delivery;
- (g) A recent photograph (approximately two inches by two inches) of the applicant, showing the head and shoulders of the applicant in a clear and distinguishing manner;
- (h) A statement as to whether the applicant has been convicted of any crime or violation of any municipal ordinance other than traffic violations, the nature of the offense, and the punishment or penalty assessed therefore;
- (i) The names of up to three other municipalities where the applicant conducted similar business immediately preceding the date of the current application and the addresses from which such business was conducted within those municipalities;
- (j) The applicant's driver's license number or other acceptable state-issued identification;
- (k) The license plate number(s) and description of the vehicle(s) to be used in conjunction with the licensed business, if applicable; and
- (l) Proof of county license (applicable to out-of-state transient merchants only).



1110.07. Exemptions.

Subd. 1. General exemptions. No license under this section shall be required for:

- (a) Any person selling or attempting to sell, or taking or attempting to take orders for, any product grown, produced, cultivated, or raised on any farm;
- (b) Sales exempt under Minnesota Statutes, section 329.14; or
- (c) Any person going from house-to-house, door-to-door, business-to-business, street-to-street, or any other type of place-to-place movement for the primary purpose of exercising that person's state or federal constitutional rights such as the freedom of speech, freedom of the press, freedom of religion, and the like. This exemption will not apply if the person's exercise of constitutional rights is merely incidental to what would properly be considered a commercial activity.

Exemptions from this section shall not excuse any person from complying with any other applicable statutory provision or local ordinance.

Subd. 2. Non-profit organizations and free expression exemption. Any organization, society, association, or corporation with a non-profit status approved by the state or federal government desiring to solicit or to have solicited in its name money, donations of money or property, or financial assistance of any kind or desiring to sell or distribute any item of literature or merchandise for which a fee is charged or solicited from persons other than members of such organizations for a charitable, religious, patriotic, or philanthropic purpose by going from house to house, door to door, business to business, street to street, or other type of place to place, or when such activity is for the purpose of exercising that person's state or federal constitutional rights relating to the free exercise of religion or speech, is exempt from the licensing requirements of this section, provided there is a registration filed in writing on a form provided by the city clerk which contains the following information:

- (a) Organization's name and specific cause for which exemption is sought;
- (b) Names and addresses of the officers and directors of the organization;
- (c) Period during which solicitation is to be conducted;
- (d) Whether any commission, fee, wages, or emoluments are to be expended in connection with such solicitation and the amount thereof; and

- (e) Names and addresses of all persons involved in canvassing efforts. Persons exercising constitutional rights may lose their exemption from licensing if the person's exercise of constitutional rights is merely incidental to a commercial activity. Professional fundraisers working on behalf of an otherwise exempt person or group shall not be exempt from the licensing requirements of Crystal city code, subsection 1110.03.

1110.09. Investigation and issuance. A background investigation of all interested individuals for non-exempt licenses is required and shall be conducted pursuant to Crystal city code, subsection 1000.19 prior to the issuance of a license or license renewal.

1110.11. License requirements. The license will contain information deemed necessary by the city and shall be valid only for the period specified, though no license may extend beyond the 31st day of December of the year in which it is granted. Licensees must wear some type of identification conspicuously showing their name and the organization for which they are working and must carry their city-issued license when conducting the licensed business or activity.

1110.13. Prohibited activities.

Subd. 1. Loud noises and speaking devices. A person licensed under this section may not shout, cry out, blow a horn, ring a bell, or use any sound amplifying device upon any of the streets, alleys, parks, or other public places of the city or upon private premises where sound of sufficient volume is emitted or produced therefrom to be capable of being plainly heard upon the streets, alleys, parks, or other public places, for the purpose of attracting attention to any goods, wares, or merchandise which such licensee proposes to sell.

Subd. 2. Use of streets. A person licensed or regulated under this section does not have an exclusive right to any location in the public streets, nor is such person permitted a permanent stationary location thereon. A person licensed under this section may not operate in a congested area where such operation might impede or inconvenience the public use of streets.

Subd. 3. Private property. Issuance of a license under this section does not permit the license holder to conduct the licensed activity on private property without the ongoing permission of the property owner or the property owner's authorized agent. If such property is conspicuously posted by the owner or person in control with a sign stating "no trespassing", "no solicitors", "no solicitors or peddlers", or similar language, the entry thereon by any person subject to the licensing or registration requirements of this section without the permission of the owner or agent shall be unlawful and deemed a public nuisance. To be conspicuously posted, the sign shall be at least 3¾ inches long, 3¾ inches wide, the printing must not be smaller than 48 point type, and placed near the principal entrance to the premises such that it is plainly visible prior to reaching the door of the premises. No person other than the owner or occupant of the premises shall remove, injure, or deface the sign.

Subd. 4. Practices prohibited. No peddler, solicitor or transient merchant shall conduct business in any of the following manners:

- (a) Obstructing the free flow of either vehicular or pedestrian traffic on any street, alley, sidewalk, or other public right-of-way;
- (b) Creating a direct threat to the health, safety, or welfare of any individual or the general public;
- (c) Entering upon any residential premises for the purpose of carrying on the licensee's or registrant's trade or business between the hours of 8:00 p.m. and 9:00 a.m., unless such person has been expressly invited to do so by the property owner or occupant thereof;
- (d) Ringing the doorbell, knocking on the door, or entering any residential or commercial premises that is conspicuously posted as provided in subdivision 3 of this subsection; or
- (e) Harassing, intimidating, abusing, or threatening a person, continuing to offer merchandise for sale to any person after being told not to do so by that person, or failing or refusing to leave the premises of the resident occupant after being told to do so by the resident occupant.

1110.15. Records. The chief of police must report to the city clerk all convictions for violation of this section. The city clerk must maintain a record for each license issued and record the reports of violation therein.

Section 1115 - Tree trimming

1115.01. Definition. For the purposes of this section, “tree trimming” means and includes the trimming of trees and the removal of trees and tree stumps on the property of another for hire.

1115.03. Licensing required. It is unlawful to engage in the business of tree trimming in the city without first being licensed to do so pursuant to this section.

1115.05. Licensing process.

Subd. 1. Application. An application for a tree trimming license must be presented to the city clerk and, in addition to the information required in Crystal city code, subsection 1000.11, must contain the following information:

- (a) List all Minnesota counties in which the applicant works and the names of up to three other municipalities where the applicant has conducted similar business, if any exist;
- (b) A summary statement of applicant’s training, experience or special qualifications in the field of tree trimming, including proof of registration with the Minnesota Department of Agriculture’s tree care registry; and
- (c) The name of any city or other governmental licensing authority which has refused to issue a tree trimming license to the applicant or which has revoked or suspended such a license issued to the applicant, if any exist.

Subd. 2. Bond; insurance. An applicant for a license under this section must provide a surety bond in the amount provided in Crystal city code, appendix IV so that the licensed activity will be conducted in accordance with applicable state laws and city ordinances and that the licensee will save the city harmless from any liability, damage or expense which may be incurred by the city by reason of performance of such activity. An applicant must also file with the city clerk a certificate of insurance showing that the applicant has purchased commercial general liability and workers’ compensation insurance which will remain in effect for the term of the license, and that the insurance will not be cancelled without ten days’ notice to the city. The policy or policies must provide commercial general liability coverage to the applicant in the amount provided in Crystal city code, appendix IV and must name the city as an additional insured party.

Subd. 3. Issuance of license. Upon submission of a completed application and the required insurance, bond, and fees, the city manager may, if in the city manager’s judgment all conditions exist for the issuance of the license, issue a temporary license subject to final approval by the city council.

1115.07. Relation to other code provisions. Activities licensed by this section must be conducted in accordance with all applicable provisions of this Crystal city code including, but not specifically limited to, the following:

- (a) A license is not required for the removal of trees conducted solely pursuant to a grading permit issued under Crystal city code, section 415;
- (b) When conducting licensed activities in a public right-of-way the licensee must adhere to all applicable requirements contained in Crystal city code, chapter VIII; and
- (c) Persons licensed under this section must familiarize themselves with all aspects of the city's shade tree control program. Tree trimming or removal activities involving the treatment of diseased shade trees may not be conducted other than in conformance with Crystal city code, section 2020, including the requisite tree inspector certification.

Section 1120 - Secondhand goods dealers

1120.01. Definition. For purposes of this section, the term “secondhand goods dealer” means a person whose regular business includes selling or receiving tangible personal property (excluding motor vehicles) previously used, rented, owned, or leased.

1120.03. Exemptions. This section does not apply to or include the following:

- (a) The sale of secondhand goods where all of the following conditions are present:
  - (1) The sale is held on property occupied as a dwelling by the seller, or owned, rented or leased by a charitable or political organization;
  - (2) The items offered for sale are owned by the occupant;
  - (3) The sale does not exceed a period of 72 consecutive hours;
  - (4) Not more than two sales are held either by the same person or on the same property in any 12 month period; and
  - (5) None of the items offered for sale have been purchased for resale or received on consignment for purpose of resale.
- (b) Sales by a person licensed by the State of Minnesota as a motor vehicle dealer;
- (c) The sale of secondhand books or magazines;
- (d) The sale of goods at an auction held by a duly licensed auctioneer;
- (e) The business of buying or selling only those secondhand goods taken as part or full payment for new goods, and where such business is incidental to and not the primary business of a person;
- (f) A bulk sale of property from a merchant, manufacturer or wholesaler having an established place of business or of goods sold at open sale from bankrupt stock;
- (g) Goods sold at a public market;
- (h) Goods sold at an exhibition;
- (i) The sale of secondhand clothing and personal clothing accessories, including costume jewelry but excluding other jewelry;

- (j) The sale of items that have been donated to the seller and not purchased or received on consignment for resale by the seller;
- (k) Transactions involving coins, bullion, or ingots; or
- (l) The sale of refurbished appliances by a retail dealer in new and used appliances where the used appliances are refurbished at a location off-site from the retail sales location, and where the dealer does not accept appliances for trade in at the retail location.

1120.05. License required.

Subd. 1. Secondhand goods dealer. A person may not engage in the business of secondhand goods dealer without first obtaining a secondhand goods dealer license from the city.

Subd. 2. Separate license required. A secondhand goods dealer may not conduct, operate, or engage in the business of pawnbroker without having obtained a pawnbroker license as required by Crystal city code, section 1125, in addition to a secondhand goods dealer license.

1120.07. Multiple dealers.

Subd. 1. Licenses. The owner of a business at which two or more secondhand goods dealers are engaged in business by maintaining separate sales space and identifying themselves to the public as individual dealer may obtain a multiple secondhand goods dealer license for that location. A multiple license may not be issued unless the following requirements are met:

- (a) The businesses must have a single name and address;
- (b) The businesses must operate in a compact and contiguous space;
- (c) The businesses must be under the unified control and supervision of the one person who holds the license; and
- (d) Sales must be consummated at a central point or register operated by the owner of the business, and the owner must maintain a comprehensive account of all sales.

Subd. 2. Compliance. The holder of a secondhand goods dealer license under this section for a business with more than one dealer at the same location must comply with all of the requirements of this section, including the responsibility for police reporting and record keeping in the same manner as any other dealer licensed under this section. A dealer licensed under this subsection is responsible to its customers for stolen or misrepresented goods sold at its place of business in the same manner as any other dealer licensed under this section.

1120.09. Bond. A secondhand goods dealer license will not be issued unless the applicant files with the city clerk a bond in the amount prescribed in Crystal city code, appendix IV. The bond must be conditioned on the licensee obeying the laws and ordinances governing the licensed business and paying all fees, taxes, penalties and other charges associated with the business. The bond must provide that it is forfeited to the city upon a violation of law or ordinance.

1120.11. Investigation. A background investigation of all interested individuals is required and shall be conducted pursuant to Crystal city code, subsection 1000.19 prior to the issuance of a license or license renewal.

1120.13. Ineligibility. In addition to the provisions contained in Crystal city code, subsection 1000.17, a person who within five years of the license application date has been convicted of receiving stolen property, sale of stolen property or controlled substance, burglary, robbery, damage, trespass to property, or any other law or ordinance regulating secondhand goods dealers, is ineligible for a license.

1120.15. Records; daily reports.

Subd. 1. Reporting requirements. A licensed secondhand goods dealer, at the time of receipt of an item, must immediately record, in ink or other indelible medium in a book or word processing unit, the following information:

- (a) An accurate description of the item including, but not limited to, any trademark, identification number, serial number, model number, brand name or other identifying mark on such item;
- (b) The purchase price;
- (c) Date, time, and place of receipt;
- (d) Name, address, and date of birth of the person from whom the item was received; and
- (e) The identification number from any of the following forms of identification of the seller:
  - (1) Current valid Minnesota driver's license;
  - (2) Current valid Minnesota identification card; or
  - (3) Current valid photo driver's license or identification card issued by another state or province of Canada.



These records, as well as the goods received, must be open for inspection by the police department at reasonable times. Records required by this subsection must be stored and maintained by the licensee for a period of at least three years.

Subd. 2. Daily reports. For the following items, regardless of resale price, a secondhand goods dealer must make out, on forms approved by the police department, and send daily by mail to the police department a legible description of the goods received during the preceding day, together with the time received and a description of the person from whom the goods were received:

- (a) Items with a serial number identification, or “operation identification” or similar program symbol;
- (b) Cameras;
- (c) Electronic audio or video equipment;
- (d) Precious jewelry or gems, and precious metals;
- (e) Artist-signed or artist-attributed works of art;
- (f) Guns and firearms; and
- (g) Items not included in the above, except furniture and kitchen or laundry appliances, which the secondhand goods dealer intends to sell for more than \$200.

1120.17. Additional regulations.

Subd. 1. Stolen goods. A licensed secondhand goods dealer must report to the police department any article received, or sought to be received, if the licensee has reason to believe that the article was stolen or lost.

Subd. 2. Holding goods. An item received by a secondhand goods dealer for which a report to the police is required, may not be sold or otherwise transferred for a period of 30 days after the date of such report to the police.

Subd. 3. Receipt. A licensed secondhand goods dealer must provide a receipt to the seller or consignor of any items which includes:

- (a) The address and phone number of the business;
- (b) The date;

- (c) A description of the item purchased; and
- (d) The purchaser's signature.

Subd. 4. Police orders. If a city police officer notifies a dealer not to sell an item, the item may not be sold or removed from the licensed premises until authorized to be released by the police.

Subd. 5. Weapons. A licensed secondhand goods dealer may not receive as a pledge or otherwise accept for consignment or sale any revolver, pistol, sawed-off shotgun, automatic rifle, blackjack, switchblade knife, or other similar weapons or firearms.

Subd. 6. Minors. A person under the age of 18 may not sell or consign, or attempt to sell or consign, goods with a secondhand goods dealer. A secondhand goods dealer may not receive goods from a person under the age of 18.

Subd. 7. Intoxicated seller. A secondhand goods dealer may not receive any goods from a clearly intoxicated person.

1120.19. License denial, suspension, or revocation. In addition to the provisions contained in Crystal city code, subsection 1000.31, the city council may deny, suspend, or revoke a license for a violation within the preceding five years of any state or federal law relating to theft, receiving stolen property, burglary, robbery, forgery, damage or trespass to property, sale of a controlled substance or stolen good, or operation of a business.

1120.21. Administrative civil penalties. If a licensee or an employee of a licensee is found to have violated this section, the city council may impose an administrative penalty on the licensee as provided in Crystal city code, appendix IV. In addition to civil penalties, other mandatory requirements may be made of the establishment including, but not limited to, meetings with the police department to present a plan of action to assure that the problem will not continue, mandatory education sessions with crime prevention staff, or other actions that the city council deems appropriate.

1120.23. County license. Secondhand goods dealers dealing in precious metals and gems must also be licensed by Hennepin County.

Section 1125 – Pawnbrokers

1125.01. Findings; purpose. The city council finds that use of services provided by pawnbrokers provides an opportunity for the commission of crimes and their concealment because pawn businesses have the ability to receive and transfer property stolen by others easily and quickly. The city council also finds that consumer protection regulation is warranted in transactions involving pawnbrokers. The city council further finds that the pawn industry has outgrown the city's current ability to effectively or efficiently identify criminal activity related to pawn shops. The purpose of this chapter is to prevent pawn businesses from being used as facilities for the commission of crimes, and to assure that such businesses comply with basic consumer protection standards, thereby protecting the public health, safety, and general welfare of the citizens of the city.

To help the police department better regulate current and future pawn businesses, decrease and stabilize costs associated with the regulation of the pawn industry, and increase identification of criminal activities in the pawn industry through the timely collection and sharing of pawn transaction information, this section also implements and establishes the required use of the automated pawn system ("APS").

1125.03. Definitions. For purposes of this section, the terms defined in this subsection have the meanings given them.

Subd. 1. Pawnbroker. "Pawnbroker" means any natural person, partnership or corporation, either as principal, or agent or employee thereof, who loans money on deposit or pledge of personal property, or other valuable thing, or who deals in the purchasing of personal property, or other valuable thing on condition of selling the same back again at a stipulated price, or who loans money secured by chattel mortgage on personal property, taking possession of the property or any part thereof so mortgaged. To the extent that a pawnbroker's business includes buying personal property previously used, rented or leased, or selling it on consignment, the provisions of this chapter shall be applicable.

Subd. 2. Reportable transaction. "Reportable transaction" means every transaction conducted by a pawnbroker in which merchandise is received through a pawn, purchase, consignment or trade, or in which a pawn is renewed, extended or redeemed, or for which a unique transaction number or identifier is generated by their point-of-sale software, or an item is confiscated by law enforcement, is reportable except:

- (a) The bulk purchase or consignment of new or used merchandise from a merchant, manufacturer or wholesaler having an established permanent place of business, and the retail sale of said merchandise, provided the pawnbroker must maintain a record of such purchase or consignment which describes each item, and must mark each item in a manner which relates it to that transaction record; or
- (b) Retail and wholesale sales of merchandise originally received by pawn or purchase, and for which all applicable hold and/or redemption periods have expired.

Subd. 3. Billable transaction. “Billable transaction” means every reportable transaction conducted by a pawnbroker, except renewals, redemptions or extensions of existing pawns on items previously reported and continuously in the licensee’s possession, voided transactions, and confiscations.

1125.05. License required. It is unlawful to conduct, operate or engage in the business of a pawnbroker without first having obtained a license from the city.

1125.07. Investigation. A background investigation of all interested individuals is required and shall be conducted pursuant to Crystal city code, subsection 1000.19 prior to the issuance of a license or license renewal.

1125.09. Public hearing. A new pawnbroker license will not be issued without a public hearing. Any person having an interest in or who will be affected by the proposed license will be permitted to testify at the hearing. The public hearing must be preceded by ten days’ published notice specifying the location of the proposed licensed business premises.

1125.11. Bond required. Before a license will be issued, every applicant must submit a bond in the amount prescribed in Crystal city code, appendix IV. All bonds must be conditioned that the principal will observe all state laws and city ordinances in relation to pawnbrokers, and will conduct business in conformity thereto, and that the principal will account for and deliver to any person legally entitled any goods which have come into the principal’s hand through the principal’s business as a pawnbroker, or in lieu thereof, will pay the reasonable value in money to the person. The bond shall contain a provision that no bond may be canceled except upon 30 days’ written notice to the city which shall be served upon the city.

1125.13. Records required.

Subd. 1. Items to be recorded. At the time of any reportable transaction other than renewals, extensions, redemptions or confiscations, every licensee must immediately record in English the following information by using ink or other indelible medium on forms or in a computerized record approved by the police department:

- (a) A complete and accurate description of each item including, but not limited to, any trademark, identification number, serial number, model number, brand name, or other identifying mark on such an item;
- (b) The purchase price, amount of money loaned upon, or pledged therefor;
- (c) The maturity date of the transaction and the amount due, including monthly and annual interest rates and all pawn fees and charges;
- (d) Date, time, and place the item of property was received by the licensee, and the unique alpha and/or numeric transaction identifier that distinguishes it from all other transactions in the licensee’s records;

- (e) Full name, current residence address, current residence telephone number, date of birth, and accurate description of the person from whom the item of the property was received, including: sex, height, weight, race, color of eyes, and color of hair;
- (f) The valid driver's license or state identification card number, along with the state of issuance;
- (g) The signature of the person identified in the transaction;
- (h) The licensee must also take a color photograph or color video recording of each customer involved in every separate billable transaction and every item pawned or sold. For firearms, a separate photograph of the serial number shall also be taken. The licensee must inform the person that they are being photographed or videotaped by displaying a sign of sufficient size in a conspicuous place on the premises. Said photographs and recordings shall be made available via APS, shall be retained by the licensee for one year, shall be made available to law enforcement upon request, and shall comply with the following:
  - (1) If a photograph is taken, it must:
    - (i) Be at least two inches in length by two inches in width;
    - (ii) Accurately depict the items photographed;
    - (iii) Include an identifiable facial image of the person who pawned or sold the item;
    - (iv) Be maintained in such a manner that the photograph can be readily matched and correlated with all other records of the transaction to which they relate; and
    - (v) Be made available to the chief of police upon request.
  - (2) If a video photograph is taken, it must:
    - (i) Focus on the person pawning or selling the item so as to include an identifiable image of that person's face;
    - (ii) Accurately depict the items photographed; and
    - (iii) Be electronically referenced by time and date so they can be readily matched and correlated with all other records of the transaction to which they relate;

- (i) Digitized photographs. Licensees must fulfill the color photograph requirements in this section by submitting them as digital images, in a format specified by the issuing authority, electronically cross-referenced to the reportable transaction they are associated with. This provision does not in any way alter or amend the photograph requirements contained in this section; and
- (j) Renewals, extensions, redemptions and confiscations. For renewals, extensions, redemptions, and confiscations the licensee shall provide the original transaction identifier, the date of the current transaction, and the type of transaction.

Subd. 2. Inspection of records. The records must at all reasonable times be open to inspection by the police department or city inspector. Data entries shall be retained for at least three years from the date of transaction.

1125.15. Daily reports to police.

Subd. 1. Reportable transactions. Licensees must provide to the police department all reportable transaction information by transferring it from their computer to the APS using the current version of the Automated Pawn System Interchange File Specification. All required records must be transmitted completely and accurately after the close of business each day in accordance with standards and procedures established by the issuing authority. Any transaction that does not meet the Automated Pawn System Interchange File Specification must be corrected and resubmitted the next business day. The licensee must display a sign of sufficient size, in a conspicuous place in the premises, which informs patrons that all transactions are reported to the police department daily.

Subd. 2. Billable transaction fees. Licensees will be charged monthly for each billable transaction reported to the police department, as provided in Crystal city code, appendix IV, and shall pay said billable transaction fees within 30 days. The billable transaction license fee shall reflect the cost of processing transactions and other related regulatory expenses as determined by the city council, and shall be reviewed and adjusted annually, if necessary. Licensees shall be notified in writing 30 days before any adjustment is implemented.

- (a) If a licensee is unable to successfully transfer the required reports by modem, the licensee must provide the police department, upon request, printed copies of all reportable transactions along with the video tape(s) for that date, by noon the next business day.
- (b) If the problem is determined to be in the licensee's system and is not corrected by the close of the first business day following the failure, the licensee must continue to provide the required reports as detailed in Crystal city code, subsection 1125.15, subdivision 1, and shall be charged a penalty as provided in Crystal city code, appendix IV for each day of such failure, until the error is corrected.

- (c) If the problem is determined to be outside the licensee's system, the licensee must continue to provide the reports required by Crystal city code, subsection 1125.15, subdivision 1, and must resubmit all such transactions electronically when the error is corrected.
- (d) If a licensee is unable to capture, digitize or transmit the photographs, the licensee must immediately take all required photographs with a still camera, cross-reference the photographs to the correct transaction, and make the pictures available to the police department upon request.
- (e) Regardless of the cause or origin of the technical problems that prevented the licensee from uploading their reportable transactions, upon correction of the problem, the licensee shall upload every reportable transaction from every business day the problem had existed.
- (f) The police department may, upon presentation of extenuating circumstances, delay the implementation of the aforementioned daily reporting penalty.

1125.17. Receipt required.

Subd. 1. Information on receipt. Every licensee must provide a receipt to the party identified in every reportable transaction and must maintain a duplicate of that receipt for three years. The receipt must include at least the following information:

- (a) The name, address and telephone number of the licensed business;
- (b) The date and time the item was received by the licensee;
- (c) Whether the item was pawned or sold, or the nature of the transaction;
- (d) An accurate description of each item received including, but not limited to, any trademark, identification number, serial number, model number, brand name, or other identifying mark on such an item;
- (e) The signature or unique identifier of the licensee or employee that conducted the transaction;
- (f) The amount advanced or paid;
- (g) The monthly and annual interest rates, including all pawn fees and charges;
- (h) The last regular day of business by which the item must be redeemed by the pledger without risk that the item will be sold, and the amount necessary to redeem the pawned item on that date;

- (i) The full name, current residence address, current residence telephone number, and date of birth of the pledger or seller;
- (j) The identification number and state of issue from any of the following forms of identification of the seller:
  - (1) Current valid Minnesota driver's license;
  - (2) Current valid Minnesota identification card; or
  - (3) Current valid photo driver's license or identification card issued by another state or province of Canada.
- (k) Description of the pledger or seller including sex, approximate height and weight, race, color of eyes, and color of hair;
- (l) The signature of the pledger or seller; and
- (m) All printed statements as required by Minnesota Statutes, section 325J.04, subdivision 2, or any other applicable statutes.

1125.19. Redemption period. Any person pledging, pawning or depositing an item for security must have a minimum of 90 days from the date of that transaction to redeem the item before it may be forfeited and sold. During the 90-day holding period, items may not be removed from the licensed location except as otherwise expressly authorized in this section. Licensees are prohibited from redeeming any item to anyone other than the person to whom the receipt was issued or, to any person identified in a written and notarized authorization to redeem the property identified in the receipt, or to a person identified in writing by the pledger at the time of the initial transaction and signed by the pledger, or with approval of the chief of police, or chief's designee. Written authorization for release of property to persons other than original pledger must be maintained along with original transaction record.

1125.21. Holding period. Any item purchased or accepted in trade by a licensee must not be sold or otherwise transferred for 30 days from the date of the transaction. An individual may redeem an item 72 hours after the item was received on deposit, excluding Sundays and legal holidays.

1125.23. Police order to hold property.

Subd. 1. Investigative hold. Whenever a law enforcement official from any agency notifies a licensee to place an item on an investigative hold, the item must not be sold or removed from the premises. The investigative hold shall be confirmed in writing by the originating agency within 72 hours and will remain in effect for 15 days from the date of initial notification, until the investigative order is canceled, or until an order to hold/confiscate is issued pursuant to this subsection, whichever comes first.



Subd. 2. Order to hold. Whenever the police chief confirms the investigative hold in writing, the item must not be sold or removed from the licensed premises until authorized to be released by the chief. The written order to hold shall expire in 90 days unless the police chief determines the hold is still necessary and notifies the licensee in writing.

Subd. 3. Order to confiscate. If an item is identified as stolen or evidence in a criminal case, the police chief may physically confiscate and remove it from the premises, pursuant to a written order from the police chief, or extend the hold for as long as necessary, as provided in Crystal city code, subsection 1125.23, subdivision 2, and leave it at the premises. When an item is confiscated, the person doing so shall provide identification upon request of the licensee, and shall provide the licensee the name and phone number of the confiscating agency and investigator, and the case number related to the confiscation. When an order to hold/confiscate is no longer necessary, the police chief shall so notify the licensee.

1125.25. Inspection of items. At all times during the terms of the license, the licensee must allow law enforcement officials to enter the premises where the licensed business is located, including all off-site storage facilities, during normal business hours, except in an emergency, for the purpose of inspecting such premises and inspecting the items, wares, merchandise, and records therein to verify compliance with this section or other applicable laws.

1125.27. Label required. Licensees must attach a label to every item at the time it is pawned, purchased or received in inventory from any reportable transaction. Permanently recorded on this label must be the number or name that identifies the transaction in the shop's records, the transaction date, the name of the item and the description or the model and serial number of the item as reported to the police department, whichever is applicable, and the date the item is out of pawn or can be sold, if applicable. Labels shall not be re-used.

1125.29. Prohibited acts. The following acts are prohibited:

- (a) No person under the age of 18 years may pawn or sell or attempt to pawn or sell goods with any licensee, nor may any licensee receive any goods from a person under the age of 18 years;
- (b) No licensee may receive any goods from an intoxicated person;
- (c) No licensee may receive any goods, unless the seller presents identification in the form of a valid driver's license, a valid state of Minnesota identification card, or current valid photo driver's license or identification card issued by the state or province of residency of the person from whom the item was received;
- (d) No licensee may receive any item of property that possesses an altered or obliterated serial number or operation identification number or any item of property that has had its serial number removed;

- (e) No person may pawn, pledge, sell, consign, leave, or deposit any article of property not their own, nor shall any person pawn, pledge, sell, consign, leave, or deposit the property of another, whether with permission or without, nor shall any person pawn, pledge, sell, consign, leave, or deposit any article of property in which another has a security interest, with any licensee; and
- (f) No person seeking to pawn, pledge, sell, consign, leave, or deposit any article of property with any licensee shall give a false or fictitious name, date of birth, address of residence, or telephone number, nor shall they present a false or altered identification, or the identification of another, to any licensee.

1125.31. License actions; penalties.

Subd. 1. License actions. In addition to the provisions contained in Crystal city code, subsection 1000.31, a license issued under the section may be denied, suspended, or revoked for a violation, within the preceding five years, of any law relating to theft, damage, or trespass to property, sale of a controlled substance, or operation of a business.

Subd. 2. Civil penalties. If a licensee or an employee of a licensee is found to have violated this section, the city council may impose an administrative penalty as provided in Crystal city code, appendix IV.

1125.33. Business at only one place. A license issued under this section authorizes the licensee to carry on its business only at the permanent place of business designated in the license. However, upon written request, the police chief may approve an off-site locked and secured storage facility. The licensee shall permit inspection of the facility as otherwise authorized for the licensed premises. All provisions of this section regarding record keeping and reporting apply to the facility and its contents. Property shall be stored in compliance with all provisions of this Crystal city code. The licensee must either own the building in which the business is conducted, and any approved off-site storage facility, or have a lease on the business premise that extends for more than six months.

Section 1130 - Lawful gambling

1130.01. Lawful gambling.

Subd. 1. General rule. Pursuant to the provisions of Minnesota Statutes, section 340A.410, subdivision 5, lawful gambling may be conducted on premises licensed for the sale of intoxicating liquor by organizations licensed by the Minnesota gambling control board (the “Board”) under Minnesota Statutes, chapter 349 when a premises permit, if required by law, therefor has been issued by the Board. Non-profit organizations licensed by the Board may conduct lawful gambling on the licensed premises or adjoining rooms of on sale liquor establishments provided the gambling is in compliance with the law and the requirements of this section are complied with.

Subd. 2. Expanded premises for lawful gambling. Notwithstanding anything to the contrary in this section, lawful gambling may be conducted on any premises for which the organization obtains a premises permit from the Board. Lawful gambling conducted on any premises other than a licensed on-sale liquor establishment is subject to all the terms and conditions of this section, except that references to on-sale establishments are deemed to include any other premises for which a lawful gambling premises permit has been issued.

1130.03. City review.

Subd. 1. City investigation. Upon receipt of an application for an initial premises permit, a background investigation of all interested individuals is required and shall be conducted pursuant to Crystal city code, subsection 1000.19 prior to the issuance of the premises permit.

Subd. 2. City council action. The city council will not consider approval of an application for an initial lawful gambling premises permit unless the application has been approved by the Board or the Board has indicated in writing to the city clerk that Board approval is granted pending only the approval of the city council. Thereafter, the city council will review the application for a premises permit and, by resolution either approve the application or, if in its judgment the conduct of lawful gambling at the premises will adversely affect the public health, safety and welfare, decline to approve the application. The council may suspend or revoke a previously granted premises or license permit when the Board has suspended or revoked the corresponding state license, or in accordance with Crystal city code, subsection 1000.31, as the case may be.

1130.05. Eligible organizations.

Subd. 1. Board licensed. The city will consider for approval only premises permits by organizations that are licensed by the Board and meet all the conditions in Crystal city code, subsection 1130.05, subdivision 2. When an application is submitted to the city the city will presume that the applicant is eligible for the permit under state law, subject to review by the Board.

Subd. 2. Eligibility criteria. An organization shall not be eligible to conduct lawful gambling in the city unless it meets the requirements of Minnesota Statutes, chapter 349, and at least one of the following conditions are met for an initial application and a perpetual license:

- (a) The organization has at least 15 members that are residents of the city;
- (b) The physical site for the organization's headquarters or the registered business office of the organization is located within the city or a municipality contiguous to the city and has been located within the city or a municipality contiguous to the city for at least two years immediately preceding application for a license;
- (c) The organization owns real property within the city and the lawful gambling is conducted on the property owned by the organization within the city;
- (d) The physical site where the organization regularly holds its meetings and conducts its activities, other than lawful gambling and fund raising, is within the city and has been located within the city for at least two years immediately preceding application for a license; or
- (e) The organization is a fire relief organization that provides fire protection services to the city.

1130.07. Hours. For licensed on-sale establishments, lawful gambling may be conducted only during the permitted hours of alcohol sale. For all other establishments, lawful gambling may be conducted only between the hours of 11:00 a.m. and 12:00 midnight on any day.

1130.09. Distribution of proceeds.

Subd. 1. City fund. Each organization lawfully permitted to conduct gambling within the city shall contribute to a fund administered and regulated by the city, without cost to such fund, for distribution by the city for purposes authorized under Minnesota Statutes, section 349.213, subdivision 1, an amount equal to ten percent of the organization's net profits derived from lawful gambling at premises within the city. For purposes of this subsection the term "net profits" means profits less amounts expended for allowable expenses; the terms "profits" and "allowable expenses" have the meanings given them by Minnesota Statutes, chapter 349 and rules and regulations promulgated thereunder. Payments to the fund shall be made annually on or before March 1 for the prior calendar year, and shall be submitted together with verifiable supporting documentation.

Subd. 2. Trade area. Each organization conducting lawful gambling within the city must expend 15 percent of its lawful purpose expenditures on lawful purposes conducted or located within the trade area of the city. For the purposes of this subsection, the term “trade area” means the area within the boundaries of the city and within the boundaries of the cities of New Hope, Robbinsdale, Golden Valley, Brooklyn Center, and Brooklyn Park; provided that a contribution to Independent School District No. 281 is deemed to have been made in the trade area of the city. This subdivision applies only to lawful purpose expenditures of gross profits derived from lawful gambling conducted at premises within the city. On or before each March 1, each organization must file with the city the following reports:

- (a) A report listing all lawful purpose expenditures in the prior calendar year, the name of the entity to whom each check was written, and the city location of the recipient; and
- (b) A report prepared by an independent certified public accountant documenting compliance with this subdivision.

Subd. 3. Election. Each organization conducting lawful gambling within the City may apply the ten percent net profits contribution requirement of subdivision 1 of this subsection against the 15 percent lawful purpose expenditures requirement of subdivision 2 of this subsection. Such election shall be clearly disclosed in the report required by subdivision 2 of this subsection.

1130.11. Filing. Organizations conducting lawful gambling shall file with the city clerk one copy of all records and reports required to be filed with the Board, pursuant to Minnesota Statutes, chapter 349 and rules adopted pursuant thereto. The records and reports shall be filed on or before the day they are required to be filed with the Board.

Section 1135 - Adult establishments

1135.01. Findings and purpose. Credible studies have concluded that adult establishments have adverse impacts on their surrounding neighborhoods. These impacts include increased crime rates, lower property values, increased transiency, neighborhood blight, and potential health risks. Based on these studies and findings, the city council concludes:

- (a) Adult establishments have adverse secondary impacts of the types set forth above;
- (b) The adverse impacts caused by adult establishments tend to diminish if adult establishments are governed by geographic, licensing, and health requirements;
- (c) It is not the intent of the city council to prohibit adult establishments from having a reasonable opportunity to locate in the city;
- (d) Minnesota Statutes, section 462.357 allows the city to adopt regulations to promote the public health, safety, morals, and general welfare; and
- (e) The public health, safety and general welfare will be promoted by the city adopting regulations governing adult establishments.

1135.03. Definitions. For purposes of this section, the following terms defined in this subsection have the meanings given them.

Subd. 1. Adult establishment. “Adult establishment” means any business that devotes a substantial or significant portion of its inventory, stock-in-trade, or publicly-displayed merchandise, or devotes a substantial or significant portion of its floor area (not including storerooms, stock areas, bathrooms, basements, or any portion of the business not open to the public) to, or derives a substantial or significant portion of its gross revenues from items, merchandise, devices or other materials distinguished or characterized by an emphasis on material depicting, exposing, simulating, describing, or relating to specified sexual activities or specified anatomical areas; or any business that engages in any adult use.

Subd. 2. Adult use. “Adult use” includes, but is not limited to, any of the following activities or businesses:

- (a) “Adult body painting studio” – an establishment or business that provides the service of applying paint, ink, or other substance, whether transparent or non-transparent, to the body of a patron when the person is nude;

- (b) “Adult bookstore or video store” – an establishment or business used for barter, rental or sale of items consisting of printed matter (including books, magazines, periodicals or other printed matter), pictures, slides, records, audio tape, videotape, compact discs, digital video discs, motion picture film, or other visual representations if a substantial or significant portion of such business or establishment is devoted to material distinguished and characterized by an emphasis on the depiction or description of specified sexual activities or specified anatomical areas;
- (c) “Adult cabaret” – a business or establishment that provides dancing or other live entertainment distinguished or characterized by an emphasis on:
  - (1) The depiction of specified sexual activities or specified anatomical areas; or
  - (2) The presentation, display, or depiction of matter that seeks to evoke, arouse, or excite sexual or erotic feelings or desire;
- (d) “Adult companionship establishment” or “adult conversation/rap parlor” – a business or establishment that provides the service of engaging in or listening to conversation, talk, or discussion distinguished or characterized by an emphasis on specified sexual activities or specified anatomical areas;
- (e) “Adult health/sport club” – a health/sport club that is distinguished or characterized by an emphasis on specified sexual activities or specified anatomical areas;
- (f) “Adult hotel or motel” – a hotel or motel that presents material distinguished or characterized by an emphasis on matter depicting, describing, or relating to specified sexual activities or specified anatomical areas;
- (g) “Adult massage parlor/health club” – a massage parlor or health club that provides massage services distinguished or characterized by an emphasis on specified sexual activities or specified anatomical areas;
- (h) “Adult mini-motion picture theater” – a business or establishment with a capacity of less than 50 persons that presents material distinguished or characterized by an emphasis on specified sexual activities or specified anatomical areas;
- (i) “Adult modeling studio” – a business or establishment that provides figure models who, with the intent of providing sexual stimulation or sexual gratification, engage in specified sexual activities or display specified anatomical areas while being observed, painted, painted upon, sketched, drawn, sculptured, photographed, or otherwise depicted;

- (j) “Adult motion picture arcade” – any place to which the public is permitted or invited where coin or slug-operated or electronically, electrically, or mechanically controlled or operated still or motion picture machines, projectors, or other image-producing devices are used to show images to five or fewer persons per machine at any one time, and where the images so displayed are distinguished or characterized by an emphasis on depicting or describing specified sexual activities or specified anatomical areas;
- (k) “Adult motion picture theater” – a motion picture theater with a capacity of 50 or more persons used for presenting material distinguished or characterized by an emphasis on specified sexual activities or specified anatomical areas for observation by patrons;
- (l) “Adult novelty business” – an establishment or business that derives 25 percent or more of its gross receipts during any calendar month from, or devotes 25 percent or more of its floor area (not including storerooms, stock areas, bathrooms, basements, or any portion of the business not open to the public) to, items or merchandise depicting specified sexual activities or specified anatomical areas or devices that either stimulate human genitals or are designed for sexual stimulation;
- (m) “Adult sauna” – a sauna that provides a steam bath or heat bathing room used for the purpose of bathing, relaxation, or reducing, if the service provided by the sauna is distinguished or characterized by an emphasis on specified sexual activities or specified anatomical areas; or
- (n) “Adult steam room/bathhouse facility” – a building or portion of a building used for providing a steam bath or heat bathing room used for the purpose of pleasure, bathing, relaxation, or reducing, and 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.

Subd. 3. Nude or specified anatomical areas. “Nude or specified anatomical areas” mean the showing of the human male or female genitals, pubic area, buttocks, or anus with less than a fully opaque covering; the showing of the female breast with less than a fully opaque covering of any part of the nipple; the exposure of any device, costume, or covering that gives the appearance of or simulates the genitals, pubic hair, natal cleft, perineum anal region or pubic hair region; or the exposure of any device worn as a cover over the nipples and/or areola of the female breast, which device simulates and gives the realistic appearance of nipples and/or areola; or human male genitals in a discernible turgid state, even if completely and opaquely covered.



Subd. 4. Specified sexual activities. “Specified sexual activities” means any of the following:

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

Subd. 5. Substantial or significant. For purposes of this section, “substantial or significant” means 25 percent.

1135.05. Additional conditions for adult cabarets. The following additional conditions apply to adult cabarets:

- (a) An owner, operator, or manager of an adult cabaret may not allow any dancer or other live entertainer to display specified anatomical areas or to display or perform specified sexual activities on the premises of the adult cabaret;
- (b) A dancer, live entertainer, performer, patron, or any other person may not display specified anatomical areas in an adult cabaret;
- (c) The owner, operator, or manager of an adult cabaret must provide the following information to the city concerning any person who dances or performs live entertainment at the adult cabaret: The person’s name, address, telephone number, email address, date of birth, and any aliases;
- (d) A dancer, live entertainer, or performer shall not be under 18 years old;

- (e) Dancing or live entertainment must occur on a platform intended for that purpose and that is raised at least two feet from the level of the floor;
- (f) A dancer or performer may not perform a dance or live entertainment closer than ten feet from any patron;
- (g) A dancer or performer may not fondle or caress any patron and no patron may fondle or caress any dancer or performer;
- (h) A patron may not pay or give any gratuity to any dancer or performer; and
- (i) A dancer or performer may not solicit or accept any pay or gratuity from any patron.

1135.07. Licensing.

Subd. 1. License required. A person may not own or operate an adult establishment without having first secured a license as provided for in this section. Notwithstanding any other provision of this Crystal city code to the contrary, the procedures set forth in this section establish the exclusive method for obtaining an adult establishment license.

Subd. 2. Application. The application for an adult establishment license must contain all information required on the city's application form, including, but not limited to, the following:

- (a) A statement detailing any gross misdemeanor or felony convictions relating to sex offenses, obscenity, or the operation of an adult establishment or adult business by the applicant, operator, or manager, and whether or not the applicant, operator or manager has ever applied for or held a license to operate a similar type of business in another community. In the case of a corporation, a statement detailing any felony convictions by the owners of more than five percent of the issued and outstanding stock of the corporation, and whether or not those owners have ever applied for or held a license to operate a similar type of business in another community;
- (b) The activities and types of business to be conducted;
- (c) The proposed hours of operation;
- (d) The provisions made to restrict access by minors; and
- (e) A building plan of the premises detailing all internal operations and activities.

1135.09. Investigation. A background investigation of all interested individuals is required and shall be conducted pursuant to Crystal city code, subsection 1000.19 prior to the issuance of a license or license renewal.

1135.11. Persons ineligible. In addition to the provisions contained in Crystal city code, subsection 1000.17, a person is ineligible for a license under this section if they:

- (a) Are under 21 years of age;
- (b) Are overdue, or their spouse is overdue, in payments to the city, county, or state of taxes, fees, fines or penalties assessed against them or imposed upon them;
- (c) Have been convicted, or their spouse has been convicted, of a gross misdemeanor or felony or of violating any law of this state or local ordinance relating to sex, obscenity, prostitution, adult establishments, sexual and labor trafficking, controlled substances, or crimes against the person (including but not limited to assault, robbery and kidnapping);
- (d) Are not the proprietor of the establishment for which the license is issued; or
- (e) Are residing with a person who has been denied a license by the city or any other Minnesota municipal corporation to operate an adult establishment, or residing with a person whose license to operate an adult establishment has been suspended or revoked within the preceding 12 months.

1135.13. Places Ineligible. In addition to the provisions contained in Crystal city code, subsection 1000.17, the following apply to adult establishment licenses:

- (a) A license will not be granted for any adult establishment on premises where the applicant or any of its officers, agents or employees has been convicted of a violation of this section, or where a license hereunder has been revoked for cause, until one year has elapsed after the conviction or revocation;
- (b) A license will not be granted for any premises that is licensed under Crystal city code, chapter XII; and
- (c) A license will not be granted for any premises:
  - (1) Within 250 feet of any residentially-zoned property boundary, church site, school site, day care facility, park, or business licensed under Crystal city code, chapter XII; or
  - (2) Within 500 feet of another adult establishment.

For purposes of this paragraph, distance shall be measured horizontally from the main public entrance of the adult establishment to the nearest point of a residentially-zoned property boundary, the property line of a church site, school site, day care facility, park, or business licensed under Crystal city code, chapter XII, and the main public entrance of another adult establishment.

1135.15. Additional requirements for licensees. The licensee is responsible for the conduct of the licensed place of business and must maintain conditions of order. In addition to adhering to all other provisions provided in this Crystal city code, licensees shall adhere to the following requirements:

- (a) An adult establishment may not be open to the public between the hours of 10:00 p.m. and 8:00 a.m.;
- (b) A minor may not be permitted on the licensed premises;
- (c) Items or materials depicting specified sexual activities or specified anatomical areas may not be offered, sold, transferred, conveyed, given or bartered to a minor, or displayed in a fashion that allows them to be viewed by a minor;
- (d) The licensee must keep itemized written records of all transactions involving the sale or rental of all items or merchandise for at least one year after the transaction. At a minimum, those records must describe the date of the transaction, a description of the transaction, the purchase price or rental price, and a detailed description of the item or merchandise that is being purchased or rented. These written records must be provided to the city upon request; and
- (e) The licensee must cover or otherwise arrange all windows, doors, and apertures to prevent any person outside the licensed premises from viewing any items or merchandise inside the premises depicting specified sexual activities or specified anatomical areas.

Section 1140 - Therapeutic massage

1140.01. Findings. The city council finds and determines as follows:

- (a) Persons who have recognized and standardized training in therapeutic massage, health and hygiene provide a legitimate and necessary service to the general public;
- (b) Health and sanitation regulations governing therapeutic massage enterprises and massage therapists will minimize the risk of the spread of communicable diseases and promote health and sanitation;
- (c) License qualifications for therapeutic massage enterprises and massage therapists will minimize the risk that such businesses and persons may facilitate prostitution and other criminal activity in the city; and
- (d) Massage services provided by persons without recognized and standardized training in massage can endanger citizens by facilitating the spread of communicable diseases, by exposing citizens to unhealthy and unsanitary conditions, and by increasing the risk of personal injury.

1140.03. Definitions. For purposes of this section, the terms defined in this subsection have the meanings given them.

Subd. 1. Clean. “Clean” means the absence of dirt, grease, rubbish, garbage, and other offensive, unsightly, or extraneous matter.

Subd. 2. In good repair. “In good repair” means free of corrosion, breaks, cracks, chips, pitting, excessive wear and tear, leaks, obstructions, and similar defects.

Subd. 3. In the city. “In the city” means physical presence as well as telephone referrals such as phone-massage operations in which the business premises, although not physically located within the city, serves as a point of assignment of employees who respond to requests for services from in the city.

Subd. 4. Massage. “Massage” means the rubbing, stroking, kneading, tapping or rolling of the body of another person with the hands for the purpose of physical fitness, health-care referral, relaxation and for no other purpose.

Subd. 5. Operate. “Operate” means to own, manage, or conduct, or to have control, charge or custody over.

Subd. 6. Therapeutic massage enterprise. “Therapeutic massage enterprise” means a place of business providing massage services to the public for consideration. The term does not include a hospital, sanitarium, rest home, nursing home, boarding home or other institution for the hospitalization or care of other human beings duly licensed under the provisions of Minnesota Statutes, sections 144.50 through 144.69.

Subd. 7. Therapeutic massage therapist. “Therapeutic massage therapist” means a person who practices or administers massage to the public for consideration.

1140.05. License required.

Subd. 1. Therapeutic massage enterprise. It is unlawful to operate, offer, engage in, or carry on massage services in the city without first obtaining a therapeutic massage enterprise license from the city.

Subd. 2. Therapeutic massage therapist license. It is unlawful to practice, administer, or provide massage services in the city without first obtaining a therapeutic massage therapist license from the city. Said licenses shall only be issued to someone that is affiliated with, or employed by, the holder of a therapeutic massage enterprise license.

1140.07. Exemptions. A therapeutic massage enterprise license or massage therapist license is not required for the following persons and places:

- (a) Persons licensed by the state to practice medicine, surgery, osteopathy, chiropractic, physical therapy, acupuncture, or podiatry, including those working solely under the direction and control of said persons, provided that the massage is administered in the regular course of the medical treatment not provided as part of a separate and distinct massage business;
- (b) Persons licensed by the state as beauty culturists or barbers, provided the persons do not hold themselves out as giving massage treatments and provided that massage by beauty culturists is limited to the head, hand, neck and feet and the massage by barbers is limited to the head and neck;
- (c) Places licensed or operating as a hospital, nursing home, hospice, sanitarium, or group home established for hospitalization or medical care; and
- (d) Athletic coaches, directors, and trainers employed by public or private schools.

1140.09. General rule. The owner or operator of a licensed therapeutic massage enterprise may employ only licensed therapeutic massage therapists to provide massage services. The owner or operator of a licensed therapeutic massage enterprise need not be licensed as a therapeutic massage therapist unless that owner or operator personally provides massage services.

1140.11. License application.

Subd. 1. Therapeutic massage enterprise. An applicant for a therapeutic massage enterprise license from the city must file with the city clerk a written application in the form prescribed by the city. Each license application shall contain, at a minimum, the information required in Crystal city code, subsection 1000.11.

Subd. 2. Therapeutic massage therapist. An application for a therapeutic massage therapist license must contain the following information:

- (a) The applicant's current employer;
- (b) The applicant's employers for the previous five years, including employer's name, address, and dates of employment;
- (c) The applicant's residence address for the previous ten years;
- (d) The applicant's social security number, date of birth, home telephone number, weight, height, color of eyes, and color of hair;
- (e) If the applicant has ever been convicted of a felony, crime, or violation of an ordinance other than a minor traffic offense and, if so, the time, place and offense involved in the convictions;
- (f) If the applicant has ever used or been known by a name other than the applicant's name, and if so, the name or names and information concerning dates and places where used;
- (g) Evidence that the applicant:
  - (1) Has current insurance coverage over \$1,000,000 for professional liability in the practice of massage;
  - (2) Is affiliated with, employed by or owns a therapeutic massage enterprise licensed by the city; and
  - (3) Has either:
    - (i) Completed 400 hours of certified therapeutic massage training from a school recognized as legitimate by the city manager, or its designee; or

- (ii) Has one year of experience practicing massage therapy as established by an affidavit and can document within two years of obtaining the license that the person has completed 400 hours of certified therapeutic massage training from a recognized school. If a person who received a license based on experience cannot provide said documentation within two years, the license will not be renewed and the person may not receive a license in the future unless the person attains the requisite training; and

- (h) Any other information that the city may require.

1140.13. Investigation. A background investigation of all interested individuals is required and shall be conducted pursuant to Crystal city code, subsection 1000.19 prior to the issuance of a license or license renewal.

1140.15. General license requirements.

Subd. 1. Posting. A therapeutic massage enterprise license issued must be posted in a conspicuous place on the business premises for which it is used. A person licensed as a therapeutic massage therapist must have in possession a copy of the license when therapeutic massage services are being rendered.

Subd. 2. Area. A therapeutic massage enterprise license is effective only for the compact and contiguous space in the licensed business premises specified in the approved license application. If the licensed business premises is enlarged, altered, or extended, the licensee must inform the city manager. A licensed therapeutic massage therapist may perform on-site massage at a business, public gathering, private home, or other site not on the therapeutic massage enterprise premises.

Subd. 3. Coverings. The therapist must require that the person who is receiving the massage will at all times have that person's breasts, buttocks, anus, and genitals covered with non-transparent material or clothing. A therapist performing massage must have the therapist's breasts, buttocks, anus, and genitals covered with a non-transparent material or clothing.

Subd. 4. Prohibited massage. A therapist may not intentionally massage or offer to massage the penis, scrotum, mons veneris, vulva, or vaginal area of a person.

1140.17. Restrictions regarding sanitation and health.

Subd. 1. Bathroom. A therapeutic massage enterprise must be equipped with adequate and conveniently located bathroom for the accommodation of its employees and patrons. The bathroom must be well ventilated by natural or mechanical methods and be enclosed with a door. The bathroom must be kept clean and in good repair and be fully and adequately illuminated.



Subd. 2. Covers. A therapeutic massage enterprise must provide single-service disposal paper or clean linens to cover the table, chair, furniture, or area on which the patron receives the massage. If the table, chair, or furniture on which a patron receives the massage is made of material impervious to moisture, such table, chair or furniture must be sanitized after each massage.

Subd. 3. Washing. The therapeutic massage therapist must wash the therapist's hands and arms with water and soap, anti-bacterial scrubs, alcohol, or other disinfectants prior to and following each massage service performed.

Subd. 4. Cleanable surfaces. Massage tables, chairs, or furniture on which the patron receives the massage must have surfaces that can be readily disinfected after each massage.

Subd. 5. Illumination. Rooms in a therapeutic massage enterprise must be fully and adequately illuminated.

Subd. 6. Storage. A therapeutic massage enterprise must have a janitor's closet that provides for the storage of cleaning supplies.

Subd. 7. Refuse receptacles. Therapeutic massage enterprises must provide adequate refuse receptacles that must be emptied as required by this Crystal city code.

Subd. 8. Good repair. Therapeutic massage enterprises must be maintained in good repair and sanitary condition.

Subd. 9. Clean air act. Therapeutic massage enterprises must comply with the requirements of the Minnesota Indoor Clean Air Act.

Subd. 10. Spread of diseases. A therapeutic massage enterprise must take reasonable steps to prevent the spread of infections and communicable diseases on the licensed premises.

Subd. 11. Clean clothing. Massage therapists must wear clean clothing when performing massage services.

1140.19. Hours of operation. A licensed therapeutic massage enterprise may not operate for business between the hours of 9:00 p.m. and 7:00 a.m.

<b>Amended subsection</b>	<b>Amending ordinance</b>
Chapter XI (Deleted all and replaced)	2018-05, Sec. 2
1105.01	2020-04, Sec. 1
1105.05	2019-03, Sec. 5
1105.11	2020-04, Sec. 2
1105.13	2020-04, Sec. 3
1105.15	2020-04, Sec. 4
1105.17	2020-04, Sec. 5
1110.03	2019-03, Sec. 6
1110.05	2019-03, Sec. 7
1110.07, subd. 1	2019-03, Sec. 8
1131	2002-05, Sec. 1
1131.07, subd. 2	2003-02
1131.09	2003-02
1131.11	2003-02
1131.13	2003-02
1131.15	2003-02
1136	95-9, Sec. 1
1137	98-02
1137.03	2012-01, Sec. 1
1137.11, subd. 1	2012-01, Sec. 2
1137.11, subd. 2	2001-07, Sec. 1; 2014-01
1137.11, subd. 3	2001-07, Sec. 2; 2002-09, Sec. 1; 2012-01, Sec. 2 2014-1
1137.11, subd. 6	2001-07, Sec. 3; 2012-01, Sec. 2
1140.11, subd. 1	2019-03, Sec. 9
1160	2007-05
1160.11	2007-11, Sec. 3
1175	2005-19, Sec. 2
1175.03	2011-12, Sec. 1; 2015-02
1175.11	2012-01, Sec. 3
1175.17, subd. 1	2007-11, Sec. 4; 2012-01, Sec. 4
1175.51	2012-01, Sec. 5
1177	2005-20, Sec. 1
1177.07, subds. 1 and 3	2012-01, Sec. 6
1177.07, subd. 4	2007-11, Sec. 5; 2012-01, Sec. 7
1177.07, subd. 5	2010-09, Sec. 1
1177.07, subd. 7	2012-01, Sec. 8
1177.17	2006-07, Sec. 1
1177.29	2012-01, Sec. 9
1180.11, subd. 13	96-8, Sec. 1
1185.01, subd. 1	2010-01
1185.01, subd. 2	2000-02, Sec. 1; 2001-06, Sec. 1
1185.03, subd. 1	2007-11, Sec. 6; 2010-01
1185.03, subds. 2 and 3	2010-01

1185.05	2005-18, Sec. 1; 2010-01;
1185.13	2005-18, Sec. 2; 2006-10, Sec. 1; 2006-10, Sec. 2; 2006-10, Sec. 3
1185.15	2010-01
1185.17	2010-01
1190	1996-02
1190.11, subd. 5	2007-11, Sec. 7
1195	96-10, Sec. 1
1195.11, subd. 2	97-06, Sec. 1
1195.15	2007-11, Sec. 8
<b>Repealed subsection</b>	<b>Repealing ordinance</b>
1115	2010-07, Sec. 6
1135	95-09, Sec. 2
1136	98-02
1140	2010-07, Sec. 7
1150	2000-11
1155	2010-07, Sec. 8
1160	2007-05
1170	96-10, Sec. 5
1175	2005-19, Sec. 1
1175.53	2012-06, Sec. 1

## CHAPTER XII

## SALE, CONSUMPTION AND DISPLAY OF LIQUOR AND BEER

Section 1200 - Intoxicating liquor1200.01. Adoption of state law.

Subd. 1. State law. The provisions of Minnesota Statutes, chapter 340A and Minnesota Rules, chapter 7515, with reference to the definition of terms, conditions of operation, restrictions on consumption, provisions relating to sales, hours of sale, and all other matters pertaining to the retail sale, distribution, and consumption of intoxicating liquor, wine, and 3.2 percent malt liquor, are hereby adopted by reference and are made a part of this Crystal city code, chapter XII as if set out in full. It is the intention of the city council that all future amendments to such statutes and rules are hereby adopted by reference and are incorporated herein.

Subd. 2. Additional restrictions. The city council is authorized by the provisions of Minnesota Statutes, section 340A.509 to impose, and has imposed in this section, additional restrictions on the sale and possession of alcoholic beverages within its limits beyond those contained in Minnesota Statutes, chapter 340A.

1200.03. Definitions. For the purpose of this section, the terms defined in this subsection have the meaning given. These definitions are in addition to the definitions contained in Minnesota Statutes, section 340A.101, which are adopted by reference and incorporated herein.

Subd. 1. Commissioner. “Commissioner” means the commissioner of public safety, except as otherwise provided in Minnesota Statutes, chapter 340A.

Subd. 2. Liquor. “Liquor” means both intoxicating liquor and 3.2 percent liquor.

Subd. 3. Operating Manager. “Operating manager” or “manager” means the person responsible for overseeing the daily operations of the establishment and for compliance with state and local laws.

Subd. 4. Premises. “Premises” or “licensed premises” means the compact and contiguous area of a building or structure approved as part of a liquor license that constitutes the licensed establishment and in which the sale of liquor may occur in accordance with Crystal city code, chapter XII. Premises may include those outdoor areas, such as porches, decks, and patios, that are immediately adjacent to a licensed on-sale establishment, if such outdoor areas are approved at the time of licensing as being part of the licensed premises.

Subd. 5. Restaurant. “Restaurant” means an eating facility, other than a hotel, under the control of a single proprietor or manager, where meals are regularly prepared on the premises, where full waitress/waiter table service is provided, where a customer orders food from printed menus and where the main food course is served and consumed while seated at a single location. To be a restaurant as defined by this subsection, an establishment shall have a license from the state as required by Minnesota Statutes, section 157.16 and meet the definition of a “small establishment,” “medium establishment,” or “large establishment” as those terms are defined in Minnesota Statutes, section 157.16, subdivision 3(d). An establishment which serves prepackaged food that receives heat treatment and is served in the package or frozen pizza that is heated and served, shall not be considered to be a restaurant for purposes of this section unless it meets the definitions of a “small establishment,” “medium establishment,” or “large establishment.”

Subd. 6. Smoking Area. “Smoking area” means a designated compact and contiguous exterior area connected to a licensed premises approved by the city as part of issuing a liquor license in which patrons may smoke and are permitted to consume intoxicating liquor previously purchased and/or delivered to the patron in the licensed premises.

1200.05. License required. It is unlawful to sell liquor or keep it for sale without first obtaining a license therefor from the city and complying with all applicable laws, rules, and regulations of the state of Minnesota and the city. The sale of liquor may only occur within the premises approved by the city as part of the license. Sales in an outdoor area may only occur if specifically authorized in the license or if the city approves the outdoor area as part of the premises for the licensed establishment. Liquor sales in an approved outdoor area may only occur incidental to the sale of food and only during such times as food service is available. A licensed premises shall not be expanded except upon the issuance of a new license.

1200.07. Types of licenses; fees.

Subd. 1. License classifications. The city council may issue the following types of liquor licenses:

License Type	Statutory Reference	Mandatory Accompanying License	Associated License Types	Commissioner Approval Required <sup>1</sup>
On-sale, full liquor	340A.404, subd. 1	Retailer's (Buyer's) Card <sup>4</sup>	Caterer's permit 340A.404, subd. 12 <sup>2</sup> On-sale Sunday On-sale 2 a.m. Smoking Area Consumption and display permits (annual)	
On-sale club	340A.101, subd. 7 340A.404, subd. 1	Retailer's (Buyer's) Card <sup>4</sup>	On-sale Sunday On-sale 2 a.m. Smoking Area	X
Smoking Area	MN Clean Indoor Air Act/Freedom to Breathe	On-sale liquor establishments, if they wish to have one	Currently on-sale club	
On-sale 2.am.	340A.504, subd. 7	On-sale, full liquor On-sale club On-sale wine On-sale 3.2 percent malt liquor On-sale microdistillery		X
On-sale microdistillery cocktail room	340A.22, subd. 2	Manufacturer's microdistillers license 340A.22	On-sale Sunday On-sale 2 a.m. Off-sale microdistillery	

<sup>1</sup> Pursuant to Minn. R. 7515.0440.

<sup>2</sup> Caterer's permits are issued by the commissioner.

Off-sale microdistillery	340A.22, subd. 4	Manufacturer's microdistiller's license 340A.22	On-sale micro distillery cocktail room	X
On-sale brewer taproom	340A.26	Manufacturer's license 340A.301	Off-sale, small brewer On-sale Sunday On-sale 2 a.m. Off-sale growler	
Off-sale	340A.405	Retailer's (Buyer's) Card <sup>4</sup>		X
Off-sale 3.2 percent malt liquor	340A.403, subds. 1 and 3(b); 340A.411; and 340A.301, subds. 1 and 8(a)	Retailer's (Buyer's) Card <sup>4</sup>		
Off-sale brew pub (Growlers)	340A.24	Brew pub 340A.301, subd. 6(d)	On-sale brew pub	X
On-sale brew pub	340A.24	Brew pub 340A.301, subd. 6(d) On-sale intoxicating liquor – or – On-sale 3.2 percent malt liquor	On-sale Sunday On-sale 2 a.m. Off-sale brew pub	
Off-sale small brewer (Growlers)	340A.28	Manufacturer's license 340A.301, subd. 6, clauses (c), (i), or (j) <sup>3</sup>		X

<sup>3</sup> Small brewers are limited to those brewers who hold a manufacturer's license pursuant to Minnesota Statutes, section 340A.301, subdivision 6, clauses (c), (i), or (j).

<sup>4</sup> Retailers Buyer Cards are issued by the commissioner pursuant to Minn. Rules, part 7515.0210, subpart 3.

On-sale wine	340A.404, subd. 5	Retailer's (Buyer's) Card <sup>4</sup>	On-sale 3.2 percent malt liquor	X
On-sale 3.2 percent malt liquor	340A.403, subds. 1 and 3; 340A.411, subd. 1; and 340A.301, subd. 8(a)	Retailer's (Buyer's) Card <sup>4</sup>	On-sale wine	
On-sale wine and 3.2 percent malt liquor	340A.404, subd. 5 340A.403, subds. 1 and 3; 340A.411, subd. 1; and 340A.301, subd. 8(a)	Retailer's (Buyer's) Card <sup>4</sup>		X
Culinary Class	340A.4041			
On-sale Sunday sales	340A.504, subd. 3	On-sale, full liquor On-sale club On-sale wine On-sale 3.2 percent malt liquor On-sale microdistillery		
Consumption and display permit (annual)	340A.414			
Can Temporary on-sale intoxicating liquor	340A.404, subd. 10 (a)			X
Temporary on-sale wine	340A.404, subd. 10(a) 340A.410, subd. (c)			X
Temporary on-sale microdistillery	340A.404, subd. 10 (c).	Retailer's (Buyer's) Card <sup>4</sup>		X



Temporary on-sale small brewer	340A.404, subd. 10 (c).			X
Temporary on-sale 3.2 percent malt liquor	340A.403, subd. 2			
Temporary Consumption and display permit	340A.414, subd. 9			X
Community center authorization	340A.404, subd. 4(a)	On-sale intoxicating liquor license		
Community festival authorization	340A.404, subd. 4(b)	On-sale intoxicating liquor license		
Temporary Wine/beer in parks (for a "social event" with park rental permit				
Temporary Wine/beer in parks (for a "special event" with special event permit				

- (a) On-sale intoxicating liquor license. On-sale intoxicating liquor licenses shall be granted only to hotels, clubs and restaurants. Such license shall be issued to clubs and congressionally chartered veterans' organizations if they have been in existence for at least three years and liquor sales will only be to members and bona fide guests of such club or organization.
- (b) Off-sale intoxicating liquor license. Off-sale intoxicating liquor licenses may be issued to an exclusive liquor store, and shall permit off-sale of intoxicating liquor and 3.2 percent malt liquor.
- (c) On-sale wine licenses. Wine licenses may be issued, with the approval of the commissioner, only to restaurants having facilities for seating at least 25 people at one time for the sale of wine not exceeding 24 percent alcohol by volume. A rabbi, priest or minister of a church or other established religious organization may import wine exclusively for sacramental purposes as provided in Minnesota Statutes, section 340A.316.
- (d) On-sale 3.2 percent malt liquor license. On-sale 3.2 percent malt liquor licenses may be issued to clubs, restaurants, and hotels for the sale of 3.2 percent malt liquor, provided that no manufacturer or wholesaler of such 3.2 percent malt beverage shall have any ownership, in whole or in part, in the business of any licensee holding an on-sale 3.2 percent malt liquor license. Such license shall permit the licensee to sell 3.2 percent malt liquor for consumption on the premises of the licensee as set forth in such license.
- (e) Off-sale 3.2 percent malt liquor license. Off-sale 3.2 percent malt liquor licenses may be issued to general foodstores and drugstores, and shall permit the sale of 3.2 percent malt liquor at retail, in the original package, for consumption off the premises only.
- (f) On-sale Sunday liquor license. On-sale Sunday liquor licenses may be issued as provided in subdivision 2 of this subsection.
- (g) Temporary on-sale 3.2 malt liquor license. Temporary on-sale 3.2 percent malt liquor licenses may be issued to clubs or charitable, religious or nonprofit organizations which have been in existence for three years. The license may authorize the on-sale of 3.2 percent malt liquor for consumption on a specific premises for the period established in the temporary license, which shall not exceed any applicable limit imposed in Minnesota Statutes, chapter 340A. Licenses issued under this section are subject to all laws and ordinances governing the sale of intoxicating liquor. The city may limit the number of temporary licenses issued in a year to any one organization or for any one location.

- (h) Temporary on-sale intoxicating liquor license. Temporary on-sale intoxicating liquor licenses may be issued to clubs, charitable, religious or other nonprofit organizations which have been in existence for at least three years, or to a state-registered political committee, in connection with a social event within the city and sponsored by the licensee. The city shall not issue more than three temporary licenses to any one organization or location during a calendar year, and each such license is limited to not more than four consecutive days. The license may authorize sales on the premises other than that owned or permanently occupied by the licensee. The license may provide that the licensee may contract for intoxicating liquor catering services with the holder of a full year on-sale intoxicating liquor license issued by any municipality. The licenses are subject to the terms, including a license fee, imposed by the issuing municipality. Licenses issued under this section are subject to all laws and ordinances governing the sale of intoxicating liquor, except that those laws and ordinances which, by their nature, are not applicable. A license approved by the city council under this section shall not be valid until it is approved by the commissioner. The city may limit the number of temporary licenses issued in a year to any one organization or for any one location.
- (i) On-sale club license. Club licenses may be issued to clubs as provided in Minnesota Statutes, section 340A.404, subdivision 1. No license shall be issued or renewed to a club which discriminates against members or applicants for membership, or guests of members, on the basis of race.
- (j) Brew pub off-sale malt liquor license. A brew pub off-sale malt liquor license may be issued to a brewer who holds an on-sale intoxicating liquor or 3.2 percent malt liquor license issued by the city for a restaurant operated in the place of manufacture, as provided in Minnesota Statutes, section 340A.24, subject to the following conditions:
- (1) The malt liquor sold off-sale must be produced and packaged on the licensed premises.
  - (2) Off-sale of malt liquor shall be limited to the legal hours for off-sale pursuant to this section, except an establishment that holds a brewer off-sale malt liquor license may sell malt liquor off-sale between the hours of 8:00 a.m. and 10:00 p.m. on Sundays.
  - (3) The malt liquor sold off-sale must be removed from the licensed premises before the applicable off-sale closing time pursuant to this section.

- (4) The malt liquor sold off-sale shall be packaged in 64-ounce containers commonly known as “growlers” or in 750 milliliter bottles and shall have the following requirements for packaging:
  - (i) The containers or bottles shall bear a twist type closure, cork, stopper, or plug;
  - (ii) At the time of sale, a paper or plastic adhesive band, strip or sleeve shall be applied to the container or bottle, and extend over the top of the twist type closure, cork, stopper or plug forming a seal that must be broken upon opening of the container or bottle;
  - (iii) The adhesive band, strip or sleeve shall bear the name and address of the brewer/licensee selling the malt liquor; and
  - (iv) The containers or bottles shall be identified as malt liquor, contain the name of the malt liquor, bear the name and address of the brewer/licensee selling the malt liquor, and the contents in the container or bottle packaged as required herein shall be considered intoxicating liquor unless the alcoholic content is labeled as otherwise in accordance with the provisions of Minnesota Rules, part 7515.1100.
- (5) The retail sales for a brewer/licensee at on-sale or off-sale under this section may not exceed 3,500 barrels per year, provided that off-sales may not total more than 50 percent of the brewer/licensee’s production or 500 barrels, whichever is less.
- (6) A brewer operating a brewpub may hold or have an interest in other retail on-sale licenses, but may not have an ownership interest in whole or in part, or be an officer, director, agent or employee of, any other manufacturer, brewer, importer, or wholesaler or be an affiliate thereof, whether the affiliation is corporate or by management, direction or control. Notwithstanding this prohibition, a brewer licensed under this provision may be an affiliate or subsidiary company of a brewer licensed in Minnesota or elsewhere if that brewer’s only manufacture of malt liquor is:
  - (i) As a brew pub as defined herein and limited to the regulations of a brewpub by this chapter;
  - (ii) Manufactured in another state for consumption exclusively in a restaurant located in the place of manufacture or brewing; or

- (iii) Manufactured in another state for consumption primarily in a restaurant located in or immediately adjacent to the place of manufacture, if the brewer was licensed subject to the regulations herein on January 1, 1995.
- (k) Small brewer off-sale malt liquor license. A brewer who has a license from the commissioner to brew 20,000 barrels of malt liquor per year may be issued a license by the city for off-sale of malt liquor as provided in Minnesota Statutes, section 340A.28 and subject to the following conditions:
  - (1) The malt liquor sold off-sale must be produced and packaged on the licensed premises;
  - (2) Off-sale of malt liquor shall be limited to the legal hours for off-sale pursuant to this section, except an establishment that holds a brewer off-sale malt liquor license may sell malt liquor off-sale between the hours of 8:00 a.m. and 10:00 p.m. on Sundays;
  - (3) The malt liquor sold off-sale must be removed from the licensed premises before the applicable off-sale closing time pursuant to this section; and
  - (4) The malt liquor sold off-sale shall be packaged in 64-ounce containers commonly known as “growlers” or in 750 milliliter bottles and shall have the following requirements for packaging:
    - (i) The containers or bottles shall bear a twist type closure, cork, stopper or plug;
    - (ii) At the time of sale, a paper or plastic adhesive band, strip or sleeve shall be applied to the container or bottle and extend over the top of the twist type closure, cork, stopper or plug forming a seal that must be broken upon opening of the container or bottle;
    - (iii) The adhesive band, strip or sleeve shall bear the name and address of the brewer/licensee selling the malt liquor; and

The containers or bottles shall be identified as malt liquor, contain the name of the malt liquor, bear the name and address of the brewer/licensee selling the malt liquor, and the contents in the container packaged or bottled as required herein shall be considered intoxicating liquor unless the alcoholic content is labeled as otherwise in accordance with the provisions of Minnesota Rules, part 7515.1100.

- (l) Brewer taproom license. A brewer who has a license from the commissioner to brew up to 20,000 barrels of malt liquor per year may be issued a license by the city for on-sale of malt liquor as provided in Minnesota Statutes, section 340A.26 subject to the following conditions:
  - (1) The malt liquor sold on-sale for consumption must be produced by the brewer on the licensed premises;
  - (2) No other beverages containing alcohol may be sold or consumed on the licensed premises;
  - (3) A brewer may only have one taproom license;
  - (4) A restaurant is allowed at a brewery with a taproom license; and
  - (5) On-sale of malt liquor shall be limited to the legal hours for on-sale pursuant to this section except an establishment that holds a brewer taproom license may sell malt liquor produced by the brewer on the licensed premises on-sale for consumption between the hours of 10:00 a.m. on Sundays and 2:00 a.m. on Mondays.
- (m) Culinary class limited on-sale intoxicating license. Culinary class limited on-sale intoxicating licenses may be issued to a business establishment not otherwise eligible for an on-sale intoxicating liquor license and that, as part of its business, conducts culinary or cooking classes for which payment is made by each participant or advance reservation required. The license authorizes the licensee to furnish to each participant in each class, at no additional cost to the participant, up to a maximum of six ounces of wine or 12 ounces of intoxicating malt liquor, during and as part of the class, for consumption on the licensed premises only. All provisions of this chapter that apply to on-sale intoxicating liquor licenses, other than provisions inconsistent with this subsection, apply to licenses issued under this subsection, except that the requirements related to liability insurance shall not apply.
- (n) Microdistillery cocktail room license. A microdistillery cocktail room license may be issued to the holder of a microdistillery license issued under Minnesota Statutes, section 340A.22, subject to the following conditions:
  - (1) A microdistillery cocktail room license authorizes the on-sale of distilled liquor produced by the distiller for consumption on the premises of or adjacent to one distillery location owned by the distiller;

- (2) The city shall, within ten days of the issuance of a microdistillery cocktail room license inform the commissioner of the licensee's name and address and trade name, and the effective date and expiration date of the license. The city shall also inform the commissioner of a license transfer, cancellation, suspension, or revocation during the license period;
  - (3) At least 50 percent of the annual production of the microdistillery must be processed and distilled on the premises;
  - (4) A microdistillery cocktail room may sell on-sale on Sundays during the hours the on-sale of liquor is allowed under this section;
  - (5) No single entity may hold both a microdistillery cocktail room and taproom license, and a cocktail room and taproom may not be co-located; and
  - (6) A restaurant is allowed at a microdistillery with a cocktail room license.
- (o) Microdistillery off-sale license. A microdistillery off-sale license may be issued to the holder of a microdistillery license issued under Minnesota Statutes, section 340A.22 subject to the following conditions:
- (1) The license permits the sale of one 375 milliliter bottle per customer per day of product manufactured on site;
  - (2) Off-sale shall be limited to the legal hours for off-sale;
  - (3) At least 50 percent of the annual production of the microdistillery is processed and distilled on the licensed premises; and
  - (4) No brand may be sold at the microdistillery unless it is available for distribution to by wholesalers.
- (p) Outdoor areas and smoking areas.
- (1) The city may approve an outdoor area as constituting part of the licensed premises for an on-sale establishment. The outdoor area must be described by the licensee in the license application. The sale of liquor within any outdoor area approved as part of the licensed premises may only occur in accordance with the license, only if such sales are incidental to the sale of food, and only during such times as food service is available.

- (2) The city may approve a smoking area as part of an on-sale license to allow a smoking area in which patrons are permitted to consume intoxicating liquor previously purchased and/or delivered to the patron in the licensed premises. Approval of a smoking area must be requested as part of the license application. Intoxicating liquor, food, or non-intoxicating beverages may not be served or delivered to patrons in the smoking area by employees of licensee.
- (3) The city shall not approve an outdoor area to be part of a licensed premises, or approve a smoking area, unless the applicant provides a site plan showing the area and demonstrates that the following items are identified or described, and are adequately addressed:
  - (i) Fencing or screening;
  - (ii) Controlled access (entrance/exit obtained from inside building; emergency exit provision);
  - (iii) Underage access prevention;
  - (iv) Size and type of area (dimensions; patio/deck/fenced area);
  - (v) Rubbish control;
  - (vi) Security and supervision;
  - (vii) Lighting and illumination; and
  - (viii) Compliance with all applicable zoning, building, and fire codes.

In addition to issuing each of these license types, the city council may also issue any lawful combination thereof. The city council may issue any number of licenses, subject to the limits contained in Minnesota Statutes, chapter 340A. A licensee under this section may also sell, as an incident to the sale of intoxicating liquors, food, tobacco products, 3.2% malt beverages, and soft drinks, if otherwise permitted and licensed to do so, as required.

Subd. 2. On-sale Sunday sales licenses. On-sale Sunday sales license may only be issued in accordance with this subdivision. A restaurant, club, or hotel is only eligible for an on-sale Sunday sales license if it has facilities for serving not less than 30 guests at one time and holds an on-sale intoxicating liquor license. Such license shall permit the sale of liquor to be consumed on the premises in accordance with, and during the hours allowed by, Minnesota Statutes, section 340A.504 and other applicable law. No on-sale Sunday license is needed for an on-sale wine license.



- (a) Restaurant.
- (1) An on-sale Sunday sales license may be issued to a restaurant, as defined under Crystal city code, subsection 1200.03, holding one of the following licenses:
    - (i) On-sale liquor, full liquor;
    - (ii) On-sale microdistillery;
    - (iii) On-sale brew pub; or
    - (iv) On-sale brewer taproom.
  - (2) In order for a restaurant to be eligible for an on-sale Sunday sales license under this section, it shall meet the criteria contained in Minnesota Statutes, section 340A.504, subdivision 3, and it shall also meet the following criteria at all times where intoxicating liquors are offered for on-sale Sunday sales:
    - (i) The establishment must conform to the requirements of Minnesota Statutes, sections 144.411 through 144.417, and the Minnesota clean indoor air act; and
    - (ii) Holders of on-sale brew pub and on-sale brewer taproom licenses are authorized to conduct on-sale business on Sundays if they hold a Sunday sales license. Malt liquor in growlers only may be sold by brew pubs, brewer taprooms, and small brewers at off-sale on Sundays between the hours of 8:00 a.m. on Sunday and 2:00 a.m. on Monday, if approved by the city council.
- (b) Club. An on-sale Sunday sales license may be issued to a club, as defined in Minnesota Statutes, section 340A.101, subdivision 7, holding an on-sale club license.
- (c) Hotel. An on-sale Sunday sales license may be issued to a hotel, as defined in Minnesota Statutes, section 340A.101, subdivision 13, holding an on-sale intoxicating liquor license.
- (d) 3.2 percent establishment. An on-sale Sunday sales license may be issued to an establishment holding an on-sale 3.2 percent malt liquor license to authorize the sale of 3.2 percent malt liquor on Sundays.

Subd. 3. Restaurant license. The establishment must be licensed as a restaurant under this code and conform to the provisions of Crystal city code, chapter VI.

Subd. 4. Food service. Food service in the establishment must be provided continuously during operating hours as permitted by this Crystal city code.

Subd. 5. Food preparation. The food preparation area of the establishment must be capable of preparing and serving full meals. At least one cook and one dishwasher must be on duty during hours of operation.

Subd. 6. On-sale of 3.2% malt liquor and wine. The holder of an on-sale wine license issued pursuant to this section must concurrently hold an on-sale 3.2% malt liquor license to sell 3.2% malt liquors at on-sale. The holder of an on-sale wine license who is also the holder of an on-sale 3.2% malt liquor license may sell intoxicating malt liquors at on-sale without an additional license.

Subd. 7. Intoxicating liquor license holder sale of 3.2% malt liquor and wine. Holders of an on-sale, full liquor license may sell 3.2% malt liquors and wine at on-sale without further license.

Subd. 8. License fees. Fees for licenses issued pursuant to this section are set by Crystal city code, appendix IV. Fees are charged for the license year as provided in Crystal city code, subsection 1200.17. The acceptance by the city of any partial portion of payment shall not constitute a waiver on the part of the city of the whole license fee which must be paid in full prior to issuance of a license. The city shall reduce the off-sale intoxicating liquor license fee by \$100 for a licensee that demonstrates it has an underage sales prevention program meeting the criteria in Minnesota Statutes, section 340A.408, subdivision 3(c). Before increasing an intoxicating liquor license fee, the city council will hold a public hearing on the proposed increase and the city shall provide at least 30 days written notice of the hearing to holders of intoxicating liquor licenses within the city.

Subd. 9. Temporary on-sale licenses. All temporary on-sale licenses issued by the city, including temporary on-sale licenses for the sale of 3.2% malt liquor, shall be subject to the restrictions included in Minnesota Statutes, section 340A.410, subdivision 10.

#### 1200.09. License procedure.

Subd. 1. Application. An applicant for a liquor license from the city must file with the city clerk a written application in the form prescribed by the city. Each license application shall contain, at a minimum, the information required in Crystal city code, subsection 1000.11.

Subd. 2. Qualifications of applicant. A license may not be issued to a person unless they meet all of the requirements of Minnesota Rules, part 7515.0410. A false material statement made in the application is grounds for revocation of the license.

Subd. 3. Operating manager. When a licensee places an operating manager in charge of a business, or if the named operating manager(s) in charge of a licensed business changes, the licensee must complete and submit the appropriate application within 14 days. The application must include all appropriate information required in this subsection.

- (a) Upon completion of an investigation of a new operating manager, the licensee must pay an amount equal to the cost of the investigation to assure compliance with this chapter. If the investigation process is conducted solely within the state of Minnesota, the fee shall be \$500.00. If the investigation is conducted outside the state of Minnesota, the issuing authority may recover the actual investigation costs not exceeding \$10,000.00.

Subd. 4. Application execution. All applications for a license under this chapter must be signed and certified by the applicant. If the application is that of a natural person, it must be signed and certified by such person; if that of a corporation, by an officer thereof; if that of a partnership, by one of the general partners; and if that of an unincorporated association, by the operating manager or managing officer thereof.

1200.11. Insurance required. Prior to the issuance of a license the applicant must file with the city clerk satisfactory evidence of adequate insurance coverage which also must meet the conditions specified in Minnesota Statutes, section 340A.409. The licensee must provide evidence of coverage in the form of a certificate of insurance complying with the most recent edition of the applicable ACORD forms (or similar insurance service organization forms), as approved by the city manager or designee. The licensee shall notify and identify the city to its insurance carrier(s) and require its insurance carrier(s) to provide the statutory cancellation notice if the policy is cancelled, not renewed or materially changed. Failure to maintain the insurance required by this subdivision is grounds for revocation or suspension of the license.

1200.13. Investigation of license applicants.

Subd. 1. Preliminary background and financial investigation. On an initial application for a license and, in the sound discretion of the city manager that it is in the public interest to do so, on an application for renewal of a license, the city shall conduct a preliminary background and financial investigation of the applicant or it may contract with the Commissioner for the investigation. The applicant shall pay with the application an investigation fee of \$500 which shall be in addition to any license fee. If the cost of the preliminary investigation is less than \$500, the unused balance shall be returned to the applicant. The results of the preliminary investigation shall be sent to the Commissioner if the application is for an on-sale intoxicating liquor license or an on-sale wine license.

Subd. 2. Comprehensive background and financial investigation. If the results of a preliminary investigation warrant, in the sound discretion of the city council, a comprehensive background and financial investigation, the city may either conduct the investigation itself or contract with the commissioner for the investigation. The investigation fee for this comprehensive background and financial investigation to be paid by the applicant shall be \$500, less any amount paid for the initial investigation if the investigation is to be conducted within the state, and \$10,000, less any amount paid for the initial investigation, if the investigation is required outside the state. The unused balance of the fee shall be returned to the applicant whether or not the application is denied. The fee shall be paid in advance of any investigation and the amount actually expended on the investigation shall not be refundable in the event the application is denied.

1200.15. Burden of proof; misrepresentations. In the event that the applicant for a license, or a holder of an existing license, fails to make complete and accurate disclosure to the city council, city manager, or chief, or any officer of the city so designated by them, or fails to promptly produce books, records, leases or subleases or to promptly correct any deficiency in the operation or management of the premises as requested, then such refusal or non-compliance may be sufficient grounds for denial of the new license, revocation or suspension of an existing license or refusal to renew an existing license, pursuant to Crystal city code, subsection 1000.31 and other applicable law.

1200.17. License year. Pro rata licenses may be issued to new licensees for a partial year pursuant to the terms of this subsection. Licenses issued between July 1 and December 31 of a year shall be charged the full license fee. Licenses issued between January 1 and June 30 shall be charged one-half of the full license fee. Liquor licenses expire on the 30th day of June of each year. The city council may in its discretion provide by resolution for an increase in the amount of liability insurance required over the minimum required by Minnesota Statutes, section 340A.409. Liquor licenses commence on July 1 of each year, except that pro rata licenses shall become effective upon the date issued by the city council. In accordance with Minnesota Statutes, section 340A.414, subdivision 4, consumption and display permits expire on March 31 of each year.

1200.19. Renewal reports. A licensee must furnish the city clerk the following information not later than 60 days prior to renewal of each retail liquor license:

- (a) The name or names of all persons owning or having an interest in the licensed business including their age, occupation, residence and place of business; and
- (b) A list of all other liquor businesses by name and address that are located in the state of Minnesota in which such person listed in paragraph (a) of this subsection have an interest, and state the extent of such interest.

1200.21. License revocation; improperly issues licenses. A license issued to a person not entitled to receive the same under this section or any law of the state of Minnesota, including licenses which are issued based upon misrepresentations made by the applicant, shall be revoked by the city council at any time after ten days' notice and public hearing in accordance with Crystal city code, chapter X.

1200.23. Corporations and partnerships holding licenses.

Subd. 1. Stock transfers. A corporate retail liquor licensee must report within 14 days to the city clerk prior to each and any proposed change of legal ownership or beneficial interest in any of said corporate shares of stock if such transfer affects five percent or more of the capital stock or interest of said corporation or partnership. The report must be in writing and list all stockholders or partners, their age, occupation, their residence address, the number of shares held by each, whether individually or for the benefit of others. The report must include all powers of attorney for proxies granted that relate to the voting of the corporate shares of stock. The city council may approve or disapprove each such proposed transfer or assignment.

Subd. 2. Change of control. Any change in the legal ownership or beneficial interest in the shares of stock that results in a change of ownership or change of control of the corporation or partnership is hereby declared to be a transfer of a liquor license that is prohibited by this section and prior approval of the city council is required. A new application, new investigation, new license fee, and new processing are required. A change of partners will be deemed to be a new person requiring a new application, new investigation, new license fee, and a new processing. The city council will consider and vote on the matter of the change of ownership or control of the licensee as though an outsider were desiring to take out a new license. The failure to obtain such prior approval of the city council or to produce books or other records in compliance with this section is grounds for automatic revocation of the corporate liquor license after notice and a public hearing.

Subd. 3. Corporation books. The city council or any officer of the city so designated by it may at any reasonable hour examine the stock, transfer records, minute books and all other business records of the corporate licensee as may appear necessary. This right is especially provided to disclose the extent of the interest of any and all persons in the licensed corporation or partnership, the ownership and voting of shares of stock of the corporation or partnership, and to determine whether or not any change of the legal ownership of, or beneficial interest in certain shares of stock by itself or together with other transfers of shares of stock has directly or indirectly resulted in a multiple ownership or in a change of control of the licensed business. Particular scrutiny must be given to proxy voting and powers of attorney to vote stock shares.

Subd. 4. Corporate stockholder. The sale or transfer of shares of voting stock by the corporate licensee to another corporation is prohibited.

Subd. 5. Corporation information. In the case of publicly held corporations the city manager may accept disclosure documents required by the Securities and Exchange Commission of the United States of America in lieu of or as supplemental to information required of a corporation under any provision of this section.

Subd. 6. Application to partnerships. The terms of this section shall apply to all legally recognized forms of partnerships to the same extent and in the same manner as they apply to any legally recognized corporation.

1200.25. Submissions to commissioner of public safety. The city clerk shall provide all necessary information to the commissioner of the department of public safety as required by Minnesota Statutes, chapter 340A and Minnesota Rules, chapter 7515.

1200.27. Multiple ownership. No person shall be issued any combination of licenses authorized under this section unless such combination of licenses is authorized under Minnesota Statutes, chapter 340A.

1200.29. License transfer; posting. Liquor licenses are non-transferable. Licenses must be posted in a conspicuous place in the premises for which they are issued in accordance with Crystal city code, section 1000.27.

1200.31. License refunds. A liquor licensee may apply to the city council for a pro-rata refund of the license fee paid in the following cases:

- (a) The licensed premises of the business are destroyed by fire or other catastrophe;
- (b) The licensee ceases business because of death or serious illness; or
- (c) The business ceases to be lawful for a reason other than a license revocation.

The city council shall, in its sole discretion, determine whether such a refund is appropriate, and if so, in what amount.

1200.33. Consumption and display permits.

Subd. 1. Permit required. No business establishment or club which does not hold an on-sale intoxicating liquor license may directly or indirectly allow the consumption and display of alcoholic beverages or knowingly serve any liquid for the purpose of mixing with intoxicating liquor without first having obtained a permit from the commissioner. Rental of a public facility does not make the city or the facility a “business establishment” for purposes of this section. The city council must consent to all permits issued by the commissioner pursuant to Minnesota Statutes, section 340A.414, subdivision 5.

Subd. 2. Additional fees. There is imposed upon holders of permits issued pursuant to Minnesota Statutes, section 340A.414 an additional fee of \$300 per annum. The fee must be paid to the city finance director on or before March 31 of each year and a receipt given thereof, provided, however, upon commencement of a new permit period under the state permit, if a portion of the year has elapsed when payment is made, a pro rata fee may be paid but no such pro rata fee may be less than \$150. In computing the fee, an unexpired fraction of a month is counted as one month. The receipt must be posted in some conspicuous place upon the premises alongside the state permit.

Subd. 3. Inspections. A business establishment or club issued a permit shall be open for inspection pursuant to Minnesota Statutes, section 340A.414, subdivision 7.

Subd. 4. Hours of consumption and display. The hours of consumption and display of intoxicating liquor are those specified in section and Minnesota Statutes, section 340A.414.

1200.35. Conditions of license; penalties.

Subd. 1. Conditions of license. The failure of a licensee to meet any one of the conditions of the license specified below shall result in the application of penalties as provided in this subsection.

- (a) Within 90 days after employment, every person selling or serving liquor in an establishment which has an on-sale license shall receive training regarding the selling or serving of liquor to customers. The training shall be provided by an organization approved by the city council. Proof of training shall be provided by the licensee.

- (b) Every licensee is responsible for the conduct of the place of business and the conditions of sobriety and order in it. The act of any employee on the licensed premises is deemed the act of the licensee as well, and the licensee shall be liable for all penalties provided by this Crystal city code and the law equally with the employee.
- (c) Every licensee shall allow 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 customers remain on the premises without a warrant.
- (d) No on-sale establishment shall display or sell liquor to the public during hours when the sale of liquor is prohibited.
- (e) Compliance with financial responsibility requirements of state law and of this Crystal city code is a continuing condition of any license.
- (f) Compliance with all laws, rules, and regulations related to the retail sale of intoxicating liquors, including the provisions of Minnesota Statutes, chapters 297F and 340A, Minnesota Rules, chapter 7515, and the Crystal city code.

Subd. 2. Penalties.

- (a) Misdemeanors. A person who violates this section is guilty of a misdemeanor unless otherwise provided by law.
- (b) Presumptive revocation. The city council may revoke a license, following, notice and an opportunity to be heard, on the first violation for the following types of offenses:
  - (1) Commission of a felony by licensee or an employee of licensee related to the licensed activity authorized by this chapter and Minnesota Statutes, chapter 340A.
  - (2) The sale of alcoholic beverages on the licensed premises while a license is under suspension or revocation.
- (c) Administrative civil penalties. If a licensee or an employee of a licensee is found to have violated any of the provisions of state law or this section, the city council may impose an administrative penalty, including a civil fine and/or suspension of the license, in such amounts and for such periods as set out Crystal city code, appendix IV.

Subd. 3. Presumptions regarding administrative penalties. The administrative penalties described in subdivision 2 of this subsection and set out in Crystal city code, appendix IV are the presumed sanctions for the violations indicated. In the event of any license suspension imposed under this section, the city council may select which days a suspension will be served. Notwithstanding any of the provisions contained herein, a license may be revoked for any violation of this section when in the judgment of the city council it is appropriate to do so. The city council may impose lesser penalties under subdivision 2 of this subsection when in the judgment of the city council it is appropriate to do so. Other mandatory requirements may be made of the establishment including, but not limited to, meetings with the police department staff to present a plan of action to assure any observed problems will not continue, mandatory education sessions with crime prevention staff, or other actions that the city council deems appropriate.

1200.37. Hours of sale.

Subd. 1. Statutory. The hours of operation and days of sale shall be those set by Minnesota Statutes, section 340A.504, including sales after 1:00 a.m. pursuant to a permit issued by the commissioner, except that the city council may, by resolution or ordinance, provide for more restrictive hours than state law allows.

Subd. 2. Consumption prohibited. No person shall consume, nor shall any on-sale licensee permit any consumption of, intoxicating liquor or 3.2 percent malt liquor upon an on-sale licensed premises more than 30 minutes after the time within which intoxicating liquors may be sold.

Subd. 3. Display. No on-sale licensee shall permit any glass, bottle, or other container containing intoxicating liquor or 3.2 percent malt liquor to remain upon any table, bar, stool, or other place where customers are served, more than 30 minutes after the time within which intoxicating liquors may be sold.

Subd. 4. Vacate premises. No person, other than the licensee and any employee, shall remain on the on-sale licensed premises more than 30 minutes after the time within which intoxicating liquors may be sold.

Subd. 5. Penalty. Any violation of this subsection may be grounds for revocation or suspension of the license subject to the terms of this section.

1200.39. Licenses in prohibited locations. No license shall be issued under this section in any place which is prohibited under Minnesota Statutes, section 340A.412, subdivision 3.

1200.41. Temporary on-sale licenses. The city council may issue temporary on-sale licenses for the on-sale of intoxicating liquor to clubs, or charitable, religious or other non-profit organizations in the manner and subject to the conditions specified in Minnesota Statutes, section 340A.404, subdivision 10. The fee for a temporary on-sale license shall be in an amount as provided in Crystal city code, appendix IV.



1200.43. Social host liability.

Subd. 1. Purpose and findings. The city council intends to discourage underage possession and consumption of alcoholic beverages, even if done within the confines of a private residence, and intends to hold persons criminally responsible who host events or gatherings where persons under 21 years of age possess or consume alcoholic beverages regardless of whether the person hosting the event or gathering supplied the alcohol. The city council finds that:

- (a) Events and gatherings held on private or public property where alcoholic beverages are possessed or consumed by persons under the age of 21 are harmful to those persons and constitute a potential threat to public health requiring prevention or abatement;
- (b) Prohibiting underage consumption acts to protect underage persons, as well as the general public, from injuries related to alcohol consumption, such as alcohol overdose or alcohol-related traffic collisions;
- (c) Alcohol is an addictive drug which, if used irresponsibly, could have drastic effects on those who use it as well as those who are affected by the actions of an irresponsible user;
- (d) Often, events or gatherings involving underage possession and consumption of alcoholic beverages occur outside the presence of parents. However, there are times when the parent(s) is/are present and, condone the activity, and in some circumstances provide the alcoholic beverages;
- (e) Even though giving or furnishing alcoholic beverages to an underage person is a crime, it is difficult to prove, and an ordinance is necessary to help further combat underage consumption of alcoholic beverages; and
- (f) A deterrent effect will be created by holding a person criminally responsible for hosting an event or gathering where underage possession or consumption of alcoholic beverages occurs.

Subd. 2. Authority. This subsection is enacted pursuant to Minnesota Statutes, sections 145A.05, subdivision 1 and 340A.509.

Subd. 3. Definitions. For purposes of this subsection, the following terms have the meanings given them in this subdivision.

- (a) Alcohol. “Alcohol” means ethyl alcohol, hydrated oxide of ethyl, or spirits of wine, whiskey, rum, brandy, gin, or any other distilled spirits including dilutions and mixtures thereof from whatever source or by whatever process produced.

- (b) Alcoholic beverage. “Alcoholic beverage” means alcohol, spirits, liquor, wine, beer, and every liquid or solid containing alcohol, spirits, wine, or beer, and which contains one-half of one percent or more of alcohol by volume and which is fit for beverage purposes either alone or when diluted, mixed, or combined with other substances.
- (c) Event or gathering. “Event or gathering” means any group of three or more persons who have assembled or gathered together for a social occasion or other activity.
- (d) Host. “Host” means to aid, conduct, allow, entertain, organize, supervise, control, or permit a gathering or event.
- (e) Parent. “Parent” means any person having legal custody of a juvenile:
  - (1) As natural, adoptive parent, or step-parent;
  - (2) As a legal guardian; or
  - (3) As a person to whom legal custody has been given by order of the court.
- (f) Person. “Person” means any individual, partnership, co-partnership, corporation, or any association of one or more individuals.
- (g) Residence or premises. “Residence” or “premises” means any home, yard, farm, field, land, apartment, condominium, hotel or motel room, or other dwelling unit, or a hall or meeting room, park, or any other place of assembly, public or private, whether occupied on a temporary or permanent basis, whether occupied as a dwelling or specifically for a party or other social function, and whether owned, leased, rented, or used with or without permission or compensation.
- (h) Underage person. “Underage person” is an individual under 21 years of age.

Subd. 4. Prohibited acts.

- (a) It is unlawful for any person to host an event or gathering, at any residence, premises, or on any other private or public property, where alcoholic beverages are present, when the person knows or reasonably should know that an underage person will consume or possess alcoholic beverages, unless the person takes reasonable steps to prevent the possession or consumption by the underage person. A person who hosts an event or gathering does not have to be present at the event or gathering to be criminally responsible.
- (b) A person is criminally responsible for violating subdivision 4(a) of this subsection if the person intentionally aids, advises, hires, counsels, or conspires with or otherwise procures another to commit the prohibited act.

Subd. 5. Exceptions. This subsection does not apply to the following:

- (a) Conduct solely between an underage person and their parents while present in the parent's household;
- (b) Legally-protected religious observances;
- (c) Retail intoxicating liquor or 3.2 percent malt liquor licensees, or bottle club permit holders who are regulated by Minnesota Statutes, section 340A.503, subdivision 1(a)(1); or
- (d) Situations where underage persons are lawfully in possession of alcoholic beverages during the course and scope of employment.

Subd. 6. Penalty. A violation of this subsection is a misdemeanor.

1200.45. Community center on-sale authorization.

Subd. 1. Authorization. Pursuant to Minnesota Statutes, section 340A.404, subdivision 4(a), the city council may authorize the holder of a retail on-sale intoxicating liquor license issued by the city or by an adjacent municipality (referred to in this subsection as the "licensee") to dispense intoxicating liquor off-premises at the Crystal community center. Upon such authorization, the licensee may dispense intoxicating liquor at any authorized convention, banquet, conference, meeting, or social affair conducted on the premises of the Crystal community center. The person or organization who is authorized by the city to hold the event at the Crystal community center may engage a licensee to dispense intoxicating liquor at the event, but only to persons attending the event. No intoxicating liquor may be distributed to any person attending or participating in a youth amateur athletic event held at the Crystal community center for persons 18 years of age or younger.

Subd. 2. Requirements. Licensees authorized to dispense intoxicating liquor in the Crystal community center shall comply with the requirements imposed upon on-sale intoxicating liquor licensees within the city including, but not limited to, insurance requirements and all policies established by the city for the Crystal community center. Any insurance certificate provided to the city by a licensee shall name the city as an additional insured, and shall state that off-premises coverage is included.

Subd. 3. Application; expiration. Licensees seeking authorization to dispense intoxicating liquor in the Crystal community center shall make application to the city manager. The requested authorization shall be presented to the city council for a decision. To defray the costs of processing the application, licensees shall submit with their application the application fee as set from time to time by the city as set forth in Crystal city code, appendix IV or as may be incorporated into the rental permit fee for the Crystal community center. Unless renewed, authorization to dispense intoxicating liquor at the Crystal community center shall expire at the time on-sale intoxicating liquor licenses expire.

1200.47. Community festival on-sale authorization.

Subd. 1. Authorization. Pursuant to Minnesota Statutes, section 340A.404, subdivision 4(b), the city council may authorize the holder of a retail on-sale intoxicating liquor license issued by the city to dispense intoxicating liquor off premises at a community festival occurring in a park or right-of-way within the city. No authorization shall be issued under this subsection unless:

- (a) The city has issued a special event permit for the community festival;
- (b) The authorization specifies the area in which the intoxicating liquor must be dispensed and consumed; and
- (c) The licensee demonstrates that it has liquor liability insurance as required by Minnesota Statutes, section 340A.409 and Crystal city code, subsection 1200.11 to cover the community festival.

Subd. 2. Requirements. A licensee authorized to dispense intoxicating liquor at the festival shall comply with the requirements imposed upon the on-sale intoxicating liquor license issued to the licensee. The licensee shall comply with all applicable provisions of this Crystal city code related to use of public property and any conditions and restrictions placed on the special event permit issued for the community festival. Intoxicating liquor may only be dispensed and consumed in the specific areas identified in the city council's authorization. Any insurance certificate provided to the city by a licensee for sales at the community festival shall name the city as an additional insured and indicate that off-premises coverage is included.

Subd. 3. Application; expiration. Licensees seeking authorization to dispense intoxicating liquor at a community festival shall make application to the city manager. The requested authorization shall be presented to the city council for a decision. To defray the costs of processing the application, licensees shall submit with their application the application fee as set from time to time by the city as set forth in Crystal city code, appendix IV or as may be incorporated into the required permit. The authorization to dispense intoxicating liquor at the community festival shall expire at the ending time of the community festival as specified in the special event permit.

1200.49. Entertainment in licensed premises.

Subd. 1. Definitions. For purposes of this subsection, the terms defined in this subdivision have the meanings given them.

- (a) "License" means any license issued pursuant to Crystal city code, chapter XII.
- (b) "Licensed premises" means the compact and contiguous area of real property for which a license is issued.

- (c) “Nudity” means the showing of the post-pubertal human male or female genitals, pubic area, or buttocks with less than a fully-opaque covering, or the showing of a post-pubertal female breast with less than a fully-opaque covering of any portion thereof below a point immediately above the top of the areola, or the covered human male genitals in a discernibly turgid state. For the purposes of this definition, the female breast is considered uncovered if the nipple only or the nipple and the areola are uncovered.
- (d) “Sadomasochistic abuse” means scenes 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, or binding or other physical restraint of any such persons, in an apparent act of sexual stimulation or gratification.
- (e) “Sexual conduct” means acts of masturbation, sexual intercourse, or any touching of the genitals, pubic areas, or buttocks of the human male or female, or the breasts of the female, whether alone or between members of the same or opposite sex or between humans and animals in an act of apparent sexual stimulation or gratification.

Subd. 2. Prohibited acts.

- (a) The city council finds that it is in the best interests of the public health, safety, and general welfare of the people of the city that nudity is prohibited as provided in this section on the premises of any establishment licensed under this Crystal city code. This is to protect and assist the owners, operators, and employees of the establishment, as well as patrons and the public in general, from harm stemming from the physical immediacy and combination of alcohol, nudity, and sex. The city council especially intends to prevent any subliminal endorsement of sexual harassment or activities likely to lead to the possibility of various criminal conduct, including prostitution, sexual assault, human trafficking, and disorderly conduct. The city council also finds that the prohibition of nudity on the premises of any establishment licensed under this Crystal city code, as set forth in this section, reflects the prevailing community standards of the city.
- (b) It is unlawful for any licensee to do any of the following:
  - (i) To permit or allow any person or persons on the licensed premises when the person does not have his or her buttocks, anus, breasts, and genitals covered with a non-transparent material; or
  - (ii) To permit or allow any entertainment or service involving any nudity, sadomasochistic abuse, or sexual conduct in such licensed establishment.
- (c) It is unlawful for any person to be on the licensed premises when the person does not have his or her buttocks, anus, breasts, and genitals covered with a non-transparent material.
- (d) A violation of this section is a misdemeanor punishable as provided by law, and is justification for revocation or suspension of any liquor, wine, or 3.2 percent malt liquor license or any other license issued under this Crystal city code or the imposition of a civil penalty under this section.



<b>Amended subsection</b>	<b>Amending ordinance</b>
Chapter XII (Deleted all and replaced)	2018-06, Sec. 1
1200.01, subs. 2, 3, 11, 12, 13, 15, 16, 17, 18, 21, and 24	2015-05
1200.01, subd. 8	2007-12, Sec. 1
1200.01, subd. 19	99-07, Sec. 1
1200.01, subd. 25	2007-12, Sec. 2
1200.03, subs. 3, 4, 5, and 6	2019-03, Sec. 10
1200.05	2019-03, Sec. 11
1200.07, subd. 1	2019-03, Sec. 12; 2019-03, Sec. 13
1200.07, subd. 2	2012-01, Sec. 10; 2019-03, Sec. 14
1200.07, subs. 3 and 4	2012-01, Sec. 10
1200.07, subd. 5	2011-5; 2012-01, Sec. 10
1200.07, subd. 8	2019-03, Sec. 15
1200.09, subd. 1	2007-11, Sec. 9
1200.13, subd. 1	2019-03, Sec. 16
1200.15	2015-05
1200.17	2019-03, Sec. 17
1200.23	2000-01, Sec. 1
1200.31	2019-03, Sec. 18
1200.35, subs. 1, 2, 4, 5, and 6	2012-01, Sec. 11
1200.37	2015-05; 2019-03, Sec. 19
1200.43, subd. 5	2019-03, Sec. 20
1200.43, subd. 7	2007-12, Sec. 3
1200.43, subd. 8	2015-05
1200.47	2008-3
1200.49	2018-03, Sec. 3
1200.51	2018-03, Sec. 3
1215.01, subd. 2	99-07, Sec. 3
1215.01, subd. 5	99-07, Sec. 4
1215.01, subd. 6	99-07, Sec. 5
1215.01, subd. 7	99-7, Sec. 6
1215.01, subd. 8	99-07, Sec. 7
1215.01, subd. 9	99-07, Sec. 8
1215.01, subd. 10	99-07, Sec. 9
1215.01, subd. 11	99-07, Sec. 10
1215.05	99-07, Sec. 11
1215.07, subs. 6 and 7	2011-5
1215.09, subd. 3	99-07, Sec. 12
1215.11, subd. 1	99-07, Sec. 13; 2007-11, Sec. 10
1215.21	2000-01, Sec. 2
1215.29	99-07, Sec. 15
1215.41	99-007, Sec. 16
1220.01, subd. 2	99-07, Sec. 17
1220.01, subd. 4	1996-2, Sec. 3

CHAPTER XIII

TRAFFIC, MOTOR VEHICLES AND OTHER VEHICLES

Section 1300 - Highway traffic regulation

1300.01. State highway traffic regulation act adopted by reference. Minnesota Statutes, chapter 169, “The highway traffic regulation act” is adopted by reference and is incorporated into the Crystal city code. Any violation of Minnesota Statutes, chapter 169 as herein adopted is a violation of this Crystal city code.

1300.03. Definitions. For the purpose of this chapter, the terms defined in this subsection have the meanings given them.

Subd. 1. Statutory definitions. For purposes of this chapter, the terms defined in Minnesota Statutes, section 169.011 shall have the meanings given to them in that section.

Subd. 2. Boulevard. “Boulevard” means the portion of a public right-of-way located on either side of a roadway from the curb, or if there is no curb the edge of the travelled surface of the roadway, to the outside edge of the public right-of-way.



Section 1305 - Streets; traffic1305.01. Emergency street closings.

Subd. 1. Authority. In an emergency the city manager, chief of police, or the fire chief may close off all or any part of a public street, alley, or other area to vehicular or pedestrian traffic, including parked cars and to reroute traffic when necessary to control or prevent a riot, to fight or prevent the spreading of a fire, to prevent damage to life, limb, or property that might result from any traffic or other hazard. Such officials may also order the temporary closure, or alteration of traffic flow, of any street, alley, or area within the city.

Subd. 2. Non-emergency street closings. The city engineer or street superintendent, after obtaining the approval of the city manager, may close off or prohibit vehicular traffic on a public street or alley or portion thereof in order to effect the orderly installation, repair, maintenance, or snow removal of any streets, to accommodate a special event permit by the city under Crystal city code, section 805 or otherwise, or when such closure is deemed necessary to control such vehicular movements based upon large crowds of pedestrian traffic.

Subd. 3. Barrier; warnings. A street, parking lot, or other public area may be closed to vehicular or pedestrian traffic or to parked cars at any hour by the stationing of a police officer at both ends of said street, parking lot, or other public area, who may then direct traffic. Streets, parking lots, or other public areas may also be closed during the daylight hours by the city posting or erecting suitable signs, placing vehicles, or erecting other barriers at both ends of the closed street or area indicating or otherwise making apparent the street or area is closed. Streets, parking lots, or other public areas may also be closed at night by the placing of vehicles or other suitable barriers and warning lights or flasher signals at both ends of the street, parking lot, or other public areas so designated. Drivers must obey police officers and barriers, flags, signs, lights, vehicles, or signals placed by the city.

Subd. 4. Emergency traffic restrictions. The city manager may make and enforce necessary traffic control restrictions in time of emergency, provided that public notice of such restrictions be published, or broadcast, or posted in at least two public places, and further, that any such restrictions be reviewed by the city council at the next regular council meeting, following the establishment of such emergency restrictions, at which time such restrictions may be continued, modified, or abandoned by resolution of the city council. Additional public notice shall be provided if the city council modifies or cancels the restrictions.

Subd. 5. Temporary traffic control measures. The city manager may temporarily restrict traffic or parking, or implement other traffic control measures, for any private or public purpose upon the erection of such barricades or signs as may be needed to inform the public of such restrictions.

1305.03. Cutting across public or private property. It is unlawful to disobey the instructions of an official traffic control device within the meaning of this section by driving into or across public or private property so as to obviate the need to comply with the traffic control device. This subsection does not apply where drivers are directed by the city to take such a route.

1305.05. Weight limits; seasonal restrictions.

Subd. 1. Seasonal restrictions. The city manager shall determine the seasonal weight restrictions to be applied to all roads under the jurisdiction of the city and the dates during which such limitations shall apply. The city manager shall post city roads with signs indicating the applicable weight limitations and make that information available through such other means as may be appropriate, including posting notice on the city's website. Such restrictions shall not apply to municipal vehicles, emergency vehicles, garbage or recycling vehicles while on their collection routes, or school buses.

Subd. 2. Council action. The city council may by resolution prohibit the operation of vehicles upon public streets or alleys in the city. The city council may also by resolution impose restrictions as to the weight of vehicles to be operated upon streets or alleys, whenever such streets or alleys, by reason of deterioration, rain, snow or other climatic conditions may be seriously damaged or destroyed unless the use of vehicles thereon is prohibited or their permissible weights reduced. The resolution adopted must designate the particular streets or alleys affected and must set forth the prohibitions or restrictions imposed on the streets or alleys.

Subd. 3. Special permits. A person desiring to move a vehicle, or combination of vehicles which are of a size, weight, or load exceeding the maximum weight authorized by this section must obtain a permit for such operation. Such person shall apply for such permit in writing on a form provided by the city. The city manager shall issue such permits where it appears that such operation is not likely to cause damage to streets, alleys, or other public areas within the city. The city manager may impose conditions to govern the operation of such vehicle or vehicles and may require adequate assurances or financial security to repair or compensate the city for any injury to any roadway or road structure. The permit must be carried on the vehicle or combination of vehicles to which it refers and be open to inspection by any police officer, official, or employee of the city.

Subd. 4. Damage to streets. Any person driving a vehicle upon a city street is liable for any damage caused by the operation of such vehicle. When the driver is not the owner of the vehicle, but is operating, driving, or moving the same with the express or implied permission of the owner, then the owner and driver are jointly and severally liable for any such damage. The damage may be recovered in a civil action brought by the city.

Subd. 5. Police duties. Any police officer having reason to believe that the weight of a vehicle or load is unlawful may require the driver to stop and submit to a weighing of the vehicle. If no portable scale is available, the officer may require the driver of the vehicle to drive to the nearest stationary scale within a reasonable distance. If an officer determines that the weight of any vehicle or the load thereon exceeds the maximum authorized by law, the officer may require the driver to stop the vehicle in a suitable place and remain standing there until such portion of the load is removed as may be necessary to reduce the gross weight of such vehicle to such limit as permitted under the provisions of this section. Materials which are unloaded must be cared for by the owner or driver of the vehicle, at the risk of the owner or driver. A driver of a vehicle who fails or refuses to stop and submit the vehicle and load to a weighing, or who fails or refuses, when directed by a police officer upon a weighing of the vehicle, to stop the vehicle and otherwise comply with the provisions of this section, is guilty of a misdemeanor.

1305.07. Unreasonable acceleration. It is unlawful to start or accelerate any motor vehicle with an unnecessary exhibition of speed on a public or private way within the city limits. Unreasonable squealing or screeching sounds emitted by the tires or the throwing of sand or gravel by the tires of the vehicle or both is prima facie evidence of unnecessary exhibition of speed.

Section 1310 - Parking regulations1310.01. General rules.

Subd. 1. Parallel to curb. Vehicles must be parked or stopped parallel with the edge of the roadway, headed in the direction of traffic, with the curb-side wheels of the vehicle within 12 inches of the edge of the roadway, and not closer than four feet to another vehicle parked at the curb.

Subd. 2. Where no curb. On streets and highways not having a curb, a vehicle stopped or parked must be stopped or parked parallel with and to the right of the paved or improved or main travelled part of the street or highway.

Subd. 3. One-way roadway. On a one-way roadway, a vehicle must be parked with the front of the vehicle facing in the same direction on the one-way street as the traffic thereof is permitted to pass.

Subd. 4. Angle parking. On those streets that have been marked or signed for angle parking, vehicles must be parked at the angle to the curb indicated by the marks or signs. Angle parking is prohibited in any area of the city where such markings are not present.

1310.03. Parking prohibited. The parking and related prohibitions contained in Minnesota Statutes, section 169.34 are adopted by reference and are incorporated herein.

1310.05. Other parking restrictions.

Subd. 1. Cars for sale. It is unlawful to park a vehicle on or abutting a street or highway for the purpose of displaying the vehicle for sale or exchange. A vehicle is deemed to be in violation of this section when it is found parked upon or abutting a street or highway and bearing a sign indicating that it is for sale or exchange.

Subd. 2. Disabled vehicles. The provisions of this section relating to stopping, standing and parking do not apply to the driver of a vehicle that is disabled for a reasonable time, not exceeding 24 hours, while on the paved or improved or main traveled portion of a street or highway in such manner and to such extent that it is impossible to avoid stopping and temporarily leaving the disabled vehicle in such position.

Subd. 3. City parks. It is unlawful to park a vehicle in a city park other than in a designated parking area.

Subd. 4. Parking restrictions; snow events. After a snow event producing at least 1-1/2 inches of snow on any city street, parking is automatically prohibited on all public streets and alleys until the snow has stopped accumulating and the street or alley has been plowed with the snow removed to curb to curb.

Subd. 5. City parking lot. It is unlawful to park a truck-tractor or semitrailer in a city parking lot. Vehicles, including those with trailers, shall be parked within the designated parking lines and shall not be parked in a way that blocks parking by other vehicles.

1310.07. Parking times.

Subd. 1. General rule. No vehicle may be parked upon a public street, alley, or within a city-owned parking lot between the hours of 2:00 a.m. and 5:00 a.m. on any day. This prohibition shall not apply to government-owned vehicles.

Subd. 2. Truck parking. No truck may be parked upon any public street, alley, or other public way for a continuous period of more than two hours unless such vehicle is actively engaged in loading or unloading activities carried out in the normal course of business. For purposes of this subdivision, a “truck” shall be any vehicle having a capacity of 1½ tons or more, or any tractor-trailer combination.

Subd. 3. Parking; temporary permits. During the period from April 1 to November 30, and on legal holidays and the days preceding and following legal holidays, the police chief is authorized to issue temporary permits for the parking of a vehicle on a street between the hours of 2:00 a.m. to 5:00 a.m. when in the police chief’s judgment special circumstances exist justifying the issuance of the temporary permit and the purposes of this subsection will not be impaired thereby. The permit is to be issued for a specific motor vehicle at a specific residential dwelling unit and must be prominently displayed in the interior of the vehicle. A temporary permit issued under this subsection is not transferable to another vehicle. One temporary permit may be issued under this subsection without a fee. The fee for the issuance of additional temporary permits under this subsection is set by Crystal city code, appendix IV. For purposes of this subdivision, the term “legal holiday” means: New Year’s Day; Martin Luther King Day; Presidents’ Day; Memorial Day; Independence Day; Columbus Day; Veterans’ Day; Thanksgiving Day; and Christmas Day.

Subd. 4. City parking lots; temporary permits. The police chief is authorized to issue temporary permits for the parking of a vehicle in a city-owned or operated parking lot between the hours of 2:00 a.m. to 5:00 a.m. when in the police chief’s judgment special circumstances exist justifying the issuance of the temporary permit and the purposes of this section will not be impaired thereby. The permit is to be issued for a specific motor vehicle and must be prominently displayed from the interior of the vehicle. A temporary permit issued under this subsection is not transferable to another vehicle. One temporary permit may be issued under this subsection without a fee. The fee for the issuance of additional temporary permits under this subsection is set by Crystal city code, appendix IV.

1310.09. Towing authorized. A vehicle parked in violation of this section may be ordered removed from a public street, alley, or a city-owned or operated parking lot by a police officer pursuant to Minnesota Statutes, section 169B.035. Before towing any vehicle, the city shall make reasonable efforts to notify the owner and require that they remove the vehicle. The owner must pay all costs for the towing and storage of any vehicle towed hereunder. Except in an emergency, the removal of a vehicle by or under the direction of the police officer does not prevent the prosecution of a violation of this section.

1310.11. Disability parking areas. Parking in any space or area designated for disability parking is hereby prohibited and all violations shall be enforced pursuant to Minnesota Statutes, section 169.346.

1310.13. Shared mobility devices.

Subd. 1. Definition. For the purposes of this subsection, a “shared mobility device” means a bicycle, electric-assisted bicycle, motorized bicycle, electric personal assistive mobility device, or a motorized foot scooter, as those terms are defined in Minnesota Statutes, section 169.011, or similar device that is made available to the public for short-term rental through a mobile application for trips with or without the device being located on a rack or docking system.

Subd. 2. Parking. It is a violation of this Crystal city code to park, leave, or abandon a shared mobility device in any of the following ways or locations within in a public right-of-way or on public property:

- (a) On the travelled surface or parking lane of a street;
- (b) On a sidewalk or trail;
- (c) Within ten feet of the entry to a business or residence; or
- (d) In a location or in a manner that poses a threat to public safety, constitutes a tripping hazard, or that interferes with the city’s maintenance operations.

Subd. 3. Impoundment. A police officer or authorized city employee may remove and impound a shared mobility device that is parked, left, or abandoned in violation of this section. The city shall provide the owner of the shared mobility device, if known, notice of the impoundment within three business days. The notice may be sent by electronic mail to any email address readily accessible on the owner’s website or, if none, the city may provide notice by phone. The notice shall include a description of the process to reclaim the shared mobility device. The city council may establish a reclamation fee in Crystal city code, appendix IV that is sufficient to offset the city’s enforcement and storage costs the owner must pay in order to reclaim an impounded shared mobility device. If the owner fails to reclaim the shared mobility device within 30 days of impoundment, the city may sell or otherwise dispose of the shared mobility device.

Section 1315 – Abandoned, junk, and unauthorized vehicles

1315.01. Laws adopted by reference. Minnesota Statutes, chapter 168B is hereby adopted by reference and is incorporated into this Crystal city code as if fully set forth herein. A violation of the statutes adopted herein by reference is a violation of this Crystal city code.

1315.03. Definitions. For purposes of this section, the terms defined in this subsection have the meaning given them. If a term used in this section is not defined in this subsection, it shall have the meaning given it in Minnesota Statutes, section 168B.011.

Subd. 1. Abandoned vehicle. “Abandoned vehicle” includes a vehicle defined in Minnesota Statutes, section 168B.011, subdivision 2;

Subd. 2. Junk vehicle. “Junk vehicle” includes a vehicle defined in Minnesota Statutes, section 168B.011, subdivision 3.

Subd. 3. Unauthorized vehicle. “Unauthorized vehicle” includes a vehicle defined in Minnesota Statutes, section 168B.011, subdivision 4. The term includes any vehicle parked in violation of the provisions of this Crystal city code.

1315.05. Towing and impoundment. The city may tow and impound any vehicle that constitutes an abandoned vehicle, junk vehicle, or unauthorized vehicle as provide in Minnesota Statutes, sections 168B.035, 168B.04, and such other law as may apply.

Section 1320 - Driver's licenses and registration of motor vehicles

1320.01. Adoption by reference.

Subd. 1. Motor vehicle registration act. Minnesota Statutes, chapter 168 is hereby adopted by reference and is incorporated into this Crystal city code as if fully set forth herein.

Subd. 2. Driver's license law. Minnesota Statutes, chapter 171 is hereby adopted by reference and is incorporated into this Crystal city code as if fully set forth herein.

Subd. 3. Violations. A violation of a statute adopted by reference herein is a violation of this Crystal city code.



Section 1325 -Motor vehicles and recreational vehicles and equipment

1325.01. Purpose and intent. The purpose of this section is to prevent public nuisances by imposing reasonable regulations for use, parking, and storage of motor, recreational, and commercial vehicles and equipment on public and private property in the city and to protect the health, safety, and general welfare of residents while enhancing the quality of our neighborhoods.

1325.03. Definitions. For purposes of this section, the terms defined in this subsection have the meaning given them. If a term used in this section is not defined in this subsection, it shall have the meaning given it in the most applicable definition found in Minnesota Statutes, chapters 168, 169, or 171.

Subd. 1. Motor vehicle. “Motor vehicle” means a passenger vehicle, truck, commercial vehicle, motorcycle, or motor scooter. The term does not include a bicycle, tricycle, quadricycle, self-propelled scooter, electric personal assistive mobility device, or motorized wheelchair.

Subd. 2. Recreational vehicles and equipment. “Recreational vehicles and equipment (RVEs)” means camper trailers, including those which telescope or fold down, chassis mounted campers, utility trailers, motor homes, tent trailers, sleep-campers, converted buses or vans that are motor homes as defined in this subsection, snowmobiles, snowmobile trailers, golf carts, boats, boat trailers, all-terrain vehicles, all-terrain vehicle trailers, and go-carts.

Subd. 3. Passenger vehicle. “Passenger vehicle” means an automobile, station wagon, van, sport utility vehicle, minivan, pick-up truck, or motorcycle designed and primarily intended for on-street operation. The term does not include commercial vehicles, recreational vehicles, racing cars, or stock cars.

Subd. 4. Motor home. “Motor home” means a motor vehicle that also provides temporary living quarters for recreation or vacation purposes. Motor homes must contain at least four of the following features in working condition, at least two of which must be those items listed as (a), (b), or (c):

- (a) Liquid propane gas for cooking;
- (b) Potable water, including sink and faucet;
- (c) Separate 110-125 volt electrical power;
- (d) Heating and/or air conditioning;
- (e) Electric and/or propane refrigerator; or
- (f) Toilet self-contained and/or connected to a plumbing system.

Subd. 5. Residential use districts. “Residential-use districts” means the R1 (low density residential district), R2 (medium density residential district), and R3 (high density residential district) zoning districts designated as part of the Crystal Unified Development Code, Crystal city code, chapter V.

Subd. 6. Front lot line. “Front lot line” means the boundary of a lot that abuts a public street. On a corner lot, it shall be the street-abutting lot line with the shortest dimension. If the property lines on both street frontages are of the same length, the property line to be used for front setback measurement shall be determined by the zoning administrator. On a through lot, the lot line for which the home is facing shall be the front lot line

Subd. 7. Side lot line (side street). “Side lot line (side street)” means any lot line that is not a front, rear, or corner side lot line.

Subd. 8. Side lot line (interior). “Side lot line (interior)” means any lot line that is not a front, rear, or side street lot line.

Subd. 9. Rear lot line. “Rear lot line” means the lot line not intersecting a front lot line that is most distant from and most closely parallel to the front lot line.

Subd. 10. Front yard. “Front yard” means the horizontal distance between the principal structure and the front lot line, extending across the full width of the lot.

Subd. 11. Side yard (side street). “Side yard (side street)” means the horizontal distance between the principal structure and the side street lot line, extending from the front yard to the rear yard.

Subd. 12. Side yard (interior). “Side yard (interior)” means the horizontal distance between the principal structure and the side lot line, extending from the front yard to the rear yard.

Subd. 13. Rear yard. “Rear yard” means the horizontal distance between the principal structure and the rear lot line, extending across the full width of the lot.

1325.05. Vehicles prohibited. It is unlawful to operate the following on public streets, roads, or other public property within the city:

- (a) Boats with motors;
- (b) Canoes, kayaks, or rowboats;
- (c) All-terrain vehicles;
- (d) Snowmobiles;
- (e) Jet skis;
- (f) Golf carts; or
- (g) Go-carts.

1325.07. Operation on property of others. It is unlawful to operate a motor vehicle, recreational vehicle, or commercial vehicle on private residential property of another without having in one's possession at the time of driving or operation of the vehicle the written permission of the owner, or on publicly-owned land including school, park property, playground, and recreational area, except where permitted in accordance with this section.

1325.09. Prohibited operations. When the driving of a motor vehicle, recreational vehicle, or commercial vehicle is permitted, the vehicle may not be operated:

- (a) So as to create, permit, or maintain a loud, unnecessary or unusual noise which annoys, injures, or endangers the safety, health, morals, comfort, or repose of any considerable number of members of the public;
- (b) In a manner which interferes with, obstructs, or renders dangerous the proper use of the premises involved;
- (c) While under the influence of intoxicating liquor or drugs;
- (d) At a rate of speed greater than is reasonable or proper under all the surrounding conditions, or in a careless or reckless manner so as to endanger or be likely to endanger person or property; or
- (e) To intentionally chase, run over, disturb, or kill any wild or domestic animal.

1325.11. Exceptions. This section does not apply to emergency vehicles or vehicles used by governmental bodies within the scope of official governmental business.

1325.13. Permitted areas. The city council may from time to time by resolution define the areas of public land owned and maintained by the city for the use of recreational vehicles under the conditions herein provided or may add thereto such conditions as may be required. It is unlawful for any person to drive, operate or use a motor, recreational, or commercial vehicle except in the areas defined in the city council's resolution.

1325.15. Parking and storage.

Subd. 1. Findings. The unregulated outside parking and outside storage of all motor vehicles and recreational vehicles within a residential-use district or accessory to a residential use is found to create a nuisance, hazard, and detrimental influence upon the public health, safety, and general welfare of the community by obstructing the view on streets and on private property, bringing noise and odors into residential areas, creating cluttered and otherwise unsightly areas, preventing the full use of residential streets for residential parking, reducing the useable open space of streets and private property, and otherwise adversely affecting residential property values and neighborhood maintenance and improvement.

Subd. 2. Additional requirements. In addition to the other restrictions imposed by this Crystal city code, the restrictions of this section apply to the parking and storage of motor vehicles and recreational vehicles in residential-use districts of the city.

Subd. 3. Public ways. A motor vehicle or recreational vehicle may be parked in an authorized portion of any public street, alley, public right-of-way, or driveway for that period of time which is in conformance with the parking regulations of this Crystal city code.

Subd. 4. General Restrictions. The placement of motor vehicles and recreational vehicles and equipment shall comply with the following:

- (a) In any yard, motor vehicles that are not also recreational vehicles and equipment as defined in this section shall only be parked on a hard surfaced driveway or lawful auxiliary parking space;
- (b) Recreational vehicles and equipment placed within any yard may not be located within ten feet of the living quarters of the principal structure on the adjacent lot. For corner lots, in a front or side street side yard, motor vehicles and recreational vehicles and equipment may only be placed on a hard surfaced driveway or lawful auxiliary parking space;
- (c) In a front yard, recreational vehicles and equipment may only be placed on a hard surfaced driveway or lawful auxiliary parking space;
- (d) Recreational vehicles and equipment not permitted to be operated on public streets, roads or other public property may not be parked or stored on a driveway or lawful auxiliary space unless placed on or in a trailer or motor vehicle;
- (e) Notwithstanding paragraph (d) of this subdivision, slip in campers are permitted when not mounted in the bed of a pickup if lowered to their lowest practicable profile and stabilized in a manner so as to be safe and secure and not pose a threat to a person's health or safety;
- (f) Wheeled fish houses are considered to be trailers and must be placed in accordance with this subsection. Non-wheeled fish houses are structures and must comply with Crystal city code, chapter V (Crystal Unified Development Code);
- (g) Recreational vehicles and equipment that are out of season may not be stored on any part of the driveway or lawful auxiliary parking space closer to the street than the principal structure;
- (h) In an interior side yard, recreational vehicles and equipment may not be placed closer than five feet to the side lot line;
- (i) In a rear yard, recreational vehicles and equipment may not be placed closer than three feet to the interior side lot line or rear lot line. For corner lots, recreational vehicles and equipment may not be placed closer to the street side property line than the principal structure;

- (j) In a front yard, recreational vehicles and equipment are prohibited unless they are located on a lawful driveway or auxiliary space. For corner lots, recreational vehicles and equipment are prohibited in a front or side street yard unless they are located on a lawful driveway or auxiliary space;
- (k) Recreational vehicles and equipment may not be placed in that part of a side or rear yard closer to a principal structure on an abutting lot than to the owner's principal building; and
- (l) Slip in campers, when not mounted in the bed of a pickup, must be lowered to their lowest practicable profile and stabilized in a manner so as to be safe and secure and not pose a threat to a person's health or safety.

Subd. 5. Size. RVEs of any size may be parked or stored in the side or rear yard in accordance with this section. RVEs 32 feet or less in length may be parked or stored in a front yard or side street yard if on a hard surface driveway or auxiliary space in accordance with this section. RVEs exceeding 32 feet in length may be parked in the front yard or side street yard on a hard surface driveway or auxiliary space if the RVE complies with the front and side street building setbacks.

Subd. 6. Coverage. The portion of the rear yard occupied by RVEs, whether contiguous or noncontiguous, shall not exceed any of the following:

- (a) Twenty percent of the rear yard;
- (b) The residential footprint of the principal structure; or
- (c) 1,200 square feet.

Notwithstanding these coverage limitations, an owner is allowed to utilize up to 600 square feet of the rear yard for the storage of RVEs.

Subd. 7. Licensing, operability and maintenance. Motor vehicles and recreational vehicles and equipment may be parked or stored outdoors in accordance with this section, provided they comply with all of the following:

- (a) Currently licensed as required by law;
- (b) Are operable and in a state of good repair at all times;
- (c) All motor vehicles and recreational vehicles parked or stored on a property are owned by and licensed to the owner or occupant of the dwelling where the vehicle or equipment is kept;
- (d) Only fabric covering may be used to protect the motor vehicles and recreational vehicles. If covers are used, they must be soundly secured to the motor vehicle and recreational vehicle, kept in a state of good repair, and fit tightly over the motor vehicle and recreational vehicle not significantly increasing the dimension thereof; and

- (e) When a motor vehicle or recreational vehicle is parked or stored outdoors, no other material, debris, or household items shall be placed on, under, or against it. Only gear directly related to the use of the motor vehicle or recreational vehicle may be stored in the motor vehicle or recreational vehicle, provided that it is not visible.

Subd. 8. Prohibited vehicles. The following shall not be parked or stored in residential-use districts:

- (a) Farm tractors and equipment;
- (b) Oversized military vehicles, including but not limited to, half-tracks, troop transports, and tankers;
- (c) Semi tractors or trailers; or
- (d) Any vehicle, not defined as a recreational vehicle, with a gross weight of greater than 12,000 pounds.

Subd. 9. Commercial vehicles parked in a residential-use district. For each dwelling unit, of-street parking of not more than one licensed and operable commercial motor vehicle is permitted. Any such vehicle must be operated by a resident of that dwelling unit. If not a pick-up, minivan, or full-size van of any size, the vehicle shall not exceed 12,000 pounds gross vehicle weight, 22 feet in length, eight feet in width, and eight feet in height. Such parking is only permitted in a garage or on a hard surface driveway or lawful auxiliary space in accordance with the requirements of the Crystal city code, chapter V.

Subd. 10. Motor vehicles displayed for sale. All motor vehicles which are displayed for sale in residential-use districts shall comply with all of the following:

- (a) No more than one motor vehicle may be displayed for sale at any given time on a lot;
- (b) The motor vehicle is parked on a hard surface;
- (c) The motor vehicle is in such condition that it is fully operable and can immediately be driven on a public roadway in a lawful manner;
- (d) The motor vehicle must have a current valid registration including having clearly visible current license plate tabs; and
- (e) The address listed on the registration is the same as the property where the motor vehicle is parked and displayed for sale.

1325.17. Waivers.

Subd. 1. Granting. The city manager may issue a written waiver to the requirements of this section with regard to the parking of a motor vehicle or recreational vehicle and equipment on private property upon a written request of the property owner. The city manager may only issue a waiver if the city manager finds that all of the following criteria are satisfied:

- (a) The property owner owns the vehicle to be parked on the property;
- (b) The storage of the vehicle will, despite the issuance of a waiver, substantially comply with the requirements of this section; and
- (c) Granting the waiver will not be contrary to the purposes of this section and will not negatively affect other owners or the public.

Subd. 2. Conditions and termination. The city manager may place conditions on the waivers the city manager issues and may revoke the permit if any of the conditions are violated. In no case shall a waiver allow for the parking or storage of an RVE in a boulevard or public right-of-way. A waiver shall terminate upon the property owner no longer occupies the property, sells the property, or sells the vehicle for which the waiver was issued.

1325.19. Unauthorized use. Recreational vehicles may not be used for living or housekeeping purposes while parked or stored on residential-use lot.

1325.21. Authorized parking and storage. Recreational vehicles may be parked or stored within a private garage at any time.

Section 1330 - Snowmobile regulation

1330.01. State laws and regulations adopted by reference.

Subd. 1. Snowmobile law. Minnesota Statutes, sections 84.81 through 84.915 are hereby adopted by reference and are incorporated into this Crystal city code as if fully set forth herein.

Subd. 2. Department of natural resources rules. Minnesota Rules, chapter 6100 is hereby adopted by reference and are incorporated into this Crystal city code as if fully set forth herein.

1330.03. Additional regulations.

Subd. 1. Purpose. In accordance with the authority granted by Minnesota Statutes, section 84.87, the city enacts the additional regulations contained in this subsection.

Subd. 2. Operation prohibited. It is unlawful to operate a snowmobile:

- (a) On a public sidewalk or walkway provided or used for pedestrian travel;
- (b) On private property of another without lawful authority or written consent of the owner or occupant; or
- (c) On any publicly owned lands and frozen waters, including but not limited to public streets, school grounds, park property, playgrounds, recreation areas and golf courses, except areas previously listed or authorized for such use by the proper public authority. Authorized areas in the city owned by the city may be designated by council resolution.

Subd. 3. Towing. It is unlawful to tow any person or thing by snowmobile except by use of a rigid tow bar attached to the rear of the snowmobile.

Subd. 4. Speed. It is unlawful to operate a snowmobile in violation of the speed limits prescribed in Minnesota Rules, part 6100.5200.

Subd. 5. Noise. It is unlawful to operate a snowmobile in a manner so as to create a loud, unnecessary or unusual noise which disturbs, annoys, or interferes with the peace and quiet of other persons.

Subd. 6. Hours. Snowmobile operation is prohibited between the hours of 9:30 p.m. to 8:00 a.m.

Subd. 7. Dead-man throttle. It is unlawful to operate a snowmobile without a safety or so-called “dead-man” throttle in operating condition, so that when pressure is removed from the accelerator or throttle, the motor is disengaged from the driving track.

Subd. 8. Leaving snowmobiles unattended. A person leaving a snowmobile in a public place must lock the ignition, remove the key and take the key away from the snowmobile.



## Section 1335 - Motorcycles and motor bikes

1335.01. Operator's license. A person owning, leasing or having the care or custody of a motorcycle may not allow an unlicensed driver to operate the same except on private property. It is unlawful to misstate one's age or driver's qualifications or to use a false driver's license to obtain the rental or use of a motorcycle or motor vehicle.

1335.03. Erratic operation prohibited.

Subd. 1. Rules of road. The driver of a motorcycle must comply with the driving rules outlined in Minnesota Statutes, section 169.974, subdivision 5 and all other applicable laws or rules.

Subd. 2. Acrobatics. Stunts, drills, acrobatics, "bump tag," "chicken," racing, games, contests of any type or variety are prohibited on the city streets, or upon private property except upon application and receipt of an amusement license from the city.

Subd. 3. Riding abreast. Only one motorcycle or motor vehicle may occupy a single traffic lane at one time, except that two motorcycles may, with the consent of both drivers, be operated not more than two abreast in a single lane of traffic. Three or more motorcycles are forbidden to ride abreast in the same traffic lane.

Subd. 4. Private property. A motorcycle may not be driven across private property without permission of the owner or occupant thereof except upon private parking lots where off-street parking is furnished for their customers or guests and such motorcycle is to be parked therein.

Subd. 5. Public property. A motorcycle may not be operated on a public sidewalk, or upon any public trails where motor vehicles are prohibited.

Subd. 6. Horns. Horns on motor vehicles must be used for traffic purposes only and not to call attention to the operator, a passenger, or for other purposes.

1335.05. Safety of driver.

Subd. 1. Controls. Each prospective driver of a motorcycle must familiarize himself with controls, pedals, gears, hand and foot brakes necessary to operate or stop the motorcycle prior to operating the same.

Subd. 2. Care. Care must be exercised by the driver in turning on sand, icy, or wet streets knowing that two wheels provide less stability and traction than four.

Subd. 3. Brakes. A driver must apply rear brakes first before applying front wheel brakes on a motorcycle, if so equipped.

1335.07. Safety of passenger.

Subd. 1. Seat required. Passengers may not be carried on a motorcycle except upon the seat and only where the passenger is able to reach the footrests or floorboards with both feet.

Subd. 2. Security. When a passenger is aboard a motorcycle the driver thereof must be certain that the passenger has a firm grip on the motorcycle or driver before moving same.

Subd. 3. Unseating passenger. When a passenger is aboard a motorcycle the driver thereof must avoid sharp turns or radical movement or quick stopping of the motorcycle to avoid unseating the passenger.

Subd. 4. Exhaust manifold. The operator must show the prospective passenger the location of the exhaust manifold and may not permit any passenger to ride on his motorcycle where a leg comes in contact with the exhaust manifold.

Section 1340 - Skateboards

1340.01. Definition. For the purposes of this section, “skateboard” means a footboard or similar object mounted on wheels and designed or intended to propel a rider by human power or force of gravity, but without mechanical assistance. The term does not include a wheelchair operated by a person with a disability, or a scooter with an upright steering handle.

1340.03. Skateboard regulations. It is a violation of this Crystal city code to operate a skateboard in any manner prohibited by this subsection.

Subd. 1. Streets. It is unlawful to operate a skateboard upon the shoulder of main-travelled portion of a state or county road within the city.

Subd. 2. Safe operation. It is unlawful to operate a skateboard carelessly or heedlessly in disregard of the rights of others, or in a manner that endangers or is likely to endanger persons, property, or the operator of the skateboard.

Subd. 3. Traffic. It is unlawful to operate a skateboard in a place where the surface or traffic conditions render the place unsafe for skateboarding.

Subd. 4. Private property. It is unlawful to operate a skateboard on private property without the prior express permission of the owner of the property.

Subd. 5. Right-of-way. An operator of a skateboard must yield the right-of- way to any other type of vehicle or a pedestrian while the operator is entering or travelling upon a street, alley, sidewalk or bicycle path.

Subd. 6. Parks. The operation and use of skateboards in public parks in the city is subject to rules and regulations promulgated by the city manager under Crystal city code, subsection 815.07.

1340.05. Penalties. A person who violates this section is guilty of a petty misdemeanor and may be fined up to \$50.

Section 1345 – Mobile food units

1345.01. Definition. For the purposes of this section, “mobile food unit” means a self-contained food service operation, located in a motorized wheeled or towed vehicle that is readily movable without disassembly and that is used to store, prepare, display, or serve food intended for individual portion service. The term includes a mobile food unit as defined in Minnesota Statutes, section 157.15, subdivision 9.

1345.03. Locations. A mobile food unit may only be operated in the following locations and subject to the following restrictions:

- (a) In a private commercial or industrial parking lot with the written permission of the property owner;
- (b) On private residential property with the written permission of the property owner and only for catering purposes associated with an event (such as a private graduation party or wedding) occurring on the property. Sales to the general public are not allowed;
- (c) On a city parking lot or public park with a mobile food unit permit from the city; or
- (d) On a city street that is closed to public travel for a special event in accordance with Crystal city code, section 805 and with a mobile food unit permit from the city.

1345.05. Permit. A mobile food unit permit required by this section shall be obtained from the city prior to the operation of the mobile food unit. The applicant shall submit a complete application and pay the permit fee established by the city. The permit shall indicate when it expires and may contain specific restrictions and requirements the applicant must comply with in operating mobile food unit.

1345.07. Performance standards. The operation of a mobile food unit shall comply with all of the following standards and requirements:

- (a) A mobile food unit operating as part of an event on private property or a special event on public property permitted by the city shall be removed from the property within 30 minutes from the conclusion of the event. If the mobile food unit is within a street, it shall be removed prior to the street being reopened to public travel;
- (b) No mobile food unit shall operate between 9:00 p.m. and 7:00 a.m. if located within 200 feet of a residential building. In all other locations, no mobile food unit shall operate between 11:00 p.m. and 6:00 a.m. The mobile food unit permit may establish specific hours of operation for a mobile food unit. The owner of the property on which a mobile food unit is being operated may impose more restrictive hours than is otherwise allowed under this Crystal city code;
- (c) A mobile food unit shall dispose of its gray water daily. Gray water may not be drained into a city storm water drain or a city sanitary sewer manhole;
- (d) A mobile food unit shall not exceed a bumper to bumper length of 30 feet;

- (e) A mobile food unit shall provide an independent power supply;
- (f) Propane tanks shall be attached or secured to the mobile food unit and shall be adequately ventilated; and
- (g) The owner or operator of a mobile food unit shall comply with all applicable federal, state, and local laws, rules, regulations, and ordinances, and obtain all licenses, permits, and permission that may be required.

<b>Amended subsection</b>	<b>Amending ordinance</b>
Chapter XIII (Deleted all and replaced)	2018-07, Sec. 1
1310.07, subd. 1	99-11, Sec 1; 2002-13, Sec. 1
1310.07, subd. 2	95-8, Sec 1; 2002-13, Sec. 1
1310.07, subd. 3	99-11, Sec. 2; 2002-13, Sec. 1
1310.09	99-11, Sec. 3
1315	97-11, Sec. 4
1330	2006-9, Sec. 2
1345.05	2021-1, Sec. 6
1345.07	2021-1, Sec. 7
<b>Repealed subsection</b>	<b>Repealing ordinance</b>
1330	2006-9, Sec. 1

## CHAPTER XX

## MISDEMEANORS

Section 2000 - General provisions; prohibited conduct

2000.01. Conduct prohibited. It is unlawful to engage in an act or in the behavior prohibited by this chapter. Violation of a provision of this chapter is a misdemeanor and may be punished as provided in Crystal city code, section 115.

2000.03. Disorderly conduct. The following acts are disorderly conduct:

- (a) Lurking, lying in wait, or concealment in a building, yard or street in the city with intent to commit a crime therein;
- (b) Willfully disturbing a meeting not unlawful in its character, or the peace and quiet of a family or neighborhood;
- (c) Willfully and lewdly exposing one's person or one's private parts, or procuring another to so expose oneself, open and gross lewdness or lascivious behavior, or an act of public indecency;
- (d) Using profane, vulgar or indecent language in or about a public building, store, place of public entertainment, or place of business, public parks, or on streets, alleys or sidewalks of the city so as to be audible and offensive;
- (e) Appearing upon a public street or other public place in an intoxicated condition or drinking intoxicating liquor on a street, except when closed for a special event, or a vehicle on a public street;
- (f) Unlawfully striking or in an unlawful manner offering to or doing bodily harm to another person or unlawfully making an attempt to apply any degree of force or violence to the person of another, or in a violent, rude, angry or insolent manner touch or lay hands upon the person of another; or
- (g) Willfully making a false report to a police officer in the performance of the officer's duties.

2000.05. Resisting a public officer. It is unlawful to willfully resist, delay, or obstruct a public officer in discharging or attempting to discharge the officer's duty.

2000.07. False statements. It is unlawful to make a false statement in an application for a permit or license from the city.

2000.09. Swimming in Twin Lakes. It is unlawful to swim or bathe in Twin Lakes or in a creek or pond within the limits of the city between the hours of 10:00 p.m. and 6:00 a.m.

2000.11. Loitering.

Subd. 1. Prohibited. It is unlawful to loiter, loaf, wander, stand or remain idle either alone or in consort with others in a public place in such manner as to:

- (a) Obstruct any public street, public highway, public sidewalk or any other public place or any building generally open to public patronage, by hindering or impeding or tending to hinder or impede the free and uninterrupted passage of vehicles, traffic or pedestrians; or
- (b) Commit in or upon any public street, public highway, public sidewalk or any other public place or any building generally open to public patronage, any act or thing which is an obstruction or interference to the free and uninterrupted use of property or with any business lawfully conducted by any one in or upon or facing or fronting on any such public street, public sidewalk or any other public place or building, all of which prevents the free and uninterrupted ingress, egress, and regress therein, thereon and thereto.

Subd. 2. Police order. If a person causes or commits a condition enumerated in subdivision 1 of this subsection, a police officer or any law enforcement officer may order that person to stop causing or committing such conditions and to move on or disperse. A person who fails or refuses to obey such orders is guilty of a violation of this subsection.

2000.13. Fire alarm system and false alarms. It is unlawful to tamper with or in any way interfere with any element of any fire alarm system within the city. It is unlawful to give, or cause to be given, any alarm of fire or other emergency condition when no fire or emergency condition exists.

2000.15. Obstruction of fire hydrants. It is unlawful to park a vehicle in such a way as to obstruct a fire hydrant. The stopping or parking of a vehicle within ten feet of a fire hydrant is an obstruction of the hydrant and a violation of this subsection.

2000.17. Liquor and beer in parks. It is unlawful to bring into, possess, barter, give away, or consume any intoxicating liquor or non-intoxicating malt beverages in any public park or any vehicle parking area immediately adjoining such park, except to the extent expressly allowed by this Crystal city code.

2000.19. Liquor and beer in public places. It is unlawful to consume, barter, or give intoxicating beverages or malt beverages in or upon a public street, avenue, boulevard, alley, public way or parking lot open to the public, whether in a vehicle or not, in the city, except during a special event authorized by the city and then only in compliance with the permit issued for the special event and the applicable provisions of this Crystal city code.



2000.21. Trespass; notice.

Subd. 1. Remaining on property. On premises privately owned but open to the use of the general public, it is unlawful to remain on the premises after having been requested to leave by the owner of the premises, an authorized representative of the owner, or any other person or entity entitled to possession of the premises.

Subd. 2. Two year rule. On any property privately owned but open to the use of the general public, it is unlawful to return to the property after receipt of a written notice of trespass from the owner, an authorized representative of the owner, or any person or entity entitled to possession of the property, or law enforcement official, which notice prohibits the person from returning to the property. This prohibition is effective for two years from the date the written notice was served.

Subd. 3. Notice. The written notice under subdivision 2 of this subsection must be personally served upon the party prohibited from entering the property. An affidavit of service must be executed at the time of service. A prosecution may not be maintained under subdivision 2 of this subsection unless the property owner or other complaining party can produce a copy of the notice of trespass and a signed affidavit of its service.

2000.23. Interference with inspection. It is unlawful to intentionally prevent, delay or interfere with any city inspector while said inspector is engaged in the performance of any duties imposed by this Crystal city code.

Section 2005 - Nuisances2005.01. Nuisances.

Subd. 1. Acts constituting. The following acts are declared a public nuisance and are unlawful:

- (a) Engaging in a business or activity that is dangerous, hurtful, unwholesome, offensive or unhealthy to the neighborhood, or that constitutes an annoyance to the persons in the neighborhood, or is detrimental to the property in the neighborhood;
- (b) Permitting, suffering or maintaining, or failing to remove offensive, nauseous, hurtful, dangerous, unhealthy conditions resulting from a failure to properly dispose of garbage, sewage, waste, debris or any other unwholesome or offensive substance, liquid or thing, upon one's premises, or to drop, discharge, pass, deposit or otherwise deliver the same upon the premises of another or public property;
- (c) Constructing, maintaining, permitting or allowing upon one's property any billboard, sign, poster, or advertisement, or to post, publish, promulgate, broadcast, display, issue or circulate insulting, profane or abusive emblem, sign, device, or blasphemous written or printed statement, calculated or such as is likely to cause a breach of the peace; or
- (d) Displaying, circulating, issuing or publishing slanderous or obscene, immoral, or lewd pictures, posters, literature, writings, drawings or oral statements.

Nothing in this subsection is intended to prohibit speech or expressions protected by the United State Constitution or the Constitution of the State of Minnesota.

Subd. 2. Abatement.

- (a) Procedure. Whenever a designated city official determines that a public nuisance is being maintained or exists on a property in the city, the official shall notify in writing the owner of record or occupant of the property of such fact and order that the nuisance be terminated or abated within a reasonable time period. The notice of violation shall specify the steps to be taken to abate the nuisance and the time within which the nuisance is to be abated. If the notice of violation is not complied with within the time specified, the official shall report that fact forthwith to the city council. Thereafter, the city council may, after notice to the owner 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 nuisance be abated by the city.

- (b) Notice. Written notice of the violation; notice of the time, date, place, and subject of any hearing before the city council; and notice of the city council order shall be served by a peace officer or designated official on the owner of record or occupant of the property either in person or by certified or registered mail. If the property is not occupied, the owner of record is unknown, or if the owner of record or occupant refuses to accept notice, notice of the violation shall be served by posting it on the property.
- (c) Emergency procedure; summary enforcement. In cases of emergency, where delay in abatement required to complete the procedure and notice requirements as set forth in paragraphs (a) and (b) of this subdivision will permit a continuing nuisance to unreasonably endanger public health, safety, or welfare, the city council may order summary enforcement and abatement of the nuisance. To proceed with summary enforcement, the designated official shall determine that a public nuisance exists or is being maintained on property in the city and that delay in abatement will unreasonably endanger public health, safety, or welfare. The designated official shall notify in writing the occupant or owner of the property of the nature of the nuisance, and that public health, safety, or welfare will be unreasonably endangered by a delay in abatement required to complete the procedure set forth in paragraph (a) of this subsection and may order that the nuisance be immediately terminated or abated. If the nuisance is not immediately terminated or abated, the city council may order summary enforcement and abatement of the nuisance.
- (d) Immediate abatement. Nothing in this subsection shall prevent the city, without notice or other process, from immediately abating any condition that poses an imminent and serious hazard to human life or safety.
- (e) Judicial remedy. Nothing in this subsection shall prevent the city from seeking a judicial remedy in lieu of an administrative remedy.
- (f) Personal liability. The owner of the property on which a nuisance has been abated by the city, or a person who has caused a public nuisance on the property not owned by that person, shall be personally liable for the cost to the city of the abatement, including administrative costs. As soon as the work has been completed and the cost determined, the city clerk or other city official shall prepare a bill for the cost and mail it to the owner. The amount billed shall be immediately due and payable at the office of the city clerk.
- (g) Assessment. After notice and hearing as provided in Minnesota Statutes, section 429.061, if the nuisance is a public health or safety hazard on private property, the city clerk shall, on or before September 1 next following abatement of the nuisance, list the total unpaid charges along with all other such charges as well as other charges for current services to be assessed under Minnesota Statutes, section 429.101 against each separate lot or parcel to which the charges are attributable. The city council may then spread the charges against the property under that statute and any other pertinent statutes for certification to the county auditor and collection along with current taxes the following year or in annual installments, not exceeding ten, as the city council may determine in each case.

Subd. 3. Penalty. Violation of this subsection is a misdemeanor. The imposition of one penalty for any violation of this subsection does not excuse the violation, or permit it to continue. Each day that prohibited conditions are maintained constitutes a separate offense.

2005.03. Noise in residential areas. It is unlawful to congregate because of or participate in a party or gathering of people from which noise emanates of a sufficient volume so as to disturb the peace, quiet or repose of persons residing in any residential area. It is unlawful to visit or remain within any residential dwelling unit wherein such party or gathering is taking place except for persons who have gone there for the sole purpose of abating the disturbance.

Section 2010 - Conduct in or around school buildings

2010.01. Defacement of school property. It is unlawful to mark with ink, paint, chalk, or other substance, or post hand bills on, or in any other manner deface or injure any public or private school building or structures used or usable for school purposes within the city, or mark, deface or injure fences, trees, lawns or fixtures appurtenant to or located on the site of such buildings, or post hand bills on such fences, trees or fixtures or place a sign anywhere on any such site.

2010.03. Improper conduct while school in session. It is unlawful to, in any school room or in any building or on the grounds adjacent to the same, willfully or maliciously disturb or interrupt the peace and good order of the school while in session. A person not in immediate attendance in the school and being in such building or upon the premises belonging thereto who conducts or behaves improperly, or who upon the request of a teacher of such school or the person in charge thereof to leave said building or premises, neglects or refuses so to do, is in violation of this section. It is unlawful to loiter on school grounds or in school buildings or structures.

Section 2015 - Nuisances; shade tree disease control

2015.01. Purpose. The city council has determined that the health of the shade trees within the city limits is threatened by shade tree diseases. It has further determined that the loss of shade trees growing upon public and private property would substantially depreciate the value of property within the city and impair the safety, good order, general welfare and convenience of the public. In addition to and in accordance with Minnesota Statutes, sections 89.51 through 89.64, the provisions of this section are adopted as an effort to control and prevent the spread of these shade tree pests.

2015.03. Definitions. For the purposes of this section, the terms defined in this subsection have the meaning given them.

Subd. 1. Shade tree. “Shade tree” means a woody perennial grown primarily for aesthetic or environmental purposes situated in the city. The term includes any part of the tree and firewood made from a tree.

Subd. 2. Shade tree disease. “Shade tree disease” means any vertebrate or invertebrate animal, plant pathogen, or plant that is determined by the commissioner to be harmful, injurious, or destructive to shade trees or community forests. The term includes, but is not limited to, Dutch elm disease caused by ceratocystis ulmi, oak wilt disease caused by ceratocystis fagaceorum, the emerald ash borer, elm bark beetles scolytus multistriatus (eichh.), and hyluigopinus rufipes (marsh).

Subd. 3. Commissioner. “Commissioner” means the commissioner of the Minnesota department of agriculture.

Subd. 4. Tree inspector. “Tree inspector” or “inspector” means a person having the necessary qualifications to conduct a shade tree program and who is so certified by the commissioner.

Subd. 5. Disease control area. “Disease control area” means the city of Crystal.

Subd. 6. Shade tree control program; program. “Shade tree control program” or “program” means a program developed by the city to combat shade tree disease in accordance with rules promulgated by the commissioner.

2015.05. Tree inspector.

Subd. 1. Position created. The powers and duties of the city tree inspector as set forth in this section are hereby conferred upon the city manager. The manager may designate a member of the administrative staff to perform the duties of tree inspector.

Subd. 2. Duties of tree inspector. It is the duty of the tree inspector to coordinate, under the direction and control of the council, all activities of the city relating to the control and prevention of shade tree disease. The inspector must recommend to the council the details of a program for the control of shade tree disease, and perform the duties incident to such a program adopted by the council.

2015.07. Shade tree disease program. It is the intention of the city council to conduct a program of shade tree control. This program is directed specifically at the control and elimination of shade tree diseases and is undertaken at the recommendation of the commissioner, and in conformance with rules promulgated by the commissioner. The city tree inspector acts as coordinator between the commissioner and the city council in the conduct of this program.

2015.09. Shade tree diseases.

Subd. 1. Nuisances declared. The following things are public nuisances whenever they may be found within the city:

- (a) Any living or standing shade tree or part thereof infected to any degree with a shade tree disease; or
- (b) Any dead shade tree or part thereof, including legs, branches, stumps, firewood or other material from the shade tree infected with a shade tree disease.

Subd. 2. Violation. It is unlawful for any person to permit any public nuisance as defined in subdivision 1 to remain on premises owned or controlled by that person within the city. The city may abate any such nuisance as provided in this section.

2015.11. Inspection and investigation.

Subd. 1. Annual inspection. The tree inspector may inspect all premises and places within the city as often as practicable to determine whether any nuisance condition described in Crystal city code, subsection 2015.09 exists thereon.

Subd. 2. Entry on private premises. The tree inspector may enter upon private property at any reasonable time for the purpose of carrying out any of the duties of the tree inspector under this section. Such inspections shall be preceded by two days' written notice to the property owner, unless the property owner or occupant waives such notice in writing or gives the tree inspector verbal permission to enter the property.

Subd. 3. Diagnosis. The tree inspector must, upon finding conditions indicating shade tree disease, immediately send appropriate specimens or samples to the commissioner for analysis, or take such other steps for diagnosis as may be provided by the commissioner by rule. Except as provided in Crystal city code, subsection 2015.13, no action to remove a shade trees must be taken until a positive diagnosis of a shade tree disease has been made.

2015.13. Abatement of shade tree disease nuisances. In abating the nuisances defined in this section, the tree inspector must cause the infected shade tree to be sprayed, removed, burned, or otherwise effectively treated so as to destroy and prevent as fully as possible the spread of the shade tree disease. Such abatement procedures must be carried out in accordance with current technical and expert opinions and procedures as may be established by the commissioner.

2015.15. Procedure for abating a shade tree nuisance.

Subd. 1. Abatement. Whenever the tree inspector finds with reasonable certainty that a shade tree located in any public or private place in the city is infected with a shade tree disease the tree inspector shall make a written report with findings and may abate the nuisance by following the procedures in Crystal city code, subsection 2005.01, subdivision 2.

Subd. 2. Immediate abatement. If the tree inspector determines there is an imminent risk that a shade tree disease discovered on a property will infect other shade trees on or off of the property, the tree inspector may provide for the expedited abatement of the nuisance. In such cases, the tree inspector shall provide the property owner or occupant written notice by mail or direct delivery of the discovered shade tree disease, the date by which the nuisance must be abated, and the required method of abatement. The notice shall indicate that if the nuisance is not fully abated by the date indicated in the notice, which shall not be less than five days from the date of mailing or delivery, the city will abate the nuisance and assess the costs against the property. If the owner fails to abate the nuisance as directed, the tree inspector shall abate the nuisance without further city council approval and the costs shall be assessed as provided in subdivision 4 of this subsection.

Subd. 3. Method of abatement. In abating the nuisances, the tree inspector must cause the infected shade tree to be sprayed, removed, burned, or otherwise effectively treated so as to destroy and prevent as fully as possible the spread of the shade tree disease. Such abatement procedures must be carried out in accordance with current technical and expert opinions and procedures as may be established by the commissioner.

Subd. 4. Records; assessment. The tree inspector must keep a record of the costs of abatements ordered under this subsection and report monthly to the city clerk work done for which assessments are to be made stating and certifying the description of the land, lots, parcels involved and the amount chargeable to each. The city may assess the property for said costs pursuant to Crystal city code, subsection 2005.01, subdivision 2(g).



2015.17. Transporting diseased wood prohibited. It is unlawful to transport within the city any shade tree wood the person knows, or reasonably should know, is infected with a shade tree disease without first having obtained a permit from the tree inspector. The tree inspector will grant such permits only when the purposes of this section will be served thereby.

Section 2020 – Graffiti

2020.01. Declaration of nuisance. To prevent the spread of graffiti vandalism, address the impacts of graffiti on the owners of private and public property, and avoid the lasting negative effects of graffiti on the affected properties and the community, the city council hereby declares graffiti a public nuisance and provides a program for its removal.

2020.03. Definitions. For the purposes of this section, the terms defined in this subsection have the meanings given them.

Subd. 1. Graffiti. “Graffiti” means any unauthorized inscription, word, figure, painting, symbol, or other defacement that is written, marked, etched, scratched, sprayed, drawn, painted, or engraved on or otherwise affixed to any surface of public or private property by any graffiti implement, to the extent that the graffiti was not authorized in advance by the owner or occupant of the property, or, despite advance authorization, is otherwise deemed a public nuisance by the city council.

Subd. 2. Graffiti implement. “Graffiti implement” means an aerosol paint container, a broad-tipped marker, paint stick or graffiti stick, etching equipment, brush or any other device capable of scarring or leaving a visible mark on any natural or human-made surface.

Subd. 3. Person. “Person” means any individual, partnership, cooperative association, private corporation, personal representative, receiver, trustee, assignee, or any other legal entity.

2020.05. Prohibited Acts.

Subd. 1. Defacement. It is unlawful for any person to apply graffiti to any natural or human-made surface on any publicly owned property or, without the permission of the owner or occupant, on any privately owned property.

Subd. 2. Possession of graffiti implements. Unless otherwise authorized by the owner or occupant, it is unlawful for any person to possess any graffiti implement while:

- (a) Within 200 feet of any graffiti located in or on a public facility, park, playground, swimming pool, recreational facility, bridge, or other public building or structure owned or operated by a governmental agency;
- (b) Within 200 feet of any graffiti located in any public place or on private property, between the hours of 10:00 p.m. and 5:00 a.m.; or
- (c) In such other place with intent to affix graffiti to any surface.

Subd. 3. Minors at or near school facilities. It is unlawful for any person under the age of 18 years to possess any graffiti implement while on any school property, grounds, facilities, buildings, or structures, or in areas immediately adjacent to those specific locations upon public property, or upon private property without the prior written consent of the owner or occupant of such private property. It is an affirmative defense and the provisions of this subsection do not apply to the possession of a graffiti implement by a minor attending or traveling to or from a school at which the minor is enrolled if the minor can reasonably establish that such implement is used as part of a class the minor is enrolled in at the school.

2020.07. Removal.

Subd. 1. By perpetrator. The city may require any person applying graffiti on public or private property to either remove or pay for all costs for removal of the graffiti within 24 hours after notice by the city. The removal must be performed in a manner prescribed by the city, with materials and colors compatible with existing surfaces, and to a comparable or improved condition before the graffiti application as determined by the city. Where graffiti is applied by a person under 18 years old, the parents or legal guardian will also be responsible for such removal or for payment for the costs of removal. Failure of any person to remove graffiti or pay for the removal will constitute an additional violation of this section.

Subd. 2. By property owner or city. In lieu of the procedure set forth in subdivision 1, the city may order that the graffiti be removed by the property owner or any person who may be in possession or who has the right to possess such property, pursuant to the nuisance abatement procedure herein. Graffiti removal and corrections must be performed with materials and colors compatible with existing surfaces as determined by the city. If the property owner or responsible party fails to remove the graffiti in compliance with the provisions of this section and within the time specified by the city, the city may commence abatement and cost recovery proceedings for the graffiti removal in accordance with this section.

Subd. 3. Right of entry on private property. Prior to entering upon private property or property owned by a public entity other than the city for the purpose of graffiti removal, the city must attempt to secure the consent of the property owner or responsible party and a release of the city from liability for property damage or personal injury. If the responsible party fails to remove the graffiti in compliance with the provisions of this section and within the time specified by this section, or if the city has requested consent to remove or paint over the graffiti and the property owner or responsible party has refused consent for entry on terms acceptable to the city and consistent with the terms of this section, the city will commence abatement and cost recovery proceedings for the graffiti removal according to the provisions specified in Crystal, city code subsection 2020.09.

Subd. 4. General duty. It is the duty of both the owner of the property to which the graffiti has been applied and any person who may be in possession or who has the right to possess such property to at all times keep the property clear of graffiti. If a property is subject to three or more occurrences of graffiti within a year, application of anti-graffiti material of a type and nature that is acceptable to the city may be required for each of the publicly viewable surfaces after notification by the city, or imposed during improvements or construction activities to the site as determined by the city.

2020.09. Abatement procedure. If the owner, occupant, or other responsible party does not comply with the city's removal requirements, the city may abate the public nuisance pursuant to the procedure contained in Crystal city code, subsection 2005.01, subdivision 2.

2020.11. Abatement of graffiti in specific cases.

Subd. 1. Immediate abatement; utility facilities. The city manager, or its designee, may without notice summarily abate any graffiti on any utility poles and cabinets including, but not limited to, traffic signs and lights or on any property owned by the city or on any property located in the public right-of-way, but privately owned. The right to summarily abate graffiti on such property shall be a condition of its permission to be in the right-of-way. Reasonable care shall be taken to avoid damage to such property.

Subd. 2. Immediate abatement, abutting right-of-way. The city manager, or its designee, may without notice summarily abate any graffiti located anywhere on exterior walls and fences immediately abutting public streets and right-of-way or public property, or within five feet of such street, right-of-way or public property. The city manager, or its designee, may summarily abate graffiti located on such walls and fences that is beyond five feet of such street, right-of-way or public property provided that the graffiti is visible from the street, right-of-way or public property. The city shall make reasonable attempts to ensure the following:

- (a) That such abatement shall not entirely penetrate the wall of any building nor impair the structural integrity of the structure involved;
- (b) That reasonable efforts are made to avoid damage to the property; and
- (c) That the wall is not in an area of a building that is designed for and used principally as a residence.

In the case of a summary abatement without notice on private property or on private structures or equipment located in the right-of-way, the expense of such abatement and restoration shall be borne by the city.

2020.13. Cost recovery.

Subd. 1. Liability for costs. The owner of property on which a nuisance has been abated by the city, or a person who has caused a public nuisance on property not owned by that person, is personally liable to the city for the cost of the abatement, including administrative costs. As soon as the work has been completed and the cost determined, city staff will prepare a bill for the cost and mail it to the owner or other responsible party. The amount is immediately due and payable to the city.

Subd. 2. Assessment. If the cost, or any portion of it, has not been paid within 30 days after the date of the bill, the council may certify the unpaid cost against the property to which the cost is attributable in accordance with the process set forth in Crystal city code, subsection 2005.01, subdivision 2(g).

2020.15. Penalties.

Subd. 1. Criminal. Any violation of this section is a misdemeanor, punishable in accordance with state law.

Subd. 2. Civil. Any violation of this section shall be subject to civil penalties, in accordance with Crystal city code, section 306, or any other judicial remedy available to the city.

Subd. 3. Minors. In the case of a minor, the parents or legal guardian is jointly and severely liable with the minor for payment of all fines. Failure of the parents or legal guardian to make payment will result in the filing of a lien on the parents' or legal guardian's property that includes the fine and administrative costs.

Subd. 4. Additional penalties. This section is not intended to prohibit a private property owner from seeking additional penalties or remedies.

<b>Amended subsection</b>	<b>Amending ordinance</b>
Chapter XX (Deleted all and replaced)	2018-08
2000.03	2010-08, Sec. 1
2000.07	2010-08, Sec. 3
2005.01	95-17, Sec. 1
2010.03	97-8, Sec. 3
2010.05	97-8, Sec. 2
2025	2016-05

## CHAPTER XXI

## PARKS AND RECREATION

Section 2100 - Recreational areas:  
Rules and regulations

2100.01. Definitions. For the purposes of this section, the terms defined in this subsection have the meanings given them.

Subd. 1. Alcoholic beverages. “Alcoholic beverages” mean any beverage containing more than one-half of one percent alcohol by volume. The term includes ethyl alcohol, distilled, fermented, spirituous, vinous, and malt beverages containing more than 3.2 percent of alcohol by weight and any beer, ale, or other beverage made from malt by fermentation and containing not less than one-half of one percent alcohol by volume.

Subd. 2. Beer. “Beer” means a fermented or malt beverage containing more than one-half of one percent alcohol by volume. The term does not include distilled spirits or wine.

Subd. 3. Commercial use. “Commercial use” means the provision, sale, or rental of any goods, services, devices, activities, or other functions for members, clients, or the public that takes place in a park and is conducted for compensation, monetary gain, or profit. The term is to be interpreted broadly to include commercial activities such as, but not limited to, the sale of food or refreshments, sale of merchandise or products, commercial filming or photography, conducting classes for which there is a charge to participate, and the solicitation of donations.

Subd. 4. Inflatable device. “Inflatable device” means an amusement device that employs a high strength fabric or other material that achieves its strength, shape, and stability by tensioning from internal air pressure. The term includes, but is not limited to, bounce houses, slides, obstacle courses, movie screens, pools, and other devices that need to be inflated for proper use.

Subd. 5. Generator. “Generator” means any equipment that converts mechanical energy into electricity for the operation of electrical devices.

Subd. 6. Parade. “Parade” means any parade, march, or procession in or upon any street, alley, or park in the city. The term does not include any such parade, march or procession occurring entirely on sidewalks.

Subd. 7. Park. “Park” means any public park, playground, sports field, open space, swimming pool, community center, or other area or facility, including any adjacent city parking lots, operated by the city for recreational purposes pursuant to city council designation.

Subd. 8. Race. “Race” means any organized bicycle race, foot race, race walking, wheelchair racing, rollerblading, marathon, jogging event, and similar events.

Subd. 9. Right-of-way. “Right-of-way” has the meaning given it in Crystal city code, subsection 800.01, subdivision 30.

Subd. 10. Special event. “Special event” means any gathering or event that:

- (a) Occurs in a park and is anticipated to have, or has, 50 or more attendees;
- (b) Occurs in a park and is open to the general public;
- (c) Occurs in a park or right-of-way and involves the sale of any alcoholic beverages; or
- (d) Occurs in a right-of-way and either involves the closure or obstruction of the travelled portion of the right-of-way or requires the use of special traffic control measures. The term includes, but is not limited to, any fair, show, carnival, festival, sporting event, concert, parade, race, or school activity meeting at least one of the criteria under this subdivision.

Subd. 11. Social event. “Social event” means a private gathering of friends, family members, club members, business associates, or similar groups for a private social gathering or celebration in a park that utilizes one or more park facilities and that does not qualify as a special event.

Subd. 12. Wine. “Wine” means the product made from the normal alcoholic fermentation of grapes, including still wine, sparkling and carbonated wine, wine made from condensed grapes, wine made from other agricultural products than sound, ripe grapes, imitation wine, compounds sold as wine, vermouth, cider, perry, and sake, in each instance containing not less than one-half of one percent or more than 24 percent alcohol by volume. This term does not include distilled spirits or beer.

#### 2100.03. Parks; rules and regulations.

Subd. 1. Closing hours. The closing hour for parks is 10:00 p.m. and parks shall remain closed until 6:00 a.m. the following day. A person may not remain in a park after the closing hour, except as provided in subdivision 2 of this subsection. This subdivision does not apply to persons who, without delay, are traveling through a park or upon established walks, paths, or drives within a park. The closing hour for activities authorized as part of the city’s recreation program may be modified by the city manager in accordance with this subsection. The city council may by resolution further limit the hours for the conduct of specific activities within one or more parks.

Subd. 2. Extended hours. The closing hour for a park may be extended as provided in this subdivision.

- (a) Park rental permit or special event permit. The city may, as part of a park use permit issued pursuant to Crystal city code, subsection 2100.07, a park rental permit issued pursuant to Crystal city code, subsection 2100.09, or a special event permit issued pursuant to Crystal city code, subsection 2100.11, allow persons attending an activity, a social event or special event to remain in a park after the closing hour. The permit for the particular use, social event or special event shall identify the extended hours.



- (b) City events. A city-sponsored or authorized event occurring within a park may have extended hours as determined and set by the city for the particular event.

Subd. 3. Alcoholic beverages. Except as otherwise permitted by this code, the use, consumption, display, or possession of alcoholic beverages is prohibited in parks. The use, consumption, display, and presence of alcoholic beverages in parks and related park facilities is a matter of special concern to the city as such activity relates to the peace and good order of the city. For that reason, whether to allow the presence or sale of any alcoholic beverages as part of a permit issued under this section is a matter within the sole discretion of the city and its determination to allow or not allow alcoholic beverages is final.

Subd. 4. Motor vehicles. Motorized vehicles or machines of any kind may not drive on or across any park, except as specifically authorized pursuant to this code. Motor vehicles must be parked in spaces designated therefor pursuant to Crystal city code, subsection 1310.05, subdivision 5. Motor vehicles shall not be parked in any park or park parking lot while the park is closed. This subdivision does not apply to motor vehicles that are operated by the city.

Subd. 5. Fires. Fires may not be made or lit in a park except in designated areas, and then only in a permanent fire ring or grill, or a portable stove or grill. Portable stoves or grills shall be located at least 20 feet away from any play area or structure with a roof or sun sail. It is unlawful to leave a fire or grill before it has been completely extinguished, or the coals or ashes have been properly disposed of in a designated hot coal disposal container. Coals and ashes shall not be dumped on the ground.

Subd. 6. Park equipment. It is unlawful to tamper with, damage, or destroy any park equipment including, but not limited to, any building, bridge, table, bench, waste receptacle, fireplace, railing, monument, stake, sign, boundary marker, or other structure, equipment or park property, either real or personal. Temporary signs indicating lawful activities or events in the park may only be posted in a park with the permission of the city manager.

Subd. 7. Animal wildlife. It is unlawful to injure or destroy any bird or animal nest within the limits of any park, nor must any person display or discharge any air gun, sling shot, arrow or other weapon, or throw any stone or other projectile at, any bird or animal within any park, nor in any manner capture, kill or harm in any way any bird or animal therein.

Subd. 8. Public sales. Within any park it is unlawful to offer or display for sale, rent, or hire any article or thing unless the person first obtains a park use permit from the city to undertake such activities in a park and obtains all licenses and permits required by law or this code.

Subd. 9. Sports. Organized or unorganized sport activity and games may be conducted only in designated areas within parks. All other casual recreational activity must be conducted in such a manner as not to interfere with the reasonable enjoyment of the park by other persons or with the reasonable right of adjoining property owners. Golf play in parks is prohibited, but golf practice with light plastic balls is permitted in designated areas in accordance with Crystal city code, section 965. Archery activities are prohibited as provided in Crystal city code, section 970. Angling is permitted in accordance with Crystal city code, section 975.

Subd. 10. Dogs. Except within designated off-leash dog parks, dogs in parks must be effectively leashed by a leash not in excess of six feet in length. Any person bringing a dog to any park must have in their possession suitable utensils for the removal of animal excrement and must promptly and effectively remove and properly dispose of all excrement deposited by dogs under their control.

Subd. 11. Plant life. It is unlawful to willfully and without authority cut, pluck, or otherwise injure any flowers, shrubs, or trees growing in or around any park or on other public grounds.

Subd. 12. Glass containers. It shall be unlawful for any person to take a glass bottle or other glass container into a park or to possess a glass bottle or glass container in a park.

Subd. 13. Inflatable devices. It shall be unlawful to bring in, set up, or operate any inflatable device in a park without a park use permit issued by the city. The use of such inflatable devices shall comply with the terms and conditions of the permit.

Subd. 14. Temporary shade structures. It shall be unlawful to set-up temporary shelters, tents, tarps, canopies, or any other similar items in a park that are larger than 10' x 10' without a park use permit issued by the city. The use of such temporary shade structures shall comply with the terms and conditions of the permit.

Subd. 15. Commercial use. It shall be unlawful to undertake a commercial use in a park without a park use permit issued by the city. The commercial use shall comply with the terms and conditions of the permit. A park use permit is not required for a mobile food unit (food truck), but a mobile food unit permit issued under Crystal city code, section 1345 is required to operate in a park.

Subd. 16. Generators. It shall be unlawful to bring in, set up, or operate a generator in a park without a park use permit issued by the city. Operation of the generator shall comply with the terms and conditions of the permit.

Subd. 17. Litter. It shall be unlawful for any person to throw, leave, deposit, dump, place, or scatter any garbage, litter, debris, or trash in a park. All such materials shall be disposed of in a proper waste receptacle and in such a manner that such material will reasonably be prevented from being blown, scattered, or deposited by the elements outside of the receptacle.

Subd. 18. Sound amplifying devices. No use of a sound amplification system, a musical instrument, or other device that is used for the production or reproduction of sound in a park that exceeds the limitations imposed by Crystal city code, section 625 shall be allowed unless a park use permit specifically allowing the use of such a device is first obtained from the city.

Subd. 19. Other regulations. The city manager is authorized to prepare further regulations for the conduct in parks and related requirements. The use of the parks is also subject to any other provisions of this Crystal city code governing conduct in public places. A violation of any of the regulations developed by the city manager, or of any provision of the Crystal city code, may result in the person being required to leave the park facility, park amenity, or the entire park.

2100.05. Order closing a park. The chief of police may close any park, parkway, beach, or drive for such period of time as deemed necessary in order to protect or restore order, or terminate or prevent breaches of the peace and order of the city. A person having been informed of such an order closing any such area shall not remain in the area longer than is necessary to leave the closed area.

2100.07. Park use permit.

Subd. 1. General rule. No person, group, entity, or organization of any type shall use or engage in any activity in a park that requires a park use permit under this Crystal city code, section 2100 without a park use permit issued by the City in accordance with this subsection. If the use or activity is part of a social event or special event for which a park rental permit or special event permit is obtained, a separate park use permit is not required provided the proposed use or activity is expressly addressed within the issued permit.

Subd. 2. Application. A request for a park use permit shall be made using the city's application form, include all information required in the application, and be submitted to the city's recreation department. The application must be accompanied by the fee set out in Crystal city code, appendix IV for such permit and a damage deposit or other security in form and substance satisfactory to the city. The city may require the applicant to submit proof of insurance or to obtain insurance for the use if necessary.

Subd. 3. Issuance. The city may grant a park use permit if it determines the purposes of this section will not be adversely affected by the proposed use or activity, and that all other requirements related to the issuance of a park use permit have been satisfied. The city may place conditions on the park use permits it issues. The use of the park for the permitted use or activity shall comply with the conditions placed on the permit, the applicable requirements of the code and state law, and must end and be removed from the park by no later than the closing time of the park or such other time as established in the park use permit.

2100.09. Park rental permits.

Subd. 1. General rule. The use of a picnic shelter, building, or the exclusive use of a sports field, stage, or other amenities within a park for a social event or special event shall require a park rental permit issued in accordance with this subsection. If the use of the picnic shelter, building, sport field, or other park amenity is part of a special event for which a special event permit is obtained from the city, a separate park rental permit is not required provided the proposed use of the picnic shelter, building, or park amenity is expressly addressed within the issued special event permit.

Subd. 2. Application. A request for a park rental permit shall be made using the city's application form, include all information required in the application, and be submitted to the city's recreation department. The application must be accompanied by the fee set out in Crystal city code, appendix IV for such permit and a damage deposit or other security in form and substance satisfactory to the city. The city may require the applicant to submit proof of insurance or to obtain insurance for the use if necessary.

Subd. 3. Alcoholic beverages. The sale of any alcoholic beverages at an event issued a park rental permit is prohibited unless a special event permit has also been issued that expressly allows such sales. The city may allow as part of a park rental permit the consumption and display of beer and wine during a permitted event. Beer shall be provided in individual containers, the use of kegs is prohibited. Such consumption and display shall only be allowed during the period indicated in the park rental permit. A park rental permit issued for the community center may allow the sale of alcoholic beverages as part of a catered social event without requiring a special event permit, provided the requirements of Crystal city code, subsection 1200.49 are met.

Subd. 4. Issuance. The city may grant a park rental permit if it determines the purposes of this section will not be adversely affected thereby, the required damage deposit has been provided, and all other requirements related to the issuance of a park rental permit have been satisfied. The city may place conditions on the park rental permits it issues. The use of the park for the permitted event shall comply with the conditions placed on the permit, the applicable requirements of the code and state law, and must end at the time indicated in the park rental permit.

#### 2100.11. Special event permits.

Subd. 1. General rule. Notwithstanding any other provision of this Crystal city code to the contrary, all special events occurring in a city park or a city right-of-way shall be regulated by this subsection.

Subd. 2. Special event permit required; exceptions. No person, group, entity, or organization of any type shall engage in, participate in, aid, form, or start any special event without first obtaining a special event permit from the city for the special event. The city may place conditions on a special event permit including, but not limited to, limiting the duration and the locations in which the special event may occur. The city may also require the sponsor of a special event to obtain a park rental permit if park facilities will be used as part of the special event. The special event may not extend beyond the closing hours for the park in which it is located unless extended hours are authorized as part of the special event permit. No special event permit shall be required for:

- (a) Lawful picketing and protests; or
- (b) City-sanctioned events.

Subd. 3. Application. A person seeking issuance of a special event permit shall file an application with the city on forms provided by the city. The application shall be accompanied by the fee set forth in Crystal city code, appendix IV. Special event permit applications must be filed not less than 30 days, or more than one year, before the date on which the special event is proposed to take place. Failure to file in a timely manner may be grounds for denial of the special event permit.

Subd. 4. Contents of application. The application for a special event permit shall, at a minimum and to the extent applicable, contain the following information:

- (a) A description of the special event and its purpose;

- (b) A description of the activities proposed to occur during the special event;
- (c) The maximum number of persons expected to attend;
- (d) The name, address and telephone numbers, daytime and nighttime, of the person who will be responsible for performance of the duties of the permit holder;
- (e) The date when the special event is to be conducted;
- (f) The details of proposed route requested, the starting point, the termination point, and the desired location of any assembly areas;
- (g) The approximate number of persons who, and animals and vehicles which will, constitute such special event, the type of animals, and description of the vehicles;
- (h) The hours when such desired special event will assemble, start, and terminate;
- (i) A statement as to whether the special event would occupy all or only a portion of the width of a right-of-way proposed to be traversed or the park or recreation area permitted to be used for the special event;
- (j) Any other information required on the application form; and
- (k) Such other information as the city manager may find necessary to evaluate the application.

Subd. 5. Deposit for city expenses. The city manager may require the applicant to deposit with the city the estimated cost of city services to be performed in connection with the special event. The estimated cost shall be as stated in the fee schedule in Crystal city code, appendix IV. In the case of large community events, the city manager may also require that a bond or other security satisfactory to the city be supplied to cover any additional costs the city anticipates it may incur related to the special event. The city may reimburse itself from the deposited funds to pay the costs of the city services and may draw upon the bond or other security as needed to reimburse itself for any additional costs it incurred related to the special event. The city will return any unused portion of the deposit and other security to the permit holder once the special event has concluded and the city's costs have been fully reimbursed.

Subd. 6. Duties of permit holder.

- (a) Compliance. The special event shall be limited to the duration and locations indicated in the special event permit. A permit holder shall comply with all directions and conditions contained in the special event permit and with all applicable laws and ordinances. The permit holder shall carry the special event permit upon his or her person during the period of the special event.

- (b) Cleanup. Subject also to the requirements of this subsection, within the two hour period immediately following the end of the special event, the permit holder or event coordinator shall commence cleanup of the site of the event, remove and dispose of all litter or material of any kind, which is placed or left on the street, park, ballfield, or other public property because of such event and finish such cleanup not later than the final day of the event, weather permitting or as directed by the city manager. Should the permit holder or event coordinator fail to clean up the site, the city may, in addition to any other remedy available to the city under this subsection or at law, draw upon any remaining portion of the deposit and the bond or other security as needed to reimburse the city for all costs related to the cleanup, removal, and disposal of litter, as well as the repair of any damage done to public property, resulting from the special event. The city may bill the permit holder for any costs the city incurred related to the special event that were not reimbursed from the deposit or the security. The permit holder shall be required to pay such bill in full within 30 days of receipt. No future applications from the permit holder or for the same or similar special event will be considered until all obligations are satisfied.
- (c) Required undertakings. The permit holder may be required, at permit holder's expense, and without expense to the city, to undertake any or all of the following:
- (1) Provide traffic-control personnel, as determined by the police chief;
  - (2) Provide volunteers to monitor any required barricades at all intersections not requiring traffic-control personnel, as determined by the police chief; and
  - (3) Provide, install and remove the barricades, signs and delineation equipment as directed by the city engineer or police chief.

Subd. 7. Notice to abutting property owners. The permit holder may be required by the city manager to notify residents of neighborhoods of the pendency of the special event by any reasonable means as directed by the city manager including, but not limited to, the preparation of an informational leaflet. If a leaflet is required, the leaflet shall briefly describe the nature of the special event, identify the name and telephone number of the permit holder, the date and time of the special event, contain a map of the route, if any, or the location of the special event, and describe all restrictions upon traffic and parking on or crossing the special event route or at the special event site.

Subd. 8. Insurance. Upon compliance with all other provisions of this subsection, a special event permit may be granted only after the applicant has secured and filed with the city clerk the insurance provided for in this subdivision. The policy or policies shall provide coverage for injuries or damages to persons or properties arising out of the activities and operations of the special event. All insurance required in this subdivision shall be issued by insurance companies acceptable to the city and admitted in Minnesota. The applicant shall provide proof of general liability insurance coverage in a form and in the amounts acceptable to the city. The city may, based on the nature of the special event, require higher limits and additional insurance coverages. Acceptance of the insurance by the city shall not relieve, limit, or decrease the liability of the applicant or the sponsoring entity. Any policy deductibles or retentions shall be the responsibility of the applicant or the sponsoring entity. The applicant shall control any special or unusual hazards and be responsible for any damages that result from those hazards. The city does not represent that the insurance requirements are sufficient to protect the applicant's interests or provide adequate coverage.

Evidence of coverage is to be provided in the form of a certificate of insurance in the most recent edition of the applicable ACORD forms (or similar insurance service organization forms), as approved by the city manager. The applicant shall notify and identify the city to its insurance carrier(s) and require its insurance carrier(s) to provide the statutory cancellation notice if the policy is cancelled, not renewed or materially changed. The applicant shall require any of its participants using automobiles in a race or in connection with a special event to carry automobile liability insurance meeting the statutory limits of the State of Minnesota in the form of a certificate of insurance in the most recent edition of the applicable ACORD forms (or similar insurance service organization forms), as approved by the city manager. At its option, the city may require that it be listed as an additional named insured on such insurance policy or policies. The applicant shall require any of its subcontractors to comply with these provisions.

Subd. 9. Indemnification. Notwithstanding the insurance requirements of this subsection, the applicant agrees to defend, indemnify, and hold the city, its officers, agents and employees harmless from any liability, claim, damages, costs, judgments, or expenses, including attorney's fees, resulting directly or indirectly from an act or omission including, without limitation, professional errors and omissions of the permittee or event sponsor/promoter, its agents and employees, arising out of or by any reason of the conduct of the activity authorized by such special event permit and against all loss caused in any way be reason of the failure of the permittee or event sponsor/promoter, its agents and employees to fully perform all obligations under this subsection.

Subd. 10. Vendors for special events.

- (a) Sales permitted. The sale of food or any merchandise or services of any type by a vendor may be allowed as a component of a special event issued a special event permit, provided such vendor is approved and authorized in writing by the applicant of the special event and shall be conducted in accordance with such conditions and limitations as shall be imposed in writing by the applicant and submitted as a part of the application for a special event permit.

- (b) Authorization of vendors. The permit holder shall have sole responsibility and authority to allow or disallow sidewalk or street vending as a component of a special event and to designate the location and activities of such vendors, subject to the requirements of this subsection. The permit holder shall not discriminate on the basis of race, gender, nation origin or ethnicity in the authorization of such vendors. It shall be unlawful for any vendor to engage in such business at any location or in any manner not authorized by the permit holder or that is contrary to the special event permit.
- (c) Permit not required. Vendors authorized by the permit holder as a component of the special event shall not be required to obtain any separate vendors permit or transient merchant license under Crystal city code, section 1160 to operate during the period of the special event. All merchandise, food, and alcoholic beverage vendors shall be assessed a registration fee for city costs of enforcement as stated in Crystal city code, appendix IV. A license approved by the city council is required to sell liquor at any special event.
- (d) Unauthorized vending prohibited. It shall be unlawful for any vendor not authorized by the permit holder as provided in this subsection to engage in such business within a distance of 25 yards of such special event from one hour before until one hour after the special event.
- (e) Food sales. The vendor of any food, whether hot or cold, included as a part of a special event shall be subject to all rules and regulations of the Minnesota Department of Health, the Minnesota Department of Agriculture or Hennepin County, as applicable. It shall be the responsibility of the permit holder of a special event to ensure compliance with this subsection by all such vendors.

Subd 11. Alcoholic beverages. The consumption and display of alcoholic beverages during a special event are prohibited unless expressly allowed by the special event permit and is approved by the city council. If approved, the consumption and display of alcoholic beverages may only within the delineated boundaries of the special event as approved by the city. No sale of alcoholic beverages shall occur at a special event unless all licenses and permits required by Crystal city code, chapter XII and state law are obtained, and then only in compliance with all applicable federal, state, and local laws, rules, regulations, and ordinances.

Subd. 12. Trash facilities; glass containers prohibited.

- (a) The permittee shall be required to provide temporary garbage and recycling collection facilities at any special event, and arrange for such facilities and the hauling of trash and recycling to be provided by a waste hauler licensed by the city. The number of collection stations and their locations shall be determined by the city. The permit holder shall be responsible for picking up litter, maintaining a trash free environment, and the payment of tipping fees or other costs associated with disposal of garbage and trash.



- (b) The use of glass containers for individual consumption of beverages within the area of any special event is prohibited.

Subd. 13. Enforcement; suspension or revocation.

- (a) A violation of any provision of this subsection, any other provision of this Crystal city code, or of any applicable state law or county ordinance may be punished as a criminal violation as permitted by law.
- (b) The city manager shall take appropriate action to administratively amend any special event permit condition to protect the public interest, or to immediately suspend or revoke any special event permit where there is a violation of any condition of the permit or for violation of any provision of this subsection.
- (c) The city manager may upon good cause shown further amend the special event permit or reinstate the special event permit where the violation giving rise to the initial revision, suspension, or revocation has been addressed by the permittee to the reasonable satisfaction of the city manager.

Subd. 14. Appeal. The city manager's decision to grant or deny an application for a special event permit may be appealed to the city council by the applicant, or by any resident of the city, in writing filed with the city clerk within ten days of the date of the decision. An applicant may also, within the same period, file an appeal of any condition or restriction placed on a special event permit. The city council will consider the appeal at a regular city council meeting and make a final decision on the special event permit and the conditions placed on it.

<b>Amended subsection</b>	<b>Amending ordinance</b>
2100	2018-03
2100.01	2021-01, Sec. 1
2100.03	2021-01, Sec. 2
2100.07	2021-01, Sec. 3
2100.09	2021-01, Sec. 4
2100.11	2021-01, Sec. 5