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General Provisions

Section 100 - Title; Citation; Statutory References

100.01 Title

This codification of the ordinances of the city of Freeport may be referred to and cited as : "The Freeport city code of 1995."

100.03 Citation; reference; numbering system

For the purposes of internal references in 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)
- Clause Arabic 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 code is to be construed liberally to carry out its intent and purposes.

100.05 Adoption by reference

Statutes of administrative rules or regulations of the state of Minnesota, codes and ordinances adopted by reference in this code are adopted pursuant to authority granted by Minnesota Statutes, section 471.62. At least one copy of any item so adopted , but not less than the number of copies required by law, must be kept in the office of the city clerk-treasurer for use by the public.

100.07 Official statutes; codes; regulations; and ordinances

References in this code to Minnesota Statutes are to Minnesota Statutes 1994, Laws of Minnesota 1993, and Laws of Minnesota 1995, unless otherwise provided in this code. References in this code to rules and regulations of state agencies, codes, and ordinances of other municipalities are to those documents in effect on January 1, 1996, unless otherwise provided.

100.09 Relation to Law

It is the intent of the city council that the provisions of this code are the fullest exercise of the regulatory and other powers granted to it by state law. Where this 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 code prevail over the state law, rule or regulation to the extent permitted by law.

Section 105 - Definition Of Terms; Interpretation; Conflicts

105.01 - Definitions; common terms

Subdivision 1

For purposes of this code, the terms defined in this section have the meanings given them.

Subd.2

"City" means the City of Freeport and all the territory lying within the city's boundaries over which it has jurisdiction.

Subd.3

“Code”, “this code”, or “code of ordinances” means the Freeport city code adopted by ordinance in 1996, as organized, compiled, and codified herein.

Subd.4

“Council” means the city council of the city of Freeport.

Subd.5

“Clerk-Treasurer” means the Freeport city clerk-treasurer.

Subd.6

“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 not limited to, vendees under a contract for deed and mortgagors.

Subd.7

“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.8

A reference to an elected or appointed city officer includes the duly authorized representative of that officer

Subd.9

“Local non-profit/civic organization” means

1. a non-profit corporation located in the city and qualified under Section 501(c)(3) of the Internal Revenue Code,
2. a club as defined in Minnesota Statutes, section 340A.101, subdivision 7, located in the city,
3. the city,
4. the Freeport Volunteer Fire Department Relief Association,
5. independent school district 740, or
6. a volunteer committee organized for the sole purpose of sponsoring or assisting in the conduct of a civic celebration officially recognized by the city.

105.03 - Definitions; statutory

For purposes of this 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 stat-

utes, 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 code have the meanings given them by those sections.

105.07 - Interpretation; conflicts

Subdivision 1 - Common usage

Words and phrases used in this 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 code and govern its interpretation, and that all questions of meaning, construction and interpretation of this 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 code as if fully set forth herein.

Section 1 0 - Legislative Procedure

1 0.01 - Ordinances, enactment

Ordinances are enacted in accordance with the procedures set forth in law. Ordinances are to be integrated into this code in accordance with this section.

1 0.03 - Form of amendments and new ordinances

An ordinance amending this 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 the entire 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.

1 0.05 - Head notes, etc

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

1 0.07 - Integration of ordinances into code

Subdivision 1 - Duties of clerk-treasurer and attorney

The clerk-treasurer and city attorney must recommend to the council as system for integrating ordinances into the code in the most expeditious manner possible. they must

recommend to the council rules consistent with this section for the preparation, editing and format ordinances to be presented to the council.

Subd.2 - Matters omitted

When an ordinance is integrated into this code, the following matters may be omitted:

1. title.
2. enacting clause.
3. section numbers.
4. definition of terms identical to those contained in this code.
5. validation and repealing clauses.
6. validation signatures and dates.
7. punctuation and other matters not an integral part of the text of the ordinance.
8. penalty provisions.

Subd. 3 - Errors

When integrating ordinances into the code. the clerk-treasurer and city attorney may correct manifest grammatical, punctuation, and spelling errors; change reference numbers to conform with sections, subsections, substitute dates for the words "the effective date of this ordinance"; and perform like actions to insure a uniform code of ordinances without, however, altering the meaning of the ordinances enacted. must maintain an up-to-date, indexed record of special ordinances

Subd. 4 - Source notes

When an ordinance is integrated into this 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.

1 0.09 - Ordinance records; special ordinances

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

1 0.1 - Effective date of ordinances An ordinance is effective on the date of its publication or on a later date specified in the ordinance.

Section 1 5 - Penalties

1 5.01 - General rule

A person who violates a provision of this code is guilty of a misdemeanor and upon conviction thereof may be punished by a fine of not more than \$700.00 or such other amount set by law and imprisonment for a term not to exceed 90 days, or both. Each act of violation and each day on which a violation occurs or continues is a separate violation. (See 115.03. - Exceptions)

1 5.03 - Exceptions

Where a provision of this code or a statute adopted by reference herein sets a lesser penalty or a division period constituting a violation than set in subsection 115.01, the code provisions will prevail.

1 5.05 - Applicability

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

1 5.07 - Failure of officers to perform duties

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

1 5.09 - Misdemeanor defined

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

Council Rules and Procedures

Section 200 - Council Rules And Procedures

200.01- Regular and special meetings

Regular meetings of the council are held on Tuesday of each month in the council chambers of the city hall at 7:30 p.m. unless otherwise specified by council resolution. Meetings may be adjourned from time to time to a specified date or subject to the call of the mayor. Meetings of the council must be open to the public. A meeting falling on a legal holiday is held the next following business day.

200.03 - Quorum

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

200.05 - Presiding officer and secretary

The mayor presides at the meetings of the council. The council must choose from its members an acting mayor. The city clerk-treasurer is the secretary of the council.

200.07 - First meeting

At the first regular meeting of the council in each year, the council must designate an official newspaper and depositories for official funds. The 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 Roberts Rules of Order (Newly Revised Edition) except where otherwise provided by law or by this chapter. The 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). The presiding officer may speak on any question being considered, and has the rights, privileges, and duties of any other member of the council.

200.1 - 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 by the mayor, attested by the clerk-treasurer, published after its passage by the council, and recorded by the clerk-treasurer in a property indexed book kept for the purpose.

200.15 - Special meetings

Special meetings of the council may be called by the mayor or by any other two members of the council. The call is made by filing a written statement with the clerk-treasurer containing, as a minimum, the following information:

1. The names and positions of the person or persons calling the meeting.
2. The time and place of the special meeting.
3. A request asking the clerk-treasurer to give the council members proper notice.

The clerk-treasurer must then mail, at least one day before the meeting, notice to all the council members stating the time and place of the meeting. Special meetings will be held without such notice when all members of the council are present in person, or when the absent members have consented in writing to the holding of the meeting. A special meeting attended by all members of the council is to be conducted in the same manner as a regular meeting for the purpose of transacting business.

200.17 - Agenda

An agenda of business to come before the council must be prepared by the clerk-treasurer by the Thursday immediately preceding a regular city council meeting. The clerk-treasurer must furnish each member of the council with a copy of the agenda prior to the council meeting and as far in advance of the meeting as time for preparation will permit. A person desiring to be heard by the council must make the intention known to the clerk-treasurer of the substance of the matter to be presented so that it can be included in the agenda. Matters that have not been placed on the agenda will not be considered by the council unless the council is satisfied that the omission of the item from the printed agenda was inadvertent, or unless the matter is of such urgency that the council, by unanimous vote, suspends the rules for the consideration of the matter.

200.19 - Addressing council

A person addressing the council is limited to five minutes, unless further time is granted by a majority vote of the council. Remarks must be addressed to the council as a body and not to any member thereof. Questions may not be asked of council members, only through the presiding officer.

200.21 - Decorum

A person making personal, impertinent or slanderous remarks, or who becomes boisterous while addressing the council, may be barred from further audience before the council by presiding officer unless permission to continue be granted by a majority vote of the council. Meetings must be conducted in an orderly manner and proper decorum must be maintained throughout the meetings.

Section 205 - Salaries Of Elected Officials

205.01 - Council salaries

Subdivision 1 - Mayor

The salary of the mayor is \$95.00 for each regular council meeting attended.

Subd. 2 - Council members

The salary of each member of the council is \$65.00 for each regular council meeting attended.

Subd. 3 - Payments

The salaries of the mayor and council members are payable annually on or before December 31.

Subd. 4 - Special meetings

The mayor and each council members are to be paid an additional \$50.00 for each special council meeting attended.

Subd. 5 - Other meetings and seminars

The mayor and each council member is to be paid an additional \$50.00 for each council approved meeting (other than a council meeting) and training or informal seminar attended.

205.03 - Workers' compensation

The mayor and council members, elected or appointed to an unexpired term, are covered by the city's workers' compensation insurance.

Section 210 - City Elections

210.01 - General

Elections in the city are conducted in accordance with the general laws of the state of Minnesota.

210.03 - Election dates

General elections are held on the first Tuesday after the first Monday in November in even numbered years. The council may set the date for the special or primary election by resolution.

210.05 - Filing of office

The 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.

Administration of City Government

Section 300 - Disposition Of Unclaimed Property

300.01 - 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. This section has been adopted pursuant to provisions of Minnesota Statutes, section 471.195.

300.03 - Method of disposition

Property that has come into the possession of the city and has remained unclaimed by its owner for a period of six months or more may be disposed of by the city by sale to the highest bidder at public auction or sale. The public auction or sale is conducted under the direction of the city clerk-treasurer, following published notice in the official newspaper at least ten days in advance of the sale.

300.05 - Property having insubstantial value

Property having no substantial value may be discarded or given away by the city, but a list of such items so disposed of must be retained in the files of the city for at least six years.

300.09 - 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 clerk-treasurer. A list of items so destroyed must be maintained for a period of at least six years.

300.09 - 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.

Building, Housing, and Construction Regulations

Section 400 - Numbering Buildings

400.01 - Application of state building code

As permitted by Minnesota Statutes, section 16B.73, the state building code, except those requirements of the building code applicable to handicapped persons, do not apply in the city.

400.03 - Numbering of houses and buildings

Subdivision 1 - Numbers required

The owner and each and every occupant of a house or commercial building in the city must place on the front of each such house or commercial building, suitable house or building numbers, large enough to read from the street upon which the house or commercial building is located. The buildings must be numbered in accordance with the instructions of the city clerk-treasurer in accordance with section 805.

Subd. 2 - Duties of inspector; enforcement

The clerk-treasurer must enforce this section. The clerk-treasurer must give the owner or occupant of any house or commercial building that does not conform with this section 15 days written notice within which to comply with the terms of this subsection.

Planning and Land Use Regulations

Section 500 - Zoning

500.01 - Intent, purpose and application.

Subdivision 1 - Intent

This section is enacted pursuant to the authority conferred by the state of Minnesota in sections 462.351 to 462.364 for the purpose of:

1. promoting and protecting the public health, safety, and general welfare of the residents of this incorporated area of the city,
2. protecting and preserving the physical character, social and economic stability of residential, commercial, industrial and other use areas,

3. securing the most appropriate use of land,
4. preventing the overcrowding of the land and undue congestion of population,
5. providing adequate light, air and reasonable access,
6. facilitating adequate and economical provision of transportation, water supply and sewage disposal,
7. planning for location of schools, recreation facilities and other public requirements, and,
8. providing for the protection of access to direct sunlight for solar energy systems.

500.03 - Title

This section is the zoning code of Freeport, Minnesota and will be referred to herein as "this code."

500.05 - Application

This code applies to all of the area within the corporate limits of the city.

500.05 - Application and interpretation.

Subdivision 1

In their application and interpretation the provisions of this code are the minimum requirements for the promotion of the public health, safety, and welfare.

Subd. 2 - Minimum standards

Where the conditions imposed by any provision of this code are either more or less restrictive than comparable conditions imposed by any law, ordinance, statute, resolution, or regulation, the regulations that are more restrictive or that impose higher standards or requirements prevail.

500.09 - Lots of record

Lots that are a part of a subdivision legally recorded with the Stearns county recorder, and a lot or lots described by metes and bounds, the deed to which has been recorded in the office of the county recorder prior to July 29, 1980 are considered to be lots of record and are legally build able lots even though such lot or lots may not conform to the minimum requirements of this code, provided the setback requirements of this code are complied with insofar as practical.

500.1 - Definitions.

Subdivision 1

For the purpose of this code, the terms defined in this section have the meanings given them.

Subd. 2 - Apartment

A room or suite of rooms that is designed for, intended for or occupied by one family and equipped with cooking facilities.

Subd. 3 - Block

That property abutting on one side of a street and lying between the two nearest intersecting or intercepting streets and railroad right-of-way or un-subdivided acreage.

Subd. 4 - Building, accessory

A subordinate building, the use of which is incidental to that of a main building on the same lot

is not allowed without a main dwelling.

Subd. 5 - Building height

The vertical distance from the average level of the highest and lowest point of that portion of the lot covered by the building to the highest point of the roof for flat roofs, to the deck line of mansard roofs, and to the mean height between eaves and ridge for gable, hip, and gambrel roofs.

Subd. 6 - Building, principal

A building in which is conducted the principal use of the lot upon which it is situated.

Subd. 7 - Court

An open, un-occupied space bounded on two or more sides by the exterior walls of a building or buildings on the same lot.

Subd. 8 - Conditional use

A use which, because of unique characteristic, cannot be classified as an un-conditionally permitted use in any particular district. After due consideration, in each case, the impact of such use upon neighboring land and of the public desirability for the particular use at the particular location, a "conditional use permit" may be granted.

Subd. 9 - Dwelling

A building or portion thereof used exclusively for residence occupancy, including one-family, two-family, and multiple dwellings but not including hotels or lodgings or boarding houses.

Subd. 10 - Dwelling, single-family A building used exclusively for occupancy by one family.

Subd. 11 - Dwelling, two-family

A building used exclusively for occupancy by two families living independently of each other.

Subd. 12 - Dwelling, multiple

A building or portion thereof used for occupancy by three or more families living independently of each other.

Subd. 13 - Dwelling unit

A dwelling or portion of a dwelling or an apartment hotel used by one family for cooking, living, and sleeping.

Subd. 14 - Essential services

The erection, construction, alteration, or maintenance by public utilities or municipal departments of commissions, of underground or overhead gas, electrical, communication, steam or water transmissions, or distribution systems, including poles, wires, mains, drains, sewers, pipes, conduits, cables, fire alarm boxes, police call boxes, traffic signals, hydrants, towers, and other similar equipment and accessories in connection therewith (but not including buildings) reasonably necessary for the furnishing of adequate service by such public utilities or municipal departments or commissions for the public health, safety, or general welfare.

Subd. 15 - Family

A family is any number of persons living together in a room or rooms comprising a single housekeeping unit and related by blood, marriage, adoption, or any unrelated person who resides therein as through a member of the family, including the domestic employees thereof. A group of persons not so related by inhabiting a single house are considered to constitute one family for each five persons, exclusive of domestic employees, contained in each group.

Subd. 16 - Garage, private

An accessory building designed or used for the storage of automobiles or trucks owned and used by the occupants of the building to which it is accessory. The building is limited to an overall height of 18 feet and 900 square feet in area and is not allowed without a main dwelling.

Subd. 17 - Garage, public

Premises, except those herein defined as a private garage, used for the storage or care of self-propelled vehicles or where any such vehicles are equipped for operation or repair, or kept for remuneration, hire or sale.

Subd. 18 - Group home

A state licensed group home or foster home serving six or fewer mentally and /or physically disabled persons or a community correctional facilities for youth and./or adults.

Subd. 19 - Home occupations

A gainful occupation or profession engaged in by the occupant of a dwelling unit within the dwelling, unit within the dwelling, which occupation is clearly incidental to the residential use of the premises. The activity may not produce light glare, noise, odor, electrical disturbance, or vibration perceptible beyond the boundaries of the premises and not involve the use of accessory structures. The following are examples of prohibited uses:

1. repair, service or manufacturing which requires equipment other than that customarily found in a home,
2. over-the-counter sale of merchandise produced off the premises, or,
3. the employment of persons on the premises other than those customarily residing on the premises.

The above examples are illustrative in nature and are not to be construed as all-inclusive.

A dwelling or portion of a dwelling or an apartment hotel used by one family for cooking, living, and sleeping.

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The erection, construction, alteration, or maintenance by public utilities or municipal departments of commissions, of underground or overhead gas, electrical, communication, steam or water transmissions, or distribution systems, including poles wires, mains, drains, sewers, pipes, conduits, cables, fire alarm boxes, police call boxes, traffic signals, hydrants, towers, and other similar equipment and accessories in connection therewith (but not including buildings) reasonably necessary for the furnishing of adequate service by such public utilities or municipal departments or commissions for the public health, safety, or general welfare.

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1. repair, service or manufacturing which requires equipment other than that customarily found in a home,
2. over-the-counter sale of merchandise produced off the premises, or,
3. the employment of persons on the premises other than those customarily residing on the premises.

The above examples are illustrative in nature and are not to be construed as all-inclusive.

Subd. 20 - Hotel/Bed and Breakfast

A building or portion thereof where lodging is offered to transient guests for compensation and in which there are sleeping rooms with no cooking facilities in an individual room or apartment.

Subd. 21 - Junk yard

Land or buildings used for the storage or keeping of junk, including scrap metals, or for the dismantling of "wrecking" of automobiles or other vehicles or machinery, other than storage of materials that is incidental or accessory to any business or industrial use on the same lot.

Subd. 22 - Lot

Land occupied or to be occupied by a building and its accessory buildings, or by a dwelling group and its accessory buildings, together with such open spaces as are required under the provisions of this code, having not less than a minimum area required by this code for a building frontage on a street.

Subd. 23 - Lot, corner

A lot situated at the intersection of two or more streets, or bounded on two or more adjacent sides by street lines.

Subd. 24 - Lot, interior

A lot other than a corner lot.

Subd. 25 - Marquees

An awning or roof-like structure over the entrance (a canopy).

Subd. 26 - Lot, width

The shortest horizontal distance between the side lot lines measured at the building setback line.

Subd. 27 - Mobile home

Means a structure transportable in one or more sections which when erected on site, measures eight body feet or more in width and designed to be used as a dwelling, with or without permanent foundation, when connected to the required utilities and includes the plumbing, heating, air conditioning, and electrical systems contained therein, and bears the appropriate federal department of housing and urban development inspection label certifying that the mobile home meets federal mobile home construction and safety standards.

Subd. 28 - Non-conforming use

A use lawfully in existence on July 29, 1980, and not conforming to the regulations for the district in which it is situated, except that such a use is non-conforming if it would be authorized under conditional use permit where located.

Subd. 29 - Solar energy system

A set of devices whose primary purpose is to collect solar energy and convert and store it for useful purposes including heating and cooling of buildings and other energy-using processes, or to produce generated power by means of any combination of collecting, transferring, or converting solar-generated energy,

Subd. 30 - Story

That portion of a building included between the surface of a floor and the surface of the next floor above it, or if there is no floor above it, then the space between the floor and the ceiling next above it.

Subd. 31 - Structure

Anything constructed or erected, the use of which requires location on the ground or attachment to something having location on the ground.

Subd. 32 - Structural alteration

A change in the supporting members of a building such as bearing walls, columns, beams, or girders.

Subd. 33 - Townhouse

Single family attached units in structures housing three or more dwelling units contiguous to each other, only by the share of one common wall and each dwelling unit must have separate and individual front and rear entrances.

Subd. 34 - Use

The purpose for which land or premises or a building there is designed, arranged, or intended or for which it is or may be occupied or maintained.

Subd. 35 - Use, accessory

A use incidental and accessory to the principal use of a lot or a building located on the same lot as the accessory use.

Subd. 36 - Variance

The waiving of specific literal provisions of the code in instances where their strict enforcement would cause undue hardship because of circumstances unique to the individual property under consideration. Variances are granted only when it is demonstrated that a waiving of the provision will be in keeping with the spirit and intent of this code. Hardships must be demonstrated on a non-economic basis and may include the inability to use solar energy systems.

Subd. 37 - Yard

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

Subd. 38 - Yard, front

A yard extending across the front of the lot between the inner side yard lines and lying between the front line of the lot and the nearest line of the building.

Subd. 39 - Yard, rear

A yard extending across the full width of the lot and lying between the rear line of the lot and the nearest line of the building.

Subd. 40 - Yard, side

A yard between the side line of the lot and the nearest line of the building and extending from the front line of the lot to the rear yard.

500.13 - Zoning map

For the purpose of this code, the city is divided into use districts as shown on a map entitled, "Zoning District Map of Freeport, Minnesota," and further described in subsection 500.71.

500.15 - Annexation

Land annexed to the city in the future is to be placed in the "A" agricultural/rural residence district until placed into another district by action of the city council.

500.17 - Prohibitions in districts

Except for non-conforming uses, in each district land and structures may be used only for the purposes listed by this code as permitted in the district. In each district, a building erected or structurally altered must

1. be provided with the yards specified,
2. be on a lot of the area and width specified, and
3. may not exceed the height specified in this code for the district.

Open space or lots required for building may not, during the existence of that building, be occupied by or counted as open space for another building.

500.19 - District classifications

The following district classifications are established and continued within the city of Freeport:

- "A" - Agricultural/rural residence
- "R-1" - Single and two-family residential district
- "R-2" - Multiple family residential district

- "C-1" - Community commercial district
- "C-2" - Highway commercial district
- "I-1" - General industrial district
- "S" - Shore land overlay district

500.21 - Zoning district boundaries

The boundaries of districts are shown on the zoning district map and are the center lines of streets; the center lines of alleys; the rear lot lines where there are no alleys; the side lines of recorded lots or designated distances where land is un-platted. Where uncertainty exists as to the exact location of a boundary line, the location of such line is to be determined by the city council.

500.23 - "A" agricultural/rural residence district

Subdivision 1

The agricultural/rural residence district is established to preserve area for low density residential without permitting intensified development that would require the provision of municipal facilities and services, and further allow agricultural uses in this district.

Subd. 2 - Permitted uses

1. Agriculture, including farm dwellings and agricultural related buildings and structures subject to Minnesota pollution control standards, but not including commercial feed lots or similar commercial operations.
2. Single-family dwellings.
3. Public parks, recreational areas, wildlife areas, and game refuges.
4. Nurseries and tree farms.
5. Essential services.
6. Slaughtering, limited to livestock raised on the farmstead.
7. One mobile home per existing far, yard for use as a residence by a person directly connected with the daily operation of the farm.
8. Roadside stands for the sale of agricultural products.

Subd. 3 - Permitted accessory uses

1. Operation and storage of vehicles, machinery, and equipment which is incidental to permitted or conditional uses allowed in this district.
2. Boarding or renting of rooms to not more than two persons.
3. Living quarters for persons employed on the premises.
4. Home occupations.
5. Signs as regulated within the residential district.

500.25 - R-1, single and two-family residence districts

Subdivision 1 - Intent

It is the intent of this district to permit the development of single-family and two-family dwellings in the city where adequate municipal utilities exist or are to be extended, to provide for reasonable standards for such development, to avoid overcrowding, and to prohibit the use of the land which would be incompatible with or detrimental to the essential residential character of the district.

Subd. 2 - Permitted uses

1. Single and two-family dwellings.
2. Attached single family dwellings sharing a party wall.
3. Group homes.
4. Churches and schools, provided they are not within 30 feet of any lot line.
5. Essential services.
6. Solar energy.
7. Existing farming operations.
8. Manufactured homes, if such manufactured houses comply with the following conditions:
 - i. The house may not have ground floor space of less than 800 square feet or a width of less than 20 feet at its narrowest point.
 - ii. The house must be placed on a permanent foundations which comply with the state building code and which are solid for the complete circumference of the house.
 - iii. The house must have exterior siding of conventional exterior dwelling-type materials. Metal siding must have horizontal edges and overlap in sections no wider than 12 inches. Sheet metal siding is not permitted.
 - iv. The house must be built in compliance with Minnesota State Building Code.
 - v. Manufactured houses which vary from these requirements may be permitted in this zone when authorized by the Board of Adjustment. Before a variance is granted, by the board, must find that the value of the adjacent property will not be diminished by the placement of the manufactured house. The variance must state any conditions which may be set by the board in granting the variance.
9. Exterior grain bins shall not be permitted, excluding traditional wildlife feeders.
10. Limit to two (2) cords of exposed wood.

Subd. 3 - Permitted accessory uses

1. Private garages, parking spaces, and car ports for passenger cars, trucks, recreational vehicles and equipment.
2. Home occupations.
3. Tool houses and similar buildings for storage of domestic equipment and non-commercial recreational equipment may be placed so that building is accessible (for care and maintenance by said property owner) from all sides and can be moved in 25 hours if requested by city in writing. If not moved by the property owner within 24 hours, the city will move building at owner's expense. City will not be liable for damages sustained by moving. Maximum building size allowed for is 160 square feet. Rear or side-yards abutting streets or alleys must comply with setbacks required for accessory uses. No permanent foundations will be allowed if said building is placed less than six feet from property line and /or top of a city utility easement.
4. Signs associated with home occupations not exceeding three square feet in area, and others as regulated by this code.
5. Temporary construction buildings.
6. Composting structures not exceeding 5 feet x 5 feet x 5 feet are allowed with the same structure placement stipulations as defined in 500.25, subdivision 3 c) for tool sheds. Composting of grasses, leaves, flowers, garden plants, coffee grounds, eggshells, fruits and vegetable scraps, is allowed. Composting of organic material must not create a nuisance as defined in section 2010.

a.

Lot, yard, area, and height requirements						
	Lot Area Sq. feet	Lot Width	Front Yard	Setbacks	Side Yards	Rear Yard
Single and two-family existing lots (8/30/72)	5,000	50 ft. or less	30 ft.	6 ft.		10 ft.
Existing lots (8/30/72)	5,000	50 ft. or more	30 ft.	10 ft.		10 ft.
New lots	15,000	100 ft.	30 ft.	10 ft.		10 ft.

b.

Accessory uses						
	Lot Area Sq. feet	Lot Width	Front Yard	Setbacks	Side Yards	Rear Yard
Single and two-family existing lots (8/30/72)	5,000	50 ft. or less	30 ft.	6 ft.		10 ft.
Existing lots (8/30/72)	5,000	51 ft. or more	30 ft.	10 ft.		10 ft.
New lots	15,000	100 ft.	30 ft.	10 ft.		10 ft.

Subd. 4 - Conditional uses

1. Governmental and public utility buildings and structures necessary for the health, safety, and general welfare of the community.
2. Residential planned unit developments regulated by subsection 500.55 of this code.
3. Public or semi-public recreational buildings, community centers, day-care centers, libraries, museums, memorial buildings, senior citizens' centers, and bed and breakfast housing.
4. Day care facilities and nursery schools, provided not less than 30 square feet of outside play space per pupil is available.
5. Nursing homes, rest homes, and retirement homes, provided the buildings are not less than 50 feet from a lot line abutting an R-1 single and two-family residential district.
6. Mobile homes.

Subd. 5 - Lot, yard, area and height requirements

51. Property setbacks are from lot stakes to building overhang.
52. Where adjacent structures within the same block have front yard setbacks different from those required, the front yard minimum setback must be the average of the adjacent structures.
53. On corner lot, the width of the side yard setback on the street side may not be less than 15 feet.
54. Each attached single family dwelling must meet the lot, yard, area, and height requirements of this subdivision, with the exception that: (1) the side yard setback requirement is waived for the shared party wall, and (2) the lot area requirement is reduced to 7,500 square feet per dwelling unit. Single family attached dwellings sharing a party wall shall not house more than two dwelling units. Each attached single family dwelling unit must have separate and individual front and rear entrances, and separate and individual water and wastewater service.
55. Accessory building must not exceed an overall height of 18 feet. Church spires, water towers, and chimneys are exempt from these requirements.
56. Lot coverage for principal and accessory buildings may not exceed 35% of the lot area.
57. Lots platted prior to this code and not serviced by municipal water and wastewater will be

considered as build-able at their current size. However, newly platted lots must be a minimum of ten acres when utilizing individual water and wastewater systems. All lots with access to city water and wastewater must utilize those services.

58. Each lot must have a minimum frontage on a street of 50 feet.

59. For non-conforming uses refer to subsection 500.53

500.27 - R-2, Multi-family residential district

Subdivision 1 - Intent

It is the intent of this district to provide for multiple-family dwelling unit structures and directly related complementary uses.

Subd. 2 - Permitted uses

1. All permitted uses as allowed in an "R-1" single and two-family residential district.
2. Multiple-family dwelling units.
3. Boarding and rooming houses.
4. Nursing homes, retirement homes.
5. Private clubs and lodges not operating for profit.

Subd. 3 - Permitted accessory uses

1. All permitted accessory uses as allowed in an "R-1" single and two-family residential district.
2. Off-street loading and parking.

Subd. 4 - Conditional uses

The following uses will require a conditional use permit based on the procedures set forth in section 500.67 of this code.

1. All conditional uses, subject to the same provisions as allowed in the "R-1" single and two family residential district.
2. Townhouses and residential planned unit developments regulated by section 500.55 of this code.
3. Clinics and other buildings for treatment of human beings contingent upon adequate parking being provided.
4. Mobile homes only in mobile home parks provided that the criteria established by the State of Minnesota Department of Health is complied with, and further that no mobile home is less than 50 feet from any lot line adjoining an "R-1" single and two-family residential district.
5. Motels and motor hotels, when located on property having access to state or federal highways.

Subd. 5 - Lot area, width, setbacks, and height

1. The minimum lot area will be:
 - i. single and two-family as set forth in section 500.25, subdivision 5.
 - ii. town-houses, 7,000 square feet per lot.
 - iii. multiple-family, 16,000 square feet minimum up to eight units; each unit over eight will provide an additional 2,000 square feet per lot.
2. The minimum lot width will be:
 - i. single and two-family as set forth in section 500.25, subdivision 5.
 - ii. town-houses, 60 feet.

iii. multiple-family, 150 feet with a minimum of 75 feet fronting on a public right-of-way.

3. Front yard setbacks will be a minimum of 30 feet.

4. Side yard setbacks will be a minimum of 15 feet for each side yard.

5. Rear yard setbacks will be a minimum of 40 feet.

6. Where adjacent structures within the same block have front yard setbacks different from those required, the front yard minimum setback will be the average of adjacent structures. If there is only one adjacent structure, the setback will be the average of the required setback and the setback of the adjacent structure. In no case will the front yard setback requirement exceed 30 feet.

7. On a corner lot, the width of the side yard on the street side will not be less than 20 feet.

8. Lots not serviced by municipal water and sewer will not be considered for multiple-family use.

500.29 - C-1, Community commercial district

Subdivision 1 - Intent

It is the intent of this district to provide for the establishment of commercial and service activities that draw from and serve customers from the city and its surrounding areas.

Subd. 2 - Permitted uses

1. Business services including banks, offices, and postal stations.

2. Clothing services including dry-cleaning and laundry establishments, Laundromats, dress-making and tailor shops, shoe repair shops.

3. Equipment services including radio and television shops, electrical appliance shops, showroom of a plumber, decorator, or similar trade.

4. Food services including grocery stores, fruit, vegetable and meat markets, supermarkets, restaurants, cafes, delicatessen, candy shops, and bakeries whose products are sold only at retail on the premises.

5. Personal services including drug stores, hardware stores, stationary and bookstores, news shops, apparel shops, showrooms for articles to be sold at retail, flower shops, commercial greenhouses, Laundromats, convenience stores and video stores.

6. Personal services including barber and beauty shops, reducing salons, photographic shops, funeral homes, and tanning salons.

7. Public transportation terminals, service stations, public utility buildings, and transformer stations without storage yards.

8. Buildings used for research and testing laboratories, storage buildings, or distributing station.

9. Residence when included as an integral part of the principal buildings or distributing station.

10. Governmental and public utility buildings and structures.

11. Recreational services including theaters, bowling lanes, clubs, and lodges.

12. Hotels, motels, taverns, private clubs, and lodges.

13. Clinics and other buildings for the treatment of human beings.

Subd. 3 - Permitted accessory uses

1. Off-street parking and loading areas in compliance with subsection 500.41 of this code.

2. Commercial or business buildings for a use accessory to the principal use.

3. Drive-in restaurants, drive-in banks, and other drive-in services.

Subd. 4 - Conditional uses

1. Open outdoor sales, services, or rental as an accessory use provide:

i. the area is fenced or screened from the abutting properties.

ii. sales areas are properly surfaced to control dust.

2. Automobile service stations including sales, gasoline service stations, and automobile repair garages, provided that a filling station, public garage, or motor fuel station may not be located within 200 feet of a school, church, hospital, or meeting place having a seating capacity of more than 50 persons.

3. Multiple-family dwellings provided that the use is adjacent to or provides off-street parking, and the ground level is solely for permitted commercial activities.

Subd. 5 - Lot, yard, area and height requirements

1. No requirements.

500.31 - C-2, commercial district

Subdivision 1 - Intent

It is the intent of this district to provide for and limit the establishment of automobile oriented or dependent commercial and service activities.

Subd. 2 - Permitted uses

1. Auto accessory stores.

2. Automobile (truck, snowmobile, motorcycle, and marine) sales and service.

3. Commercial recreational services.

4. Farm implement sales and services.

5. Motels and hotels.

6. Tourist oriented retail stores.

7. Residences when occupied in connection with the commercial use and part of the principal structure. 8. Restaurants, cafes, taverns, and grocery stores.

9. Drive-in restaurants, drive-through banks, and other drive-in services.

Subd. 3 - Permitted accessory uses

1. All permitted accessory uses in the "C-1" community commercial district.

2. Off-street parking and loading facilities including semi-trailers.

Subd. 4 - Conditional uses

The following uses require a conditional use permit based on the proceedings set forth in subsection 500.67 of this code.

1. All conditional uses allowed in the "C-1" community commercial district.

2. Open air display areas for the sale of manufactured products such as lawn and garden furniture, hardware items, nursery stock, or rental of manufactured products or equipment, including mobile home sales lots.

3. Recreational camping areas provided: i. land area is adequate for the proposed use.

ii. the site is serviced by an adequately paved arterial street.

iii. utilities are provided to each site and approved by the city council.

4. Retail sales and services on an individual basis. Subd. 5 - Lot, yard, area and height requirements

12. Where adjacent structures within the same block have front yard setbacks different from those required, the front yard minimum setback is the average of the adjacent structures. If there is only one adjacent structure, the setback is the average of the required setback and the setback of the existing structure. The front yard setback requirement will not exceed 30 feet in any case.

13. On corner lots, the side yard shall be 30 feet or in line with

Lot area and yard setbacks				
Sq. feet	Lot Width	Side Yards	Front Yard	Rear Yard
10 Acres	100 ft.	30 ft.	10 ft.	10 ft.

the adjacent structures on the same block provided this does not reduce the build-able width to less than 30 feet.

500.33 - I-1 general industrial district

Subdivision 1 - Intent

It is the intent of this district to provide for and allow a wide range of industrial, warehousing, and bulk commercial activities in locations that will not conflict with other uses.

Subd. 1.5

All permitted, permitted accessory, and conditional uses of C-1 (Community Commercial) C-2 (Highway Commercial) districts are allowed.

Subd. 2 - Permitted uses

1. A branch of trade or industry employing labor and capital, activities not allowed in commercial districts, activities that do not require steam, diesel, or gasoline engines as a prime mover, excepting that no industry or use noxious by reason of odor, dust, smoke, noise, or gas may be included which interferes with other permitted uses.
2. Building materials, storage yards, lumber yards.
3. Contractors equipment and storage yards.
4. Food processing and distribution facilities.
5. Wholesale business and warehousing.
6. Industrial research laboratories.
7. Machine shops, public and private garages.
8. Public utility and service buildings and gas regulator stations.
9. Outdoor recreational facilities.

Subd. 3 - Permitted accessory uses

1. Off-street parking and loading.
2. Open and outdoor storage.
3. Offices accessory to a principal use.
4. Residences when on the same parcel as the principal use and occupied by an individual employed by the principal use.

5. Signs.

Subd.4. - Conditional uses

The following uses will require a conditional use permit based on the procedures set forth in subsection 500.67 of this code:

1. Industrial parks and storage.
2. Manufacturing of cement, concrete, lime gypsum, or plaster.
3. Restaurants and confectioneries to serve the employees of the district.
4. Distillation of bone, coal, tar, petroleum, refuse, grain, or wood.
5. Explosive manufacture or storage.
6. Garbage, offal, dead animals, refuse, rancid fats, incineration, glue manufacturing, size or gelatin manufacturing where the processes include the refining or recovery of products from animal refuse or offal.
7. Livestock feeding yards, slaughtering of animals or stock yards.
8. Petroleum or asphalt refining, manufacturing or storage.
9. Smelting or refining of metals from ores.
10. Steam and board hammers and forging presses.
11. Storing, curing and tanning of raw, green, or salted hides or skins.
12. Corrosive acid manufacturing or bulk storage thereof.
13. Junk yards.
14. Grain elevators and storage subject to height restrictions set forth as part of the conditional use permit.
15. Manufacture utility structures (hoop-like buildings) to be enclosed and allowed no more than five years and installed per manufacturer's instructions.

Subd.5. - Lot, yard area and height requirements

Lot area and yard setbacks				
Sq. feet	Lot Width	Front Yard	Side Yards	Rear Yard
As Necessary	100 ft.	40 ft.	15 ft.	20 ft.

12. For corner lots, the setbacks from all street lines shall be 40 Ft.
13. Lot coverage may not exceed 50%.

Section 1

500.35. Signs

Subdivision 1 - Definitions

For purposes of this subsection, the terms defined have the meanings given them.

1. Sign - A name, identification, description, display, illustration or device which is fixed to or painted or represented directly or indirectly upon a building or other outdoor surface or piece

of land and which directs attention to an object, product, place, activity, person, institution, organization or business.

2. Business Sign - A sign which directs attention to a business, its name or address, located on the premises of the business, or to a commodity, service or entertainment sold or offered upon the premises where such sign is located.

3. Temporary Sign - A sign that is defined by the period of time it exists within city limits. The maximum period of time for which a temporary sign may be permitted is one-hundred and twenty (120) days. It is understood that by federal law, political campaign signs are exempt from all sign regulation and therein exempt from this code.

4. Off-premise Sign (Billboard) - A sign which directs attention to a business, commodity, service, activity or entertainment not conducted, sold, or offered upon the premises where such sign is located

5. Flashing sign - An illuminated sign on which such illumination is not kept stationary or in constant intensity or in color at all times when such sign is in use.

6. Illuminated sign - A sign which has characters, letters, figures, designs or outlines illuminated by electric lights or luminous tubes as part of the sign.

7. Surface area of sign - The entire area within a single continuous perimeter enclosing the extreme limits of the actual sign surface, not including any structural elements outside the limits of such sign and not forming an integral part of the display.

Subd. 2 - General requirements

1. A sign, business sign or other advertising device may not be erected, maintained or hung without a permit from the city zoning administrator. All decisions and interpretations of sign codes are subject for appeal at a regularly scheduled City Council meeting. The submitted permit application must include a sketch and the dimensions of the proposed sign.

2. Off premise signs (Billboards) may only be permitted as a conditional use subject to the procedures set forth in subsection 500.67 of this Code.

3. For the purpose of selling or promoting a commercial or an industrial project, one sign not to exceed one hundred thirty (130) square feet with no more than two (2) surfaces, may be erected upon the project site.

4. A sign may not be erected or maintained so as to prevent free ingress or egress from any door or window or fire escape. A sign may not be attached to a standpipe or fire escape.

5. Signs are required to follow the setback and side yard requirements for other structures in the district where located, provided that where a drive-in service or parking is permitted, one ground business sign not exceeding 35 square feet in area may be erected in any required front yard or setback area; however, it may not be located closer to the street or highway right-of-way than the required setback distance.

6. Signs or marquees which may extend beyond the building line may not be constructed to extend within one foot of the traveled roadway, provided that the sign does not extend seven feet from the building wall.

7. Illuminated signs may be permitted, but flashing signs shall only be allowed as a conditional use. No lighting for signs shall directly reflect light beams onto any public street or residential structure. Signs may not be illuminated beyond any lot line.

8. No sign shall, by reason of position, shape or color interfere in any way with the proper functioning or purpose of a traffic sign or signal.

9. The owner, lessee or manager of any sign or the owner of the land on which the same is located, must keep grass or weeds and other growth cut and debris and rubbish cleaned up and removed from the lot on which the sign is located.

10. A sign or sign structure that may be, or may hereafter become, rotted, unsafe or unsightly must be repaired or removed by the licensee, owner or manager of the property upon which the sign stands upon written notice of the City Clerk.

11. The provisions of subsection 500.49, subdivision 2 apply.

Subd. 3 - Signs in commercial districts

1. The number of square feet of business sign area on a lot may not exceed five square feet for each lineal foot of lot frontage, or 20% of the building frontage area, or 125 square feet in area, whichever is greater. Nearby residential districts must be protected from direct light if these signs are illuminated.
2. Shopping centers: One incidental sign not exceeding two square feet in area for each lineal foot of a building width or a total frontage of all buildings, announcing only the name or location or both of the shopping center or buildings in the center, may be erected without reduction of the square foot allowance.
3. Business signs may be attached to or erected flat against the wall of buildings. Business sign structures may be single face, double face, or "V" type. Business signs may not be erected within 100 feet of any abutting residential district if designed to face directly into such district.
4. One "for rent" or "for sale" sign not exceeding 30 square feet in area is permitted; a corner lot may have two such signs.
5. Signs attached to or erected flat against the wall of a building shall not extend in height above the wall of that building by more than 50% of the height of the wall to which the sign is attached.
6. Signs mounted on a structure on or above the roof line shall not extend in height above the roof line of that building by more than 50% of the height of the structure to which the sign is attached.
7. Signs that are freestanding shall not extend in height above the roof line of the tallest building by more than 50% of the height of the tallest located on the same parcel.

Subd. 4 - Signs in industrial districts

1. The number of square feet of business sign area on a lot may not exceed two square feet for each lineal foot of lot frontage or 10% of the building frontage area, or 75 square feet in area, whichever is greater. Nearby residential districts must be protected from direct light if these signs are illuminated.
2. Business signs may be attached to or erected flat against the wall of buildings. If free standing, they must observe all setbacks and side yard lines. Business sign structures may be single face, double face, or "V" type. Business signs are subject to the same setback limitations as other buildings or structures in the districts in which they are located and may not be erected within 100 feet of any abutting residential district if designed to face directly into such district.
3. One "for rent" or "for sale" sign not exceeding 30 square feet in area is permitted; a corner lot may have two such signs.
4. Signs attached to or erected flat against the wall of a building shall not extend in height above the wall of that building by more than 50% of the height of the wall to which the sign is attached.
5. Signs mounted on a building on or above the roof line shall not extend in height above the roof line of that building by more than 50% of the height of the structure to which the sign is attached.
6. Signs that are freestanding shall not extend in height above the, roof line of the tallest building by more than 50% of the height of the tallest located on the same parcel.

Subd. 5 - Signs in residential districts

1. The following signs may be erected, hung, placed or painted without a permit.

i. One name plate announcing only the name of the occupants or location or both of a residence.

ii. One bulletin board not exceeding 24 square feet in area for churches, schools, hospitals or public or semi-public institutions. Illumination must be diffused or indirect and the sign must be set back at least one-third the distance of any required side yard or setback from any property line.

iii. One unlighted real estate "for sale" or "for rent" sign not exceeding four square feet.

iv. One business sign for each use other than residential, which may not exceed six square feet in area and must not be illuminated.

v. A sign for a conditional-use property may be no larger than eight square feet, must be attached to the building, and must not be illuminated.

Subd. 6 - Off-premise Signs (billboards)

1. Off-premise signs (billboards) shall only be permitted as a conditional use in industrial districts.

2. The surface area of both sides of an Off-premise sign (billboard) located along Interstate Highway 94 shall not be more than six hundred (600) square feet. On all other streets, the surface area of both sides of an Off-premise sign (billboard) shall not be more than four hundred (400) square feet.

3. No off-premise sign (billboard) shall be located within five hundred (500) feet of parks, historical sites, public picnic or rest areas, or within two hundred (200) feet of church or school property.

4. No off-premise sign (billboard) shall be located closer than thirty-five hundred (3500) feet horizontal distance from any other advertising sign measured in any direction. Advertising signs shall not exceed thirty (30) feet above the average ground level at the base of the sign.

5. Notwithstanding the foregoing, the City of Freeport shall be permitted to erect two (2) Off-premise (billboard) signs to be used for the purpose of promoting economic development, providing recognition of the City, and for public interest announcements.

Subd. 7 - Non-conforming Signs

1. Existing signs that do not conform to the specific provisions of this Code may continue to be used provided that: i. The city council determines such signs are properly maintained and do not in any way endanger the public, and ii. The sign was installed in conformance with a valid permit or variance, or complied with all applicable laws then in effect.

2. A non-conforming sign's continued use becomes illegal and subject to the violation provisions of this Code if: i. The sign is relocated or replaced, or ii. The structure or size of the sign is altered in any way except toward compliance with this Ordinance. This does not refer to change of copy or normal maintenance.

3. Non-conforming signs are subject to all requirements of this Code regarding safety, maintenance, and repair.

4. If a non-conforming sign suffers more than 50 percent damage or deterioration, based on the market value, it shall be brought into conformity with this Code or removed.

5. If the use of a non-conforming sign is discontinued for a period of one year, it shall be brought into conformity with this Code or removed.

500.37 - Shore land overlay district

Subdivision 1 - Intent

The uncontrolled use of shore lands in the city affects the public health, safety, and general welfare not only by contributing to pollution of public waters, but also by impairing the local tax base. Therefore, it is in the best interests of public health, safety, and welfare to provide for the wise development of shore lands and flood plain areas. The Legislature of Minnesota has delegated responsibility to the municipalities of the state to regulate the subdivision, use, and development of the shore lands and flood plains and thus preserve and enhance the quality of surface waters, preserve the economic and natural values of shore lands and provide for the wise utilization of waters and related land resources.

Subd. 2 - Shore land management classification

In order to guide the wise development and utilization of shore lands of public waters for the preservation of water quality, natural characteristics, economic values and the general health, safety, and welfare, all public waters, in the city have been given a shore land management classification. The public waters of the city have been classified by the commissioner of natural resources as follows:

1. Recreational Development Lake - Freeport Lake

Subd. 3 - Shore land overlay district

The shore lands of the city are designated as a shore land overlay district. The purpose of the shore land overlay district is to provide for the wise utilization of shore land areas in order to preserve the quality and natural character of public waters of the city.

1. Permitted uses - All permitted uses allowed and regulated by the applicable zoning district underlying this shore land overlay district as indicated on the official zoning map of the city.
2. Conditional uses - All conditional uses and applicable attached conditions allowed and regulated by the district as indicated on the official zoning map of this city. Notice of all requests for conditional uses and variances must be forwarded to the Department of Natural Resources at least ten days prior to any hearing.
3. General provisions - The following standards apply to all shore lands of all public waters within the city. All development must utilize city utilities. Where the requirements of the underlying zoning district as shown on the official zoning map are more restrictive than those set forth herein, than the more restrictive standards apply:

Building setback from roads and highways (ft.)	30 State or County 30 City or private
Placement of roads and parking lots from ordinary high water mark (ft.)	75
Elevation of lowest floor above highest known water level (ft.)	3
Total lot area covered by impervious surface (%)	30

Subd. 4 - Lots of record

Lots of record in the office of the county recorder on July 29, 1980, are allowed as building sites provided

1. such is permitted in the zoning district.
2. the lot is in separate ownership from abutting lands and
3. sanitary and dimensional requirements of this code are compiled with insofar as practicable.

Subd. 5 - Shore land alterations

Public Health

Section 600 - Litter

600.01 - Definitions

Subdivision 1

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

Subd. 2

The term "litter" means:

1. Garbage, junk, refuse and rubbish;
2. Abandoned property in the form of deteriorated, wrecked, or derelict property in unusable condition and left unprotected from the elements. The term "abandoned property" includes, but is not limited to, deteriorated, wrecked, inoperable, unlicensed, or partially dismantled motor vehicles, abandoned motor vehicles, trailers, boats, machinery, refrigerators, washing machines, household appliances, plumbing fixtures, and furniture; and
3. Abandoned motor vehicles as that term is defined in Minnesota Statutes, section 168B.02

600.03 - Prohibition; storage

It is unlawful to throw or deposit litter on private or public property in the city. Abandoned property may be stored on public or private property only in a garage or storage building.

600.05 - Duties of owners and occupants

The owner, lessee or occupant of private property, whether occupied or vacant, must maintain the property free of litter and must not create an unsightly condition.

600.07 - Authorized storage

Nothing in this section prohibits the storage of litter on private property in receptacles or containers which meet the requirements of section 610 of this code.

600.09 - Removal of litter; procedure; collection of costs

Subdivision 1 - Notice; service

When there exists litter on private property, a notice to remove the litter may be served upon the owner,

lessee, or occupant thereof by the city. The notice must be served by registered mail, or by personal delivery. When the property is occupied, service upon the occupant is deemed service upon the owner; where the property is unoccupied or abandoned, service may be by mail to the last known owner of record of the property.

Subd. 2 - Notice; contents

The notice required by subdivision 1 must state:

1. the nature and location of the litter;
2. that the litter must be removed or properly stored within ten days of service of the notice; and
3. that if the litter is not so removed or stored, it will be removed by the city and the cost of such removal assessed against the property.

Subd.3 - Costs

The clerk-treasurer must keep a record of all costs incurred by the city in the removal and disposition of litter pursuant to this section, including all administrative costs involved in the service of the notice required by this subsection, and must report such costs to the city clerk-treasurer annually not later than August 1.

Subd. 4 - Assessment

On or before September 1, of each year the clerk-treasurer must list the total costs incurred by the city under the section against each separate lot or parcel to which they are attributable. The city council will then spread the costs against each property as a special assessment for collection as other special assessments in the following year, all as authorized by Minnesota Statutes, section 429.101.

Section 605 - Noxious Weeds

605.01 - Definition of weeds

For purposes of this section the term "weeds" means noxious weeds as defined by state law and all such useless and troublesome plants as are commonly known as weeds to the general public.

605.03 - Nuisance

Weeds or growing grass upon any lot or parcel of land in the city in excess of eight inches in height, or which have gone or are about to go to seed, are hereby declared to be a nuisance and dangerous to the health, safety, and good order of the city.

605.05 - Notice

When the owner or occupant of a premises permits a nuisance to exist in violation of subsection 640.03, the weed inspector must serve a notice on the owner, occupant, or agent of the owner of the lot or parcel of land ordering the owner or occupant, or agent of the owner of the lot or parcel of land ordering the owner or occupant to have the weeds or grass cut and removed or otherwise eradicated or removed within ten days after the service of the notice. The notice must also state that in event of non-compliance, removal will be done by the city at the owner's expense. When the owner, occupant, or agent of the owner cannot be found, notice must be sent by registered mail to the person who is listed on the records of the county audi-

tor or county treasurer as the owner. Service is complete with mailing.

605.07 - Assessment

605.09 - Weed inspector

The mayor is the weed inspector as provided by law. The mayor may assign the duty to the city maintenance department.

610.1 - 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 herein, or who violates the provisions of this section, or who resists or obstructs the weed inspector in the cutting, removal or eradication of weeds or grass, is guilty of a misdemeanor each day on which the violation continues is a separate offense. (See Section 115 – Penalties)

(See also Chapter 2010 regarding nuisances.)

Public Utilities

Section 700 - Franchises

700.01 - Various franchises unaffected

The following franchise ordinances of the city, as they existed on January 1, 1996, are made a part of this code as if fully set forth herein:

1. Ordinance no. 78, granting a franchise to Northern States power Company.
2. Ordinance no. 106, granting a franchise to Leonard Communications, Inc.
3. Ordinance no. 1991-2, granting a franchise to Minnegasco, Inc.

The ordinances listed above, being franchises to various public utilities and other service providers, were unaffected by the adoption of this code and are on file, as originally adopted, in the office of the city clerk-treasurer. Nothing in this section is to be construed as modifying, amending or abridging any term or condition of the franchise described in this section.

Section 705 - Private Drains

705.01 - Prohibit storm water disposal into the sanitary sewer system

Subdivision 1

No person shall discharge or cause to be discharged any storm water, groundwater, roof runoff, yard drainage, yard fountain, pond overflow or any substance other than sanitary sewage into the sanitary collection system.

Subd. 2

No roof runoff, sump pump, swimming pool discharge, or surface water drainage shall be connected to the sanitary sewer system and no building shall hereafter be constructed nor shall any existing buildings be hereafter altered in such a manner that the roof drainage or any

other source of discharge or drainage other than sanitary sewer shall connect with the sanitary sewer system inside or outside the building.

Subd. 3

Any person, firm or corporation having a roof, sump pump, swimming pool discharge, cistern overflow pipe or surface drain now connected and/or discharging into the sanitary sewer system shall disconnect and/or remove same prior to July 1, 2009. Any disconnects or openings in the sanitary sewer shall be closed or repaired in an effective, workmanlike manner as described in the next section.

Subd. 4

All sump pumps shall have a discharge pipe installed to the outside wall of the building with one (1) inch inside minimum diameter. The pipe attachment must be a permanent fitting such as PVC pipe with glued fittings. The discharge shall extend at least five (5) feet outside of the foundation wall and must be directed toward the front yard or rear yard area of the property.

Subd. 5

Every person owning improved real estate that discharges into the City's sanitary sewer system shall

allow the City employee(s) to inspect the buildings to confirm that there is no sump pump or other prohibited discharge into the sanitary sewer system. Any person refusing to allow their property to be inspected shall immediately become subject to the surcharge hereinafter provided for. Any property found to violate this Section shall make the necessary changes to comply with this Section and such changes shall be verified by City employee(s).

Subd. 6

A surcharge of (\$75.00) Dollars per month is hereby imposed and shall be added to every sewer billing mailed on and after July 1, 2009, to property owners who are not in compliance with this Section. The surcharge shall be added every month, until the property is in compliance. The imposition of such surcharge shall in no way limit the right of the City to seek an injunction in District Court ordering the property owner to disconnect the non-conforming connection to the sanitary sewer system or from pursuing any other legal remedies available.

Subd. 7

Upon verified compliance with this Section the City of Freeport reserves the right to inspect such property at least yearly to verify compliance herewith.

Section 710 - Wastewater Service Charges

710.01 - Purpose

For the purpose of providing funds

1. to meet the costs of operating and maintaining the city wastewater facilities;
2. for additional improvements such as expansion and extension of wastewater facilities; and
3. for the payment of principal and interest which may be due on general obligation bonds sold for the purpose of providing finances for construction of wastewater treatment facilities, there is imposed upon each lot, parcel of land, building or premises having any connection with the public wastewater system of the city, or otherwise discharging wastewater, industrial wastes, water or other liquids directly or indirectly into public wastewater system of the city, the wastewater service set forth in this section.

710.03 - Rates and charges

The contributors to the wastewater collected by the city must pay the rates and charges set by appendix I.

710.05 - Charges billed with water statement

The clerk-treasurer must compute the amount due to the city for wastewater service charges and render a statement thereof monthly at the same time and on the same bill with the city water statement to the owner or occupant of any premises served by the wastewater system. The statement is due and payable within ten days after statement is issued. Failure to pay within the ten days results in a penalty fixed by appendix I being added to the charges.

710.07 - Creation of wastewater service fund

Money received from the wastewater service charge or surcharge must be deposited in a separate fund to be known as the "wastewater service fund." The money so received must be recorded and paid only for purposes set forth in subsection 710.01.

710.09 - Right to shut off water

In case of failure of prompt payment of the rates and charges herein provided, the city may shut off the water after ten days' written notice to the owner or occupant, or both, and opportunity to be heard before the council.

710.1 - Lien against property

Charges levied by and pursuant to this section are made a lien upon the corresponding lot, land, or premises served by a connection to the wastewater systems as provided in Minnesota Statutes, section

Section 715 - Water Service Charges

The consumers of water furnished by the city must pay the rates and charges set by appendix I.

715.01 - Charges

The clerk-treasurer must compute the amount due the city for water provided to the consumer and render a statement thereof monthly to the owner or occupant of the premises served by the water system. The statement is due and payable within ten days after the statement is issued. Failure to pay within the ten days results in a penalty fixed by appendix I being added to the charges.

715.05 - Right to shut off water

In case of failure of prompt payment of the rates and charges herein provided, the city may shut off the water after written notice to the owner or occupant, or both, and hearing and opportunity to be heard.

715.07 - Lien against property

Each charge levied by and pursuant to this section is a lien upon the corresponding lot, land, or premises served by a connection to the sewer system of the city provided in Minnesota Statutes, section 444.075.

Charges on September 30th of each year more than 30 days past due that have been properly billed to the owner, occupant, or lessee of the premises served, will be certified by the clerk-treasurer to the county auditor between the first and 10th days of October of each year. The clerk-treasurer in so certifying the charges to county auditor must specify the amount thereof, the description of the premises served and the name of the owner thereof. The

amount so certified will be extended by the auditor on the tax rolls against such premises in the manner as other taxes, and collected by the county treasurer, and paid to the clerk-treasurer, along with other taxes.

715.09 - Charges recoverable in civil suit

Charges levied by this section that have been properly billed to the account of any premises served, but not paid, may be recovered in a civil action by the city in any court of competent jurisdiction.

715.1 - Meters

All connections to the water system must be metered.

The city will supply meters for connection up to 3/4 inches. Meter costs over 3/4 inches must be paid for by the user. Services requiring meters of 1.5 inches or greater must have a compound meter installed.

Streets, Alleys, and Public Ways

Section 800 - Sidewalks

800.01 - Repair and maintenance of sidewalks

Subdivision 1

The owner of the property within the city abutting a public sidewalk must keep the sidewalk in repair and safe for pedestrians. The owner and occupant of such property must use diligence to remove snow, ice, dirt, or rubbish from the sidewalk. Snow and ice must be removed within 24 hours after a snow or sleet storm. Sidewalks must be kept free of debris, including the trimming of tree limbs. When there has been an excessive accumulation of snow as determined and declared by the Mayor and Street Commissioner of the City of Freeport, then property owners shall be excused from the 24 hour requirement for removal of snow for such a period of time as determined by the Mayor and Street Commissioner.

Subd. 2 - Main sidewalk routes

In the event there is an excessive accumulation of snow as determined and declared by the Mayor and City Street Commissioner of the City of Freeport, the City Street Department Employee shall be instructed to remove the excessive snow from the boulevards of certain sidewalks which are designated as "main sidewalk routes" so as to permit the property owners to reasonably maintain the sidewalks thereafter. The following are designated as "main sidewalk routes" in the City of Freeport.

1. Main St. E. between 2nd Ave NE & 3rd Ave. NE north side.
2. 2nd St. NE/NW between 3rd Ave. NW and 3rd Ave. NE north
3. 1st Ave. N. between 2nd St. NE and 4th St. NW east side.
4. 2nd Ave. NE between Main St. E and 2nd St. NE west side.

800.03 - Repairs by city

If the city council determines that a public sidewalk within the city is unsafe, the council may cause a notice to be served by certified mail or personal service upon the record owner of the property and the

occupant, if the owner does not reside within the city or cannot be found therein, ordering the owner to have the sidewalk repaired and made safe within 30 days, and stating that if the owner fails to do so, the city will do so, and that the expenses thereof must be paid by the

owner and that if unpaid, it will be made a special assessment against the property concerned. If the sidewalk is not repaired within 30 days after receipt of the notice, the maintenance engineer must report the facts to the council and the council may by resolution order the maintenance engineer to repair the sidewalk and make it safe or order the work be done by contract in accordance with the law. The maintenance engineer must keep a record of the total cost of the repair attributable to each lot or parcel of property and report such information to the city clerk-treasurer. The cost of the repairs will be assessed against the property in the manner provided by Minnesota Statutes, section 429.101.

800.05 - Construction of new sidewalks

Where new sidewalk is constructed in an entire block, the city will pay one-third of the entire cost of the project, provided the owners of abutting property pay the balance, and provided further that construction be completed pursuant to specifications approved by the city council.

800.07 - Repair of existing sidewalks

If the existing sidewalk of an entire block is in need of repair as determined by the city council, the city will pay one-third of the entire cost of repairing or reconstructing this sidewalk, provided the abutting property owners pay the balance, and provided further, that the repair and reconstruction be completed pursuant to specifications approved by the city council.

Section 805 - Street Building Numbering

805.01 - Sections

For the purpose of establishing a uniform system of names of streets, avenues, and public ways, the city is divided into four sections, NW, NE, SW, SE, with the dividing point being the intersection of C.S.A.H. 11 and County Rd. 157.

805.03 - Map

Subdivision 1

A map showing all the streets, avenues, and public ways as designated and names follows this subsection.

Subd. 2

If any part of this section conflict with the map and thereby raise a question of interpretation, or if any omission or apparent error is found the facts must be presented to the city council for its review and decision.

Subd. 3

Streets, avenues, or public ways, laid out and, or opened to public travel must be named in accordance with the system established by this section.

805.05 - Assignment of numbers

Subdivision 1

Properties or parcels of land within the corporate limits of the city must be identified by reference to the uniform numbering system described in this section.

Subd. 2

Numbers must be assigned to houses and buildings in a uniform manner.

Subd. 3

Each principal building must bear the number assigned to the frontage on which the front entrance is located. In case a principal building is occupied by more than one business or family dwelling unit, each separate front entrance of such principal building must bear a separate number.

Subd. 4

The city clerk-treasurer will issue any property owner, upon request, a number for each building or separate front entrance to the building. The numbers described herein do not mean physical numbers for attachment to a building. The property owner is responsible for obtaining suitable numbers for property identification.

805.07 - Numbers

Figures used in numbering must be well formed, neat, legible, and permanent, not less than seven inches in height and easily legible from the street, where the structure is addressed from.

805.09 - Duty of city clerk

Subdivision 1

The clerk-treasurer is responsible for maintaining the numbering system, recording all numbers assigned on the street map and if necessary make changes in the existing numbering system to provide for a uniform method of numbering. Changes in existing numbers must be reported to the council at its regular council meeting. The council will consider such report, and accept or reject the same with such revisions and amendments as it deems necessary.

Subd. 2

A copy of this section has been filed in the office of the county recorder for Stearns County, Minnesota. A copy must be available for inspection by the public in the office of the city clerk-treasurer.

Section 810 - Protection Of Streets

810.01 - Burning

It is unlawful to burn any sweepings, trash, lumber, leaves, straw, paper, grass, or any combustible material upon any street in the city. It is unlawful to scatter any debris of any kind upon said streets and other non-surfaced streets. This section applies to any materials left upon streets caused by overloading of any truck or other vehicle.

810.03 - Tractors

Tractors or other vehicles with lugs thereon, or any other type of machinery that is not equipped with rubber tires are prohibited from using bituminous treated streets in the city and whoever drives such vehicle upon the streets whereby the streets are damaged, is guilty of a misdemeanor.

810.05 - Street openings; permit

It is unlawful to make an opening in any street or to disturb, in any way, the surface of any street, or to disturb, in any way, any portion of a street, without first receiving a permit from the city, except that where an emergency situation arises, such as a leak in a gas main, water pipe, or a matter of similar seriousness, and where the public safety requires immediate action, then work may be commenced immediately, but a permit must be obtained as soon after the accident as possible.

810.07 - Driveways

Subdivision 1 - Permit

It is unlawful for a property owner to develop or construct an access or driveway from property to any city street or roadway, without first securing a permit from the city. It is unlawful to break or open any curbing for driveway purposes, or use any part of a sidewalk for driveway purposes, without first securing a permit from the city.

Subd. 2 - Application

Application for a permit is filed with the clerk-treasurer, and must give the size and location of the proposed access or driveway, and describe the manner of restoration that will be made to any street, curb, or sidewalk, as a result of the proposed use or construction. The council may approve or reject the application and may give its approval with considerations attached also as to method of repair which must be followed, the size and location of the access. The council may require payment for any damage which may be anticipated, prior to the issuance of a permit.

810.09 - Metal tires

It is unlawful to move any vehicle on any bituminous surfaced street or roadway in the city, having any metal tire in contact with such street or roadway, except in the case of an emergency.

810.1 - Pulling vehicles or objects

It is unlawful to pull, drag, operate, or cause to be pulled, dragged on or over any bituminous surfaced street, within the city, any machine, sharp or narrow tired vehicle, trees, stumps, skids, or any object which does or is likely to cause damage to the surface of said street or roadway, or damage the same in any manner.

810.13 - Shod animals

It is unlawful to drive, lead, or cause to be driven, rode, or led, any shod horse, upon and over any bituminous surfaced street or roadway, in the city, when the hoofs of the animals are equipped with shoes or spikes.

810.15 - Joint liability

Any person violating any of the terms, requirements, and conditions of this section is liable for all damages which the street or roadway may sustain as a result of such violation; and in the event the driver and operator of such vehicle is not the owner thereof; but is operating, driving, or moving the same with the express or implied permission of the owner, the owner and driver will be jointly and severally liable for any such damage.

Public Safety

Subd. 2

It is unlawful to kindle or maintain any fire permitted by this subsection or authorize such fire to be ignited or maintained if the material to be burned consists of anything other than dried leaves, grass clippings, dried vegetation, and twigs.

Subd. 3

A fire authorized by this subsection must be constantly attended by a competent party until such a fire is extinguished and must have a garden hose connected to the water supply, or other fire extinguishing equipment readily available for use.

Subd. 4

Fires on public property are expressly prohibited except in the case where duly authorized city employees or any authorized agent of the city does so in the performance of their duty.

Subd. 5

Fires on the streets are prohibited.

Subd. 6

The fire chief or any other duly authorized agent of the city may enter upon any private property to investigate any open-burning fire. It is unlawful for a person to threaten or interfere with any agent of the city in the performance of those duties.

Subd. 7

Violations of any of the provisions of this subsection are petty misdemeanors. The third violation and all subsequent violations within a one year period of time are misdemeanors.

Section 910 - Animals: Pets

Ordinance No. 2005-03 - An ordinance establishing animal controls in the City Of Freeport.

Section 915 - Curfew

915.01 - Curfew imposed

Subdivision 1 - General rule

No person under the age of 16 years except as provided in subdivision 2, may be on any public grounds or building, place of amusement, entertainment, or refreshment, vacant lot, or any other unsupervised place between the hours of 10:00 p.m. and 5:00 a.m. of the following day.

Subd. 2 - Exceptions

The restrictions of subdivision 1 do not apply when the minor:

1. is accompanied by the minor's parent, guardian, or other person having the minor's lawful care, custody, or control;
2. is returning home within a reasonable time after a school activity or an activity of a religious or other voluntary association when prior notice of the activity and its place and probable time of termination has been given to the police department by an adult person authorized by the school or religious or voluntary association to do so;
3. is on the way to or from their place of employment; or
4. is upon an emergency errand or other legitimate business directed by the minor's parent, guardian, or other adult having the lawful custody of the minor.

915.03 - Responsibility of parent, etc

A parent, guardian, or other adult having custody and control of a minor under 16 years of age may not knowingly permit the minor to violate the provisions of subsection 920.01.

915.05 - Responsibility of other persons

Whenever the owner or person in charge or control of any place of amusement, entertainment, refreshment, or other place of business finds any person under the age of 16 in such place

in violation of subsection 920.01, the owner or person in charge must immediately order the person under 16 to leave, and if such person refuses to leave, the owner or person in charge must immediately inform the police department of the violation.

915.07 - Penalties

Any person under the age of 16 on a street or other place in violation of subsection 915.01 will be ordered to go home immediately. After investigation, if responsible city authorities determine that court action should be initiated, the minor will be dealt with in accordance with juvenile court law and procedure. A minor who is convicted of a violation of this section after the case has been referred for prosecution in the trial court under Minnesota Statutes, section 260.15, and any person who is convicted of a violation of any provisions of section 2 is guilty of a petty misdemeanor and will be punished by a fine of not to exceed \$100.

Licenses and Permits

Section 1000 - General Provisions

1000.01 - Policy and purpose of chapter

By the enactment of this chapter, the city council intends to establish to the maximum degree possible a uniform system for the issuance, revocation, suspension, and renewal of licenses and permits for all activities for which licenses and permits are required by this code. The council also intends that fees for licenses and permits required by this code are those set by this chapter.

1000.03 - Fees

Subdivision 1 - General

The fees for the various licenses and permits are adopted by council resolution from time to time and are set out in appendix I.

Subd. 2 - Other provisions

City events and city-wide celebrations sponsored by local non-profit/civic organizations in conjunction with the city are exempt from license and permit fees except the on-off intoxication and non-intoxication liquor. the organization obtaining the license must reimburse out-of-pocket expenses incurred by the city related to the event.

1000.05 - Application of chapter

Subdivision 1 - General

Where a provision of this code requiring a license or a permit contains no procedures for issuance, revocation, suspension, renewal, or fee, the provisions of this chapter apply.

Subd. 2 - Other provisions

Where a provision of this code requiring a license or a permit contains procedures for it issuance, revocation, suspension, renewal, or fee, such provisions prevail over this chapter.

Subd. 3 - Conflicts

Where a direct conflict exists between a license or permit fee set by provision of this code and a fee set by this chapter, the fee set by this chapter applies.

Subd. 4 - Liquor and beer

Prior to the increase of the license fees for intoxicating liquor and non-intoxicating liquor both on-sale and off-sale, the council must hold a public hearing on the question of the increase. The clerk-treasurer must mail written notice of the time and date of the hearing to holders of such license at least 30 days prior to the hearing.

Section 1005 - Licensing Procedures

1005.01 - 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 code without first obtaining a license from the city in the manner provided in this section.

1005.03 - Application

Application for a license is made to the city clerk-treasurer upon forms provided by the city. The applicant must state the location of the proposed activity and such other facts as are required for or applicable to the granting of the license.

Section 1010 - License Fees

1010.01 - License fees

The fees for the various licenses are set out in appendix I.

Section 1015 - Permit Procedures

1015.01 - Permits required

It is unlawful to engage in any trade, profession, business, or privilege in the city for which a permit is required by any provision of this code without first obtaining a permit from the city in the manner provided in this section.

1015.03 - Application for permit

Application for a permit is made to the clerk-treasurer 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 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.

1015.05 - Granting of permits

Upon payment to the city by the applicant of the required fee for any permits, the permit will be issued, except where council approval is required, in which case the clerk-treasurer is authorized to issue such permit after approval is granted by the council.

Changes in the information provided on the application or provided during the investigation must be brought to the attention of the City by the applicant or licensee. If such a change takes place during the investigation, it must be reported to the city clerk-treasurer in writing. A failure by an applicant or licensee to report such a change may result in a denial or revocation of a license.

1203.070 - Disqualifications and Requalification

Subdivision 1

The City will issue a license to an applicant within 30 days of the application unless one or more of the following conditions exist:

1. The applicant is under 18;
2. The applicant failed to supply all of the information required on the license application;
3. The applicant gives false, fraudulent, or untruthful information on the license application;
4. The applicant has been convicted of a misdemeanor, gross misdemeanor or felony relating to sex offenses, obscenity offenses, or Adult Establishments;
5. The Adult Establishment is not in full compliance with the Freeport City Code and all provisions of state and federal law;
6. The applicant has not paid the required license fee;
7. The applicant has been denied a license by the City or any other Minnesota municipal corporation to operate an Adult Establishment, or such license has been suspended or revoked, within the preceding twelve (12) months;
8. The applicant is not the proprietor of the establishment for which the license is issued; or
9. The Adult Establishment premises holds an intoxicating liquor, beer or wine license.

Subd. 2

An applicant may qualify for a license:

1. After one year has elapsed in the case of a previous license revocation;
2. After two years have elapsed since the date of conviction or the date of release from confinement, whichever is later, in the case of a misdemeanor or gross misdemeanor offense;
3. After five years have elapsed since the date of the last conviction or the date of release from confinement for the conviction, whichever is later, in the case of a felony offense; or
4. After five years have elapsed since the date of the last conviction or the date of release from confinement for the last conviction, whichever is later, if the conviction is of two or more misdemeanor or gross misdemeanor offenses or combination of misdemeanor or gross misdemeanor offenses occurring within any 24-month period.

1203.080 - Expiration And Renewal

Subdivision 1 - Expiration

An Adult Establishment license expires at the end of the calendar year.

Subd. 2 - Renewal

A licensee may renew a license by completing an application as provided in section 1203.060. The applicant will be allowed to continue business until the City has determined that the applicant meets the criteria for renewal of the license. If the City denies the renewal, the applicant shall not be issued a license for one year from the date of denial.

1203.090 - Suspension

Subdivision 1 - Causes of Suspension

The City may suspend a license for a period not to exceed 30 days if it determines that the licensee or an employee of a licensee has:

1. Violated or is not in compliance with any provision of this Ordinance;
2. Allowed or engaged in the sale or use of alcoholic beverages while on the Adult Establish-

ment premises other than at an Adult Hotel or Motel;

3. Refused to allow an inspection of the Adult Establishment as authorized by this Ordinance; or

4. Knowingly permitted unlawful gambling by any person on the Adult Establishment premises.

Subd. 2 - Notice

A suspension by the City shall be preceded by written notice to the licensee and a public hearing. The notice shall give at least 10 days notice of the time and place of the hearing and shall state the nature of the abuses against the licensee. The notice may be served upon the licensee personally, or by leaving the same at the licensed business premises with the person in charge thereof, or by mailing the notice by U.S. Mail to the last known address of the owner or agent authorized to receive legal notices for the business, as listed on its license application:

1203.100 - Revocation

Subdivision 1 - Suspended Licenses

The City may revoke a license if a cause of suspension in section 1203.090 occurs and the license has been suspended at least once before within the preceding 12 months.

Subdivision 2 - Causes of Revocation

The City may revoke a license if it determines that:

1. A licensee gave false or misleading information in the material submitted to the City during the application process;
2. A licensee or an employee has knowingly allowed possession, use, or sale of controlled substances on the premises;
3. A licensee or an employee has knowingly allowed prostitution on the premises;
4. A licensee or an employee knowingly operated the Adult Establishment during a period of time when the licensee's license was suspended;
5. A licensee has been convicted of an offense listed in section 1203.070, subd. 1(d), for which the time period required in section 1203.070, subd. 2 has not elapsed; or
6. Except in the case of an Adult Hotel or Motel, a licensee or an employee has knowingly allowed any act of sexual intercourse, sodomy, oral copulation or masturbation to occur in or on the licensed premises.

Subd. 3 - Appeals

The fact that a conviction is being appealed shall have no effect on the revocation of the license.

Subd. 4 - Granting a License After Revocation

When the City revokes a license, the revocation shall continue for one year and the licensee shall not be issued an Adult Establishment license for one year from the date revocation became effective. If, subsequent to revocation, the City finds that the basis for the revocation has been corrected or abated, the applicant may be granted a license if at least 90 days have elapsed since the date the revocation became effective. If the license is revoked due to a criminal conviction under section 1203.070, subd. 1(d), an applicant may not be granted another license until the appropriate number of years required under section 1203.070, subd. 2, has elapsed.

1203.10 - Procedures For Appeal Non-renewals, suspensions and revocations of an Adult Establishment license are governed by the following:

Subdivision 1 - Notice and Hearing

In the event that the City proposes to not renew, to suspend or to revoke a license, the City will notify the licensee in writing of the basis for the action. The council will hold a hearing for the purpose of determining whether to not renew, to suspend, or to revoke the license. The hearing must be within 30 days of the date of the notice. The city council must determine whether to not renew, to suspend or to revoke a license within 30 days after the close of the hearing or within 60 days of the date of the notice, whichever is sooner. The council must notify the licensee of its decision within that period.

Subd. 2 - Suspension or Revocation

If the council determines to suspend or revoke a license, the suspension or revocation is not effective until 15 days after notification of the decision to the licensee. If, within that 15 days, the licensee files and serves an action in state or federal court challenging the council's action the suspension or revocation is stayed until the conclusion of such action.

Subd. 3 - Non-renewal

If the city council determines not to renew a license, the licensee may continue its business for 15 days after receiving notice of such non-renewal, if the licensee files and serves an action in state or federal court within the 15 days for the purpose of determining whether the City acted properly, the licensee may continue in business until the conclusion of the action. Subd. 4 - Prompt Judicial Review

After denial of an application or a renewal of an application, or suspension or revocation of any license, the applicant or licensee may seek prompt judicial review of such action in any court of competent jurisdiction. The court shall promptly review such action.

1203.120 - Posting

The license, if granted, must state on its face the name of the person or entity to whom is granted, the expiration date, and the address of the Adult Establishment. The license must be posted in a conspicuous place at or near the entrance to the Adult Establishment.

1203.130 - Fees Subdivision 1

The annual license fee for Adult Establishments is \$3,000. If eight (8) months of any licensing year have elapsed when an application is made, the fee shall be reduced to one-half the regular amount. The fee is non-refundable.

Any person violating any provision of this Ordinance shall be guilty of a misdemeanor, and upon conviction shall be subject to the penalties for a misdemeanor as prescribed by state law. Each day the violation continues shall be considered a separate misdemeanor offense punishable by a separate misdemeanor penalty. The City may also enforce any provision of this Ordinance by mandamus, injunction or any other appropriate civil remedy in any court of competent jurisdiction.

1203.170 - Severability

Every section, provision, or part of this Ordinance is declared severable from every other section, provision, or part thereof to the extent that if any section, provision, or part of this Ordinance be held invalid by a court of competent jurisdiction it shall not invalidate any other section, provision, or part thereof.

Traffic, Motor Vehicles, and Other Vehicles

Section 1300 - Highway Traffic Regulation

1300.01 - State highway regulation act adopted by reference

Minnesota Statutes, chapter 169, "The highway traffic act", is adopted by reference and is as much a part of this code as if fully set forth herein. A violation of chapter 169 as herein adopted is a violation of this code.

1300.03 - Definitions

For purposed of this chapter, the terms defined in Minnesota Statutes, section 169.01, as adopted herein, have the meanings given by that section.

Section 1305 - Streets; Traffic

1305.01 - Emergency street closings

Subdivision 1 - Reasons

In an emergency the city clerk-treasurer, fire chief, or the maintenance engineer may close off any public street, alley, or area to vehicular or pedestrian traffic, including parked cars to reroute traffic when necessary to control or prevent a riot, to fight, or prevent the spreading of a fire, to control or prevent a riot, to fight or fight the spreading of a fire, to control or remove explosives, to repair electrical service, gas, water, or sewer main, or to prevent damage to life, limb, or property that might result from any traffic or other hazard.

Subd. 2 - Procedure

The maintenance engineer 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. Prior to closing as street or alley both the fire and police department must be notified.

Subd. 3 - Temporary closing

The fire chief, may order the temporary closing off or the temporary designation of one way traffic or to reroute any or all vehicular traffic on any public street, alley, or area when it appears necessary to control

vehicular or pedestrian traffic or crowds resulting from any large public gathering, prior to, during, and after a public or private convention, assembly, parade, carnival, circus, political rally, or sports events where the use of public street, park, or other public property is necessary or incidental to the holding or convening of any of the foregoing activities.

Subd. 4 - Barrier; warnings

A street or area may be closed to vehicular or pedestrian traffic or to parked cars at any hour by stationing of a police officer at both ends of said street or area, who may then direct traffic, or during the daylight hours by posting or erecting suitable signs, flags, or barriers at both ends of the street area so designated, stating the restriction imposed and by whose authority the restriction is imposed, or at night by placing of suitable barriers and warning lights or flasher signals at both ends of the street or areas so designated. Drivers must obey police officers and barriers, flags, signs, lights, or signals so placed.

Subd. 5 - Emergency traffic restrictions

The fire chief may make and enforce necessary traffic control restrictions in time of emergency, provided that public notice of such 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 council at the next regular council meeting, following the establishment of such emergency restrictions, at which time such restrictions may be continued or abandoned by resolution of the council.

1305.03 - Cutting across public or private property

It is unlawful to disobey the instructions of an official traffic control device within the meaning to this section, unless at the time otherwise directed by a police officer, by driving into or across public or private property so as to obviate the need to comply with the traffic control device.

1305.05 - 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 Regulations

1310.01 - Weight restrictions

It is unlawful to leave or park on or within the limits of any public street in any residential area in the city, any of the following;

1. A semi-trailer.
2. Overnight parking of a combination vehicle unit in excess of 50 feet in length.
3. A vehicle carrying flammable or hazardous substances which could threaten health and public safety.

1310.03 - Parking zones

The city council may by resolution designate certain streets or portions of streets as no parking, or no stopping, or standing zones, and may limit the hours in which the restrictions apply. The city may mark, by appropriate signs, each zone so designated. Except when necessary to avoid conflict with other traffic or in compliance with the directions of a police officer, it is unlawful to stop or park a vehicle in an established no parking or standing zone where stopping or standing is prohibited. A vehicle may not be parked in a "no parking" zone during hours when parking is prohibited, except for the purpose of forming a funeral procession, and a truck may be parked temporarily for a single period of no longer than two hours on any business day for the purpose of loading or unloading where access to the premises is not otherwise available.

1310.05 - Time limit parking

The council may by resolution designate certain areas where the right to park is limited during hours specified and such areas will be marked by appropriate signs. During the hours specified on the sign, it is unlawful to park a vehicle in a limited parking zone for a longer period than so specified.

1310.07 - General time limit

Subdivision 1 - General rule

It is unlawful to park a vehicle upon any street, alley, or way, or in a municipal parking lot in any one place for a continuous period longer than 48 hours. Subd. 2 - Measure of time limit

A vehicle moved a distance of not more than one block during any limited parking period, is deemed to have remained stationary. It is unlawful to obliterate, erase, or remove any mark or sign placed on a vehicle by a police officer for the purpose of measuring the length of time such vehicle has parked.

1310.09 - Prima facie violation

The presence of a motor vehicle, trailer, or implement on a public street when standing or parked in violation of this section is prima facie evidence that the registered owner of the vehicle, trailer, or implement did or authorized the violation.

1310.1 - Winter parking rules

Subdivision 1

It is unlawful to park a motor vehicle or any vehicle on a public street, alley, or way, or in a municipal parking lot from and including November 1, to and including March 31, after the hours of 2:30 a.m. and before 7:00 a.m.

Subd. 2 - Exemptions

All vehicles shall be exempt from the winter parking rule.

1. Thanksgiving Eve.
2. Christmas Eve.
3. New Year's Eve.

1310.13 - Penalty

Violation of subsection 1310.11 is petty misdemeanor and punishable by fine of \$25.00. A person violating the provisions or other provisions of this section is guilty of a petty misdemeanor and upon conviction will be punished by a fine of not more than \$100.00.

Section 1315 - Sale Of Unclaimed Motor Vehicles

1315.01 - Abandoned motor vehicle law adopted by reference

Minnesota Statutes, chapter 168B, is adopted by reference and is as much a part of this code as if fully set forth herein. A violation of the statutes adopted herein by reference is a violation of this code.

Section 1320 - Driver's License and Registration Of Motor Vehicles

1320.01 - Adoption by reference

Subdivision 1 - Motor vehicle registration act

Minnesota Statutes, sections 168.011, 168.055, 168.056, 168.09, 168.10, 168.11, 168.27, 168.36, 168.39, 168.41, 168.44 are adopted by reference and are as much a part of this code as if fully set forth herein.

Subd. 2 - Driver's license law

Minnesota Statutes, section 171.01, 171.02, 171.03, 171.05, 171.08, 171.09, 171.11, 171.17, 171.18, 171.20, 171.22, 171.23, and 171.24 are adopted by reference and are as much a part of this code as if fully set forth herein.

Subd. 3 - Violations

A violation of a statute adopted by reference herein is a violation of this code.

Development Authority

Section 1400 - Economic Development Authority

1400.01 - Definitions

As used in this ordinance, the following terms shall have the following definitions:

1. "Authority" - Means an Economic Development Authority as defined by Minnesota Statutes 460.090 through 469.108.
2. "City" - Means the City of Freeport, Minnesota.
3. "City Council" - Means the duly elected governing body of the City of Freeport, Minnesota.
4. "The Act" - Means Minnesota Statutes 469.090 through 469.108.
5. "Enabling Resolution" - Means this ordinance which establishes the Freeport Economic Development Authority.

1400.03 - Establishment

There is hereby created in the City an Economic Development Authority, which, subject to the provisions of the Enabling Resolution, shall have all of the powers, duties, and responsibilities of an Economic Development Authority pursuant to Minnesota Statutes 469.090 and 469.108. The Authority shall also have the powers of a housing and redevelopment authority contained in Section 369.047. It shall be the role and responsibility of the Authority to carry out economic and industrial development and redevelopment within the City in accordance with such general policies as may from time to time be established by the City Council and pursuant to such Bylaws as may be adopted by the Authority with approval of the City Council. It shall confer with other public and private groups on matters relating to business and industrial development and periodically survey the City's industrial and commercial climate and City's housing requirements and to report regular to the City Council.

1400.05 - Name

The Economic Development Authority created by the Enabling Resolution shall be known as the Freeport Economic Development Authority.

1400.07 - Members

The Authority shall consist of seven (7) Members, two (2) of whom must be members of the City Council.

The Mayor and City Clerk/Treasurer shall serve as ex-officio Member. The other five (5) Members shall be appointed by the Mayor, upon approval of the City Council. Those initially appointed shall be appointed for terms of two (2), three (3), four (4), five (5), and six (6) years respectively. There after, all Members shall be appointed for six-year terms.

1400.09 - Administration

Subdivision 1

The Authority shall adopt Bylaws and rules of procedure for administration of its affairs. The Bylaws must be approved by the City Council prior to becoming effective.

1. Officers - The Authority shall elect a President, a Vice President, a Secretary, and an Assistant Treasurer on an annual basis. The City Clerk-Treasurer shall serve as the Treasurer. A Member shall not serve as President and Vice President at the same time. The other offices may be held by the same Member. The Office of Secretary need not be held by a Member.
2. Professional Service Contracts - The City, upon recommendation of the Authority, may employ an Economic Development Coordinator. The Authority may employ technical experts and professionals as deemed necessary. Their salaries and duties shall conform to City Council policy and require City Council approval.
3. Duties and Powers - The Officers shall have the usual duties and powers of their offices and such other powers and duties as may be delegated to them by the Authority, the Bylaws and

the Act.

1400.1 - Modification

All modification to the Enabling resolution must be by written Ordinance and must be adopted after notice is given and a Public Hearing conducted as required for the original adoption of the Enabling Resolution.

1400.13 - Report to City Council

The Authority shall submit a written report of its activities and its recommendation for modification of the Enabling Resolution at least annually.

1400.15 - Coordinator

The City's Economic Development Coordinator shall attend all meetings of the Authority, shall serve as consultant and advisor to the Authority and shall make periodic reports to the City Council.

1400.17 - Conflict of Interest

Except as authorized by Minnesota Statute 471.88, a Member, Officer, or employee of the Authority may not acquire any financial interest, direct or indirect, in any project, or any project, or in any property included or planned to be included in any project, nor shall the person have any financial interest, direct or indirect, in any contract or proposed contract for materials or service to be furnished or used in connection with any project.

1400.19 - Budget

Subdivision 1

Annually, at a time fixed by the City Council, the Authority shall prepare and submit to the City Council a detailed budget. The fiscal year of the Authority shall be the same as the fiscal year of the city.

1. Audit - The financial statements of the Authority must be prepared, audited, filed, published, or posted according to City Council policy.

1400.21 - Schedule of Powers

Subdivision 1

The Authority may create and define the boundaries of economic development districts and use the powers granted to carry out economic development in these district upon City Council approval.

1. Acquire Property - The authority may acquire, by lease, purchase, devise or through condemnation proceedings, create economic development in these districts upon City Council approval. Property acquired, leased, owned, controlled, used or occupied by Authority for any of the purposes of Section 469.101 of Minnesota Statutes is for public governmental and municipal purposes and is exempt from taxation by the state or its political subdivisions. The exemption from property taxes only applies while the Authority holds the property for its own use.

2. Options - The Authority may negotiate and acquire options to purchase, sell, or lease property for the purpose of economic development upon City Council approval.

3. Contracts - The Authority may make contracts for the purpose of economic development within the powers given it in the Act and upon City Council Approval.

4. Limited Partnerships - The Authority may become a limited partner in a partnership whose purpose is consistent with the Authority's purpose upon City Council approval.

5. Rights and Easements - The Authority may acquire rights or easements for a term of years or perpetually for development of an economic development district or project upon City Council approval.

6. Receive Public Property - The Authority may accept land, money, or other assistance, whether by gift, grant, loan, or otherwise, in any form from the federal, state, local government, any agency of either or a local division of state government.

7. Public Facilities - The Authority may operate; maintain a public parking facility, housing facility, or other public facilities to promote economic development in the City upon City Council approval.

8. Other Powers - The Authority shall have such other powers as authorized and described in this Act.

1400.23 - General Obligation and Revenue Bonds

The Authority may issue General Obligation Bonds or Revenue Bonds after first receiving the approval and authorization by four-fifths (4/5ths) vote of the entire City Council and in accordance with the provisions of the Act.

1400.25 - City Council Approval Required

Notwithstanding any provisions contained herein, the Authority shall not exercise any of the powers enumerated herein or specified by the Act, without prior approval of the City Council.

1400.27 - Effective Date

This Ordinance shall take effect and be in force from and after its passage and publication according to law.

Section 1405 - Bylaws Of Freeport Economic Development Authority

1405.01

Article I - Purpose

The Freeport Economic Development Authority is a public body politic and corporate and a political subdivision of the State of Minnesota. The primary purpose of the Authority is to serve as an Economic Development Authority pursuant to Minnesota Statutes 469.090 through 469.108. Provisions of Minnesota Statutes, the Enabling Resolution (Ordinance No. 1998-5-26), any modifications, which may be adopted, and the Bylaws of the Authority shall govern the Authority. The purpose of the Authority is to promote commercial and industrial development in the City of Freeport, Stearns County, and State of Minnesota, hereinafter referred to as the "City".

Article II - Office and Boundaries

1. The principal office shall be in the City Council Chambers at 125 Main Street East in the City.
2. The Authority may also have offices at such other locations as Members of the Authority shall determine and upon approval by the Freeport City Council.
3. The territory in which operations of the Authority are principally to be conducted consists of the City.

Article III - Members

1. The management of all the affairs, property and business of the Authority shall be vested in the members of seven (7) persons, with at least two (2) Members being members of the City Council. The Mayor and City Clerk/Treasurer shall serve as ex-officio member. The Mayor upon approval of the City Council shall appoint Members the other five (5). Those initially appointed

shall be appointed for terms of two (2), three (3), four (4), five (5), and six (6) years respectively. Thereafter, all members shall be appointed for six-year terms.

2. The Members may exercise all of the powers of the Authority and do all such lawful acts and things as are required or permitted to be done pursuant to law, the Enabling Resolution or pursuant to the Bylaws, subject, however, to the approval of the City Council.

3. Meetings of the Authority shall be held at least quarterly in the principal office of the Authority in the City or at such other place as the Members may establish from time to time. A calendar of Meetings shall be set at the first meeting of the year. At least three (3) days written notice of such meetings shall be given to members.

4. Special Meetings of the Authority may be called at any time by the President or, in their absence, by the Vice-President or by two (2) Members. Meeting will be held at the principal office of the Authority in the City, or at such other place or places as the President, or Vice President or any two (2) Members calling such meeting may designate. Notice of Special Meetings of the Authority shall be given to each Member at least three (3) days prior to the meeting, such notice shall be given in writing, by depositing the same in the U.S. Mail, postage prepaid, addressed to the address of such Member at their residence as appears in the records of Authority.

5. All vacancies on the Authority shall be filled by the Mayoral appointment upon approval of the City Council. A Member selected to fill any vacancy shall hold office for the balance of the unexpired term to which appointed.

6. A quorum at all meetings of the Authority shall consist of a majority of all the Members, but in No Case shall a quorum be less than four (4) Members. Less than a quorum may, however, adjourn any meeting, which may be held on a subsequent date without further notice provided a quorum is present at such deferred meeting.

7. Compensation for attending meeting and actual expense shall be set by the City Council.

8. All meetings of the Authority shall be open to the public.

Article IV - Officers

1. The Officers of the Authority shall be a President, Vice-President, Secretary, Treasurer, and an Assistant Treasurer. The City Clerk/Treasurer shall serve as the Treasurer. The other Officers shall be elected to one-year terms. They shall hold the office until their successors are elected and are qualified. The President, Vice-President, and Treasurer shall be Members of the Authority. The Treasurer and Assistant Treasurer need not be a Member of Authority and shall be appointed by the Members.

2. The President shall preside at all meetings of the Authority.

3. The Vice-President shall exercise the functions of the President during the absence or disability of the President.

4. The Secretary shall issue notice for all meetings of the Authority called at the request of the Members as provided herein may be issued by such Members, shall keep minutes of all meetings, shall have charge of the Authority books and shall make such reports as required by the Authority and the City Council.

5. The Treasurer shall perform all duties incident to the office, which are properly required to the Treasurer by the Authority as set forth in Minnesota Statute 469.096. Subd 4.

6. In the case of the absence or the inability to act of any Officer of the Authority and of any person herein authorized to act in place of the Officer, the Authority may from time to time delegate the powers or duties of such Officers to any other Officer or any Member whom it may elect.

7. The Authority at any regular or special meeting may fill vacancies in any Office arising from any cause. The City Council must approve appointments.

8. The fees, if any, of all contracted agents of the Authority shall be fixed by the Members and approved by the City Council.

Article V - Subcommittees

1. The Authority may appoint Subcommittees to assist in carrying out the functions of the Authority. The Subcommittees may consist of the following:
 - Financing Committee
 - Sites and Building Committees
 - Public Information Committees
 - Business and Community Contact Committees
 - Community Revitalization Committee
2. The Authority may define the specific duties and responsibilities of each Subcommittee.

Article VI - Attendance and Expenses

1. Any Member who is absent from three (3) consecutive duly called meetings of the Authority shall be deemed to have resigned unless the President so notes such explanation in the records of the Authority.
2. Members and Officers shall be entitled to reimbursements for all expenses incurred in attendance at meetings and in the performance of duties on the behalf of the Authority as established in the City's Expense Policy.

Article VII - Finance and Administration

1. The funds of the Authority are public funds and shall be deposited in the City's Official Depositories. All disbursements of funds shall be by check signed by the Mayor and City Clerk/Treasurer.
2. The Authority fiscal year shall be the same as the City's fiscal year.
3. The nature, number, and qualification of the staff required by the Authority to conduct its business according to these Bylaws shall comply with Minnesota Statutes 469.097.
4. The books and records of the Authority shall be kept at the Authority office of the City.
5. The purpose of the Authority shall be limited to promoting commercial and industrial development of the City and to provide a supply of adequate, safe, and sanitary dwellings for the City.

Articles VIII - Powers

The Authority may exercise the powers described in this Article, subject, however, to the prior approval of the City Council.

1. The Authority may exercise all of the powers contained in the Act, Minnesota Statutes Chapter 469.090 through 469.108.
2. The Authority may exercise all the powers contained in the Housing Act, Minnesota Statutes Chapter 462.
3. The Authority may exercise all of the powers of an agency contained in the Development Act, Minnesota Statutes, Chapter 472A.
4. The Authority may exercise all the powers of a redevelopment agency contained in the Industrial Bond Act, Minnesota Statutes, Chapter 474
5. The Authority may exercise all of the powers of a City contained in the Housing Finance Act, provided authorized to do so by Ordinance of the City Council to Section 462.C.02, Subdivision 6 of the Housing Finance Act.
6. The Authority may exercise such powers of an Authority contained in Tax Increment Act, Minnesota Statutes, Chapter 472.
7. The Authority may exercise such powers of an Authority contained in Minnesota Statutes 469.001 to 469.047 (Housing and Redevelopment Authority)
8. The Authority may exercise such powers as may be contained in other laws applicable to

economic development authorities not specifically described herein.

Article IX - Limits of Power

1. The Authority shall not exercise any powers without prior approval of the City Council.
2. All official actions of the Authority must be consistent with the adopted Comprehensive Plan of the City.

Article X - Annual Report and Budget

1. The Authority will have available for the City's Auditor, a summary of the preceding year's revenues and expenditures within thirty (30) days after the close of the fiscal year. The purpose of this and any other data the Auditor may require is to allow the Auditor to proceed in a timely manner in preparing an annual fiscal report.
2. The Authority shall prepare an annual report describing its activities and providing an accurate statement of its financial condition, together with additional matters and recommendations it deems advisable for the economic development of the City. The report shall be prepared and submitted to the City by February 1st of each year.

If a person fails to comply with the notice within ten days after service, or if the owner, occupant, or agent can not be found, the weed inspector may have such weeds cut and removed or otherwise eradicated. A record showing the cost of such work attributable to each separate lot or parcel will be delivered by the weed inspector to the city clerk-treasurer. On or before the first day of August of each year, the amount so charged against the lot or parcel of land, together with a description of the premises and the name of last known owner will be reported by the clerk-treasurer to the city council. The council must then spread the costs against each property as a special assessment for collection as other special assessments in the following year, all as authorized by Minnesota Statutes, section 429.101.

3. The Authority shall prepare an annual budget projecting anticipated expenses and sources of revenue. The report shall be prepared and submitted to the City annually.

Articles XI - Notices

1. Whenever the provisions of the Minnesota Statutes or these Bylaws require notice to be given to a Member or Officer, such notice shall be given, in writing, by depositing the same in the U.S. Mail, postage prepaid, addressed to the address of such Member at their residence as the same appears in the records of the Authority. The time of the mailing said notice shall be deemed the time of giving such notice.
2. A waiver of any notice in writing signed by a Member, whether before or after the time stated in said waiver for holding a meeting shall be deemed equivalent to a notice required to be given to any Member.

Articles XII - Staff

1. The City, upon recommendation of the Authority, may employ an Economic Development Coordinator. The Authority may employ other technical experts and agents as it may require and determine their duties, qualifications and compensation, subject to approval of the City Council.
2. The Authority may contract for the services of consultants, agents, public accountants and other persons needed to perform its duties and exercise its power with prior City Council approval.
3. The Authority may use the services of the City Attorney or general council as determined by the Members of the City Council.

Article XIII - Amendment of Bylaws

1. Alterations, amendments or repeal of the Bylaws may be made by a majority vote at any

meeting, if the notice of such meeting contains a statement of the proposed alteration, amendment or repeal. Notice of any alteration, amendment or repeal of the Bylaws shall be given in writing to each Member at least ten (10) days prior to the meeting at which said proposed alteration, amendment or repeal shall be considered. All amendments shall be subject to the approval of the City Council.

Article XIV - Miscellaneous

1. Roberts Rules of Order, Revised Edition, shall govern all meetings of the Authority.
2. Except as authorized in Section 471.88, a Member, Officer or employee of Authority must not acquire any financial interest, direct or indirect, in any project or in any property included or planned to be included in any project, nor shall the person have any financial interest, direct or indirect, in any contract or proposed contract for materials or services to be furnished or used in connection with any project.

Misdemeanors

Section 2000 - General Provisions; State Law Adopted By Reference

2000.01 - Conduct prohibited

It is unlawful to engage in any act or in the behavior prohibited by the chapter. Violation of a provision of this chapter is a misdemeanor and may be punished as provided in section 115 of this code.

2000.03 - Provisions of criminal code adopted by reference

Subdivision 1

The provisions of Minnesota Statute, chapter 609, as set forth in this subsection, are hereby adopted by reference and are as much a part of this code as if fully set forth herein.

Subd. 2

Section 609.221, 609.223, 609.223, 609.2231, and 609.224, "Assault in first to fifth degree".

Subd. 3

Section 609.51, "Simulating legal process".

Subd. 4

Section 609.52., "Theft".

Subd. 5

Section 609.505, "Falsely reporting a crime".

Subd. 6

Section 609.535, "Issuance of dishonored checks".

Subd. 7

Section 609.545, "Misuse of credit card to secure services".

Subd. 8

Section 609.576, "Negligent fires; dangerous smoking"

Subd. 9

Section 609.605, "Trespass".

Subd. 10

Section 609.66, "Dangerous weapons".

Subd. 11

Section 609.68, "Unlawful deposit of garbage, litter, or like".

Subd. 12

Section 609.705, "Unlawful assembly".

Subd. 13

Section 609.715, "Presence at unlawful assembly".

Subd. 14

Section 609.72, "Disorderly conduct".

Subd. 15

Section 609.75 "Gambling; definitions".

Subd. 16

Section 609.755, "Acts of or relating to gambling".

2000.05 - Violation

A violation of the statutes adopted by reference herein is a violation of this code.

Section 2005 - Misdemeanors; Specific Provisions

2005.01 - Disorderly conduct

The following acts are disorderly conduct:

1. lurking, lying in wait, or concealment in any building, yard, or street within the city with intent to do mischief, or to pilfer, or to commit any crime or misdemeanor therein;
2. willfully disturbing any meeting not unlawful in its character, or the peace and quiet of any family or neighborhood;
3. willfully and lewdly exposing one's person or one's private parts, or procuring another to so expose oneself, and any open and gross lewdness or lascivious behavior, or any act of public indecency;
4. using profane, vulgar or indecent language in or about any public building, store, place of public entertainment, or place of business, or upon any of the streets, alleys, sidewalks, or parks of the city so as to be audible and offensive;
5. appearing upon any public street or other public places in an intoxicated condition or drinking intoxication liquor on any street or a vehicle upon a public street;
6. unlawfully striking or in any unlawful manner offering to or doing any 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;
7. willfully making a false report to a police officer in the performance of his official duties;
8. discharge of firearms/BB guns.

2005.03 - Resisting a public officer

It is unlawful to willfully resist, delay, or obstruct a public officer in discharging or attempting to discharge a duty of the officer's office.

2005.05 - False statements It is unlawful to make a false statement in an application for a permit or license from the city.

2005.07 Loitering

Subdivision 1 - Prohibited

It is unlawful to loiter, loaf, wander, stand, or remain idle either along or in consort with others in a public place in such manner as to:

1. 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;
2. 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 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 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, 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.

2005.09 - 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 or fire, or other emergency condition when no fire or emergency condition exists.

2005.1 - 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.

2005.13 - 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.

2005.15 - Liquor and beer in public places

Subdivision 1 - Public ways

It is unlawful to consume, barter, or give intoxicating beverages, or malt beverages in or upon a public street, avenue, boulevard, alley, or other public way, whether in a vehicle or not, in the city.

Subd. 2 - Parking areas

It is unlawful to consume, barter, or give any intoxicating beverages or non-intoxicating malt beverages in or upon a parking area open to the public whether in an vehicle or not.

2005.17 - Trespass: notice

Subdivision 1

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 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 unless the property owner or other complaining party can produce a copy of the notice of trespass and a signed affidavit of its service.

Section 2010

Section 1 - Public Nuisance

Whoever by his act or failure to perform a legal duty intentionally does any of the following is guilty of maintaining a public nuisance, which is a misdemeanor:

1. Maintains or permits a condition which unreasonably annoys, injures or endangers the safety, health, morals, comfort or repose of any considerable number of members of the public;
2. Interferes with, obstructs or renders dangerous for passage any public highway or right-of-way, or waters used by the public; or
3. Is guilty of any other act or omission declared by law, this ordinance, or any other Freeport City ordinance to be a public nuisance and for which no sentence is specifically provided.

Section 2 - Public Nuisances Affecting Health

The following are hereby declared to be public nuisances affecting health:

1. Exposed accumulation of decayed or unwholesome food or vegetable matter;
2. All diseased animals running at large;
3. All ponds or pools of stagnant water;
4. Carcasses of animals not buried or destroyed within 24 hours after death;
5. Unreasonable accumulations of manure, refuse or other debris;
6. Privy vaults and garbage cans which are not rodent-free or fly-tight or which are so maintained as to constitute a health hazard or to emit foul and disagreeable odors;
7. The pollution of any public well or cistern, stream or lake, canal or body of water by sewage, industrial waste or other substances;
8. All noxious weeds and other rank growths of vegetation upon public or private property;
9. Dense smoke, noxious fumes, gas and soot, or cinders, in unreasonable quantities;
10. All public exposure of people having a contagious disease;
11. Any offensive trade or business as defined by law not

operating under local license.

Section 3 - Public Nuisances Affecting Public Morals and Decency

The following are hereby declared to be public nuisances affecting public morals and decency:

1. All gambling devices, slot machines and punch boards, except as otherwise authorized by federal, state or local law;
2. Betting, bookmaking, and all apparatus used in those occupations;
3. All house kept for the purpose of prostitution or promiscuous sexual intercourse, gambling houses, houses of ill fame and bawdy houses;
4. All places where intoxicating liquors is manufactured or disposed of in violation of law or where, in violation of law, people are permitted to resort for the purpose of drinking intoxicating liquor, or where intoxicating liquor is kept for sale or other disposition in violation of law, and all liquor and other property used for maintaining that place;
5. Any vehicle used for the unlawful transportation of intoxicating liquor, or for promiscuous sexual intercourse, or any other immoral or illegal purpose.

Section 4 - Public Nuisances Affecting Peace and Safety

The following are declared to be public nuisances affecting public peace and safety:

1. All snow and ice not removed from public sidewalks 24 hours after the snow or other precipitation causing the condition has ceased to fall;
2. All trees, hedges, billboards or other obstructions which prevent people from having a clear view of all traffic approaching an intersection;
3. All wires and limbs of trees which are so close to the surface of a sidewalk or street as to constitute a danger to pedestrians or vehicles;
4. All obnoxious noises in violation of Minn. Rules Ch. 7030, as they may be amended from time to time which are hereby incorporated by reference into this code;
5. The discharging of the exhaust or permitting the discharging of the exhaust of any stationary internal combustion engine, motor boat motor vehicle, motorcycle, all terrain vehicle, snowmobile or any recreational devices except through a muffler or other device that effectively prevents loud or explosive noises there-from and complies with all applicable state laws and regulations;
6. The using or operation or permitting the using or operation of any radio receiving set, musical instrument, phonograph, paging system, machine or other device for producing or reproduction of sound in a distinctly and loudly audible manner so as to disturb the peace, quiet and comfort of any person nearby. Operation of any device referred to above between the hours of 10:00 p.m. and 7:00 a.m. in a manner so as to be plainly audible at the property line of the structure or building in which it is located, or at a distance of 50 feet if the source is located outside a structure or building shall be prima facie evidence of a violation of this section;
7. The participation in a party or gathering of people giving rise to noise which disturbs the peace, quiet or repose of the occupants of adjoining or other property;
8. Obstructions and excavations affecting the ordinary public use of streets, alleys, sidewalks or public grounds, except under conditions as are permitted by Freeport City ordinance or other applicable law;
9. Radio aerials or television antennae erected or maintained in a dangerous manner;
10. Any use of property abutting on a public street or sidewalk any use of a public street or sidewalk which causes large crowds of people to gather, obstructing traffic and the free use of the street or sidewalk;
11. All hanging signs, awnings and other similar structures over streets and sidewalks, so situated as to endanger public safety, or not constructed and maintained as provided by Freeport City ordinance and other applicable laws;

12. The allowing of rain water, ice or snow to fall from any building or structure upon any street or sidewalk or to flow across any sidewalk;
13. Any barbed wire fence less than six feet above the ground and within three feet of a public sidewalk or way;
14. All dangerous, unguarded machinery in any public place, or so situated or operated on private property as to attract the public;
15. Waste water cast upon or permitted to flow upon streets or other public properties;
16. Accumulations in the open of discarded or disused machinery, household appliances, automobile bodies, discarded or disused lumber or other building materials, wood, brush, yard waste, or other material in a manner conducive to the harboring of rats, mice, snakes or vermin, or the rank growth of vegetation among the items so accumulated, or in a manner creating fire, health or safety hazards from accumulation;
17. Any well, hole or similar excavation which is left uncovered or in another condition as to constitute a hazard to any child or other person coming on the premises where it is located;
18. Obstruction of the free flow of water in a natural waterway or a public street, drain, gutter or ditch with trash or other materials;
19. The placing or throwing on any street, sidewalk or other public property of any glass, tacks, nails, bottles or other substance which may injure any person or animal or damage any pneumatic tire when passing over the substance;
20. The depositing of garbage or refuse on a public right-of-way or on adjacent property;
21. All other conditions or things which are likely to cause injury to the person or property of anyone.
22. Nothing in this section prohibits: i. the storage of machinery, auto bodies, or household appliances within a non-residential building, or ii. the storage in the open of lumber, building materials, or wood that is
 - i. kept a minimum of 12 inches above the ground or other surface, and
 - ii. fully screened so as not to be visible from any adjoining properties, public street, right-of-way, or sidewalk.

Section 5 - Duties of City Officers

The City Clerk, Building Official, Police Department, or Sheriff if the City has no Police Department, shall enforce the provisions relating to nuisances. Any City Official or peace officer shall have the power to inspect private premises and take all reasonable precautions to prevent the commission and maintenance of public nuisances.

Section 6 - Abatement

1. Notice - Written Notice of Violation; Notice of the time, place and subject of any hearing before the City Council; Notice of the City Council Order; and Notice of Motion for Summary Enforcement Hearing shall be given as set forth in this section.
 - i. Notice of Violation - Written Notice of Violation shall be served by the City Clerk, Building Official, or a peace officer on the owner of record or occupant of the premises either in person or by certified or registered mail. If the premises is not occupied, the owner of record is unknown, or the owner of record or occupant refuses to accept the Notice of Violation, the Notice of Violation shall be served by posting it on the premises.
 - ii. Notice of City Council Hearing - Written notice of any City Council hearing to determine or abate a nuisance shall be served on the owner of record and occupant of the premises either in person or by certified or registered mail. If the premises is not occupied, the owner of record is unknown, or the owner of record or occupant refuses to accept notice of the City Council hearing, notice of the City Council hearing shall be served by posting it on the premises.

iii. Notice of City Council Order - Except for those cases determined by the City to require summary enforcement, written notice of any City Council Order shall be served as provided in Minnesota Statutes Section 463.17 (Hazardous and Substandard Building Act), as it may be amended from time to time.

iv. Notice of Motion for Summary Enforcement - Written notice of any Motion for Summary Enforcement shall be served as provided in Minnesota Statutes Section 463.17 (Hazardous and Substandard Building Act), as it may be amended from time to time.

2. Procedure - Whenever the City Clerk, Building Official, or a peace officer determines that a public nuisance is being maintained or exists on a premises within the City, the City Clerk, Building Official, or peace officer shall notify in writing the owner of record or occupant of the premises of such fact and order that the nuisance be terminated and abated. The Notice of Violation shall specify the steps to be taken to abate the nuisance and the time within which the nuisance is to be abated. If the Notice of Violation is not complied with within the time specified, the City Clerk shall report that fact to the City Council. The City Council may, after notice to the owner or occupant and an opportunity to be heard, determine that the condition identified in the Notice of Violation is a nuisance and further order that if the nuisance is not abated within the time prescribed by the City Council, the City may seek injunctive relief by serving a copy of the City Council Order and a Notice of Motion for Summary Enforcement.

3. Emergency Procedure; Summary Enforcement. In cases of emergency, where delay in abatement required to complete the notice and procedure requirements set forth above will permit a continuing nuisance to unreasonably endanger the public health, safety, or welfare, the City Council may order summary enforcement and abate the nuisance. To proceed with summary enforcement, the City Clerk, Building Official, or a peace officer shall determine that a public nuisance exists or is being maintained on a premises within the City and that delay in abatement of the nuisance will unreasonably endanger public health, safety, or welfare. The City Clerk, Building Official, or peace officer shall notify in writing the occupant or owner of the premises of:

- i. the nature of the nuisance,
- ii. the City's intention to seek summary enforcement, and
- iii. the time and place of the City Council meeting to consider the question of summary enforcement.

4. If the City Council shall determine:

- i. the condition identified in the notice to the owner or occupant is a nuisance, and
- ii. the public health, safety, or welfare will be unreasonably endangered by delay in abatement required to complete the procedures set forth above, the City Council may order that the nuisance be immediately terminated or abated. If the nuisance is not immediately terminated or abated, the City Council may order summary enforcement and abate the nuisance.

5. Immediate Abatement. Nothing in this ordinance shall prevent the City, without notice or other process, from immediately abating any condition which poses an imminent and serious hazard to human life or safety.

Section 7 - Recovery of Cost

1. Personal Liability - The owner of a premises on which a nuisance has been abated by the City 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 official shall prepare a bill the cost and mail it to the owner. Thereupon the amount shall be immediately due and payable at the office of the City Clerk.

2. Assessment - If the nuisance is a public health or safety hazard on private property, the accumulation of snow and ice on public sidewalks, the growth of weeds on private property or outside the traveled portion of streets, or unsound or insect-infected trees, the City Clerk shall, on or before September 1 next following abatement of the nuisance, list the total unpaid charges along with all other 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 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.

Section 2015 - Conduct In Or Around School Buildings 2015.01 - Defacement of school property

It is unlawful to mark with ink, paint, chalk, or other substances, 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, 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.

2015.03 - Breach of peace on, or adjacent to school grounds

It is unlawful to willfully or maliciously make or assist in making on any school grounds adjacent to any school building or structure any noise, disturbance, or improper division, or activity which peace, quiet, and good order is disturbed.

2015.05 - Offensive language and conduct

It is unlawful to use offensive, obscene, or abusive language or engage in boisterous or noisy conduct tending reasonably to arouse alarm, anger, or resentment in others on school grounds, or in buildings, or structures.

2015.07 - 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, 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 2020 - Nuisances; Shade Tree Disease Control

2020.01 - Declaration of policy

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. It is the intention of the council to control and prevent the spread of these diseases, and this section is enacted for that purpose, and to conform to the policies and procedures embodied in Minnesota Statutes, section 18.023, section 66, and rules promulgated there-under.

2020.03 - Definitions

Subdivision 1

The terms defined in this section have the meanings given them.

Subd. 2

“Shade tree” means an oak or elm tree situated in the City of Freeport.

Subd. 3

“Shade tree disease” means Dutch Elm Disease caused by *ceratocystis ulmi*, or Oak Wilt Disease caused by *ceratocystis fagaceorum*.

Subd. 4

“Commissioner” means the commissioner of the Minnesota Department of Agriculture.

Subd. 5

“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. 6

“Disease control area” means the City of Freeport.

Subd. 7

“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.

2020.05 - Tree inspector

Subdivision 1 - Position created

The powers and duties of the city tree inspector as set forth in this section are hereby conferred upon the city clerk-treasurer. The clerk-treasurer may designate a city employee 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.

2020.07 - Shade tree disease program

It is the intention of the city council to conduct a program of shade tree control pursuant to the authority granted by Minnesota Statutes, section 18.023. This program is directed specifically at the control and elimination of shade tree disease and is undertaken at the recommendation of the commissioner of agriculture, and in conformance with rules promulgated by the commissioner. The city tree inspector acts as coordinator between the commissioner of agriculture and the council in the conduct of this program.

2020.09 - Shade tree diseases

Subdivision 1 - Nuisances declared

The following things are public nuisances whenever they may be found within the city:

1. A living or standing elm tree or part thereof infected to any degree with the Dutch elm disease fungus *ceratocystis ulmi* (buisman) moreau, or which harbors any of the elm bark beetles *scolytus multistriatus* (eichh.) or *hyluigopinus rufipes* (marsh).
2. A dead elm tree or part thereof, including legs, branches, stumps, firewood, or other elm material from which the bark has not been removed and burned or sprayed with an effective elm bark beetle insecticide.
3. A living or standing northern red oak, northern pine oak, black oak, or scarlet oak, or part thereof infected to any degree with oak wilt disease.

Subd. 2 - Abatement

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. Such nuisances may be abated in the manner prescribed by this section.

2020.1 - Inspection and investigation

Subdivision 1 - Annual inspection

The tree inspector must inspect all premises and places within the city as often as practicable to determine whether any condition described in subsection 2020.09 exists thereon. The inspector must investigate all reported incidents of infestation by Dutch Elm Fungus, Elm Bark Beetles, or Oak Wilt.

Subd. 2 - Entry on private premises

The tree inspector may enter upon private premises at any reasonable time for the purpose of carrying out any of the duties of the inspector under this section. Such inspections must be preceded by two days' written notice to the owner of said private property, unless such a notice is waived in writing by the owner.

Subd. 3 - Diagnosis

The tree inspector must, upon finding conditions indicating shade tree disease infestation, immediately send appropriate specimens or sample to the commissioner of agriculture for analysis, or take such other steps for diagnosis as may be provided by the commissioner by rule. Except as provided in subsection 2020.13 no action to remove infected trees or wood must be taken until positive diagnosis of the disease has been made.

2020.13 - Abatement of shade tree disease nuisances

In abating the nuisances defined in this section, the inspector must cause the infected tree or wood to be sprayed, removed, burned, or otherwise effectively treated so as to destroy and prevent as fully as possible the spread of 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 of agriculture.

2020.15 - Procedure for removal of infected trees and wood

Subdivision 1 - Findings

Whenever the tree inspector finds with reasonable certainty that the infestation defined in subsection 2020.07 exists in any tree or wood in any public or private place in the city, the inspector must proceed as follows:

1. If the inspector finds that the danger of infestation of other trees is not imminent because of dormancy, the inspector must make a written report of his findings to the council which must proceed by

i. abating the nuisance as a public improvement under Minnesota Statutes, chapter 429, or

ii. abating the nuisance as provided in subdivision 2 of this section.

2. If the Inspector finds danger of infestation of other trees is imminent, the inspector must notify the abutting property owner by certified mail that the nuisance will be abated within a special time, not less than five days from the date of mailing of such notice. The inspector must immediately report such action to the council, and after the expiration of the time limited

by the notice the inspector may abate the nuisance.

Subd. 2 - Notice; hearing

Upon receipt of the inspector's report required by subdivision 1 a), the council may by resolution order the nuisance abated. Before action is taken on such resolution, the council must publish notice of its intention to meet to consider taking action to abate the nuisance. The notice must be mailed to affected property owners and published once no less than one week prior to such meeting. The notice must state the time and place of the meeting, the streets affected, action proposed, and the estimated cost of the abatement, and the proposed basis of assessment, if any, of costs. At such hearing or adjournment thereof, the council must hear property owners with reference to the scope and desirability of the proposed project. The council may thereafter adopt a resolution confirming the original resolution with such modification as it considers desirable and provide for the doing of the work by day labor or by contract. On or before September 1st of each year, the clerk-

Subd. 3 - Records

The inspector must keep a record of the costs of abatement ordered under this subsection and report monthly to the city clerk-treasurer 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.

Subd. 4 - Assessment

On or before September 1st of each year, the clerk-treasurer must list the total unpaid charges for each abatement against each separate lot or parcel to which they are attributable under this section. The council may then spread the charges or any portion thereof against the property involved as a special assessment under Minnesota Statutes, section 429.101 and other pertinent statutes for certification to the county auditor and collection the following year along with current taxes.

2020.17 - Tree inspector; program

The tree inspector must conduct the shade tree disease control program in accordance with the rules and regulations of the commissioner embodied in AGR 101-120, "shade tree disease control" and subsequent amendments thereto.

2029.19 - Transporting elm wood prohibited

Subdivision 1

It is unlawful to transport within the city any bark-bearing elm wood without having obtained a permit from the tree inspector. The inspector will grant such permits only when the purposes of this section will be served thereby.

2029.21 - Interference prohibited

It is unlawful to prevent, delay, or interfere with the inspector while engaged in the performance of the duties imposed by this section.

Subdivision Ordinance

Section 2100

Section 1 - Title

This Ordinance shall be known as the "Subdivision Ordinance of the City of Freeport" and is referenced as "this Ordinance".

Section 2 - Purpose, Jurisdiction And Conveyances

Subdivision 1 - Purpose

Pursuant to the authority contained in Minnesota Statutes Section 462.358, this Ordinance is adopted for the following purposes:

1. Assure that new additions will harmonize with the overall development objectives of the community.
2. Encourage well planned subdivisions by establishing optimum development standards.
3. Secure the rights of the general public with respect to public land and water.
4. Improve land records by establishing standards for surveys and plats.
5. Place the cost of improvements against those benefitting.
6. Assure that public improvements such as streets, utilities and drainage are constructed to satisfactory standards.
7. Provide common grounds of understanding between prospective subdividers and municipal officials.

Subd. 2 - Jurisdiction

The regulations in this Ordinance governing plats and subdivision of lands shall apply within the City's corporate limits, and as provided for in areas designated for orderly annexation or where otherwise provided for in Minnesota law.

Subd. 3 - Restriction - Recording Conveyances

No conveyance of land which is subject to this Ordinance shall be filed or recorded if provisions of this Ordinance are not met. Conveyances not in compliance with these regulations will be refused a building permit.

Subd. 4 - Applicability

1. All subdivisions of land within the corporate limits of the City of Freeport hereafter submitted for approval shall fully comply in all respects with the regulations set forth in this Ordinance. Plans of group developments for residential, commercial, industrial, or other uses or for any combination of uses designed for sale or rental purposes shall be presented in the same manner as subdivisions for the review of the Planning Commission and the approval of the City Council.
2. The following land or parcel subdivisions or conveyances are subject to this Ordinance:
 - i. Any subdivision of platted or unplatted property.
 - ii. Lands which are to be divided into two (2) or more lots or parcels.
 - iii. Planned Unit Developments.
 - iv. Any unplatted land transferred from one zoning district to another at the request of the property owner.

Section 3 - General Requirements And Definitions

Subdivision 1 - General Requirements

1. Established Monuments. All federal, state, county and other official monuments, benchmarks, triangulation points, and stations shall be preserved in their precise location; and it shall be the responsibility of the subdivider to insure that these markers are maintained in good condition during construction and development. All section, quarter section, and six-

teenth section corners shall be duly described and tied.

2. Preservation of Natural Features. The Planning Commission may establish any existing natural features in order to preserve any trees, groves, water courses, beaches, historic sites, vistas and similar irreplaceable assets which add value to all developments and to the community as a whole.

3. Land Subject to Flooding. No plat shall be approved for any subdivision which covers an area subject to periodic flooding or which is otherwise poorly drained unless the subdivider agrees to make improvements which will, in the opinion of the City Council, make the area completely safe for occupancy, and provide adequate street and lot drainage and conform to applicable regulations of other agencies such as the U.S. Corps of Engineers and the Department of Natural Resources. In addition, such plats may not be approved if the cost of providing municipal services to protect the flood plain area would impose an unreasonable economic burden upon the City.

Subd. 2 - Definitions

For the purpose of this Ordinance, the following terms are defined:

1. Alley - Any dedicated public way providing a secondary means of ingress and/or egress to land.
2. Block - An area of land within a subdivision that is entirely bounded by streets, or by streets and the exterior boundary or boundaries of the subdivision, or a combination of the above with a river or lake.
3. City - The City of Freeport, Minnesota.
4. City Council - The Freeport City Council.
5. City Engineer or Consulting Engineer - A professional engineer as designated by the City Council.
6. Comprehensive Plan - A compilation of the City's policy statements, goals, standards, and maps for guiding the physical, social and economic development, both private and public, of the municipality and its environs, including air space and subsurface areas necessary for mined underground space development pursuant to Minnesota Statutes Sections 469.135 to 469.141, and may include, but is not limited to, the following: statements of policies, goals, standards, a land use plan, including proposed densities for development, a community facilities plan, a transportation plan, and recommendations for plan execution. The comprehensive plan represents recommendations for the future development of the community.
7. Easement - A grant by a property owner for the use of a piece of real property for public purposes of constructing and maintaining utilities, drainage, and transportation ways, including but not limited to, electric lines, telephone lines, gas lines, storm sewer or storm drainage ways, water and sewer lines.
8. Flood Fringe Area - The portion of the flood plain outside of the floodway.
9. Flood Plain - The areas adjoining a watercourse or water basin that have been or may be covered by a regional flood.
10. Floodway - The channel of the watercourse, the bed of water basins, and those portions of the adjoining floodplains that are reasonably required to carry and discharge floodwater and provide water storage during a regional flood.
11. Half Street - A street having only one-half of its intended right-of-way width developed to accommodate traffic.
12. Improvements - Pavement, curbs, gutters, sidewalks, sewer and water facilities, grading, street signs, street lighting, plantings and other items for the welfare of property owners and/or the general public.
13. Lot - A portion of a subdivision of land intended for building development or transfer of ownership.
14. Official Controls - Ordinances and regulations which control the physical development of the City.

15. Owner - Includes any individual, company, corporation, firm, partnership, association, organization, entity, or other group acting as a unit. It also includes any executor, administrator, trustee, receiver or other representative appointed by law.
16. Parcel - A tract, plot, lot, and/or portion of a subdivision or other parcel of land intended as a unit for the purpose, whether immediate or future, of transfer of ownership, possession, or for building development.
17. Pedestrian Way - A public or private right-of-way across a block or within a block to provide access to be used by pedestrians and which may also be used for the installation of utility lines.
18. Plan, Concept - A sketch preparatory to the preliminary plat (or final plat in the case of minor subdivisions) to enable the subdivider to save time and expense in reaching consensus with the Planning Commission as to the form of the plat and the objectives of these regulations. The concept plan must be drawn to scale and should show all existing buildings and site improvements. It should be informative as to the general lot layout and approximate sizes, park location, and street location.
19. Planned Unit Development - A tract of land developed as a unit rather than as individual development as provided for in the City's Zoning Code.
20. Planning Commission - The Planning Commission of the City of Freeport.
21. Plat - The drawing or map of a subdivision prepared for filing of record pursuant to Minnesota Statutes Chapter 505 and containing all elements and requirements set forth in regulations adopted pursuant to Minnesota Statute Section 462.358 and Chapter 505.
22. Plat, Final - A drawing or map of a subdivision meeting all the requirements of the City and in such form as required by the County for purposes of recording.
23. Plat, Preliminary - The preliminary map, drawing, or chart indicating the proposed layout of the subdivision to be submitted to the Planning Commission for its consideration.
24. Protective Covenants - Contracts made between private parties as to the manner in which land may be used, with the view to protect and preserve the physical, social, and economic integrity of any given area.
25. Regional Flood - A flood that is representative of large floods known to have occurred generally in the state and reasonably characteristic of what can be expected to occur on an average frequency in the magnitude of a 100-year recurrence interval.
26. Right-of-Way - Land dedicated and publicly owned, in fee or by easement, for use as a street, alley, trail, or walkway.
27. Site Map - A map showing existing conditions including all platted parcels, streets, right-of-ways, easements and any predominant topography or natural features such as lakes and wooded areas.
28. Street - A public right-of-way affording primary access by pedestrians and vehicles to abutting properties, whether designated as a street, highway, thoroughfare, parkway, throughway, road, avenue, boulevard, land, place or however otherwise designated.
 - i. Arterial - A street that provides traffic movement to and from the City and surrounding rural areas and cities, to and from regional highways and collector streets, and between major parts of the City.
 - ii. Collector - A street that carries traffic from the arterial systems to local street destinations. Provides traffic circulation within neighborhoods and within commercial and industrial areas.
 - iii. Local - A street that provides direct access to abutting properties. Through traffic is discouraged.
 - iv. Frontage Road - A road intended primarily to provide access to abutting property and located adjacent and generally parallel to a thoroughfare to which access is restricted.

v. Cul-de-sac - A minor street with only one outlet and having an appropriate terminal for the safe and convenient reversal of traffic movement.

29. Street, Grade - On street center line means the distance vertically (up or down) from the horizontal in feet and tenths of a foot for each one hundred feet of horizontal distance.

30. Subdivision - The separation of an area, parcel, or tract of land under single ownership into two (2) or more parcels, tracts, lots, or long-term leasehold interests where the creation of the leasehold interest necessitates the creation of streets, roads, or alleys, for residential, commercial, industrial, or other use or any combination thereof, except those separations:

i. Where all the resulting parcels, tracts, lots, or interests will be twenty (20) acres or larger in size and five hundred (500) feet in width for residential uses and five (5) acres or larger in size for commercial and industrial uses;

ii. Creating cemetery lots;

iii. Resulting from court orders; or

iv. The adjustment of a lot line by the relocation of a common boundary determined by the Zoning Administrator to be of inconsequential effect on either property involved.

31. Subdivision, Minor. Any subdivision containing not more than two lots and which does not involve any new street or road, and that is not likely to precipitate the extension of municipal facilities or public improvements.

32. Zoning Administrator. The person appointed by the City Council to administer the City's zoning and subdivision regulations.

Section 4 - Review And Action

Subdivision 1 - Approval Of Subdivisions Required

Before any land is subdivided, the Owner of the property proposed to be subdivided must apply for and secure approval of the proposed subdivision in accordance with the procedures set out in this Ordinance.

Subd. 2 - Concept Plan Procedure

Prior to filing a Preliminary Plat, the applicant may elect to prepare a Concept Plan so that the applicant may become informed of the procedural requirements and minimum standards of this Ordinance and the requirements or limitations imposed by other City ordinances or plans. Concept Plans may be submitted to City staff and/or the Planning Commission. In order for the Planning Commission to review Concept Plans, the applicant must submit the Concept Plans at least ten (10) days before the next scheduled Planning Commission meeting. Submission of a Concept Plan, drawn to scale, shall not be considered an application for subdivision.

Subd. 3 - Action On Preliminary Plat

1. Application - A person requesting approval of a Preliminary Plat or Subdivision must fill out and submit to the Zoning Administrator a Subdivision Application form, accompanied by the required fee and including the information required under Section 5 of this Ordinance.

2. Application Deadline - The Zoning Administrator must receive completed subdivision applications at least ten (10)

days prior to the Planning Commission's next scheduled meeting.

3. Fees - A fee the City Council shall establish by ordinance must accompany the subdivision application. An additional fee may be charged for atypical projects, which in the opinion of the Zoning Administrator will require

