

## Section 40: General Provisions

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**40.01 Purpose.** The purpose of this Section is to set forth general provisions that are necessary to protect the health, safety, and general welfare of the public.

**40.02 Permitted Encroachments.** The following shall be considered as permitted encroachments on setback and height requirements except as specifically provided in this ordinance:

- i. Posts;
- ii. off-street open parking spaces;
- iii. flues;
- iv. leaders;
- v. sills pilasters;
- vi. lintels;
- vii. cornices;
- viii. eaves;
- ix. gutters;
- x. awnings;
- xi. open terraces;
- xii. open canopies;
- xiii. steps;
- xiv. chimneys;
- xv. flag poles;
- xvi. ornamental features;
- xvii. open fire escapes;
- xviii. bay windows;
- xix. sidewalks;
- xx. fences;

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- xxi. Decks are exempted from the rear yard setback requirements except that a deck may not be located closer than 20 feet from the property line; and
- xxii. all other similar devices incidental and appurtenant to the principal structure except as hereinafter amended.

### 40.03 Traffic Control/Clear View Triangle.

**Subd. 1.** Except as may be approved by the Zoning Administrator, and except for a governmental agency for the purpose of screening, no wall, fence, structure, tree, shrub, vegetation, or other obstruction shall be placed on or extend into any yard or right-of-way area so as to pose a danger to traffic by obscuring the view of approaching vehicular traffic or pedestrians from any street or driveway. Visibility from any street or driveway shall be unobstructed above a height of 3 feet, measured from where both street or driveway center lines intersect within the triangle described as beginning at the intersection of the projected curb line of two intersecting streets or drives, thence 30 feet along one curb line, thence diagonally to a point 30 feet from the point of beginning along the other curb line. The exception to this requirement shall be where there is a tree, planting, or landscape arrangement within such area that will not create a total obstruction wider than 3 feet. These requirements shall not apply to conditions that legally exist prior to the effective date of this Ordinance unless the Zoning Administrator determines that such conditions constitute a safety hazard.

**Subd. 2.** The traffic generated by any use shall be channeled and controlled in a manner that will avoid:

1. Congestion on the public streets.
2. Traffic hazards.
3. Excessive traffic through residential areas, particularly truck traffic.

Internal traffic shall be so regulated as to ensure its safe and orderly flow. Traffic into and out of business areas shall, to the extent possible, be forward moving with no backing into streets.

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### 40.04 Glare/Lighting.

- Subd. 1.** Direct or sky-reflected glare, whether from lighting or from high temperature processes such as combustion or welding, shall not be directed into any adjoining property. The source of lights shall be hooded or controlled in some manner so as not to light adjacent property. Bare incandescent light bulbs shall not be permitted in view of adjacent property, except street lights, or public right-of-way. Any light or combination of lights which cast light on a public street shall not exceed 1 foot candle (meter reading) as measured from the centerline of said street. Any light or combination of lights which cast light on residential property shall not exceed 0.4 candles (meter reading) as measured from said property.

### 40.05 Exterior Storage.

- Subd. 1.** In residential districts, all materials and equipment shall be stored within a building or be fully screened so as not to be visible from adjoining properties, except for the following in good order:

- i. laundry drying equipment;
- ii. recreational equipment;
- iii. construction and landscaping materials;
- iv. equipment currently being used on the premises
- v. agricultural equipment and materials, if these are used or intended for use on the premises;
- vi. off-street parking of passenger automobiles and pick-up trucks;
- vii. unoccupied trailers and boats, less than 35 feet in length;
- viii. fire wood not to exceed 200 cubic feet nor higher than 6 feet;

Sidewalks shall not be obstructed.

- Subd. 2.** In all other districts, all exterior storage shall be screened so as not to be visible from adjoining properties and public streets except for the following:

1. Merchandise being displayed for sale in accordance with zoning district requirements which is located on a paved or other approved hard surface.
2. Materials and equipment currently being used for construction on the premises.

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The City Council may order the owner of any property to cease or modify open storage uses including existing uses, if it is found that such use constitutes a threat to the health, safety, convenience, or general welfare of the public. Sidewalks shall not be obstructed.

**40.06 Open Sales Lots.** Open sales on lots without a principal structure are prohibited except as specifically permitted in the underlying zoning district or for sales promotions of not more than 3 days duration which are ancillary to and consistent with the principal authorized use of the premises. All used passenger cars and/or trucks, motor scooters, motorcycles, boats, recreational equipment, recreational vehicles, trailers, construction equipment, and lawn ornaments held for sale or stored for sale, shall be stored within a building.

### **40.07 Refuse.**

**Subd 1.** In all districts, all waste material, debris, refuse, or garbage shall be kept in an enclosed building or properly contained in a closed container designed for such purposes, with the exception of crop residue. The owner of vacant land shall be responsible for keeping such land free of refuse.

Passenger vehicles and trucks in an inoperative state shall not be parked in residential districts for a period exceeding 7 days; inoperative shall mean incapable of movement under their own power and in need of repairs. All exterior storage material not included as a permitted use, accessory use, or conditional use, or otherwise permitted by provisions of this Ordinance, shall be considered as refuse.

**40.08 Solar and Earth-Sheltered Structures.** Solar energy systems may be permitted as provided in Minnesota Statutes Chapters 216 C and 462, as may be amended.

### **40.09 Individual Sewage Treatment Systems.**

**Subd. 1.** The standards as found in Minnesota Pollution Control Agency's Standards for Sewage Treatment Systems (Minnesota Rules Chapter 7080) are hereby adopted by reference. If there are any inconsistencies between the standards found in this Ordinance and Chapter 7080 as amended, the standards found in Chapter 7080, as amended, shall govern.

**Subd. 2.** Expansion of Existing Structures on Individual Sewage Treatment Systems. No building permits will be issued for existing structures

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on individual sewage treatment systems for expansion of the structure unless it can be demonstrated by means satisfactory to the City that the development will not result in groundwater, soil, or other contamination which may endanger the public health.

**Subd. 3.** The property owner must receive approval for an individual septic treatment system and private well from the City, County, or the State Health Department. No Certificate of Occupancy shall be issued until these systems have been inspected and approved.

**Subd. 4.** Townhomes, multiple family dwellings, commercial, and industrial developments shall not be permitted on unsewered lots.

**40.10 Dwelling Unit Prohibited.** No garage, tent, trailer, or accessory building shall be used as a permanent dwelling.

**40.11 Outlots.** Outlots are deemed unbuildable and no building permit shall be issued for such properties, except in the case of public park facilities, essential services and other facilities constructed by the City.

**40.12 Toxic or Noxious Matter.** Any use shall be so operated so as not to discharge across the boundaries of the lot or through percolation into the atmosphere or the subsoil beyond the boundaries of the lot wherein such use is located, toxic or noxious matter in such concentration as to be detrimental to or endanger the public health, safety, comfort or general welfare of the public or cause injury or damage to property, business, or the environment.

**40.13 Air Pollution.** Any use shall be so operated as to control the emission of smoke or particulate matter to the degree that it is not detrimental to or shall endanger the public health, safety, comfort, or general welfare of the public. For the purpose of this ordinance, the regulations and standards adopted by the Minnesota Pollution Control Agency shall be employed.

### **40.14 Miscellaneous Nuisances.**

**Subd. 1.** In all districts, any vehicle of a type requiring a license to operate on the public highway stored or kept outside shall display a current license at all times.

**Subd. 2.** The following are declared to be nuisances affecting public health or safety:

A. The effluence from any cesspool, septic tank, drain field, or human sewage disposal system, discharging upon the surface of the ground,

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or dumping the contents thereof at any place except as authorized.

- B. The pollution of any public well or cistern, stream or lake, canal or body of water by sewage, industrial waste, or other substances.
- C. The ownership, possession or control of any unused refrigerator or other container, with doors which fasten automatically when closed, of sufficient size to retain any person, to be exposed and accessible to the public without removing the doors, lids, hinges, or latches or providing locks to prevent access by the public.
- D. Hazardous waste.

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### Amendment History of this Section

**Amended May 16, 2006 (R2006-20) Effective Date: February 21, 2007.** Amended Section 40.14, Subd. 1 to read *In all districts.*

**Amended December 20, 2006 (R2006-54) Effective Date: February 28, 2007.** Amended Section 40.05, Subd. 2(1) to add *which is located on a paved or other approved hard surface.*