

ORDINANCE NO. 2

CITY OF MANCHESTER, FREEBORN COUNTY, MINNESOTA

AN ORDINANCE GRANTING TO NORTHERN STATES POWER COMPANY, A MINNESOTA CORPORATION, ITS SUCCESSORS AND ASSIGNS, PERMISSION TO CONSTRUCT, OPERATE, REPAIR AND MAINTAIN IN THE CITY OF MANCHESTER, MINNESOTA, AN ELECTRIC DISTRIBUTION SYSTEM AND TRANSMISSION LINES, INCLUDING NECESSARY POLES, POLE LINES AND FIXTURES AND APPURTENANCES, FOR THE FURNISHING OF ELECTRIC ENERGY TO THE CITY AND ITS INHABITANTS, AND OTHERS, AND TO USE THE PUBLIC WAYS AND PUBLIC GROUNDS OF SAID CITY FOR SUCH PURPOSES.

SECTION 1. Definitions

Subd. 1. In this Ordinance "City" means the City of Manchester, County of Freeborn, State of Minnesota.

Subd. 2. "City Utility System" refers to the facilities used for providing any public utility service owned or operated by City or agency thereof, including sewer and water service.

Subd. 3. "Company" means Northern States Power Company, a Minnesota corporation, its successors and assigns.

Subd. 4. "Notice" means a writing served by any party or parties on any other party or parties. Notice to Company shall be mailed to any officer thereof at 414 Nicollet Mall, Minneapolis, Minnesota. Notice to City shall be mailed to the City Clerk.

Subd. 5. "Public grounds" means city parks and squares as well as land held by the City for the purpose of open space.

Subd. 6. "Public ways" means streets, avenues, alleys, parkways, walkways and other public rights of way within the City.

SECTION 2. Grant of Franchise

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

SECTION 3. Restrictions

Subd. 1. Company facilities included in such electric distribution system, transmission lines and appurtenances thereto, shall be located and constructed so as not to interfere with the safety and convenience of ordinary travel along and over said public ways. Company's construction, operation, repair, maintenance and location of such facilities shall be subject to such reasonable regulations as may be imposed by City pursuant to charter, ordinance or statute.

Subd. 2. Company shall not construct any new installations within or upon any public grounds without receiving the prior written consent of an authorized representative of City for each new installation.

Subd. 3. Company shall provide field locations for all its underground facilities when requested by City within a reasonable period of time. The period of time will be considered reasonable if it compares favorably with the average time required by the cities in the County to locate municipal underground facilities for Company. ("County" refers to the County in which City is located.)

SECTION 4. Tree Trimming

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

SECTION 5. Service Rates

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

SECTION 6. Relocating

Subd. 1. Whenever City shall grade, regrade or change the line of any public way, or construct or reconstruct any City utility system therein and shall, in the proper exercise of its police power, and with due regard to seasonable working conditions, when necessary order Company to relocate permanently its lines, services and other property located in said public way, Company shall relocate its facilities at its own expense. City shall give Company reasonable notice of plans to grade, regrade or change the line of any public way or to construct or reconstruct any City utility system therein. However, after Company has so relocated, if a subsequent relocation or relocations shall be ordered within ten (10) years from and after first relocation, City shall reimburse Company for such non-betterment relocation expense which Company may incur on a time and material basis; provided, if subsequent relocations are required because of the extension of City utilities to previously unserved areas, Company may be required to relocate at its own expense at any time.

Subd. 2. Nothing contained in this franchise shall require Company to relocate, remove, replace or reconnect at its own expense its facilities where such relocation, removal, replacement or reconnection is for convenience and not of necessity in the construction or reconstruction of a City utility system or extension thereof.

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

Subd. 4. Nothing contained herein shall relieve any person, persons or corporations from liability arising out of the failure to exercise reasonable care to avoid injuring Company's facilities while performing any work connected with grading, regrading, or changing the line of any public way, or with the construction or reconstruction of any City utility system.

SECTION 7. Indemnification

Company shall indemnify, keep and hold City free and harmless from any and all liability on account of injury to persons or damage to property occasioned by the construction, maintenance, repair or operation of Company's electric facilities located in, on, over, under, or across the public ways and public grounds of City, unless such injury or damage grows out of the negligence of City, its employees, or agents, or results from the performance in a proper manner of acts reasonably deemed hazardous by Company, but such performance is nevertheless ordered or directed by City after notice of Company's determination. In the event a suit shall be brought against City under circumstances where the above agreement to indemnify applies, Company at its sole cost and expense shall defend City in such suit if written notice thereof is promptly given to Company within a period wherein Company is not prejudiced by lack of such notice. If such notice is not reasonably given as hereinbefore provided, Company shall have no duty to indemnify nor defend. If Company is required to indemnify and defend, it will thereafter have complete control of such litigation, but Company may not settle such litigation without the consent of City, which consent shall not be unreasonably withheld. This section is not, as to third parties, a waiver of any defense or immunity otherwise available to Company; and Company, in defending any action on behalf of City shall be entitled to assert in any action every defense or immunity that City could assert in its own behalf.

SECTION 8. Vacation of Public Ways

Except where required solely for a City improvement project, the vacation of any public way or public ground, after the installation of electric facilities, shall not operate to deprive Company of its rights to operate and maintain such electrical facilities, until the reasonable cost of relocating the same and the loss and expense resulting from such relocation are first paid to Company.

SECTION 9. Written Acceptance

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

SECTION 10. Provisions of Ordinance

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

SECTION 11. Publication Expense

The expense of any publication of this Franchise Ordinance required by law shall be paid by Company.

SECTION 12. Effective Date

This ordinance is effective as provided by statute or charter, and upon acceptance by Company as provided in Section 9.

Passed and approved: February 14, 1985

Richard Anderson
Mayor

Attest:

Avis Pederson
City Clerk

EXCERPTS OF MINUTES OF February MEETING
OF THE CITY COUNCIL
OF THE
CITY OF MANCHESTER, FREEBORN COUNTY, MINNESOTA

February 14, 1985

A special meeting of the City Council of the City of Manchester, Minnesota duly called, convened, and held in accordance with law, was called to order by Mayor Dick Arpinson on the 14 day of February, 1985 at 7 o'clock P.m. at the Council Chamber in said City.

The following members, constituting a legal quorum were present:

Councilman Bruce Vaith, Steve Daulty, Ruben Fath
and Lowell Indulic

Councilman Bruce Vaith introduced a certain Ordinance No. 2 entitled:

AN ORDINANCE GRANTING TO NORTHERN STATES POWER COMPANY, A MINNESOTA CORPORATION, ITS SUCCESSORS AND ASSIGNS, PERMISSION TO CONSTRUCT, OPERATE, REPAIR AND MAINTAIN IN THE CITY OF MANCHESTER, MINNESOTA AN ELECTRIC DISTRIBUTION SYSTEM AND TRANSMISSION LINES, INCLUDING NECESSARY POLES, POLE LINES AND FIXTURES AND APPURTENANCES, FOR THE FURNISHING OF ELECTRIC ENERGY TO THE CITY AND ITS INHABITANTS, AND OTHERS, AND TO USE THE PUBLIC WAYS AND PUBLIC GROUNDS OF SAID CITY FOR SUCH PURPOSES.

and on motion made, seconded, and duly adopted, the above-entitled Ordinance was read.

Thereafter a motion was made by Councilman Lowell Indulic and seconded by Councilman Ruben Fath that the above-entitled Ordinance be adopted as read and in its entirety.

On roll call the vote was as follows:

AYES Bruce Vaith, Steve Daulty, Ruben Fath
and Lowell Indulic

NAYS none

The Mayor then declared said motion duly carried and the above-entitled Ordinance duly passed and adopted, and ordered the City Clerk to publish the same in accordance with the law in such case made and provided.

I DO HEREBY CERTIFY that I am City Clerk of the City of Manchester, Freeborn County, Minnesota and that I am custodian of its records, that the above is a true and correct copy of a part of the minutes of the Special meeting of the City Council of said City held on February 14, 1985.

Avis Pederson
City Clerk

ORDINANCE NO. 4

AN ORDINANCE GRANTING FRANCHISE FOR THE TELEPHONE LINES TO
MANCHESTER-HARTLAND TELEPHONE COMPANY.

THE VILLAGE COUNCIL OF THE VILLAGE OF MANCHESTER DO ORDAIN AS
FOLLOWS:

Section 1. The Manchester-Hartland Telephone company, a corporation of Minnesota, is hereby granted the franchise and right from this date for a period of twenty five years, and thereafter until expressly revoked by the governing body of said Village, to use the public roads, streets, alleys and public ways in said Village for the purpose of constructing, using, operating and maintaining telephone lines of poles or conduits and wires, for its business and for furnishing its customers with telephone service, but such lines shall be so located as not to interfere with the safety and convenience of ordinary travel along or over the same.

Section 2. In the construction, operation and maintenance of said telephone lines, said Manchester-Hartland Telephone Company shall comply with the present and future requirements of the Statutes o

Minnesota, with the rules and regulations of the Railroad and Warehouse Commission, and of the Commissioner of Highways, and with such reasonable rules and regulations as the governing body of the Village of Manchester may make from time to time.

Section 3. This ordinance shall take effect forthwith upon its enactment and signing. The vote being upon the adoption of said ordinance and We members of the Village Council voting in favor and none in the negative, it was unanimously adopted this 6th day of January, 1948.

Martin Jordahl

President

Attest: B. E. Gilbertson
Clerk

ORDINANCE NO. 6
CITY OF MANCHESTER FIRE DEPARTMENT

Section 1. Fire Department Continued.

There is hereby continued in this city a volunteer fire department consisting of a chief, an assistant chief, a fire marshal, and not fewer than 10 nor more than 25 fire fighters.

Section 2. Selection.

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

Section 3. Duties of Fire Marshal.

The office of fire marshal may be held by the chief or by the assistant chief, if the council by resolution approves. The fire marshal shall be charged with the enforcement of all ordinances aimed at fire prevention. He shall have full authority to inspect all premises and to cause the removal or abatement of all fire hazards.

Section 4. Duties of Chief.

The chief shall have control of all fire fighting apparatus and shall be solely responsible for its care and condition. He shall make a semi-annual report to the council at its meeting in March and September, on the condition of the department. He may submit additional reports and recommendations at any meeting of the council, and he shall report each suspension by him of a member of the fire department at the first meeting of the council following such suspension. He shall be responsible for the proper training and discipline of the members of the fire department, and may suspend any member for refusal or neglect to obey orders pending final action by the council on his discharge or retention.

Section 5. Records.

The chief shall keep in convenient form a complete record of all fires. Such a record shall include the time of the alarm, location of fire, cause of fire(if known), type of building, name of owner and tenant, purpose for which occupied, value of building and contents, members of the department responding to the alarm, and such other information as may be deem advisable or as may be required from time to time by the council or state insurance department.

Published Dec. 22, 1983

Richard Anfinson Mayor

Attest:

Avis Pederson Clerk

ORDINANCE NO. 7
BUILDING PERMITS REQUIRED

(previously no. 8)

The Village Council of Manchester do ordain as follows:

Section 1.

No outside construction to change the appearance of any buildings of any type, including houses, garages, and commercial buildings will be permitted by the Village of Manchester within its corporate limits, without a building permit obtained from the Village of Manchester.

Section 2.

A building permit must be obtained for new construction of houses, garages, commercial buildings, or any new building of any type.

Section 3.

No building or trailer house shall be put in front of an existing dwelling.

Section 4. Penalty.

Any person who shall violate any provision of this ordinance shall be subject to a fine not to exceed \$500.00.

Section 5.

This ordinance shall take effect and be in force after its passage and publication.

Published April 15, 1971

ORDINANCE NO. 10

AN ORDINANCE EXTENDING THE CORPORATE LIMITS OF THE CITY OF
MANCHESTER TO INCLUDE CERTAIN UNPLATTED LAND.

Introduced by Russell Wangen.

WHEREAS, a petition has been filed with the governing body of the City of Manchester, Minnesota, signed by the owners of the following described real estate to have such land included within the City of Manchester, Minnesota:

Beginning at a point on the quarterline, which point is 211.00 feet East of the West quarter corner of Section 14, Township 103 North, Range 22 West; thence East 132.00 feet along said quarter line; thence South 660.00 feet at a deflection angle of 90.00' degrees right; thence West 56.60 feet at a deflection angle of 90.00' degrees right, to a point on the East right of way line of a public highway, said point being the intersection of the tangent to spiral curve on said highway right of way line; thence deflect 64 degrees 12' 30" right to the tangent to said spiral curve at said point; thence 176.65 feet North-westerly along said spiral curve right (Highway centerline data- $L_s=300'$, $O_s=4s\ 30'$, $D=3\ \text{degrees}\ 00'$, $=25\ \text{degrees}\ 20'\ \text{Rt.}$); thence deflect 1 degree 04.8' right to the tangent to said spiral curve at that point; thence North 500.45 feet at a deflection angle of 24 degrees 11.2' right along a line parallel to the east line of said parcel to the point of beginning; being part of the NW 1/4 SW 1/4 of Section 14, Township 103 North, Range 22 West, containing 1.862 acres and subject to highway easement on the North 50 feet thereof.

The quantity of land embraced within the foregoing description and bounded as described is less than 2 acres.

THE CITY OF MANCHESTER DOES ORDAIN:

Section 1. That the annexation will be to the best interests of the City of Manchester and to the territory affected; that the territory described herein abut upon the City and is so conditioned as property to be subjected to City Government.

Section 2. That the property hereinbefore described be and the same is hereby annexed to and included in the City of Manchester as effectually as if it had originally been a part thereof.

Section 3. That this Ordinance shall be final and shall take effect and be in force from and after filing certified copies thereof with the Minnesota Municipal Commission, the Clerk of Manchester township, the County Auditor and the Secretary of State and from and after its passage and publication.

Introduced and read the first time ~~November 5~~, 1974.

Read the second time and passed, ~~December 3~~, 1974.

Filed and attested December 26, 1974.

ALBERT WHITEAKER
Mayor

Barbara Whiteaker
Clerk

July 2, 1974
Aug 6, 1974

Farmers Mutual Ins Co and Duane Trce property

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The quantity of land embraced within the foregoing description and bounded as described is less than 2 acres.

THE CITY OF MANCHESTER DOES ORDAIN:

Section 1.

That the annexation will be to the best interests of the City of Manchester and to the territory affected; that the territory described herein abut upon the City and is so conditioned as property to be subjected to City Government.

Section 2.

That the property hereinbefore described be and the same is hereby annexed to and included in the City of Manchester as effectually as if it had originally been a part thereof.

Section 3.

That this Ordinance shall be final and shall take effect and be in force from and after filing certified copies thereof with the Minnesota Municipal Commission, the Clerk of Manchester township, the County Auditor and the Secretary of State and from and after its passage and publication.

Introduced and read the first time November 5, 1974.
Read the second time and passed, December 3, 1974.

Filed and attested December 26, 1974.

Barbara Whiteaker

Clerk

ALBERT WHITEAKER

Mayor

ORDINANCE NO. 11

AN ORDINANCE EXTENDING THE CORPORATE LIMITS OF THE VILLAGE OF
MANCHESTER TO INCLUDE CERTAIN UNPLATTED LAND.

Introduced by Russell Wangen.

WHEREAS, a petition has been filed with the governing body of the Village of Manchester, Minnesota, signed by the owners of the following described real estate to have such land included within the Village of Manchester, Minnesota: Beginning at a point on the North line of the NE1/4 SE1/4 Section 15, Township 103 North, Range 22 West, which point is 795.35 feet West of the northeast corner thereof; thence West 100.00 feet on the North line of said quarter section; thence South 140.00 feet at a right angle; thence East 100.00 feet at a right angle; thence North 140.00 feet at a right angle, to the point of beginning; being part of the NE1/4 SE1/4 Section 15, Township 103 North, Range 22 West and containing 0.32 acres; subject to highway easement on the North side thereof. The quantity of land embraced within the foregoing description and bounded as described is less than 2 acres.

THE VILLAGE OF MANCHESTER DOES ORDAIN:

Section 1.

That the annexation will be to the best interests of the village of Manchester and to the territory affected; that the territory described herein abut upon the Village and is so conditioned as property to be subjected to Village Government.

Section 2.

That the property hereinbefore described be and the same is hereby annexed to and included in the Village of Manchester as effectually as if it had originally been a part thereof.

Section 3.

That this Ordinance shall be final and shall take effect and be in force from and after filing certified copies thereof with the Minnesota Municipal Commission, the Clerk of Manchester township, the County Auditor and the Secretary of State and from and after its passage and publication.

Introduced and read the first time November 6, 1973.

Read the second time and passed, December 5, 1973.

Filed and attested December 14, 1973.

Oscar Jordahl
Mayor

Barbara Whiteaker
Clerk

ORDINANCE NO. 23

INTERIM ORDINANCE PURSUANT TO MINN. STAT. §462.355, SUBD. 4 FOR
PURPOSES OF STUDYING THE ADOPTION OF A ZONING ORDINANCE

WHEREAS, the City Council of Manchester is presently conducting studies for the purpose of considering the adoption of a zoning ordinance; and

WHEREAS, an interim ordinance pursuant to Minn. Stat. §462.355, subd. 4 is necessary during this study period to protect the planning process and the health, safety and welfare of the citizens of Manchester.

NOW, THEREFORE, THE CITY COUNCIL OF MANCHESTER, MINNESOTA, ORDAINS:

Section 1. Definitions. For purposes of this ordinance, the following definitions shall apply, unless the context clearly indicates or requires a different meaning:

Building. Any structure having a roof supported by columns, walls or other means of support for the shelter or enclosure of persons or property.

Lot. A parcel of land designated by plat, metes and bounds, registered land survey, auditor's plat or other accepted means, and separated from other parcels or portions of that description for the purposes of sale, lease, or separation.

Use. The purpose or activity for which the premises is designed, arranged or intended or for which it is or may be occupied or maintained.

Section 2. No Change to Use. Any lawful use or occupation of a lot or land existing at the time of the adoption of this ordinance may be continued, including through repair and maintenance. No other use or occupation of a lot or land shall be allowed.

Section 3. Building Permit. No building permit shall be granted for any lot or building which would be in violation of this ordinance.

Section 4. Violation. Any person, firm, partnership, corporation, or other entity violating any provision of this ordinance shall be guilty of a misdemeanor. In the event of a violation of this ordinance, the City Council may pursue all available remedies including injunctive relief to prevent, restrain, correct, or abate such violations.

Section 5. Livestock Production. Notwithstanding any language in this ordinance to the contrary, this ordinance shall not regulate, restrict, or prohibit activities relating to livestock production.

Section 6. Waiver. In cases of practical difficulties, any person aggrieved by the requirements of this ordinance may apply to the City Council for a waiver of the provisions of this interim ordinance. A waiver may be granted when the City Council finds practical difficulties caused by the restrictions of this ordinance and finds that the waiver will not unduly effect the integrity of the planning process or the purposes for which this interim ordinance is enacted.

Section 7. Effective Date and Termination. This ordinance shall take effect immediately upon its passage and publication and shall remain in effect until the Council has specifically terminated this ordinance after studying the implementation of a zoning ordinance and, if appropriate, enacting a zoning ordinance, but not longer than one year unless the Council extends the date of termination pursuant to Minnesota Statutes.

Passed by the City Council of Manchester, Minnesota, this 8th day of August, 2011.

Brian A. Skill
Mayor

ATTEST:

Angela Hennegrich
City Clerk

Published in the Albert Lea Tribune on the 14th day of August, 2011.

ORDINANCE NO. 12-02

**AN ORDINANCE ADOPTING THE
MINNESOTA STATE BUILDING CODE**

THE CITY COUNCIL OF THE CITY OF MANCHESTER, MINNESOTA, ORDAINS:

Section 1. Codes Adopted by Reference. The Minnesota State Building Code, as adopted by the Commissioner of Labor and Industry pursuant to Minnesota Statutes Chapter 326B, including all of the amendments, rules and regulations established, adopted and published from time to time by the Minnesota Commissioner of Labor and Industry, through the Building Codes and Standards Unit, is hereby adopted by reference with the exception of the optional chapters, unless specifically adopted in this ordinance. The Minnesota State Building Code is hereby incorporated in this ordinance as if fully set out herein.

Section 2. Application, Administration and Enforcement. The application, administration, and enforcement of the Code shall be in accordance with Minnesota State Building Code. This Code shall be enforced by the Minnesota Certified Building Official designated by the Council to administer the Code in accordance with Minnesota Statutes 326B.133, Subdivision 1, hereinafter referred to as "Building Official".

Section 3. Permits and Fees. The issuance of permits and the collection of fees shall be as authorized in Minnesota Chapter 1300. Permit fees shall be assessed for work governed by this Code in accordance with the fee schedule adopted by the City Council. In addition, a surcharge fee shall be collected on all permits issued for work governed by this Code in accordance with Minnesota Statutes 326B.148.

Section 4. Violations and Penalties. A violation of the Code is a misdemeanor (Minnesota Statutes 326B.082, Subd. 16).

Section 5. Repeal. Ordinance 18a and any part of any ordinance in conflict with this ordinance are hereby repealed.

Section 6. Effective Date. This ordinance shall take effect immediately from and after its passage and publication according to law.

Passed by the City Council of Manchester, Minnesota, this 13th day of February, 2012.



Mayor

ATTEST:


Clerk

Published in the _____ on the ____ day of
_____, 2012.

ORDINANCE NO. 12-03

**AN ORDINANCE ESTABLISHING FEES TO BE CHARGED
RELATING TO BUILDING PERMITS**

THE CITY COUNCIL OF THE CITY OF MANCHESTER, MINNESOTA, ORDAINS:

Section 1. Adoption of Freeborn County's Fee Schedule Relating to Building Permits. The fee schedule contained on attached Exhibit A, the Freeborn County Fee Schedule Relating to Building Permits, is hereby adopted.

Section 2. Expiration of Plan Review. Applications for a building permit for which no permit is issued within 180 days following the date of application shall expire by limitation, and plans and other data submitted for review may thereafter be returned to the applicant or destroyed by the City's building official. In order to renew action on the application after such expiration, the applicant shall resubmit plans and pay a new plan review fee. In the event of hardship and at the discretion of the building official, a new plan review fee may be waived.

Section 3. Effective Date. This ordinance shall take effect immediately from and after its passage and publication according to law.

Passed by the City Council of Manchester, Minnesota, this 13th day of February, 2012.

Bob A. Hull
Mayor

ATTEST:

Angela Hannegreffs
Clerk

Published in the Albert Lea Tribune on the 12th day of March, 2012.

RESOLUTION 12-

RESOLUTION to amend Resolution 02-019 to read as follows:

Resolved, that fees for construction and installation permits, effective February 1, 2002, shall include a base fee of \$15.00 in conjunction with the following fees;

Heating System	\$10.00	
Air Conditioners	\$10.00	
Gas Piping Pressure Test	\$10.00	
Shingling	\$30.00	
Windows <i>Siding</i>	\$10.00	
Water Heater or Softener	\$10.00	
Doors	\$10.00	(amended January 31, 2012)
Plumbing fixture	\$ 3.00	(amended January 31, 2012)

I hereby certify that the above is a true and correct copy of a resolution adopted by the Freeborn County Board of Commissioners at their session on the 31st day of January 2012, and as appears on the Minutes of their record of proceedings.

John Kluever
Administrator/Clerk
County of Freeborn
State of Minnesota

RESOLUTION

Resolved, that fees for building permits, effective February 1, 2001, shall be based on the total valuation of the proposed work in accordance with the following attached fee schedules:

Freeborn County Residence and Attached Garage Fee Schedule							
Valuation		Permit	Surcharge	Valuation		Permit	Surcharge
1-3,000		15.75	1.50	50,001-51,000		267.75	25.50
3,001-4,000		21.00	2.00	51,001-52,000		273.00	26.00
4,001-5,000		26.25	2.50	52,001-53,000		278.25	26.50
5,001-6,000		31.50	3.00	53,001-54,000		283.50	27.00
6,001-7,000		36.75	3.50	54,001-55,000		288.75	27.50
7,001-8,000		42.00	4.00	55,001-56,000		294.00	28.00
8,001-9,000		47.25	4.50	56,001-57,000		299.25	28.50
9,001-10,000		52.50	5.00	57,001-58,000		304.50	29.00
10,001-11,000		57.75	5.50	58,001-59,000		309.75	29.50
11,001-12,000		63.00	6.00	59,001-60,000		315.00	30.00
12,001-13,000		68.25	6.50	60,001-61,000		320.25	30.50
13,001-14,000		73.50	7.00	61,001-62,000		325.50	31.00
14,001-15,000		78.75	7.50	62,001-63,000		330.75	31.50
15,001-16,000		84.00	8.00	63,001-64,000		336.00	32.00
16,001-17,000		89.25	8.50	64,001-65,000		341.25	32.50
17,001-18,000		94.50	9.00	65,001-66,000		346.50	33.00
18,001-19,000		99.75	9.50	66,001-67,000		351.75	33.50
19,001-20,000		105.00	10.00	67,001-68,000		357.00	34.00
20,001-21,000		110.25	10.50	68,001-69,000		362.25	34.50
21,001-22,000		115.50	11.00	69,001-70,000		367.50	35.00
22,001-23,000		120.75	11.50	70,001-71,000		372.75	35.50
23,001-24,000		126.00	12.00	71,001-72,000		378.00	36.00
24,001-25,000		131.25	12.50	72,001-73,000		383.25	36.50
25,001-26,000		136.50	13.00	73,001-74,000		388.50	37.00
26,001-27,000		141.75	13.50	74,001-75,000		393.75	37.50
27,001-28,000		147.00	14.00	75,001-76,000		399.00	38.00
28,001-29,000		152.25	14.50	76,001-77,000		404.25	38.50
29,001-30,000		157.50	15.00	77,001-78,000		409.50	39.00
30,001-31,000		162.75	15.50	78,001-79,000		414.75	39.50
31,001-32,000		168.00	16.00	79,001-80,000		420.00	40.00
32,001-33,000		173.25	16.50	80,001-81,000		425.25	40.50
33,001-34,000		178.50	17.00	81,001-82,000		430.50	41.00
34,001-35,000		183.75	17.50	82,001-83,000		435.75	41.50
35,001-36,000		189.00	18.00	83,001-84,000		441.00	42.00
36,001-37,000		194.25	18.50	84,001-85,000		446.25	42.50
37,001-38,000		199.50	19.00	85,001-86,000		451.50	43.00
38,001-39,000		204.75	19.50	86,001-87,000		456.75	43.50
39,001-40,000		210.00	20.00	87,001-88,000		462.00	44.00
40,001-41,000		215.25	20.50	88,001-89,000		467.25	44.50
41,001-42,000		220.50	21.00	89,001-90,000		472.50	45.00
42,001-43,000		225.75	21.50	90,001-91,000		477.75	45.50
43,001-44,000		231.00	22.00	91,001-92,000		483.00	46.00
44,001-45,000		236.25	22.50	92,001-93,000		488.25	46.50
45,001-46,000		241.50	23.00	93,001-94,000		493.50	47.00
46,001-47,000		246.75	23.50	94,001-95,000		498.75	47.50
47,001-48,000		252.00	24.00	95,001-96,000		504.00	48.00
48,001-49,000		257.25	24.50	96,001-97,000		509.25	48.50
49,001-50,000		262.50	25.00	97,001-98,000		514.50	49.00

Valuation		Permit	Surcharge		Valuation		Permit	Surcharge
98,001-	99,000	519.75	49.50		148,001-	149,000	782.25	74.50
99,001-	100,000	525.00	50.00		149,001-	150,000	787.50	75.00
100,001-	101,000	530.25	50.50		150,001-	151,000	792.75	75.50
101,001-	102,000	535.50	51.00		151,001-	152,000	798.00	76.00
102,001-	103,000	540.75	51.50		152,001-	153,000	803.25	76.50
103,001-	104,000	546.00	52.00		153,001-	154,000	808.50	77.00
104,001-	105,000	551.25	52.50		154,001-	155,000	813.75	77.50
105,001-	106,000	556.50	53.00		155,001-	156,000	819.00	78.00
106,001-	107,000	561.75	53.50		156,001-	157,000	824.25	78.50
107,001-	108,000	567.00	54.00		157,001-	158,000	829.50	79.00
108,001-	109,000	572.25	54.50		158,001-	159,000	834.75	79.50
109,001-	110,000	577.50	55.00		159,001-	160,000	840.00	80.00
110,001-	111,000	582.75	55.50		160,001-	161,000	845.25	80.50
111,001-	112,000	588.00	56.00		161,001-	162,000	850.50	81.00
112,001-	113,000	593.25	56.50		162,001-	163,000	855.75	81.50
113,001-	114,000	598.50	57.00		163,001-	164,000	861.00	82.00
114,001-	115,000	603.75	57.50		164,001-	165,000	866.25	82.50
115,001-	116,000	609.00	58.00		165,001-	166,000	871.50	83.00
116,001-	117,000	614.25	58.50		166,001-	167,000	876.78	83.50
117,001-	118,000	619.50	59.00		167,001-	168,000	882.00	84.00
118,001-	119,000	624.75	59.50		168,001-	169,000	887.25	84.50
119,001-	120,000	630.00	60.00		169,001-	170,000	892.50	85.00
120,001-	121,000	635.25	60.50		170,001-	171,000	897.75	85.50
121,001-	122,000	640.50	61.00		171,001-	172,000	903.00	86.00
122,001-	123,000	645.75	61.50		172,001-	173,000	908.25	86.50
123,001-	124,000	651.00	62.00		173,001-	174,000	913.50	87.00
124,001-	125,000	656.25	62.50		174,001-	175,000	918.75	87.50
125,001-	126,000	661.50	63.00		175,001-	176,000	924.00	88.00
126,001-	127,000	666.75	63.50		176,001-	177,000	929.25	88.50
127,001-	128,000	672.00	64.00		177,001-	178,000	934.50	89.00
128,001-	129,000	677.25	64.50		178,001-	179,000	939.75	89.50
129,001-	130,000	682.50	65.00		179,001-	180,000	945.00	90.00
130,001-	131,000	687.75	65.50		180,001-	181,000	950.25	90.50
131,001-	132,000	693.00	66.00		181,001-	182,000	955.50	91.00
132,001-	133,000	698.25	66.50		182,001-	183,000	960.75	91.50
133,001-	134,000	703.50	67.00		183,001-	184,000	966.00	92.00
134,001-	135,000	708.75	67.50		184,001-	185,000	971.25	92.50
135,001-	136,000	714.00	68.00		185,001-	186,000	976.50	93.00
136,001-	137,000	719.25	68.50		186,001-	187,000	981.75	93.50
137,001-	138,000	724.50	69.00		187,001-	188,000	987.00	94.00
138,001-	139,000	729.75	69.50		188,001-	189,000	992.25	94.50
139,001-	140,000	735.00	70.00		189,001-	190,000	997.50	95.00
140,001-	141,000	740.25	70.50		190,001-	191,000	1,002.75	95.50
141,001-	142,000	745.50	71.00		191,001-	192,000	1,008.00	96.00
142,001-	143,000	750.75	71.50		192,001-	193,000	1,013.25	96.50
143,001-	144,000	756.00	72.00		193,001-	194,000	1,018.50	97.00
144,001-	145,000	761.25	72.50		194,001-	195,000	1,023.75	97.50
145,001-	146,000	766.50	73.00		195,001-	196,000	1,029.00	98.00
146,001-	147,000	771.75	73.50		196,001-	197,000	1,034.25	98.50
147,001-	148,000	777.00	74.00		197,001-	198,000	1,039.50	99.00
Valuation		Permit	Surcharge					
198,001-	199,000	1,044.75	99.50					
199,001-	200,000	1,050.00	100.00					
200,001-	500,000	1,050 FOR FIRST 200,000 PLUS 3.50 FOR EACH ADDNL 1,000						
500,001-	1,000,000	2,625 FOR FIRST 500,000 PLUS 3.00 FOR EACH ADDNL 1,000						
1,000,001-	UP	5,500 FOR FIRST 1,000,000 PLUS 2.00 FOR EACH ADDNL 1,000						

Freeborn County Non-Residential Fee Schedule								
Valuation	Permit	Plan	Surcharge	Valuation	Permit	Plan	Surcharge	
1- 500	15.75	0.00	0.50	36,001- 37,000	346.58	225.28	18.50	
501- 600	17.85	0.00	0.50	37,001- 38,000	353.39	229.70	19.00	
601- 700	19.95	0.00	0.50	38,001- 39,000	360.22	234.14	19.50	
701- 800	22.05	0.00	0.50	39,001- 40,000	367.05	238.58	20.00	
801- 900	24.15	0.00	0.50	40,001- 41,000	373.88	243.02	20.50	
901- 1,000	26.25	0.00	0.50	41,001- 42,000	380.71	247.46	21.00	
1,001- 1,100	28.35	18.43	1.00	42,001- 43,000	387.54	251.90	21.50	
1,101- 1,200	30.45	19.79	1.00	43,001- 44,000	394.37	256.34	22.00	
1,201- 1,300	32.55	21.16	1.00	44,001- 45,000	401.20	260.78	22.50	
1,301- 1,400	34.65	22.52	1.00	45,001- 46,000	408.03	265.22	23.00	
1,401- 1,500	36.75	23.89	1.00	46,001- 47,000	414.88	269.66	23.50	
1,501- 1,600	38.85	25.25	1.00	47,001- 48,000	421.09	274.10	24.00	
1,601- 1,700	40.95	26.62	1.00	48,001- 49,000	428.52	278.54	24.50	
1,701- 1,800	43.05	27.98	1.00	49,001- 50,000	435.35	282.98	25.00	
1,801- 1,900	45.16	29.35	1.00	50,001- 51,000	440.08	286.05	25.50	
1,901- 2,000	47.25	30.71	1.00	51,001- 52,000	444.81	289.13	26.00	
2,001- 3,000	56.70	36.86	1.50	52,001- 53,000	449.54	292.20	26.50	
3,001- 4,000	66.15	43.00	2.00	53,001- 54,000	454.27	295.28	27.00	
4,001- 5,000	75.60	49.14	2.50	54,001- 55,000	459.00	298.35	27.50	
5,001- 6,000	85.05	55.28	3.00	55,001- 56,000	463.73	301.42	28.00	
6,001- 7,000	94.50	61.43	3.50	56,001- 57,000	468.46	304.50	28.50	
7,001- 8,000	103.95	67.57	4.00	57,001- 58,000	473.19	307.57	29.00	
8,001- 9,000	113.40	73.71	4.50	58,001- 59,000	477.92	310.65	29.50	
9,001- 10,000	122.85	79.85	5.00	59,001- 60,000	482.65	313.72	30.00	
10,001- 11,000	132.30	86.00	5.50	60,001- 61,000	487.38	316.80	30.50	
11,001- 12,000	141.75	92.14	6.00	61,001- 62,000	492.11	319.87	31.00	
12,001- 13,000	151.20	98.28	6.50	62,001- 63,000	496.84	322.95	31.50	
13,001- 14,000	160.65	104.42	7.00	63,001- 64,000	501.57	326.02	32.00	
14,001- 15,000	170.10	110.57	7.50	64,001- 65,000	506.30	329.10	32.50	
15,001- 16,000	179.55	116.71	8.00	65,001- 66,000	511.03	332.17	33.00	
16,001- 17,000	189.00	122.85	8.50	66,001- 67,000	515.76	335.24	33.50	
17,001- 18,000	198.45	128.99	9.00	67,001- 68,000	520.49	338.32	34.00	
18,001- 19,000	207.90	135.14	9.50	68,001- 69,000	525.22	341.39	34.50	
19,001- 20,000	217.35	141.28	10.00	69,001- 70,000	529.95	344.47	35.00	
20,001- 21,000	226.80	147.42	10.50	70,001- 71,000	534.68	347.54	35.50	
21,001- 22,000	236.25	153.58	11.00	71,001- 72,000	539.41	350.62	36.00	
22,001- 23,000	245.70	159.71	11.50	72,001- 73,000	544.14	353.69	36.50	
23,001- 24,000	255.15	165.85	12.00	73,001- 74,000	548.87	356.77	37.00	
24,001- 25,000	264.60	171.99	12.50	74,001- 75,000	553.60	359.89	37.50	
25,001- 26,000	274.43	176.43	13.00	75,001- 76,000	558.33	362.91	38.00	
26,001- 27,000	278.26	180.87	13.50	76,001- 77,000	563.06	365.99	38.50	
27,001- 28,000	285.09	185.31	14.00	77,001- 78,000	567.79	369.06	39.00	
28,001- 29,000	291.92	189.75	14.50	78,001- 79,000	572.62	372.14	39.50	
29,001- 30,000	298.75	194.19	15.00	79,001- 80,000	577.25	375.21	40.00	
30,001- 31,000	305.58	198.63	15.50	80,001- 81,000	581.98	378.29	40.50	
31,001- 32,000	312.41	203.07	16.00	81,001- 82,000	586.71	381.36	41.00	
32,001- 33,000	319.24	207.51	16.50	82,001- 83,000	591.44	384.44	41.50	
33,001- 34,000	326.07	211.95	17.00	83,001- 84,000	596.17	387.51	42.00	
34,001- 35,000	332.90	216.39	17.50	84,001- 85,000	600.90	390.59	42.50	
35,001- 36,000	339.73	220.82	18.00	85,001- 86,000	605.63	393.66	43.00	

Valuation	Permit	Plan	Surcharge	Valuation	Permit	Plan	Surcharge
86,001-87,000	610.38	396.73	43.50	136,001-137,000	808.01	525.21	68.50
87,001-88,000	615.09	399.81	44.00	137,001-138,000	811.69	527.60	69.00
88,001-89,000	619.82	402.88	44.50	138,001-139,000	815.37	529.99	69.50
89,001-90,000	624.55	405.96	45.00	139,001-140,000	819.05	532.38	70.00
90,001-91,000	629.28	409.03	45.50	140,001-141,000	822.73	534.77	70.50
91,001-92,000	634.01	412.11	46.00	141,001-142,000	826.41	537.17	71.00
92,001-93,000	638.74	415.18	46.50	142,001-143,000	830.09	539.56	71.50
93,001-94,000	643.47	418.26	47.00	143,001-144,000	833.77	541.95	72.00
94,001-95,000	648.20	421.33	47.50	144,001-145,000	837.45	544.34	72.50
95,001-96,000	652.93	424.40	48.00	145,001-146,000	841.13	546.73	73.00
96,001-97,000	657.68	427.48	48.50	146,001-147,000	844.81	549.13	73.50
97,001-98,000	662.39	430.55	49.00	147,001-148,000	848.49	551.52	74.00
98,001-99,000	667.12	433.63	49.50	148,001-149,000	852.17	553.91	74.50
99,001-100,000	671.85	436.70	50.00	149,001-150,000	855.85	556.30	75.00
100,001-101,000	675.58	439.09	50.50	150,001-151,000	859.53	558.69	75.50
101,001-102,000	679.21	441.49	51.00	151,001-152,000	863.21	561.09	76.00
102,001-103,000	682.89	443.88	51.50	152,001-153,000	866.89	563.48	76.50
103,001-104,000	686.57	446.27	52.00	153,001-154,000	870.57	565.87	77.00
104,001-105,000	690.25	448.66	52.50	154,001-155,000	874.25	568.26	77.50
105,001-106,000	693.93	451.05	53.00	155,001-156,000	877.93	570.65	78.00
106,001-107,000	697.61	453.45	53.50	156,001-157,000	881.61	573.05	78.50
107,001-108,000	701.29	455.84	54.00	157,001-158,000	885.29	575.44	79.00
108,001-109,000	704.97	458.23	54.50	158,001-159,000	888.97	577.83	79.50
109,001-110,000	708.65	460.62	55.00	159,001-160,000	892.65	580.22	80.00
110,001-111,000	712.33	463.01	55.50	160,001-161,000	896.33	582.61	80.50
111,001-112,000	716.01	465.41	56.00	161,001-162,000	900.01	585.01	81.00
112,001-113,000	719.69	467.80	56.50	162,001-163,000	903.69	587.40	81.50
113,001-114,000	723.37	470.19	57.00	163,001-164,000	907.37	589.79	82.00
114,001-115,000	727.05	472.58	57.50	164,001-165,000	911.05	592.18	82.50
115,001-116,000	730.73	474.97	58.00	165,001-166,000	914.73	594.57	83.00
116,001-117,000	734.41	477.37	58.50	166,001-167,000	918.41	596.97	83.50
117,001-118,000	738.09	479.78	59.00	167,001-168,000	922.09	599.36	84.00
118,001-119,000	741.77	482.15	59.50	168,001-169,000	925.77	601.75	84.50
119,001-120,000	745.45	484.54	60.00	169,001-170,000	929.45	604.14	85.00
120,001-121,000	749.13	486.93	60.50	170,001-171,000	933.13	606.53	85.50
121,001-122,000	752.81	489.33	61.00	171,001-172,000	936.81	608.93	86.00
122,001-123,000	756.49	491.72	61.50	172,001-173,000	940.49	611.32	86.50
123,001-124,000	760.17	494.11	62.00	173,001-174,000	944.17	613.71	87.00
124,001-125,000	763.85	496.50	62.50	174,001-175,000	947.85	616.10	87.50
125,001-126,000	767.53	498.89	63.00	175,001-176,000	951.53	618.49	88.00
126,001-127,000	771.21	501.29	63.50	176,001-177,000	955.21	620.89	88.50
127,001-128,000	774.89	503.68	64.00	177,001-178,000	958.89	623.28	89.00
128,001-129,000	778.57	506.07	64.50	178,001-179,000	962.57	625.67	89.50
129,001-130,000	782.25	508.46	65.00	179,001-180,000	966.25	628.08	90.00
130,001-131,000	785.93	510.85	65.50	180,001-181,000	969.93	630.45	90.50
131,001-132,000	789.61	513.25	66.00	181,001-182,000	973.61	632.85	91.00
132,001-133,000	793.26	515.84	66.50	182,001-183,000	977.29	635.24	91.50
133,001-134,000	796.97	518.03	67.00	183,001-184,000	980.97	637.63	92.00
134,001-135,000	800.65	520.42	67.50	184,001-185,000	984.65	640.02	92.50
135,001-136,000	804.33	522.81	68.00	185,001-186,000	988.33	642.41	93.00

OFFICIAL SUMMARY OF THE CITY'S ZONING ORDINANCE
ORDINANCE NO. 12-05

The following is the official summary of Ordinance No. 12-05, which was passed by the City Council on December 10, 2012. A printed copy of this ordinance is available for inspection by any person at the office of the City Clerk during normal business hours, and at the telephone company, 204 Railroad St, Manchester, MN during normal business hours.

This ordinance divides the City into four types of zoning districts: Agricultural Districts, Residential Districts, Commercial Districts and Manufacturing Districts. A zoning map, which is part of this ordinance, shows where these districts are located within the City. The Zoning Ordinance provides regulation for the use of land and buildings in each district.

Article I of this ordinance contains general provisions including the title of the ordinance, the purpose of the ordinance, and the legal authority for the ordinance.

Article II contains definitions of the some of the words used in the ordinance.

Article III divides the City into the four districts mentioned above and adopts the zoning map. This article also includes provisions dealing with how the boundaries for the district are to be determined, allows the Council to decide questions concerning the district boundary lines, and requires land not zoned or annexed into the City to be designated as a Residential District until the Council determines otherwise.

Article IV contains general zoning regulations. This article requires all land and buildings to be used in compliance with the Zoning Ordinance. The regulations in this article include requirements for lot sizes, future plats, residential accessory buildings, home occupations, the determination of the height of buildings, yards which front on two streets (double frontage lots), corner lots, non-conforming uses, changing from one non-conforming use to another, temporary dwellings, manufactured home parks, and the minimum size of dwellings.

Article V provides regulations for Agricultural Districts. This article lists the permitted uses and conditional uses in an Agricultural District. The regulations in this article include regulations for building height, lot area, lot width, yards, and access. This article also provides specific conditional use permit standards for windmills.

Article VI provides regulations for Residential Districts. This article lists the permitted uses and conditional uses in a Residential District. The regulations in this article include regulations for building height, lot area, lot width, yards, and access. This article also provides specific Residential District conditional use permit standards for storage sheds, greenhouses, private recreational facilities, windmills, hospital and nursing homes, and for certain state licensed facilities (licensed under Minn. Stat. Chapter 144D) serving up to 16 people.

Article VII provides regulations for Commercial Districts. This article lists the permitted uses and conditional uses in a Commercial District. The regulations in this article include regulations for building height, lot area, lot width, yards, and access. This article also provides specific Commercial District conditional use permit standards for dwellings and manufactured home parks, non-residential licensed day care facilities, outdoor storage incidental to the principal use, drive-through and drive-up windows, sidewalk cafes, and outdoor dining areas.

Article VIII provides regulations for Manufacturing Districts. This article lists the permitted uses and conditional uses in a Manufacturing District. The regulations in this article include

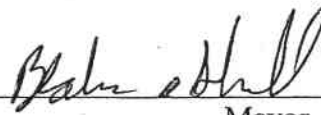
regulations for accessory structures and uses, access, storage of materials, building height, lot area, lot width, yards, accessory buildings and uses, lot coverage, trash, and off-street parking and unloading or loading facilities. This article also provides specific Manufacturing District conditional use permit standards for retail and services parking and windmills.

Article IX contains administrative and enforcement provisions. The article deals with applications allowed by the ordinance. The provisions of this article also deal with public notice, hearing requirements, and notice of decisions made by the City. This article requires a site plan be approved by the City for all new, substantially altered, changed, converted, reconstructed or relocated buildings. The article also provides regulations for obtaining and granting a conditional use permit and interim use permit in any district. This article states that the City Council will be the Board of Appeals and Adjustments for the City. The article also regulates variances, appeals and amendments to the ordinance. This article requires that the Zoning Administrator (or other person appointed by the City Council) be allowed to inspect any property for which an application to the City is made pursuant to the ordinance. This article also regulates fees required or allowed under the ordinance. The article mandates that before any application made pursuant to this ordinance is granted, the City must receive certification that there are no delinquent real estate taxes, special assessments or utility bills relating to the parcel which is the subject of the application. The article further provides that any violation of the ordinance is a misdemeanor. A violation of the ordinance is also a public nuisance which can be enforced as allowed by Minnesota law. The article makes it a misdemeanor for a person to knowingly make or submit a false statement or document in connection with an application or procedure under the Zoning Ordinance.

Article X regulates off-street parking and loading.

Article XI regulates fences and other obstructions and screening devices. All fences more than 30 inches in height require a City permit. No fence can be located less than one foot from the property line.

This summary was approved by the City of Manchester, Minnesota on December 10th, 2012.



Mayor

ATTEST:



Clerk

Published in the Albert Lea Tribune on the 10th day of January, 2012. 2013.

ORDINANCE NO. 2013-02

AN ORDINANCE ESTABLISHING LIQUOR LICENSE FEES

The City Council of Manchester, Minnesota does hereby ordain:

Section 1. On-Sale Intoxicating Liquor License Fee. The annual license fee for an on-sale intoxicating liquor license shall be \$900.

Section 2. Sunday On-Sale Intoxicating Liquor License Fee. The annual license fee for a Sunday on-sale intoxicating liquor license shall be \$100.

Section 3. Off-Sale Intoxicating Liquor License Fee. The annual license fee for an off-sale intoxicating liquor license shall be \$100.

Section 4. Combination On-Sale/Off-Sale Intoxicating Liquor Licenses. The annual license fee for an on-sale/off-sale intoxicating liquor license shall be \$1,000.

Section 5. Payment of Fees. Said license fee shall be paid before any such license is approved.

Section 6. Repeal. This ordinance repeals any fees to the contrary.

Section 7. Effective Date. This ordinance becomes effective on the date of its publication.

Passed by the City Council of Manchester, Minnesota, this 12th day of August, 2013.

Blake A. Smith
Mayor

ATTEST:

Angela Hannegefer
Clerk

Published in the Albert Lea Tribune on the 29th day of August, 2013.

ORDINANCE NO. 2023-01

CITY OF MANCHESTER
COUNTY OF FREEBORN
STATE OF MINNESOTA

AN ORDINANCE ENACTING A CODE OF ORDINANCES FOR THE CITY OF MANCHESTER, MINNESOTA, AMENDING, RESTATING, REVISING, UPDATING, CODIFYING, AND COMPILING CERTAIN ORDINANCES OF THE CITY DEALING WITH THE SUBJECTS EMBRACED IN THE CODE OF ORDINANCES, AND PROVIDING PENALTIES FOR THE VIOLATION OF THE CODE OF ORDINANCES.

WHEREAS Minnesota Statutes Section 471.62 authorizes the city to adopt the Minnesota Basic Code of Ordinances by reference,

WHEREAS Minnesota Statutes §§ 415.02 and 415.021 authorize the city to cause its ordinances to be codified and printed in a book, now therefore:

The City Council of Manchester, Minnesota ordains:

Section 1. The Minnesota Basic Code of Ordinances, 2023 Edition, together with amendments and supplements contained therein, less the zoning ordinances therein, is hereby adopted and shall constitute the “Code of Ordinances of the City of Manchester.” This Code of Ordinances also adopts by reference certain statutes and administrative rules of the State of Minnesota as named in the Code of Ordinances. It is the intention of the City Council that, when adopting the Minnesota Basic Code of Ordinances, all future amendments and supplements to the statutes and administrative rules of the State of Minnesota are hereby adopted as if they had been in existence at the time this Ordinance was enacted, unless there is clear intention expressed in the Code to the contrary.

The zoning ordinances of the City of Manchester shall remain unchanged.

Section 2. The Code of Ordinances as adopted in Section 1 shall consist of the following titles and those existing city ordinances also listed in Section 3:

TITLE I: GENERAL PROVISIONS

10. General Provisions

TITLE III: ADMINISTRATION

30. General Provisions

31. Departments, Boards and Commissions

32. Emergency Management

TITLE V: PUBLIC WORKS

- 50. Garbage and Rubbish
- 51. Sewer Regulations
- 52. Water Regulations
- 53. Storm Water Drainage Utility
- 54. Rates and Charges

TITLE VII: TRAFFIC CODE

- 70. Traffic Regulations
- 71. Parking Regulations
- 72. Snowmobiles
- 73. Recreational Vehicles
- 74. Bicycles, Roller Blades, Roller Skates, Roller Skis and Skateboards

TITLE IX: GENERAL REGULATIONS

- 90. Abandoned Property
- 91. Animals
- 92. Health and Safety; Nuisances
- 93. Streets and Sidewalks

TITLE XI: BUSINESS REGULATIONS

- 110. General Licensing Provisions
- 111. Commercial Amusements
- 112. Liquor Regulations
- 113. Peddlers and Solicitors
- 114. Reserved.
- 115. Reserved.
- 116. Regulating Lawful Gambling
- 117. Garage and Rummage Sales
- 118. Regulation of Public Dances and Special Events
- 119. Sexually Oriented Businesses

TITLE XIII: GENERAL OFFENSES

- 130. General Offenses

Section 3. All prior ordinances pertaining to subjects treated in the Code of Ordinances shall be deemed repealed from and after the effective date of this ordinance, except as they are included and re-ordained in whole or in part in the Code of Ordinances; provided this repeal shall not affect any offense committed or penalty incurred, or any right established prior to the effective date of this ordinance, nor shall this repeal affect the provisions of ordinances levying taxes; appropriating money; annexing or detaching territory; establishing franchises; granting special rights to certain persons; authorizing public improvements; authorizing the issuance of bonds or borrowing of money; authorizing the purchase or sale of real or personal property; granting or accepting easements, plat or dedication of land to public use; or vacating or setting

the boundaries of streets or other public places; nor shall this repeal affect any other ordinance of a temporary or special nature or pertaining to subjects not contained in or covered by the Code of Ordinances. All fees established in prior ordinances shall remain in effect unless amended in this Code of Ordinances, or until an ordinance adopting a fee schedule is adopted or amended.

These are the prior ordinances that shall remain in effect:

- 2: An Ordinance Granting to Northern States Power Company, A Minnesota Corporation, Its Successors and Assigns, Permission to Construct, Operate, Repair and Maintain in the City of Manchester, Minnesota, an Electric Distribution System and Transmission Lines, Including Necessary Poles, Pole Lines and Fixtures and Appurtenances, for the Furnishing of Electric Energy to the City and its Inhabitants, and Others, and to Use the Public Ways and Public Grounds of Said City for Such Purposes
- 4: An Ordinance Granting Franchise for the Telephone Lines to Manchester – Hartland Telephone Company
- 6: City of Manchester Fire Department
- 7: Building Permits Required
- 10: An Ordinance Extending the Corporate Limits to the City of Manchester to Include Certain Unplatted Land
- 11: An Ordinance Extending the Corporate Limits of the Village of Manchester to Include Certain Unplatted Land
- 23: Interim Ordinance Pursuant to Minn. Stat. 462.355 Subd. 4 for Purposes of Studying the Adoption of a Zoning Ordinance
- 12.02: Adopting and codifying the Minnesota State Building Code
- 12.03: An Ordinance Establishing Fees to be Charged Relating to Building Permits
- Section XV Land Usage & 12.05: Zoning Ordinances
- 13.02: An Ordinance Establishing Liquor License Fees

Section 4. This ordinance adopting the Code of Ordinances shall be a sufficient publication of any ordinance included in it and not previously published in the city's official newspaper. The city clerk shall cause a substantial quantity of the Code of Ordinances to be printed for general distribution to the public at actual cost, and shall furnish a copy of the Code of Ordinances to the County Law Library or its designated depository. The official copy of this Code of Ordinances shall be marked and be kept in the office of the city clerk.

Section 5. The Code of Ordinances is declared to be prima facie evidence of the law of the city and shall be received in evidence as provided by Minnesota Statutes by the courts of the State of Minnesota.

Section 6. This ordinance adopting the Code of Ordinances, and the Code of Ordinances itself, shall take effect upon publication of this ordinance in the city's official newspaper.

PASSED BY THE CITY COUNCIL OF CITY OF MANCHESTER,
MINNESOTA, THIS

14th DAY OF August, 2023.

APPROVED:


MAYOR

ATTESTED:


CITY CLERK

OFFICIAL SUMMARY OF ORDINANCE NO. 2024-01

**AN INTERIM ORDINANCE AUTHORIZING A STUDY AND
IMPOSING A MORATORIUM ON THE OPERATION OF CANNABIS
BUSINESSES WITHIN THE City OF MANCHESTER**

The following is the official summary of Ordinance No. 2024-01, which
was passed by the Manchester City Council on October 21st, 2024.

A printed copy of this Ordinance is available for inspection by any person in the
office of the City Clerk during normal business hours.

This Ordinance contains the following provisions:

Section 1 - Legislative Findings and Authority

Section 2 - Definitions

Section 3 - Study Authorized

Section 4 - Moratorium

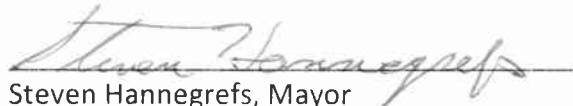
Section 5 - Exceptions

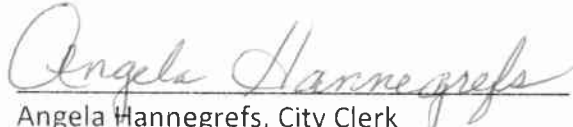
Section 6 - Enforcement

Section 7 - Severability

Section 8 - Effective Date and Term

This summary was approved by the City Council of Manchester, Minnesota on
October 21st, 2024.


Steven Hannegreffs, Mayor


Angela Hannegreffs, City Clerk

Published - Albert Lea Tribune 11/09/2024

CITY OF MANCHESTER

ORDINANCE NO. 2024-01

AN INTERIM ORDINANCE AUTHORIZING A STUDY AND
IMPOSING A MORATORIUM ON THE OPERATION OF CANNABIS
BUSINESSES WITHIN THE CITY OF MANCHESTER

The city council of the city of Manchester ordains as follows:

Section 1. Legislative Findings and Authority.

- (A) The Minnesota Legislature recently enacted, and the Governor signed, 2023 Minnesota Session Laws, Chapter 63 – H.F. No. 100 (the “Act”), which is comprehensive legislation relating to cannabis including, but not limited to, the establishment of the Office of Cannabis Management (“OCM”), legalizing and limiting the possession and use of cannabis and certain hemp products by adults, providing for the licensing, inspection, and regulation of cannabis and hemp businesses, taxing the sale of cannabis flower, cannabis products, and certain hemp products, establishing grant and loan programs, amending criminal penalties, providing for expungement of certain convictions, and providing for the temporary regulation of Edible Cannabinoid Products.
- (B) The Act provides local units of government certain authority related to Cannabis Businesses, including the authority to (i) require local registration of certain Cannabis Businesses operating retail establishments, (ii) adopt reasonable restrictions on the time, place, and manner of the operation of Cannabis Businesses, provided that such restrictions do not prohibit the establishment or operation of a Cannabis Business, (iii) limit the number of certain Cannabis Businesses based on the population of the community, and (iv) prohibit the operation of a Cannabis Business within 1,000 feet of a school, place of worship, day care centers, residential treatment facility, or within a public park that is regularly used by minors, including a park, playground or athletic field.
- (C) The Act requires the OCM, which was established effective July 1, 2023, to work with local governments to develop model ordinances for reasonable restrictions on the time, place, and manner of the operation of Cannabis Businesses. The Act also requires the OCM to establish additional rules and regulations relating to the operation of Cannabis Businesses. It is anticipated that the city of **Manchester** (the “City”) will benefit from reviewing and analyzing the OCM’s model ordinances, rules and regulations before making any decisions related to the regulation of Cannabis Businesses in the City.
- (D) The Act (Minnesota Statutes, section 342.13(e)) expressly allows a local unit of government that is conducting studies or has authorized a study to be conducted or has held or scheduled a hearing for the purpose of considering adoption or amendment of reasonable restrictions on the time, place and manner of the operation of Cannabis Businesses to adopt an interim ordinance applicable to all or part of its jurisdiction for the purpose of protecting the planning process and the health, safety, and welfare of its citizens. The interim ordinance may regulate, restrict, or prohibit the operation of Cannabis Businesses within the jurisdiction or a portion thereof until January 1, 2025.

- (E) Given the uncertainty regarding the model ordinances to be developed by the OCM and the broad scope of the changes to Minnesota law brought about by the Act, the City desires to adopt an interim ordinance for the purpose of protecting the planning process and the health, safety, and welfare of its citizens.
- (F) The City desires to conduct a study for the purpose of considering the adoption or amendment of reasonable restrictions on the time, place and manner of the operation of Cannabis Businesses as well as the other regulations local units of government may adopt under the Act.
- (G) On October 14, 2024, after providing at least 10 days published notice, the city council held a public hearing regarding the consideration and adoption of this Ordinance prohibiting the operation of Cannabis Businesses within the City until January 1, 2025.

Section 2. Definitions. For purposes of this Ordinance, the following terms shall have the meaning given them in this section.

- (A) "Act" means 2023 Minnesota Session Laws, Chapter 63 (H.F. No. 100).
- (B) "Cannabis Business" has the meaning given the term in Minnesota Statutes, section 342.01, subdivision 14.
- (C) "City" means the city of Manchester, a Minnesota municipal corporation.
- (D) "Edible Cannabinoid Product" has the meaning given the term in Minnesota Statutes, section 151.72, subdivision 1(f).
- (E) "OCM" means the Office of Cannabis Management, established as set forth in Minnesota Statutes, section 342.02, subd. 1.
- (F) "Ordinance" means this interim ordinance, which is adopted pursuant to Minnesota Statutes, section 342.13(e).

Section 3. Study Authorized. The city council hereby authorizes and directs City staff to conduct a study regarding the adoption or amendment of reasonable restrictions on the time, place, and manner of the operation of Cannabis Businesses, as well as other potential local regulations allowed under the Act, and report to the city council on the potential regulation of Cannabis Businesses. The study may include a review of any model ordinances that OCM is directed to draft under Minnesota Statutes, section 342.13(d), an analysis of potential setback regulations allowed under Minnesota Statutes, section 342.13(c), and such other matters as staff may determine are relevant to the city council's consideration of this matter. The report may also include City staff's recommendations on whether the city council should adopt regulations and, if so, the recommended types of regulations.

Section 4. Moratorium. A moratorium is hereby imposed on the operation of any Cannabis Business within the City. During the term of this Ordinance, no business, person, or entity may establish or operate a Cannabis Business within the jurisdictional boundaries of the City. Accordingly, during the period that this Ordinance is in effect, the City shall not accept, process, or act on any application, site

plan, building permit, zoning request, or other approval, including any requested confirmation, certification, approval, or other request from the OCM or other governmental entity requesting City review of any application or proposal for a business proposing to engage in the operation of a Cannabis Business. During the term of the moratorium, it is a violation of this Ordinance for any business, person, or entity to establish or operate a Cannabis Business within the City.

Section 5. Exceptions. The moratorium imposed by this Ordinance does not apply to: (i) the continued operation of a duly established business as part of the Medical Cannabis Program administered by the Minnesota Department of Health that was lawfully operating within the City prior to the effective date of this Ordinance; or (ii) the sale of Edible Cannabinoid Products, provided, however, that nothing in this Ordinance exempts a business, person, or entity from complying with all other requirements and prohibitions of applicable laws and ordinances related to such exceptions.

Section 6. Enforcement. Violation of this Ordinance is a misdemeanor. The City may also enforce this Ordinance by mandamus, injunction, or other appropriate civil remedy in any court of competent jurisdiction. A violation of this Ordinance is also subject to the City's general penalties prescribed in the city code and may further result in the City reporting violations to the OCM, if relevant to OCM licensing. The city council hereby authorizes City staff and consultants to initiate any legal action deemed necessary to secure compliance with this Ordinance.

Section 7. Severability. Every section, provision, and part of this Ordinance is declared severable from every other section, provision, and part. If any section, provision, or part of this Ordinance is held to be invalid by a court of competent jurisdiction, such judgment shall not invalidate any other section, provision, or part of this Ordinance.

Section 8. Effective Date and Term. This Ordinance shall become effective on the first day of publication after adoption. This Ordinance shall remain in effect until January 1, 2025 or until the city council expressly repeals it, whichever occurs first.

Adopted this 21st day of October 2024.

BY THE CITY COUNCIL


Steven Hannegreffs, Mayor

ATTEST:


Angie Hannegreffs, Clerk/Treasurer

CITY OF MANCHESTER

ORDINANCE NO.: 2024-02

AN ORDINANCE AMENDING ARTICLES II, IV, V, VII AND VIII AND ADOPTING
ARTICLE XII OF THE CITY'S ZONING ORDINANCE REGARDING THE
REGULATION OF CANNABIS AND HEMP BUSINESSES

The City Council of the City of Manchester ordains:

Article 1. Legislative Findings. The City of Manchester ("City") makes the following legislative findings:

Findings and Purpose. The purpose of this Ordinance ("Ordinance") is to implement the provisions of Minnesota Statutes, chapter 342, which authorizes the City to protect the public health, safety, welfare of the City's residents by regulating cannabis and hemp businesses within the City.

The City finds and determines that the provisions of this Ordinance are appropriate and in accordance with Minnesota Statutes, that the proposed amendments will promote the City's interest in reasonable stability in zoning, and that the proposed provisions are in the public interest of protecting the public health, safety and welfare.

Article 2. Definitions. Article II, Section 2.24 of the City's Zoning Ordinance ("Zoning Ordinance") is hereby amended by adding the following double-underlined language:

Section 2.24 HOME OCCUPATION. A lawful occupation customarily carried on by a resident of a dwelling as an accessory use within the same building. Such occupation must be clearly secondary to the principal use and not change the nature of the principal use. In no event shall a Cannabis Business, Lower-Potency Hemp Edible Retailer or Lower-Potency Hemp Manufacturer be considered a Home Occupation.

Article 3. Home Occupations. Article IV, Section 4.09(F) of the City Zoning Ordinance is hereby amended by adding the following double-underlined language:

- (F) There shall be no sale of goods other than those that are produced at the site. The sale of goods shall not include the sale of Adult Use Cannabis Products.

Article 4. AG Agricultural Districts. Article V, Section 5.02 of the City Zoning Ordinance is hereby amended by adding the following double-underlined language:

Section 5.02 USES PERMITTED. The following uses shall be permitted in Agricultural Districts:

- (A) One and two family dwellings.
- (B) General crop farming.
- (C) Truck gardens and nurseries.

- (D) Public, parochial, private and nursery schools, churches and places of religious assembly, and community buildings.
- (E) Accessory buildings or structures and uses customarily incidental to any of the above listed uses when located on the same property.
- (F) Cannabis Cultivator.

Article 5. AG Agricultural Districts. Article V, Section 5.03(C) of the City Zoning Ordinance is hereby amended by adding the following double-underlined language:

- (C) One (1) temporary building for the sale of produce raised on the property, located not less than twenty (20) feet from the street or highway right-of-way line and provided that space for patron parking twenty (20) feet from said street or highway right-of-way line is provided. The sale of produce shall not include the sale of Adult Use Cannabis Products.

Article 6. C Commercial Districts. Article VII, Section 7.02 of the City Zoning Ordinance is hereby amended by adding the following double-underlined language:

Section 7.02 USES PERMITTED. The following uses shall be permitted in Commercial Districts:

- (A) Retail establishments, including grocery, hardware, drug, clothing, variety and furniture stores; eating and drinking places, auto dealers, automobile service stations, farm implement dealerships, farm supply stores, seasonal evergreen sales, and meat locker shops.
- (B) Personal services, including laundries, beauty shops, barber shops, funeral homes, shoe repair shops, printing and publishing shops, and photographic studios.
- (C) Professional services, including medical and dental clinics and attorney's offices.
- (D) Repair services, including automobile, jewelry, radio, television, and computer repair shops, appliance repair shops, farm and implement repair shops, plumbing contractor's shops, and electrical contractor's shops.
- (E) Entertainment and amusement services, including motion picture theaters, recreation halls and bowling alleys.
- (F) Lodging services, including hotels and motels.
- (G) Finance, insurance, real estate and tax services.
- (H) Public and semi-public buildings, including post office, fire hall and city hall.
- (I) Private clubs.
- (J) Apartments, provided they are located above the first floor level.
- (K) Automobile parking lots.
- (L) Essential services, such as water, sewer, telephone and electric utility facilities.
- (M) Churches and places of religious assembly
- (N) Cannabis Retailer.
- (O) Lower-Potency Hemp Edible Retailer.
- (P) Cannabis Delivery Service.
- (Q) Cannabis Transporter.
- (R) Temporary Cannabis Event.

- (S) Accessory uses incidental to the foregoing principal uses, such as off-street parking and loading and unloading areas, signs, indoor storage of merchandise and wholesaling and manufacturing, when incidental to a permitted use.

Article 7. Manufacturing Districts. Article VIII, Section 8.02 of the City Zoning Ordinance is hereby amended by adding the following double-underlined language:

Section 8.02 USES PERMITTED. The following uses shall be permitted in a Manufacturing District:

- (a) Warehouse.
- (b) Storage.
- (c) Manufacturing.
- (d) Processing.
- (e) Office.
- (f) Wholesale.
- (g) Research.
- (h) Government buildings.
- (i) Building materials storage yards, lumber yards, and grain elevators.
- (j) Contractors or farm equipment sales or rental storage yards.
- (k) Any wholesale business (including warehousing storage buildings and cold storage).
- (l) Public utility service buildings and yards, electrical transformer stations, sub-stations and gas regulator stations.
- (m) Woodworking shops, sign manufacturing shops, machine shops.
- (n) Carting, expressing and hauling companies and their related storage buildings.
- (o) Stone and monument works and display areas.
- (p) Sheet metal shops, welding shops.
- (q) Automobile and truck service, painting and repair.
- (r) Dwelling units of any type.
- (s) Schools, clinics and other institutions for human care, except where incidental to a permitted principal use.
- (t) Cannabis Cultivator.
- (u) Cannabis Manufacturer.
- (v) Cannabis Testing Facility.
- (w) Cannabis Wholesaler.
- (x) Cannabis Delivery Service.
- (y) Cannabis Transporter.
- (z) Temporary Cannabis Event.

Article 8. Manufacturing Districts. Article VIII, Section 8.04 of the City Zoning Ordinance is hereby amended by adding the following double-underlined language:

Section 8.04 USES REQUIRING CONDITIONAL USE PERMITS. The following use in a Manufacturing District shall require a Conditional Use Permit:

- (a) Retail, or services uses occupying between 25% and 50% of the gross area of the principal structure.
- (b) Wind energy conversion systems or windmills.
- (c) Fuel storage.
- (d) Cement and concrete works.
- (e) Junk yards, motor vehicle salvage facilities and recycling facilities.
- (f) Cannabis Retailer.
- (g) Lower-Potency Hemp Edible Retailer.
- (h) Other manufacturing or industrial uses determined by the City Council to be of the same general character as the principal uses previously listed and found not to be detrimental to the general public health and welfare.

Article 9. General Regulations. The City Zoning Ordinance is hereby amended by adding a new Article XII with the following double-underlined language:

ARTICLE XII CANNABIS AND HEMP BUSINESSES

Section 12.01 AUTHORITY. The City is authorized by Minnesota Statutes, section 342.13(c) to adopt reasonable restrictions on the time, place, and manner of the operation of a cannabis business, including the adoption of zoning regulations under Minnesota Statutes, section 462.357. The City is also authorized to regulate the use of cannabis in public places under Minnesota Statutes, section 152.0263, subdivision 5. The intent of this Section is to comply with the provisions of Minnesota Statutes, chapter 342 and the rules promulgated thereunder. References to statutes shall include any amendments made to those sections and includes any successor provisions.

Section 12.02 DEFINITIONS. Unless otherwise noted in this Section, words and phrases contained in Minnesota Statutes, section 342.01, and any amendments made thereto or any successor provisions, and the rules promulgated pursuant to Minnesota Statutes, Chapter 342, shall have the same meanings in this Ordinance.

- (A) Adult Use Cannabis Product. As defined in Minnesota Statutes, section 342.01, subd. 4.
- (B) Cannabis Cultivator. A business licensed to grow cannabis plants within the approved amount of space from seed or immature plant to mature plant. harvest cannabis flower from mature plant, package and label immature plants and seedlings and cannabis flower for sale to other cannabis businesses, transport cannabis flower to a cannabis manufacturer located on the same premises, and perform other actions authorized by Minnesota Statutes and the Office of Cannabis Management.
- (C) Cannabis Delivery Service. A business licensed or endorsed by the Office of Cannabis Management under Minnesota Statutes, section 342.41, or such other law as may apply, to transport and deliver cannabis flower, cannabis products, lower-potency hemp edibles, and hemp-derived consumable products to customers and

perform other actions authorized by Minnesota Statutes and the Office of Cannabis Management.

- (D) Cannabis Event Organizer. A business licensed or endorsed by the Office of Cannabis Management under Minnesota Statutes, section 342.39, or such other law as may apply, to hold a temporary cannabis event.
- (E) Cannabis Manufacturer. A business licensed or endorsed by the Office of Cannabis Management under Minnesota Statutes, section 342.31, or such other law as may apply, to manufacture cannabis concentrate, hemp concentrate, including hemp concentrate with a delta-9 tetrahydrocannabinol concentration of more than 0.3 percent as measured by weight, artificially derived cannabinoids, adult-use cannabis products, lower-potency hemp edibles, and hemp-derived consumer products for public consumption and perform other actions authorized by Minnesota Statutes and the Office of Cannabis Management.
- (F) Cannabis Retailer. Any person, partnership, firm, corporation, or association, foreign or domestic, selling cannabis product to a consumer and not for the purpose of resale in any form, including a retail location and the retail location(s) of a mezzobusinesses with a retail operations endorsement, microbusinesses with a retail operations endorsement, medical combination businesses operating a retail location, excluding lower-potency hemp edible retailers.
- (G) Cannabis Testing Facility. A business licensed or endorsed by the Office of Cannabis Management under Minnesota Statutes, section 342.37, or such other law as may apply, to test immature cannabis plants and seedlings, cannabis flower, cannabis products, hemp plant parts, hemp concentrate, artificially derived cannabinoids, lower-potency hemp edibles, and hemp-derived consumer products.
- (H) Cannabis Transporter. A business licensed or endorsed by the Office of Cannabis Management under Minnesota Statutes, section 342.35, or such other law as may apply, to transport immature cannabis plants and seedlings, cannabis flower, cannabis products, artificially derived cannabinoids, hemp plant parts, hemp concentrate, lower-potency hemp edibles and hemp-derived consumer products as authorized by Minnesota Statutes and the Office of Cannabis Management.
- (I) Cannabis Wholesaler. A business licensed or endorsed by the Office of Cannabis Management under Minnesota Statutes, section 342.33, or such other law as may apply, to sell immature cannabis plants and seedlings, cannabis flower, cannabis products, lower-potency hemp edibles, hemp-derived consumer products to cannabis microbusinesses, cannabis mezzobusinesses, cannabis manufacturers, and cannabis retailers, to sell lower-potency hemp edibles to lower-potency hemp edible retailers and to perform other actions authorized by Minnesota Statutes and the Office of Cannabis Management.

- (J) Daycare. A location licensed with the Minnesota Department of Human Services to provide the care of a child outside the child's own home for gain or otherwise, on a regular basis, for any part of a 24-hour day.
- (K) Lower-Potency Hemp Edible. As defined under Minnesota Statutes, section 342.01 subd. 50.
- (L) Lower-Potency Hemp Edible Retailer. A business licensed or endorsed by the Office of Cannabis Management under Minnesota Statutes, section 342.43, or such other law as may apply, to sell lower-potency hemp edibles.
- (M) Medical Cannabis Business. A business licensed or endorsed by the Office of Cannabis Management under Minnesota Statutes, sections 342.47 through 342.515, or such other law as may apply, to cultivate, process, manufacture, package, and sell medical cannabis and cannabinoid products as authorized by Minnesota Statutes and the Office of Cannabis Management.
- (N) Office of Cannabis Management ("OCM"). The Minnesota Office of Cannabis Management, which has the powers and duties set out in Minnesota Statutes, section 342.02.
- (O) Place of Public Accommodation. A business, accommodation, refreshment, entertainment, recreation, or transportation facility of any kind, whether licensed or not, whose goods, services, facilities, privileges, advantages or accommodations are extended, offered, sold, or otherwise made available to the public.
- (P) Public Place. A public park or trail, public street or sidewalk; any enclosed, indoor area used by the general public, including, but not limited to, restaurants; bars; any other food or liquor establishment; hospitals; nursing homes; auditoriums; arenas; gyms; meeting rooms; common areas of rental apartment buildings, and other places of public accommodation.
- (Q) Residential Treatment Facility. "Residential treatment facility" has the meaning given the term in Minnesota Statutes, section 245.462, subdivision 23.
- (R) School. A public school as defined under Minnesota Statutes, section 120A.05, or a nonpublic school that must meet the reporting requirements under Minnesota Statutes, section 120A.24.

Section 12.03. MEDICAL CANNABIS BUSINESS. A Medical Cannabis Business shall be classified as a Cannabis Cultivator, Cannabis Manufacturer and/or a Cannabis Retailer, depending on the scope of its operations, for purposes of determining which zoning district the particular business may be located.

Section 12.04. OPERATIONS. Operation of a business of the types established by Minnesota Statutes, section 342.10 within the City shall comply with the provisions of this Ordinance and the following:

(A) State License Required. Operation of a business of the types established by Minnesota Statutes, section 342.10 shall require a state license issued by the OCM in accordance with Minnesota Statutes.

(B) Building Code. The business shall comply with the provisions of all applicable building code requirements.

(1) Fire Code. The business shall comply with the provisions of all applicable fire code requirements.

(2) Zoning Ordinance. The business shall comply with the City Zoning Ordinance.

(3) Hours of Operation:

(a) Cannabis businesses shall be limited to retail sale of cannabis, cannabis flower, cannabis products, lower-potency hemp edibles, or hemp-derived consumer products between the hours of 10:00 a.m. and 9:00 p.m.

(b) Temporary cannabis events shall be limited to occur between the hours of 10:00 a.m. and 9:00 p.m.

(c) The hours of operation for all other cannabis business shall be limited to the hours of 7:00 a.m. to 10:00 p.m., unless extended by the City Council.

(4) Prohibited Activities. No cannabis business shall operate in a manner that violates, or fails to comply with, the provisions of Minnesota Statutes, Chapter 342, such other laws as may apply, and the following:

(a) Smoking Prohibited. No cannabis flower, cannabis products, or hemp-derived consumer products in a manner that involves the inhalation of smoke, aerosol, or vapor shall be used at any location where smoking is prohibited under Minnesota Statutes, section 144.414;

(b) Statutory Prohibitions. No cannabis business authorized to sell at retail shall sell any cannabis flower or cannabis products in violation of any of the prohibitions in Minnesota Statutes, Section 342.27, subdivision 12.

(5) Buffer Zones.

(a) Distances. Except as provided below, no cannabis business shall be located or operate within:

- (i) 1,000 feet of a school;
 - (ii) 500 feet of a residential treatment facility;
 - (iii) 500 feet of a daycare facility;
 - (iv) 500 feet of an attraction within a public park that is regularly used by minors including, but not limited to, playgrounds and athletic fields;
 - (v) 500 feet from another cannabis business; or
 - (vi) 500 feet from a church or place of religious assembly.
- (b) Measurement. Buffer distances shall be measured from the lot line of the property on which the cannabis business is placed to the structure identified in Section 4.18(f)(1).
- (6) Nonconforming. A cannabis business lawfully established and operating in a location may continue to operate as a lawful nonconforming use if a school, residential treatment facility, daycare facility, or park is established within the required buffer distance. A cannabis business that becomes nonconforming is subject to the restrictions in Minnesota Statutes, section 462.357, subdivision 1e.
- (7) Lower-Potency Hemp Edibles. The sale of lower-potency hemp edibles are subject to the restrictions and requirements of this subsection.
 - (a) Age Restricted Areas. The sale of lower-potency hemp edibles is only allowed in places that limit admission to persons 21 years of age and older.
 - (b) Storage. Lower-potency hemp edibles shall be stored in a locked case and may only be sold behind a counter.
- (8) Indoor Operations.
 - (a) A cannabis business shall be conducted entirely within a principal or accessory building as allowed by the City Code. All outside storage is prohibited.
 - (b) All waste and recycling containers shall be kept within a principal or accessory building.
- (9) Utilities.
 - (a) The use shall be connected to public water, sanitary sewer, and stormwater utility systems.
 - (b) All waste and recycling containers shall be kept within a principal or accessory building.
 - (c) Public Water:

- (i) There shall be adequate capacity within the public water system, including wells, pump houses, water towers, pressure valves, and distribution pipes serving the property to accommodate the cannabis business.
 - (ii) Connection to the public water system shall comply with the applicable City Code.
- (d) Sanitary Sewer:
 - (i) There shall be adequate capacity within the sanitary sewer system, including collection pipes, lift stations, forcemains, and wastewater treatment facilities serving the property to accommodate the cannabis business.
 - (ii) Discharges to the sanitary sewer system shall comply with the applicable City Code.
- (e) Storm Sewer. All discharges to the storm sewer utility system shall comply with the applicable City Code.

12.05 TEMPORARY CANNABIS EVENTS.

- (A) Cannabis Event Permit Required. A cannabis business licensed by the Office of Cannabis Management to conduct temporary cannabis events may only conduct an event in a zoning district in which the use is allowed, and then only upon obtaining a cannabis event permit from the City in accordance with Sections 118.20 through 118.99 of the City Code. In the event the provisions of this Section are more restrictive than the provisions of Sections 118.20 through 118.99, the more restrictive provision shall apply.
- (B) Consumption Prohibited. The consumption of adult-use cannabis products at a cannabis event is prohibited.
- (C) Application Process. The following procedure shall apply for seeking a cannabis event permit for an event. A separate cannabis event permit is required for each event.
 - (1) The applicant must complete and submit the City's cannabis event permit application form together with the applicable fee at least 60 days before the start of the proposed event. Incomplete applications will be returned to the applicant without processing. In addition to the requirements of this Section, the applicant is required to follow the applicable requirements to obtain a special events permit, and such approval shall also constitute the cannabis event permit for the particular event.

- (2) If approved, the cannabis event permit shall, at a minimum, indicate the event location, dates (not to exceed four days), daily operating hours and the specific restrictions or requirements placed on the event. The types of restrictions and requirements placed on an event will vary depending on the anticipated size and may include, but are not limited to, traffic routing, parking, security, sanitation facilities, garbage, first aid, limitations on amplified music and public address systems, insurance coverages, and maximum attendance.
- (3) Enforcement. The City may suspend or revoke a cannabis event permit if the event organizer fails to comply with the conditions placed on the permit in any material way after being informed of the violation and the need to correct it. The City may deny issuing a permit to an event organizer that failed to comply with any cannabis event permit issued within the preceding three years.

12.06 USE IN PUBLIC PLACES. No person shall use cannabis flower, cannabis products, lower potency hemp edibles, or hemp-derived consumer products in a public place or a place of public accommodation unless the premises is an establishment or an event licensed by the OCM to permit on-site consumption.

Article 8. Severability. Should any section or part of this Ordinance be declared by a court of competent jurisdiction to be invalid, such decision will not affect the validity of the ordinance as a whole or any part other than the part declared invalid.

Article 9. Effective Date. This Ordinance shall become effective the day after its legal publication.


Mayor

ATTEST:


City Clerk

Date of Publication January 1, 2025
Effective Date January 1, 2025