

**TITLE XV: LAND USAGE**

Chapter

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## CHAPTER 150: BUILDING REGULATIONS; CONSTRUCTION

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#### **§ 150.01 ADOPTION OF MINNESOTA STATE BUILDING CODE.**

The Minnesota State Building Code is hereby adopted by reference and shall govern the construction, improvement and occupancy of buildings within the city in accordance with its terms. Permit fees shall be as set forth in the 1985 Uniform Building Code, and all later amendments or revisions thereto.

(`85 Code, § 1003.01) (Am. Ord. 2004-01, passed 10-11-2004)

#### **§ 150.02 ADOPTION OF HAZARDOUS BUILDING LAW.**

The Hazardous Building Law, M.S. §§ 463.5 through 463.26, as it may be amended from time to time, is adopted by reference. Any hazardous building or dangerous excavation may be abated in accordance with the provisions of that law.

(`85 Code, § 902.01)



**CHAPTER 151: STORMWATER POLLUTION**

Section

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***GENERAL PROVISIONS***

**§ 151.01 PURPOSE.**

The purpose of this chapter is to control or eliminate stormwater pollution along with soil erosion and sedimentation within the city. It establishes standards and specifications for conservation practices and planning activities, which minimize stormwater pollution, soil erosion and sedimentation.  
(Ord. 425, passed 7-9-2001)

**§ 151.02 SCOPE.**

Except where a variance is granted, any person, firm, sole proprietorship, partnership, corporation, state agency or political subdivision proposing a land disturbance activity within the city shall apply to the city for the approval of the stormwater pollution control plan. No land shall be disturbed until the plan is approved by the city and conforms to the standards set forth herein.  
(Ord. 425, passed 7-9-2001)

**§ 151.03 DEFINITIONS.**

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

***APPLICANT.*** Any person or entity that applies for a building permit, subdivision approval or a permit to allow land disturbing activities. ***APPLICANT*** also means that person's agents, employees and others acting under the person's direction.

**BEST MANAGEMENT PRACTICES** or **BMPs**. Erosion and sediment control and water quality management practices that are the most effective and practicable means of controlling, preventing and minimizing degradation of surface water, including construction-phasing, minimizing the length of time soil areas are exposed, prohibitions and other management practices published by state or designated area-wide planning agencies. Examples of **BMPs** can be found in the current versions of the State Pollution Control Agency's publications, *Protecting Water Quality in Urban Areas* and *Stormwater and Wetlands: Planning and Evaluation Guidelines for Addressing Potential Impacts of Urban Stormwater and Snow-Melt Runoff on Wetlands*, the United States Environmental Protection Agency's, *Stormwater Management for Construction Activities: Developing Pollution Prevention Plans and Best Management Practices*, (as a reference for **BMPs**) and the State Department of Transportation's, *Erosion Control Design Manual*.

**BUFFER**. A protective vegetated zone located adjacent to a natural resource, such as a water of the state, that is subject to direct or indirect human alteration. The width of a **BUFFER STRIP** is the width along each bank of a stream. Therefore, a 30-foot wide stream with 100-foot buffer strips has a total width of 230 feet. Acceptable buffer vegetation includes preserving existing pre-development vegetation and/or planting locally distributed native state trees, shrubs and grassy vegetation. Alteration of the areas is strictly limited. **BUFFER AREAS** are designated with permanent signs. As a plant species selection guide of what species not to plant, the State Department of Natural Resources' Minn. Rules Ch. 6216, as they may be amended from time to time, contains a list of exotic prohibited, regulated, unlisted and unregulated plant species.

**DEVELOPER**. A person, firm, corporation, sole proprietorship, partnership, state agency or political subdivision thereof engaged in a land disturbance activity.

**DISCHARGE**. The conveyance, channeling, runoff or drainage of stormwater, including snowmelt, from a construction site.

**ENERGY DISSIPATION**. This refers to methods employed at pipe outlets to prevent erosion. Examples include, but are not limited to aprons, riprap, splash pads and gabions that are designed to prevent erosion.

**EROSION**. Any process that wears away the surface of the land by the action of water, wind, ice or gravity. **EROSION** can be accelerated by the activities of people and nature.

**EROSION AND SEDIMENT PRACTICE SPECIFICATIONS OR PRACTICE**. The management procedures, techniques and methods to control soil erosion and sedimentation as officially adopted by either the city, county or local watershed group, whichever is more stringent.

**EROSION CONTROL**. Methods employed to prevent erosion. Examples include soil stabilization practices, horizontal slope grading, temporary or permanent cover and construction phasing.

**EXPOSED SOIL AREAS**. All areas of the construction site where the vegetation (trees, shrubs, brush and the like) has been removed. This includes topsoil stockpile areas, borrow areas and disposal areas within the construction site. It does not include stockpiles or surcharge areas of sand, gravel, concrete or bituminous.

**FILTER STRIPS**. A vegetated section of land designed to treat runoff as overland sheet flow. They may be designed in any natural vegetated form from a grassy meadow to a small forest. Their dense vegetated cover facilitates pollutant removal and infiltration.

**FINAL STABILIZATION**. All soil disturbing activities at the site have been completed, and that a uniform perennial vegetative cover with a density of 75% of the cover for unpaved areas and areas not covered by permanent structures has been established or equivalent permanent stabilization measures have been employed. Examples of vegetative cover

practices can be found in the current version of the State Department of Transportation's publication, *Supplemental Specifications to the (Year) Standard Specifications for Construction*. Simply sowing grass seed is not considered **STABILIZATION**.

**HYDRIC SOILS.** Soils that are saturated, flooded or ponded long enough during the growing season to develop anaerobic conditions in the upper part.

**HYDROPHYTIC VEGETATION.** Macrophytic, large enough to be observed by the naked eye, plant life growing in water, soil or on a substrate that is at least periodically deficient in oxygen as a result of excessive water content.

**IMPERVIOUS SURFACE.**

(1) A constructed hard surface that either prevents or retards the entry of water into the soil, and causes water to runoff the surface in greater quantities and at an increased rate of flow than existed prior to development.

(2) Examples include rooftops, sidewalks, patios, driveways, parking lots, storage areas and concrete, asphalt or gravel roads.

**LAND DISTURBANCE ACTIVITY.** Any land change that may result in soil erosion from water or wind and the movement of sediments into or upon waters or lands within the government's jurisdiction, including clearing and grubbing, grading, excavating, transporting and filling of land. Within the context of this rule, **LAND DISTURBANCE ACTIVITY** does not mean:

(1) Minor land disturbance activities such as home gardens and an individual's home landscaping, repairs and maintenance work.

(2) Construction, installation and maintenance of electric, telephone and cable television, utility lines or individual service connection to these utilities, which result in creating under 5,000 square feet of exposed soil;

(3) Tilling, planting or harvesting of agricultural, horticultural or silvicultural crops;

(4) Installation of fence, sign, telephone and electric poles and other kinds of posts or poles which result in creating under 5,000 square feet of exposed soil and/or

(5) Emergency work to protect life, limb or property and emergency repairs unless the land disturbing activity would have otherwise required an approved erosion and sediment control plan, except for the emergency. If such a plan would have been required, then the disturbed land area shall be shaped and stabilized in accordance with the city's requirements as soon as possible.

**ORDINARY HIGH WATER MARK.**

(1) This is generally the boundary elevation where the vegetation changes from predominately aquatic to terrestrial. This elevation delineates the highest water level, which has been maintained for a sufficient period of time to leave evidence upon the landscape, commonly that point where the natural vegetation changes from predominantly aquatic to predominantly terrestrial. Water often reaches this elevation in spring. For rivers and streams, the **ORDINARY HIGH WATER MARK** is usually the top of the bank. It is less well defined for lakes and wetlands.

(2) The definition in M.S. § 103G.005(14), as it may be amended from time to time, says that the **...ORDINARY HIGH WATER LEVEL** means the boundary of water basins, watercourses, public waters and public waters wetlands, and:

(a) The **ORDINARY HIGH WATER LEVEL** is an elevation delineating the highest water level that has been maintained for a sufficient period of time to leave evidence upon the landscape, commonly the point where the natural vegetation changes from predominantly aquatic to predominantly terrestrial;

(b) For watercourses, the **ORDINARY HIGH WATER LEVEL** is the elevation of the top of the bank of the channel; and

(c) For reservoirs and flowages, the **ORDINARY HIGH WATER LEVEL** is the operating elevation of the normal summer pool.

(3) The term **ORDINARY HIGH WATER MARK** is further defined in Minn. Rule Part 6120.2500(11), as it may be amended from time to time. **ORDINARY HIGH WATER MARKS** are determined by the State Department of Natural Resources' area hydrologist.

**PAVED SURFACE.** A constructed hard, smooth surface made of asphalt, concrete or other pavement material. Examples include, but are not limited to roads, sidewalks, driveways and parking lots.

**PERMANENT COVER.** Final stabilization. Examples include grass, gravel, asphalt and concrete.

**RUNOFF COEFFICIENT.** The average annual fraction of total precipitation that is not infiltrated into or otherwise retained by the soil, concrete, asphalt or other surface upon which it falls that will appear at the conveyance as runoff.

**SEDIMENT.** The product of an erosion process; solid material both mineral and organic, that is in suspension, is being transported or has been moved by water, air or ice, and has come to rest on the earth's surface either above or below water level.

**SEDIMENTATION.** The process or action of depositing sediment caused by erosion.

**SEDIMENT CONTROL.** The methods employed to prevent sediment from leaving the development site. Sediment control practices include silt fences, sediment traps, earth dikes, drainage swales, check dams, subsurface drains, pipe slope drains, storm drain inlet protection and temporary or permanent sedimentation basins.

**SOIL.** The unconsolidated mineral and organic material on the immediate surface of the earth. For the purposes hereof, stockpiles of sand, gravel, aggregate, concrete or bituminous materials are not considered **SOIL STOCKPILES**.

**STABILIZED.** The exposed ground surface after it has been covered by sod, erosion control blanket, riprap or other material that prevents erosion from occurring. Simply sowing grass seed is not considered **STABILIZATION**.

**STORMWATER.** Under Minn. Rule Part 7077.0105(41b), **STORMWATER** means precipitation runoff, stormwater runoff, snow melt runoff and any other surface runoff and drainage. According to Title 40 C.F.R. Part 122.26 [b][13], **STORMWATER** means stormwater runoff, snow melt runoff and surface and drainage. **STORMWATER** does not include construction site dewatering.

**STORMWATER POLLUTION CONTROL PLAN.** A joint stormwater and erosion and sediment control plan that is a document containing the requirements of §§ 151.15 through 151.26, that when implemented will decrease soil erosion on a parcel of land and off-site non-point pollution.

**STRUCTURE.** Anything manufactured, constructed or erected which is normally attached to or positioned on land, including portable structures, earthen structures, roads, parking lots and paved storage areas.

#### **SUBDIVISION.**

(1) Any tract of land divided into building lots for private, public, commercial, industrial and the like development.

(2) Minn. Rule 6120.2500(17), as it may be amended from time to time, defines **SUBDIVISION** as land that is divided for the purpose of sale, rent or lease, including planned unit development.

**TEMPORARY PROTECTION.** Short-term methods employed to prevent erosion. Examples of such protection include; straw, mulch, erosion control blankets, wood chips and erosion netting.

**URBAN.** Of, relating to, characteristic of and constituting a city.

**VEGETATED OR GRASSED SWALES.**

(1) A vegetated earthen channel that conveys stormwater, while treating the stormwater by biofiltration.

(2) Swales remove pollutants by both filtration and infiltration.

**WATERS OF THE STATE.** As defined in M.S. § 115.01(22), as it may be amended from time to time, all streams, lakes, ponds, marshes, watercourses, waterways, wells, springs, reservoirs, aquifers, irrigation systems, drainage systems and all other bodies or accumulations of water, surface or underground, natural or artificial, public or private, which are contained within, flow through, or border upon the state or any portion thereof. According to Minn. Rules Part 7050.0130(A), as they may be amended from time to time, disposal systems or treatment works operated under either a state pollution control agency permit or an agency certificate of compliance are not considered **WATERS OF THE STATE**. Under Minn. Rules Part 7050.0130(F), as they may be amended from time to time, constructed wetlands designed for wastewater treatment are not **WATERS OF THE STATE**. Also see the definition of wetlands.

**WET DETENTION FACILITY.** A permanent man-made structure for the temporary storage of runoff that contains a permanent pool of water.

**WETLANDS.** As defined in Minn. Rules Part 7050.0130(F), as they may be amended from time to time those areas that are inundated or saturated by surface water or groundwater at a frequency and duration sufficient to support, and that under normal

circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. **WETLANDS** generally include swamps, marshes, bogs and similar areas. **CONSTRUCTED WETLANDS** designed for wastewater treatment are not waters of the state. **WETLANDS** must have the following attributes.

(1) A predominance of hydric soils;

(2) Inundated or saturated by surface water or groundwater at a frequency and duration sufficient to support a prevalence of hydrophytic vegetation typically adapted for life in a saturated soil condition; and

(3) Under normal circumstances, support a prevalence of the vegetation. Two quick references of what is an existing identified wetland are the national wetlands inventory maps distributed by the U.S. Department of the Interior’s Fish and Wildlife Service and the State Department of Natural Resources’ maps of protected waters and wetlands. (Ord. 425, passed 7-9-01)

**§ 151.04 ABROGATION AND GREATER RESTRICTIONS.**

(A) It is not intended to repeal, abrogate or impair any existing easements, covenants or deed restrictions. However, where this chapter imposes greater restrictions, the provisions of this chapter shall prevail.

(B) All other ordinances inconsistent with this chapter are hereby repealed to the extent of the inconsistency only. (Ord. 425, passed 7-9-2001)

**STORMWATER POLLUTION CONTROL PLAN**

**§ 151.15 GENERAL POLICY.**

(A) (1) Every applicant for a building permit, subdivision approval or a permit to allow land disturbing activities must submit a stormwater pollution control plan to the City Engineer.

(2) No building permit, subdivision approval or permit to allow land disturbing activities shall be issued until the city approves this plan.

(3) At a minimum, these pollution abatement control practices must conform to those in the current version of the State Pollution Control Agency's publication, *Protecting Water Quality in Urban Areas*.

(B) (1) For rivers and streams, stormwater discharge rates must not increase over the pre-development two-year, ten-year and 100-year peak storm discharge rates, based on the last ten years of how that land was used.

(2) Also, accelerated channel erosion must not occur as a result of the proposed activity. For wetlands volume control is generally more important. (Ord. 425, passed 7-9-2001)

**§ 151.16 CONTROL AND GRADING PLAN.**

The stormwater pollution control plan's measures, the limit of disturbed surface and the location of buffer areas shall be marked on the approved grading plan and identified with flags, stakes, signs and the like on the development site before work begins. (Ord. 425, passed 7-9-2001)

**§ 151.17 INSPECTION OF MEASURES.**

At a minimum, inspections shall be done weekly and after every storm event that is large enough to result in runoff from the site by either the city, developer or the developer's designated representative (Ord. 425, passed 7-9-2001)

**§ 151.18 MINIMUM REQUIREMENTS.**

The following shall be minimum requirements.

(A) The name and address of the applicant and the location of the activity;

(B) Project description; the nature and purpose of the land disturbing activity and the amount of grading, utilities and building construction involved;

(C) Phasing of construction; time frames and schedules for the project's various aspects;

(D) A map of the existing site conditions; existing topography, property information, steep slopes, existing drainage systems/patterns, type of soils, waterways, wetlands, vegetative cover, 100-year flood plain boundaries, locations of existing and future buffer strips and labeling the portions of the site that are within trout stream or outstanding resource value water watersheds;

(E) A site construction plan that includes the location of the proposed land disturbing activities, stockpile locations, erosion and sediment control plan, construction schedule and the plan for the maintenance and inspections of the stormwater pollution control measures;

(F) Adjacent areas; neighboring streams, lakes, residential areas, roads and the like, which might be affected by the land disturbing activity;

(G) Designate the site's areas that have the potential for serious erosion problems;

(H) Erosion and sediment control measures; the methods that will be used to control erosion and sedimentation on the site, both during and after the construction process;

(I) Permanent stabilization; how the site will be stabilized after construction is completed, including specifications, time frames or schedules; and

(J) Calculations that were made for the design of such items as sediment basins, wet detention basins, diversions, waterways, infiltration zones and other applicable practices.  
(Ord. 425, passed 7-9-2001)

**§ 151.19 PLAN CRITERIA.**

The plan shall address the following.

(A) Stabilizing all exposed soils and soil stockpiles and the related time frame or schedule;

(B) Establishing permanent vegetation and the related time frame or schedule;

(C) Preventing sediment damage to adjacent properties and other designated areas such as streams, wetlands, lakes and unique vegetation (e.g., oak groves, rare and endangered species habitats);

(D) Scheduling for erosion and sediment control practices;

(E) Where permanent and temporary sedimentation basins will be located;

(F) Engineering the construction and stabilization of steep slopes;

(G) Measures for controlling the quality and quantity of stormwater leaving a site;

(H) Stabilizing all waterways and outlets;

(I) Protecting storm sewers from the entrance of sediment;

(J) What precautions will be taken to contain sediment when working in or crossing water bodies;

(K) Re-stabilizing utility construction areas as soon as possible;

(L) Protecting paved roads from sediment and mud brought in from access routes;

(M) Disposing of temporary erosion and sediment control measures;

(N) How the temporary and permanent erosion and sediment control practices will be maintained; and

(O) How collected sediment and floating debris will be disposed of.  
(Ord. 425, passed 7-9-2001)

**§ 151.20 CONTROL MEASURES AND RELATED INSPECTIONS.**

(A) These minimum control measures are required where bare soil is exposed. Due to the diversity of individual construction sites, each site will be individually evaluated. Where additional control measures are needed, they will be specified at the discretion of the City Engineer. The city will determine what action is necessary to prevent excessive erosion from occurring on the site.

(B) All grading plans and building site surveys must be reviewed by the city for effectiveness of erosion control measures in the context of the site topography and drainage.

(C) (1) Sediment control measures must be properly installed by the builder before construction activity begins. The structures may be adjusted during dry weather to accommodate short-term activities, such as those that require the passage of very large vehicles.

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(2) As soon as this activity is finished or before rainfall, the erosion and sediment control structures must be returned to the configuration specified by the city.

(3) A sediment control inspection must then be scheduled, and passed before a footing inspection will be done.

(D) Diversion of channeled runoff around disturbed areas, if practical, or the protection of the channel.

(E) If a stormwater management plan involves directing some or all of the site's runoff, the applicant or his or her designated representative shall obtain from adjacent property owners any necessary easements or other property interests concerning the flowing of the water.

(F) The scheduling of the site's activities to lessen their impact on erosion and sediment creation, so as to minimize the amount of exposed soil.

(G) Control runoff as follows; either divisions (G)(1) and (2) or (G)(1) and (3).

(1) Unless precluded by moderate or heavy snow cover, mulching can take place if a light snow cover is present, stabilize all exposed inactive disturbed soil areas within 100 feet of any water of the state or within 100 feet any conveyance, curb, gutter, storm sewer inlet, drainage ditch and the like, to a water of the state with sod, seed or weed free mulch. This must be done, if the developer will not work the area for seven days on slopes greater than three feet horizontal to one foot vertical, 14 days on slopes ranging from three to one to ten to one and 21 days for flatter slopes.

(2) For disturbed areas greater than five acres construct temporary or permanent sedimentation basins. Sedimentation basins must have a minimum surface area equal to at least 1% of the area draining to basin, and be constructed in accordance with accepted design specifications including access for

operations and maintenance. Basin discharge rates must also be controlled to prevent erosion in the discharge channel. The applicant is required to obtain a NPDES/SDS construction stormwater permit from the State Pollution Control Agency for any project that disturbs five acres or more of land.

(3) For disturbed areas less than five acres sedimentation basins are encouraged, but not required, unless specifically required by the City Engineer. The applicant shall install erosion and sediment controls at locations directed by the city. Minimum requirements include silt fences, rock check dams or other equivalent control measures along slopes. Silt fences are required along channel edges to reduce sediment reaching channel. Silt fences, rock check dams and the like must be regularly inspected and maintained.

(H) (1) Sediment basins related to impervious surface area. Where a project's ultimate development replaces surface vegetation with one or more acres of cumulative impervious surface, and all runoff has not been accounted for in a local unit of government's existing stormwater management plan or practice, the runoff must be discharged to a wet sedimentation basin prior to entering waters of the state.

(2) At a minimum the work must conform with the current version of the State Pollution Control Agency's publication, *Protecting Water Quality in Urban Areas*, and the current requirements found in the same agency's NPDES/SDS permits for stormwater associated with construction activities.

(I) Generally, sufficient silt fence will be required to hold all sheet flow runoff generated at an individual site, until it can either infiltrate or seep through silt fence's pores.

(J) Temporary stockpiling of 50 or more cubic yards of excess soil on any lot or other vacant area will not be allowed without issuance of a grading permit for the earth moving activity in question.

(K) (1) For soil stockpiles greater than ten cubic yards the toe of the pile must be more than 25 feet from a road, drainage channel or stormwater inlet. If stockpiles will be left for more than seven days, they must be stabilized with mulch, vegetation, tarps or other means.

(2) If left for less than seven days, erosion from stockpiles must be controlled with silt fences or rock check dams.

(3) If for any reason a soil stockpile of any size is located closer than 25 feet from a road, drainage channel or stormwater inlet, and will be left for more than seven days, it must be covered with tarps or controlled in some other manner.

(L) All sand, gravel or other mining operations taking place on the development site shall have a National Pollutant Discharge Elimination System general stormwater permit for industrial activities and all required State Department of Natural Resources permits.

(M) Temporary rock construction entrances may be required wherever vehicles enter and exit a site.

(N) Parking is prohibited on all bare lots and all temporary construction entrances, except where street parking is not available. Gravel entrances are to be used for deliveries only as per the development contract.

(O) Streets must be cleaned and swept whenever tracking of sediments occurs and before sites are left idle for weekends and holidays. Establishment of a regular sweeping schedule is encouraged.

(P) Water, impacted by the construction activity, removed from the site by pumping must be treated by temporary sedimentation basins, geotextile filters, grit chambers, sand filters, up-flow chambers, hydro-cyclones, swirl concentrators or other appropriate controls. The water shall not be discharged in a manner that causes erosion or flooding of the site, receiving channels, adjacent property or a wetland.

(Q) All storm drain inlets must be protected during construction until control measures are in place with either silt fence or an equivalent barrier that meets accepted design criteria, standards and specifications as contained in the latest version of the State Pollution Control Agency's publication, *Protecting Water Quality in Urban Areas*.

(R) All newly installed and rehabilitated catch basins must be provided with a sump area for collecting coarse-grained material. The basins must be cleaned when they are half filled with material.

(S) All newly constructed and reconstructed buildings must route roof drain leaders to pervious areas, not natural wetlands, where the runoff can infiltrate. The discharge rate shall be controlled so that no erosion occurs in the pervious areas.

(T) (1) Follow-up inspections must be performed by the city on a regular basis to ensure that erosion and sediment control measures are properly installed and maintained. In all cases, the inspectors will attempt to work with the developer and/or builder to maintain proper erosion and sediment control at all sites.

(2) In cases where cooperation is withheld, construction stop orders may be issued by the city, until erosion and sediment control measures meet specifications. A second erosion and sediment control/grading inspection must then be scheduled and passed before the final inspection will be done.

(U) Removal of more than one acre of topsoil shall not be done, unless written permission is given by the City Engineer. Excessive removal of topsoil can cause significant soil erosion problems.

(V) All stormwater pollution control management facilities must be designed to minimize the need of maintenance, to provide easy vehicle and personnel access for maintenance purposes and be structurally sound. These facilities must have a plan of operation and maintenance that ensures continued effective removal of the pollutants carried in

stormwater runoff. The city or its designated representative shall inspect all stormwater management facilities during construction, during the first year of operation and at least once every five years thereafter. The city will keep all inspection records on file for a period of six years. It shall be the responsibility of the applicant to obtain any necessary easements or other property interests to allow access to the stormwater management facilities for inspection and maintenance purpose. (Ord. 425, passed 7-9-2001) Penalty, see § 151.99

### § 151.21 POLLUTION CONTROLS.

(A) The applicant shall either install, construct or pay the city fees for all stormwater management facilities necessary to manage increased runoff, so that the discharge rates from stormwater treatment basins so that the pre-development two-year, ten-year and 100-year peak storm discharge rates are not increased. These pre-development rates shall be based on the last ten years of how that land was used. Accelerated channel erosion must not occur as a result of the proposed land disturbing or development activity. An applicant may also make an in-kind or a monetary contribution to the development and maintenance of community stormwater management facilities designed to serve multiple land disturbing and development activities undertaken by one or more persons, including the applicant.

(B) All calculations and information used in determining these peak storm discharge rates shall be submitted along with the stormwater pollution control plan.

(C) The applicant shall consider reducing the need for stormwater management facilities by incorporating the use of natural topography and land cover such as natural swales and depressions as they exist before development to the degree that they can accommodate the additional flow of treated (e.g., settled) water without compromising the integrity or quality of the wetland or pond. The sensitivity of a wetland to degradation varies with the type of

vegetation. Sedge meadows, open bogs and swamps, coniferous bogs, calcareous fens, low prairies, lowland hardwood swamps and seasonally flooded basins are highly sensitive to degradation. Flood plain forests, reed canary grass meadows, shallow (reed canary grass, cattail, giant reed or purple loosestrife) marshes are only slightly sensitive to degradation.

(D) The following stormwater management practices must be investigated in developing the stormwater management part of the stormwater pollution control plan in the following descending order of preference:

(1) Protect and preserve as much natural or vegetated area on the site as possible, minimizing impervious surfaces and directing runoff to vegetated areas rather than to adjoining streets, storm sewers and ditches;

(2) Flow attenuation of treated stormwater by use of open vegetated swales and natural depressions;

(3) Stormwater wet detention facilities, including percolation facilities; and

(4) A combination of successive practices may be used to achieve the applicable minimum control requirements specified in division (A) above. The applicant shall provide justification for the method selected.

(Ord. 425, passed 7-9-2001)

### § 151.22 WET DETENTION FACILITIES.

At a minimum, these facilities must conform to the most current technology as reflected in the current version of the State Pollution Control Agency's publication, *Protecting Water Quality in Urban Areas* and the current requirements found in the same agency's NPDES permits for stormwater associated with construction activities. (Ord. 425, passed 7-9-2001)

**§ 151.23 MINIMUM PROTECTION FOR NATURAL WETLANDS.**

(A) Runoff must not be discharged directly into wetlands without appropriate quality (i.e. treated) and quantity runoff control, depending on the individual wetland's vegetation sensitivity. The sensitivity of a wetland to degradation varies with vegetation type. Sedge meadows, open bogs and swamps, coniferous bogs, calcareous fens, low prairies, lowland hardwood swamps, and seasonally flooded basins are highly sensitive to degradation, while flood plain forests, reed canary grass meadows, shallow (reed canary grass, cattail, giant reed or purple loosestrife) marshes are only slightly sensitive to degradation.)

(B) Wetlands must not be drained or filled, wholly or partially, unless replaced by either restoring or creating wetland areas of at least equal public value. Compensating for the impact by replacing or providing substitute wetland resources or environments with those of at least equal public value. Compensation, including the replacement ratio and quality of replacement should be consistent with the requirements outlined in the rules adopted by the Board of Water and Soil Resources to implement the Wetland Conservation Act of 1991 including any and all amendments to it.

(C) Work in and around wetlands must be guided by the following principles in descending order of priority:

(1) Avoid both the direct and indirect impact of the activity that may destroy or diminish the wetland;

(2) Minimize the impact by limiting the degree or magnitude of the wetland related activity and its implementation;

(3) Rectify the impact by repairing, rehabilitating or restoring the affected wetland environment with one of at least equal public value; and

(4) Reduce or eliminate the adverse impact over time by preservation and maintenance operations during the life of the activity. (Ord. 425, passed 7-9-2001)

**§ 151.24 VEGETATIVE BUFFER PROTECTION FOR RIVERS, STREAMS AND WETLANDS.**

(A) At the minimum a 100-foot wide protective buffer strip (40 feet for wetlands) of, if possible pre-development vegetation shall be left along each bank, providing a tree canopy in the buffer zone closest to the channel. Buffer width shall be increased at least two feet (four feet for wetlands) for every 1% of slope of the surrounding land. When new buffer vegetation is planted, native vegetation is preferred, since some non-native plant species can out compete native species and create an undesirable monoculture of decreased environmental value. Useful references are the State Pollution Control Agency's publications *Buffer Zones* and *Soil Bioengineering*.

(1) Detailed buffer design is usually site specific. Therefore the City Engineer can require a larger buffer than the minimum.

(2) (a) For newly constructed buffer sites the design criteria should follow common principles and the example of nearby natural areas. The site should be examined for existing buffer zones and mimic the slope structure and vegetation as much as possible. Buffer design and protection during construction should do any or all of the following: slow water runoff, trap sediment, enhance water infiltration, trap fertilizers, pesticides, pathogens, heavy metals, trap blowing snow and soil, and act as corridors for wildlife.

(b) How much stress is put on these functions will determine the buffer zone's final configuration. Native state plant species have root systems and growth characteristics that are well suited to buffer functions, root systems and growth characteristics that are well suited to buffer functions.

By way of comparison, deep-rooted native grasses have a root system that is about ten times greater than soy beans or corn. Useful guides for starting the species selection includes the State Department of Transportation's seeding manual, and their *Plant Selection Matrix* CD ROM.

(c) Good plant species design stresses diversity and allows plant succession and zoning of species from wet soil preference to drier upland species. Useful guides for starting the plant selection include State Department of Transportation's seeding manual and their *Plant Selection Matrix* CD ROM. Good plant species design stresses diversity and allows plant succession and zoning of the species from wet soil species to drier upland species.

(d) The State Department of Natural Resources requires permits when vegetation is introduced downgrade of a water's ordinary high water mark. The State Department of Natural Resources' area hydrologist defines the ordinary high water mark. Planting permits are obtained from the State Department of Natural Resources Regional Fisheries Office.

(3) The applicant and/or developer shall maintain the buffer strip for the first year. After that the city, or a party designated by the city, shall maintain the buffer strip. Even after a buffer strip is established it will require periodic inspection and possibly maintenance to ensure that it is functioning properly. Otherwise siltation and channeling may short-circuit the strip's function.

(4) Drain tiles will short-circuit the benefits of vegetated buffer strips. Therefore, drain tiles on the development site should be identified and rendered inoperable.

(5) Buffer strips can be made into perpetual conservation easements.

(6) Buffer strips shall be marked as such with permanent signs.

(B) Water courses used solely for drainage, such as roadside ditches, are exempt from this provision.  
(Ord. 425, passed 7-9-2001)

#### § 151.25 ADDITIONAL REQUIREMENTS.

(A) (1) For discharges directly to or to tributaries directly to State Department of Natural Resources designated trout streams and State Pollution Control Agency designated outstanding resource value waters there shall be no increase in either the volume or rate of discharge from any design storm with a statistical recurrence interval of less than ten years (i.e., for the two-year, five-year and the like storm events), unless diversion is not practical and/or the soil is not suitable for stormwater infiltration techniques. This pertains to discharges directly to or upstream of the waters.

(2) The intent is to encourage either stormwater infiltration or diversion, since urban trout streams are a unique resource and therefore deserve special consideration.

(3) Residential development increases the total volume of runoff resulting from a given storm. Since there is a larger volume of water to deal with, limiting the rate of storm runoff to pre-development rates means that high flows (and therefore scouring velocities) will persist for longer periods of time than during pre-development conditions. This increases channel erosion.

(4) Infiltration or diversion deals with this increased scouring problem by lessening the volume of runoff and therefore the duration of the scouring velocities. In the case of trout streams, increasing the inputs of warm stormwater increases the impact of thermal shocks. Since trout are temperature sensitive, increasing thermal shocks adversely impacts trout habitat.

(a) The phrase, tributaries directly to, refers to tributaries within at least one State Department of Natural Resources Division of Waters minor watershed of the designated water. At its discretion the city may extend this area of protection.

(b) The phrase, soil not suitable for stormwater infiltration techniques, means soils with permeability values less than Group C soils (less than two and one-half inches per hour), as defined by the U.S. Department of Agriculture's Natural Resources Conservation Service, and a table is not present.

(B) During construction temporary sedimentation basins are required for disturbed areas over one acre.

(C) Stormwater treatment devices that remove oil and floatable material (e.g., basin outlets with submerged entrances) must be part of BMP systems.

(D) Where feasible lightly used vehicle traffic areas such as overflow parking lots should use pervious surfaces where feasible.

(E) If the proposed project site includes a tributary that currently experiences erosion and/or sedimentation problems, the applicant shall work with the city to include channel modifications in the project that will also address the existing erosion and/or sedimentation problem.

(F) Permanent buildings erected on sites that border directly on and all tributaries to a State Department of Natural Resources designated trout stream and/or a State Pollution Control Agency designated outstanding resource value water must not be occupied until the permanent vegetative cover has been established. The cover must meet this permit's definition of final stabilization.

(G) (1) The applicant shall consider methods for reducing the amount of impervious surface on the site. A useful publication is *Better Site Design: A Handbook for Changing Development Rules in Your Community* available from the Center for Watershed Protection in Ellicott City, Maryland.

(2) Suggestions include:

(a) Disking in compost or in some other manner increasing the porosity of the soil that will be come covered by lawn;. (The movement of heavy vehicles associated with construction activities compacts the soil, and thus decreases its ability to absorb water. This is true even for some types of sandy soils. The common grasses chosen for lawns do not have a deep enough root system to overcome construction vehicle related soil compaction problems.)

(b) Reduced road widths;

(c) Eliminating paving in the center of cul-de-sacs;

(d) Reducing sidewalk widths;

(e) Allowing and providing for shared parking;

(f) Installing semi-permeable/ permeable or porous paving;

(g) Vegetated swales instead of curb and gutter;

(h) Filter strips; and

(i) Green vegetated roofs.

(Ord. 425, passed 7-9-2001)

**§ 151.26 MODELS, METHODOLOGIES AND COMPUTATIONS.**

(A) Hydrological models and design methodologies used for the determining runoff characteristics and analyzing stormwater management structures must be approved by the City Engineer.

(B) Plans, specifications and computations for stormwater management facilities submitted for review must be sealed and signed by a registered professional engineer.

(C) All computations must appear in the plans submitted for review, unless otherwise approved by the City Engineer.  
(Ord. 425, passed 7-9-2001)

#### ***ADMINISTRATION AND ENFORCEMENT***

#### **§ 151.40 REVIEW; PERMIT REQUIRED.**

(A) (1) The City Engineer shall review the stormwater pollution control plan.

(2) This review must be completed within 14 days of receiving the plan from the developer.

(B) If the city determines that the stormwater pollution control plan meets the requirements of this chapter, the city shall issue a permit valid for a specified period of time, that authorizes the land disturbance activity contingent on the implementation and completion of this plan.

(C) If the city determines that the stormwater pollution control plan does not meet the requirements of this chapter, the city shall not issue a permit for the land disturbance activity.

(D) All land use and building permits for the site in question must be suspended until the developer has an approved stormwater pollution control plan.  
(Ord. 425, passed 7-9-2001)

#### **§ 151.41 MODIFICATION OF PLAN.**

(A) An approved stormwater pollution control plan may be modified on submission of a written application for modification to the city, and after written approval by the City Engineer. In reviewing an application, the City Engineer may require additional reports and data.

(B) The city shall retain the written records of the modifications for at least five years.  
(Ord. 425, passed 7-9-2001)

#### **§ 151.42 FINANCIAL SECURITIES.**

(A) The applicant shall provide security for the performance of the work described and delineated on the approved grading plan involving the stormwater pollution control plan and any stormwater and pollution control plan related remedial work in an amount of \$3,000 per gross acre or \$1,000 for each single or twin family home, whichever is greater. This security must be available prior to commencing the project. The form of the securities must be:

(1) The first \$500 (in U.S. currency) or 15%, whichever is greater, of this financial security must be by cash deposit to the city.

(2) Deposit, either with the city, a responsible escrow agent or trust company, at the option of the city, money, an irrevocable letter of credit, negotiable bonds of the kind approved for securing deposits of public money or other instruments of credit from one or more financial institutions, subject to regulation by the state and federal government wherein the financial institution pledges that the funds are on deposit and guaranteed for payment. The type of security must be of a type acceptable by the city.

(3) The city may request a greater financial security, if the city considers that the development site is especially prone to erosion or the resource to be protected is especially valuable.

(B) (1) If, at anytime during the course of the work, this amount falls below 50% of the required deposit, the developer shall make another deposit in the amount necessary to restore the deposit to the required amount.

(2) If the developer does not bring the financial security back up to the required amount within seven days after notification by the city that the amount has fallen below 50% of the required amount the, city may:

(a) Withhold the scheduling of inspections and/or the issuance of a certificate of occupancy; or

(b) Revoke any permit issued by the city to the applicant for the site in question and any other of the applicant's sites within the city's jurisdiction.

(C) When more than half of the development's maximum exposed soil area achieves final stabilization, the city can reduce the total required amount of the financial security by half, if recommended by the City Engineer.

(D) The city may act against the financial security if any of the conditions listed below exist. The city shall use funds from this security to finance any corrective or remedial work undertaken by the city or a contractor under contract to the city and to reimburse the city for all direct cost incurred in the process of remedial work including, but not limited to staff time and attorney's fees.

(1) The developer ceases land disturbing activities and/or filling and abandons the work site prior to completion of the grading plan;

(2) The developer fails to conform to any city approved grading plan and/or the stormwater pollution control plan as approved by the city;

(3) The techniques utilized under the stormwater pollution control plan fail within one year of installation; and

(4) The developer fails to reimburse the city for corrective action taken hereunder.

(E) Any unspent amount of the financial security deposited with the city for faithful performance of the stormwater pollution control plan and any stormwater and pollution control plan related remedial work must be released one full year after the completion of the installation of all measures and the establishment of final stabilization. (Ord. 425, passed 7-9-2001)

**§ 151.43 NOTIFICATION OF FAILURE OF PLAN.**

(A) The city shall notify the developer, when the city is going to act on the financial securities part of this chapter.

(B) The initial contact will be to a party or parties listed on the application and/or the stormwater pollution control plan. Forty-eight hours after notification by the city or 72 hours after the failure of erosion control measures, whichever is less the city, at its discretion, may begin corrective work. The notification should be in writing, but if it is verbal, a written notification should follow as quickly as practical.

(C) If erosion breaches the perimeter of the site, the applicant shall immediately develop a cleanup and restoration plan, obtain the right-of-entry from the adjoining property owner and implement the cleanup and restoration plan within 48 hours of obtaining the adjoining property owner's permission. In no case, unless written approval is received from the city, shall more than seven calendar days go by without corrective action being taken. If in the discretion of the city, the applicant does not repair the damage caused by the erosion, the city may do the remedial work required and charge the cost to the applicant.

(D) (1) If eroded soils, including tracked soils from construction activities, enter or appear likely to enter streets, wetlands or other water bodies, prevention strategies, cleanup and repair must be immediate.

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(2) The applicant shall provide all traffic control and flagging required to protect the traveling public during the cleanup operations.

(E) When an applicant fails to conform to any provision of this policy within the time stipulated, the city may take the following actions:

(1) Withhold the scheduling of inspections and/or the issuance of a certificate of occupancy;

(2) Revoke any permit issued by the city to the applicant for the site in question or any other of the applicant's sites within the city's jurisdiction;

(3) Direct the correction of the deficiency by city forces or by a separate contract: (The issuance of a permit constitutes a right-of-entry for the city or its contractor to enter upon the construction site for the purpose of correcting deficiencies in erosion control.)

(4) All costs incurred by the city in correcting stormwater pollution control deficiencies must be reimbursed by the applicant; and (If payment is not made within 30 days after costs are incurred by the city, payment will be made from the applicant's financial securities as described herein.)

(5) If there is an insufficient financial amount, in the applicant's financial securities as described herein, to cover the costs incurred by the city, then the city may assess the remaining amount against the property. As a condition of the permit, the owner shall waive notice of any assessment hearing to be conducted by the city, concur that the benefit to the property exceeds the amount of the assessment, and waive all rights by virtue of M.S. § 429.081, as it may be amended from time to time, to challenge the amount or validity of assessment.  
(Ord. 425, passed 7-9-2001)

**§ 151.44 VARIANCE.**

(A) In any case where, upon application of the responsible person or persons, the city finds that, by reason of exceptional circumstances, strict conformity with this chapter would be unreasonable, impractical or not feasible under the circumstances, the city in its discretion may grant a variance therefrom upon the conditions as it may prescribe for prevention, control or abatement of pollution in harmony with the general purposes of this chapter.

(B) The variance request must be in writing.

(C) The variance response must be in writing, and include the justification for either granting or denying the requested variance.

(D) The variance shall become void one year after being granted, unless used.

(E) If any of the variance's conditions are violated, the city may revoke the variance.  
(Ord. 425, passed 7-9-2001)

**§ 151.45 RIGHT OF ENTRY AND INSPECTION.**

The applicant shall allow the city and their authorized representatives, upon presentation of credentials to:

(A) Enter upon the permitted site for the purpose of obtaining information, examination of records, conducting investigations, surveys or investigations;

(B) Bring such equipment upon the permitted development as is necessary to conduct the surveys and investigations;

(C) Examine and copy any books, papers, records or memoranda pertaining to activities or records required to be kept under the terms and conditions of this permitted site;

(D) Inspect the stormwater pollution control measures required by the city; and

(E) Sample and monitor any items or activities pertaining to permits issued by the city.  
(Ord. 425, passed 7-9-2001)

**§ 151.99 PENALTY.**

(A) The city shall be responsible enforcing this chapter.

(B) Any person, firm or corporation failing to comply with or violating any of these regulations, shall be deemed guilty of a misdemeanor and be subject to a fine or imprisonment or both. All land use and building permits must be suspended until the developer has corrected the violation. Each day that a separate violation exists shall constitute a separate offense.  
(Ord. 425, passed 7-9-2001)



## CHAPTER 152: MANUFACTURED HOMES AND HOME PARKS

### Section

152.01	Purposes
152.02	Definition
152.03	Location of homes and home parks
152.04	Conditional use permit; application
152.05	Design standards
152.06	Annual inspection fees
152.07	Operation requirements
152.08	Administration

connected to the required utilities, and includes the plumbing, heating, air conditioning, and electrical systems contained in it, and which complies with the Manufactured Home Building Code established by M.S. § 327.31, Subd. 3.

### § 152.03 LOCATION OF HOMES AND HOME PARKS.

#### § 152.01 PURPOSES.

The purposes of this chapter are to promote health, safety, order, convenience and general welfare by enforcing minimum standards for manufactured home parks, the location and use of mobile homes and the design, construction, alteration and arrangement of homes on the lots, authorizing the inspection of manufactured home parks, the licensing of operators and fixing penalties for violations.

(`85 Code, § 1002.01)

#### § 152.02 DEFINITION.

For the purpose of this chapter, the following definition shall apply unless the context clearly indicates or requires a different meaning.

**MANUFACTURED HOME.** A structure, transportable in one or more sections, which in the traveling mode, is eight body feet or more in width or 40 body feet or more in length, or, when erected on site, is 320 or more square feet, and which is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when

(A) It shall be unlawful within the city for any person to park any manufactured home on any street, alley, highway, other public place or on any tract of land owned by any person, occupied or unoccupied, except as provided in this section.

(B) Emergency or temporary stopping or parking is permitted on any street, alley or highway for not longer than three hours subject to any other and further prohibitions, regulations or limitations imposed by the traffic and parking regulations or ordinances for that street, alley or highway.

(C) (1) Temporary special permits may be issued by the Council for use of a trailer as an office or residence by persons directly connected with new construction in the city, provided that the person has obtained a building permit for the construction and is proceeding with the work.

(2) The temporary special permits shall be limited to periods of not more than ten days following completion of the project or for 12 months, whichever is less.

(D) No person shall construct, locate, operate or maintain a manufactured home or manufactured home park within the city without first obtain a conditional use permit, and all other permits and licenses as shall be required and described herein.

(E) No person shall construct, locate, operate or maintain a manufactured home or manufactured home park in the city unless the proposed area is served by a public, municipal sanitary sewer, municipal water and the property is zoned for residential manufactured home park.

(F) (1) No person shall park or occupy any manufactured home on either the premises of any dwelling or on any lot which is situated outside an approved manufactured home park unless the owner or person complies with applicable provisions of the zoning regulations adopted by reference in § 153.01, including housing performance standards.

(2) Manufactured homes within an approved manufactured home park shall not be required to comply with housing performance standards, but shall be subject to the provisions of this chapter.

(`85 Code, § 1002.02) Penalty, see § 10.99

#### **§ 152.04 CONDITIONAL USE PERMIT; APPLICATION.**

Required conditional use permits may be applied for pursuant to the terms of applicable city ordinances and shall be issued if all requirements in the ordinances are met and all fees established by applicable city ordinances have been paid.

(`85 Code, § 1002.02)

#### **§ 152.05 DESIGN STANDARDS.**

(A) All manufactured home parks shall conform to the standards, and requirements of M.S. §§ 327.14 through 327.29, as they may be amended from time to time, and State Board of Health regulations governing

manufactured home parks and recreational camping areas, all of the provisions being incorporated herein by reference, being made a part of this chapter as if set out in full.

(B) All lots in the manufactured park are subject to the following regulations.

(1) Every manufactured home lot shall have a base of at least four inches of compacted gravel or aggregate on the site where the home is to be parked, in addition to whatever foundation structures are necessary to secure the manufactured home anchors and tiedowns.

(2) Every manufactured here park staff have a warning device for providing tornado or serious wind storm warning to its residents. This requirement may be waived if the device is located outside the park but is found to be servicing the park area.

(C) Each manufactured home park shall have one or more service buildings to provide space for the park office, sanitation facilities and recreational space.

(1) Every manufactured home park shall have a central office manager or caretaker of the park.

(2) Setbacks from internal streets for all service buildings shall conform to city and state residential setback requirements.

(3) A minimum of 500 square feet per open space shall be provided for definable play areas and open space within the manufactured home park. The areas of open space and play area shall not be areas included within any setback nor shall they include any areas of less than 20 feet in length or width.

(D) (1) All manufactured home parks and the lots thereof shall be connected to the municipal water system.

(2) All manufactured home parks shall have a sanitary sewer system connection to either a public municipal sewer system, or an appropriate public regional sewer system. The design and specifications of the sewer system shall meet the approval of the City Engineer and the State Department of Health.

(3) All sewer and water system lines shall be underground.

(E) (1) All utility lines for electricity, telephone and TV cable must be underground. There shall be no overhead wires or supporting poles, except poles for street lights or other lighting purposes.

(2) All fuel supply and storage systems shall be and maintained in accordance with applicable state codes and regulations governing the systems.

(3) The manufactured home park shall provide overhead lights to adequately illuminate the streets and thoroughfare sidewalks of the park and all service building parking areas and entrances. The lighting will be shielded to prevent any light to be directed at traffic, nearby manufactured homes or neighboring residential property in the brilliance as to constitute a danger or a nuisance.  
(`85 Code, § 1002.02)

**§ 152.06 ANNUAL INSPECTION FEES.**

(A) (1) All manufactured home parks shall be inspected annually by the City Building Inspector to ascertain that all provisions of this chapter, all other applicable city ordinances, and the provisions of any conditional use permit are being observed.

(2) All manufactured home parks shall be inspected annually by the City Building Inspector to ascertain that no fire hazards are present, to ascertain that fire hydrants and fire extinguishing equipment are in working order and to ascertain that all provisions of this chapter and other applicable codes and ordinances pertaining to fire protection and prevention are being observed.

(3) All manufactured home parks shall have the water system inspected annually by a designated city inspector to insure that all hydrants and other water facilities are in proper working order.

(B) City inspectors may make more frequent inspections as they may deem necessary.  
(`85 Code, § 1002.02)

**§ 152.07 OPERATION REQUIREMENTS.**

(A) *General operation and maintenance.*

(1) Every manufactured home park shall have an adult manager or caretaker on duty in or about the park at all times, 24 hours per day, to keep the park, its facilities and equipment in a clean, orderly and sanitary condition, and to be available in case of emergencies. The manager or caretaker shall be answerable with the owner for the violations of any provisions of this chapter.

(2) Each manufactured home park shall maintain a central office for the use of the owner or manager, distinctly marked OFFICE.

(3) A map of the park, with all lots clearly numbered, shall be displayed at the park office. The lots themselves shall also be numbered in a manner visible from the frontage street. The park shall be open at reasonable times to the visiting public and a directory shall be readily available to visitors.

(4) The park grounds shall be lighted as approved by the city at all hours of darkness.

(5) No public address or loud speaker systems shall be permitted.

(6) Each park shall adopt a set of rules and regulations for orderly operation of the park in conformance with this chapter. These rules shall be made available to the residents of the park.

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(7) No domestic animals or house pets of park occupants shall be allowed to run at large or commit any nuisances within the limits of the park.

(8) No exterior clothes drying shall be permitted upon any lot or any other area of the park, except in areas specifically provided, and in those areas where resident individual home owners regularly dried their clothes prior to July 1, 1985.

(9) The use of any lot or other area within the park for tent sites, camper trailers, pickup campers or other transient occupancy use is prohibited.

**(B) Lot regulations.**

(1) No more than one unit shall be parked upon any lot.

(2) No home may be inhabited by a greater number of occupants than that for which it was designed.

(3) (a) The base of all manufactured homes shall be enclosed with skirting, the skirting to be installed within 30 days from the date of installation of the unit.

(b) The enclosure must be accessible for inspection and no obstruction shall be permitted that impedes the inspection of the manufactured house, plumbing, electrical facilities and related equipment.

(c) No storage shall be permitted beneath the manufactured home.

(4) All lots shall be used for residential purposes only. No commercial activity or signage will be permitted unless otherwise permitted by zoning ordinances other than this section.

**(C) Lot display regulations.**

(1) No homemaker nor prospective homeowner shall be required to purchase a home from the owner or operator of the park in which the owner desires to locate or from someone designated by the owner of the park.

(2) This provision, however, shall not prevent the owner of the park from establishing certain minimal standards and conditions of quality and design as to homes permitted in a park owned by him or her.

**(D) Park street system; maintenance, walkways and regulations.**

(1) All manufactured home parks shall be provided with safe and convenient vehicular access from abutting public streets or roads to each manufactured home lot. The access shall be provided by streets, driveways or other means.

(2) Entrances to manufactured home parks shall be designed to minimize congestion and hazards and allow free movement of traffic on adjacent streets. No parking shall be permitted on the park entrance street for a distance of 100 feet from its point of beginning.

(3) The park operator shall remove snow from all streets, guest parking areas and public sidewalk areas within the park after each snowfall and these areas shall be kept sanded and/or free of ice and snow.

(4) All streets within the park shall be kept clean and free of litter.

(5) Dead-end streets shall be limited in length to 500 feet and shall be provided at the closed end with a cul-de-sac having an outside roadway width of at least 80 feet or a T-shaped alternative design. All dead-end streets shall be marked with approved signs at the entrance to the dead-end street.

(6) A speed limit of ten miles per hour shall be maintained within the park limits and signs shall be posted accordingly. The operator may use raised bumps or ridges across the road surfaces to assure compliance with the posted limits.

(7) All parks shall be provided with safe, convenient, all season pedestrian access of adequate width for intended use, durable and convenient to maintain, between individual manufactured homes, the park streets and all community facilities provided for park residents. Sudden changes in alignment and gradient shall be avoided.

(8) A common walk system shall be provided and maintained between locations where pedestrian traffic is concentrated. The common walks shall have a minimum width of two and one-half feet.

(9) All manufactured homes shall be connected to common walks, to paved streets or to paved driveways or parking spaces connecting to a paved street. The individual walks shall have a minimum width of two feet.

(10) A minimum of one tree per, lot is required. In open area and park area, a minimum of 20 trees per acre is required.

(11) No more than two automobiles may be parked on any home lot.

(E) *Fire and police protection.*

(1) Every home occupied in the park shall be equipped with a fire extinguisher in usable condition. The occupant of the home shall be responsible for providing the extinguisher for his or her home.

(2) Portable fire extinguishers rated for Classes B and C fires, with a capacity of ten pounds dry powder, shall be kept visible in service buildings and at other locations as approved or required by the Fire Chief, for convenient access by all of the occupants of the park. The fire extinguishers shall be maintained in good operating condition.

(3) No fire shall be kindled or maintained, except in a stove, fireplace, barbecue pit, incinerator or other equipment intended for that purpose. No fire shall be left unattended. No fuel shall be used and no material burned which emits, dense smoke or objectionable odors, open burning is prohibited.

(4) Storage of flammable liquids or materials or gases within or under the home is forbidden.

(5) All areas of the park shall be kept free of litter, rubbish and other flammable material.

(6) The park shall be open to fire, police and other emergency vehicles and personnel at all times, and the law enforcement officers and the fire department shall be provided with a current directory showing the lot numbers and addresses.

(F) *Storm protection.*

(1) The storm warning device required for the park shall be kept in good operating condition and tested once a month at a designated time in a manner approved by the city.

(2) The park manager shall be responsible for obtaining weather warning information from the appropriate media, and for alerting residents to the hazards of a storm via the warning device when any storm with damaging winds is eminent.

(G) *Refuse handling.*

(1) The park shall provide for the collection disposal of all refuse and garbage generated within the park. The park may contract with private garbage haulers or provide the service itself.

(2) All refuse handling must adhere to the following standards.

(a) The storage, collection and disposal or use in the park shall be so conducted so as to create no health hazards, rodent harborage, insect breeding, accident or fire hazards or air pollution.

(b) Garbage and refuse shall be collected and disposed of as frequently as may be necessary to insure that garbage receptacles shall not overflow.

(H) *Sewer and water.*

(1) All sewer and water systems within the park shall be kept in good operating condition in conformance with regulations of the State Department of Health and the city. Any maintenance of water and sewer systems within the park shall be at the owner's expense, but shall be under the supervision of an official designated by the city, who shall have authority to initiate necessary repairs.

(2) If the city deems it necessary, auxiliary pumps to boost water pressure shall be installed at the expense of the park owner to maintain needed pressure for fire protection.

(3) For sewer service and water service, when available, the city will charge the service rates as established by City Council resolution.

(I) *Insect and rodent control.*

(1) Where the potential for insect and rodent infestation exists, all exterior openings in or beneath any structure shall be appropriately screened with wire mesh or other suitable materials.

(2) The growth of brush, weeds and grass shall be controlled to prevent harborage of ticks, chiggers and other noxious insects. Parks shall be so maintained as to prevent the growth of ragweed, poison ivy, poison oak, poison sumac and other noxious weeds considered detrimental to health.

(3) Open areas shall be maintained free of wild undergrowth of any description.  
( '85 Code, § 1002.02) Penalty, see § 10.99

**§ 152.08 ADMINISTRATION.**

(A) (1) Except as otherwise provided herein, this chapter shall be altered and enforced by the Building Inspector, who is hereby designated as enforcing officer.

(2) The Building Inspector may institute in the name of the city any appropriate actions or proceedings against a violator as provided by law.

(B) The park management shall notify park occupants of all provisions of this chapter and inform them of their duties and responsibilities under this chapter.

( '85 Code, § 1002.02)

## **CHAPTER 153: ZONING**

### Section

153.01 Adoption of regulations

### **§ 153.01 ADOPTION OF REGULATIONS.**

The city's zoning regulations are hereby adopted by reference and incorporated fully as if set out herein.



## **CHAPTER 154: SUBDIVISIONS**

### Section

154.01 Adoption of regulations

#### **§ 154.01 ADOPTION OF REGULATIONS.**

The city's subdivision regulations are hereby adopted by reference and incorporated fully as if set out herein.

