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CHAPTER 90: BUILDING REGULATIONS; CONSTRUCTION

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90.01. ADOPTION OF MINNESOTA STATE BUILDING CODE.

A) 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.

90.02. ADOPTION OF HAZARDOUS BUILDING LAW.

A) The Hazardous Building Law, M.S. §§ 463.15 through 463.261, 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.

CHAPTER 91: CARTWAYS

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91.01. SCOPE OF SUBCHAPTER.

A) Except as otherwise specifically provided herein, the method of establishing cartways, as provided herein, shall apply to all property located within the City of Montrose. The City of Montrose has determined that it is in the best interests of the city that all cartway petitions be submitted to and determined by the City of Montrose in a manner which is consistent with Minnesota Law, as amended.

91.02. DEFINITIONS.

A) For the purpose of this subchapter, the following definitions shall apply unless the context indicates or requires a different meaning.

- 1) CITY. City of Montrose.
- 2) DAMAGES. The monetary value, if any, of the damages that the establishment of a cartway will cause to the owners in question, based upon the fair value of the land that is subject to the cartway, and the economic affect of the cartway on the land that is not subject to the cartway, less the monetary value of the benefit, if any, that the establishment of the cartway will confer on the property owners in question. DAMAGES also include the costs of the city associated with the cartway proceeding.

91.03. ESTABLISHMENT OF CARTWAY PROCEDURE.

A) Within the city, a property owner who owns a tract of land containing at least five acres, who has no access thereto except over a navigable waterway or over the lands of others, or whose access thereto is less than two rods in width, may present a petition for the establishment of a cartway to the City Council.

B) The petition must be signed by the owner of the tract of land requesting a cartway. The petition must contain the following:

- 1) A clear statement requesting a cartway;
- 2) The size and description, including legal description, of the land to be served;
- 3) A statement identifying the necessity or the request for a cartway;

- 4) The name and address of the property owner(s) of the property over which the cartway is proposed to be crossed; and
- 5) A survey of the parcel that will be using the cartway as access, showing, at a minimum:
 - a) All structures located on the parcel;
 - b) The width of cartway desired;
 - c) The desired route for the cartway;
 - d) The legal description of the tract of land over which the proposed cartway shall cross, including its point of beginning, general course and termination;
 - e) All parcels of property within 500 feet of the proposed cartway; and
 - f) The location of all structures, roads or driveways located on parcels of property within 500 feet of the proposed cartway.

C) The petitioning party is required to pay all costs related to the establishment of the cartway, including any damages that must be paid to the owner of the land upon which the cartway is established, together with the costs of all of the city's professional and other services, hearing costs, administrative costs, recording costs and other costs and expenses that the city may incur in connection with the proceeding for the establishment of the cartway.

D) The City Administrator shall determine whether the petition is sufficient, and the City Administrator, with the assistance of other members of city staff, shall recommend the amount of the bond which is necessary to be filed by the petitioner. The Council may pass a resolution directing a bond to be filed by the petitioner for the amount of damages, as provided above, before proceeding further.

E) The petitioning party shall post a bond or other security acceptable to the city for the total estimated damages, plus all costs to be incurred by the city before the Council will take action upon the petition.

F) The City Council will set a date for a public hearing regarding the establishment of the cartway. Prior to the public hearing, the City Council may refer the matter to the City Planning Commission for further study, input and/or recommendations. The public hearing(s) may be held at the Montrose Community Center Hall, or the other place as the Council deems appropriate, and the Council or Planning Commission may review the property to determine if the proposed location of the cartway is adequate, or if an alternative route other than that petitioned for is deemed by the city to be less disruptive and damaging to the affected land owners and in the public's best interest.

G) The City Council may appoint one or more of its members to meet with the affected parties to determine if a resolution and agreement can be reached regarding the damages issues.

H) Notice of the hearing regarding the cartway shall be posted by petitioner at least ten days prior to the hearing on the cartway. This notice is to be posted at City Hall. Further, notice of the cartway hearing shall be served by the petitioner, or his or her agents, personally, upon all affected parties, including the owner of the land over which the cartway is proposed, as well as all property owners who own land adjacent to the proposed cartway. The petitioner shall provide an affidavit of the service and posting showing that this has been accomplished. The notice to be provided to parties shall include the following:

- 1) Notice of the time, date and place of the hearing upon the cartway petition;
- 2) A description, as near as practicable, of the cartway proposed to be established and each tract of land through which it is proposed to pass; and
- 3) Summary of the cartway proceeding to date.

I) At a hearing regarding the establishment of a cartway, the petitioning party and the affected land owner may present whatever evidence he or she deems necessary concerning the request for the petition and the damages, if any, to be awarded to the land owner over whose land the proposed cartway is to be established. The City Council shall determine the amount of damages to be awarded and may choose to retain professionals to assist it with the determination.

J) Following the hearing described above, the City Council, by resolution, will determine the appropriate route for the cartway, and the amount of damages to be paid by the petitioning party, including damages, if any, awarded to the owner of the land upon which the cartway is established, together with the costs of professional and other services, hearing costs, administrative costs, recording costs and other costs and expenses that the city may occur in connection with the proceeding for the establishment of the cartway.

91.04. SURVEYS.

A) The City Council may direct a surveyor to enter the land over which a cartway is proposed to be located for the purposes of providing a legal description of the cartway and to mark the location of the cartway.

91.05. EXPENDITURE OF CITY FUNDS.

A) The city may not expend street or bridge funds on the cartway unless the City Council, by resolution, determines that an expenditure is in the public interest. If no resolution is adopted to that affect, all grading or other construction work and the maintenance of the cartway is the responsibility of the petitioner.

91.06. CARTWAYS AS PRIVATE DRIVEWAY.

A) After a cartway has been constructed, the City Council may, by resolution, designate the cartway as a private driveway with the written consent of the affected land owners, in which case from the effective date of the resolution, no city road or bridge funds may be expended for the maintenance of the cartway.

91.07. CARTWAY MAINTENANCE COSTS.

A) When a cartway is not maintained by the city, one or more of the private property owners who own land adjacent to a cartway, or one or more of the private property owners who have no access to the owners land except by way of the cartway, may maintain the cartway.

B) The cost of maintenance is to be equitably divided among all of the private property owners who:

- 1) Own land adjacent to the cartway; and
- 2) Have no access to their land except by way of the cartway.

C) Proper cost of the maintenance and the proper allocation of the cost is a matter to be determined by and between the parties involved and not by the city; however, the City Council may determine the maintenance cost to be apportioned to each private property owner if the private property owners cannot agree on the division of the costs.

D) If the Council decides the issue of maintenance costs, the Council's decision may be appealed within 30 days to the Wright County District Court.

E) Private property owners who pay the cost of maintenance have a civil cause of action against any of the private property owners who refuse to pay their share of the maintenance costs.

91.08. APPEALS TO DISTRICT COURT.

A) The petitioner or any affected property owner may appeal the City Council's decision to the Wright County District Court, within 40 days after the filing of the award of damages by filing a notice of appeal with the Wright County Administrator. The owner or occupant of the land over which the cartway is to be established must file the notice of appeal within ten days in order to delay the opening, construction, alteration, change or other improvement in or on the road. A copy of the notice of appeal shall be mailed by registered or certified mail to the City Clerk-Treasurer and the petitioner. The notice of appeal shall specify the award or failure to award appealed from the land to which it relates, the nature and amount of the claim of the appellant and the grounds of the appeal. The appeal shall proceed in Wright County District Court.

CHAPTER 92: MANUFACTURED HOMES AND HOME PARKS

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92.01. PURPOSES.

A) 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.

92.02. DEFINITION.

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

- 1) **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 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.

92.03. LOCATION OF HOMES AND HOME PARKS.

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) Temporary Special Permits.

- 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) 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 this Title, including housing performance standards.

G) 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.

92.04. CONDITIONAL USE PERMIT; APPLICATION.

A) 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.

92.05. 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) Water and Sewer.

- 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) Utilities; Lights.

- 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.

92.06. ANNUAL INSPECTION FEES.

A) Inspections.

- 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.

92.07. 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.
- 7) No domestic animals or house pets of park occupants shall 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 or 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) Base; Beneath.
 - 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 homeowner or 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 diameter 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 sere kept free glitter, 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.

92.08. ADMINISTRATION.

A) Building Inspector.

- 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.

CHAPTER 93: ZONING AND SUBDIVISION REGULATIONS.

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93.01. ZONING; ADOPTION OF REGULATIONS.

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

93.02. SUBDIVISION; ADOPTION OF REGULATIONS.

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