HASTINGS, MN

FOOD SYSTEM POLICY ANALYSIS
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# Table of Contents

Table of Contents .......................................................................................................................... 3  

**EXECUTIVE SUMMARY** .......................................................................................................... 5  
  Project Background ...................................................................................................................... 6  

Gaps, Barriers and Opportunities .................................................................................................. 8  
  General Municipal Ordinance Issues ......................................................................................... 8  

Growing Food ............................................................................................................................... 9  

Processing Food ........................................................................................................................... 10  

Getting Food ............................................................................................................................... 10  

Making Food ............................................................................................................................... 12  

Disposing Food ........................................................................................................................... 12  

Research Process ....................................................................................................................... 13  

Use of Definitions ....................................................................................................................... 13  

Appendices ................................................................................................................................ 14  

**GENERAL INFORMATION** .................................................................................................... 15  

The Minnesota Food Charter ....................................................................................................... 15  

State Laws Impacting the Food System ....................................................................................... 16  

State and Local Agency Oversight of Food System .................................................................... 17  
  Minnesota State Agency Oversight of Food System .................................................................. 17  
  Municipal Government Oversight of Food System .................................................................... 18  

Local Government Ordinances Regulating the Food System ..................................................... 18  
  Licenses ...................................................................................................................................... 19  
  Permits ....................................................................................................................................... 20  
  Land Use Planning & Zoning ...................................................................................................... 20  
  Variances and Conditional Use Permits .................................................................................... 22  
  Regulating Structures ................................................................................................................. 23  

**GROWING FOOD** .................................................................................................................... 25  

Gardening .................................................................................................................................... 26  

Farming ....................................................................................................................................... 26  

Keeping Animals (including Bees, Chickens, and Chicken Coops) ........................................... 27  

Fences ......................................................................................................................................... 29  

Arbors, Trellises, Pergolas, Planting Boxes, and Raised Beds .................................................... 30  

Greenhouses and Hoop Houses .................................................................................................. 31  

Shed ........................................................................................................................................... 32  

**PROCESSING FOOD** .............................................................................................................. 33  

**GETTING FOOD** .................................................................................................................... 35  

Selling Products of a Farm or Garden ......................................................................................... 37  

Farmers’ Market .......................................................................................................................... 37
Restaurants and Cafés ................................................................. 39
Mobile, Temporary, and Seasonal Food and Beverage Service Establishments ........................................ 41
Transient Merchant ..................................................................... 43
Grocery Store ............................................................................. 44
Displaying Signs .......................................................................... 46
Parking ....................................................................................... 49
MAKING FOOD .............................................................................. 51
DISPOSING FOOD .......................................................................... 53
  Composting ............................................................................... 53
  Recycling .................................................................................. 55
  Waste Disposal ......................................................................... 56
APPENDICES .................................................................................. 58
APPENDIX A: SEARCH TERMS ..................................................... 59
APPENDIX B: REGULATIONS GOVERNING ACCESSORY BUILDING, STRUCTURES, AND USES ................. 60
APPENDIX C: GENERAL PROVISIONS GOVERNING ZONING ................................................................. 63
APPENDIX D: MUNICIPAL CODE OF ORDINANCE PROVISIONS (BY TOPIC) ................................................ 65
  Gardening .................................................................................. 65
  Farming .................................................................................... 66
  Animals .................................................................................... 67
  Chickens .................................................................................. 69
  Fences ...................................................................................... 71
  Shed .......................................................................................... 73
  Greenhouse .............................................................................. 75
  Restaurant ................................................................................ 76
  Sidewalk Cafe .......................................................................... 77
  Farmers’ Market ....................................................................... 82
  Mobile Food and Vending Vehicles ............................................. 83
  Transient Merchant .................................................................. 84
  Parking ...................................................................................... 92
  Displaying Signs ...................................................................... 105
  Recycling ................................................................................ 119
  Garbage Disposal ...................................................................... 121
APPENDIX E: STATE EXEMPTIONS FROM STATE FOOD HANDLERS LICENSING REQUIREMENTS ............. 128
ENDNOTES .................................................................................... 134
EXECUTIVE SUMMARY

Diets high in vegetables, fruits, whole grains, and lean proteins help maintain a healthy weight and avoid chronic diseases related to poor diet such as diabetes, cancer, and heart disease. But for many people, eating a healthier diet is not as simple as choosing to eat healthier foods. Some neighborhoods do not have grocery stores that sell healthy foods and sometimes healthy foods are too expensive for people to buy. Some neighborhoods have access to community gardens and farmers’ markets, while others do not. To eat healthier diets, people need better access to healthy, affordable food.

As local communities seek to increase their access to healthy foods, they are finding that many aspects of the local food environment are impacted by a wide range of municipal (city and county) and state laws. For example, state laws create food safety requirements for restaurants and local laws can create zoning restrictions governing where a restaurant or community garden can operate. Understanding how municipal and state laws impact access to healthy food is critical for those seeking to increase access to healthy food.

This policy brief analyzes local ordinances in Hastings, current as of August 2015, that may directly or indirectly impact access to healthy food in Hastings. While this policy brief focuses primarily on Hastings’ municipal regulations impacting the local food system, it also flags areas where state law may impact relevant activity at the local level. This analysis can be read in whole or in part. Citations are included at the end of this document for further reference.

This analysis divides the material into the following sections:

- growing,
- processing,
- distributing,
- getting,
- making,
- eating, and
- disposing of food.

These sections follow the structure of the food system identified by the Minnesota Food Charter to create consistency and continuity between this local food system analysis and the statewide food system analysis developed in Minnesota’s Food Charter.¹

Each section is divided into subsections focused on key areas of interest. Within each subsection, relevant state law and municipal regulations are identified and discussed.

This policy memo addresses the following questions regarding the impact of the municipal code in each section and subsection:

- Does the municipal code require a license or permit?
- What are the relevant regulations?

This brief also includes the specific regulatory language (see *italics* for cue when either a municipal code provision or state law is directly quoted) in Appendix C.

Lastly, when appropriate, this policy memo identifies potential resources and links to additional information, especially when state law may have an impact on the issue discussed.

When assessing opportunities and barriers impacting access to healthy food in different municipalities, it is important to recognize that there is not a “one size fits all” approach to municipal regulations impacting access to food. The ordinances governing activities in a municipality reflect different historical, political, environmental, and economic realities. Municipalities that are more rural in nature with more land and a stronger farming background will often have different priorities and needs reflected in their municipal ordinances than municipalities with greater population densities and more industrial or business enterprises. Those seeking to increase access to healthy food through local ordinances must recognize the different characteristics in a particular municipality and be sensitive to the larger municipal structure and priorities when identifying priorities and setting a policy agenda.

**Project Background**

In April 2015, using funding from the Minnesota Department of Health’s Statewide Health Improvement Program provided by the Dakota County Public Health Department, the Open Door contracted with the Public Health Law Center (Center) to analyze how the municipal codes impact the local food system to support the Open Door’s efforts to increase access to healthy
food for its clients and Dakota County communities. This project analyzes the impact the municipal codes in the following municipalities have on access to healthy food:

- Apple Valley,
- Burnsville,
- Dakota County,
- Eagan,
- Farmington,
- Hastings,
- Inver Grove Heights,
- Lakeville,
- Mendota Heights,
- Rosemount,
- South St. Paul, and
- West St. Paul.

The Center developed individual memos for each of these municipalities. In addition, the Center developed a Summary Guide providing an overview of key findings from the project’s research for the county and city ordinances in Dakota County reviewed. The Summary Guide walks through 15 different issues and compares how each of the municipalities researched for this project governs a particular issue.

For some topics, such as on-site composting, the State of Minnesota has also established state-wide regulations governing the activity or practice. For the most part, Minnesota statutes and regulations do not regulate personal activities related to urban agriculture within municipal boundaries, especially if the activities are on private land, however, there are several activities that have received state attention, including:

- Structures and buildings
- On-site composting
- Beekeeping
- The sale of personally grown produce
- Food safety
- Food retail (particularly the sale or processing of food)
- Farmers’ markets

A discussion of state law is beyond the scope of this project. However, the following resources provide an overview of the key state laws impacting access to food that may overlap with the issues discussed in this memo:

- Starting a Food Business in Minnesota (2008), MINNESOTA DEPARTMENT OF AGRICULTURE, [http://www.mda.state.mn.us/~media/Files/food/business/startingfoodbiz.ashx](http://www.mda.state.mn.us/~media/Files/food/business/startingfoodbiz.ashx).

In addition, information about some recent changes to Minnesota state law not included in these resources has been provided in Appendix G, below.
Gaps, Barriers and Opportunities

During the course of this project, researchers reviewed local ordinances to identify general themes, including gaps, barriers, and opportunities, that impact the ability of the local community to access healthy food. The following discussion provides an overview of some of the key gaps, barriers, and opportunities identified in the municipal ordinances reviewed that impact access to healthy food. The discussion of gaps, barriers, and opportunities is broken down into general municipal ordinance issues impacting access to healthy food and the different components of the food system identified in the Minnesota Food Charter, including growing, process, getting, making, and disposing of food.

General Municipal Ordinance Issues

Many municipalities include a general restriction within the zoning code indicating that if a particular use or activity is not specifically allowed, then that use or activity is prohibited. This type of general restriction can inadvertently restrict or prohibit different activities increasing access to healthy food. For example, if a municipality has this general restriction in its code, all activities promoting access to healthy food, such as community gardens, farmers’ markets, and keeping bees and chickens, must be specifically recognized as permitted or allowed to be a lawful activity. The review of Dakota County municipal ordinances included in this project found that many municipal codes that include this general restriction failed to specifically permit a wide range of activities throughout the code that serve to increase access to healthy food. Municipalities may want to assess the extent to which the general restriction against any activity that is not specifically permitted may impact activities promoting access to healthy food.

In addition, many municipal ordinances restrict a property from developing an accessory use or activity on a property before a principle use or structure is established. This type of restriction can impact the establishment of community gardens on vacant lots, especially if gardening activities are only recognized as an accessory use of property.

Finally, local ordinances that specifically define and approve certain activities that increase access to healthy food can serve to promote these activities and create a more supportive environment. For example, municipal ordinances can provide a definition of a certain activity or structure to provide direction to community members, such as defining the terms restaurant, community garden, or farm animal. While many of the municipal ordinances reviewed included a broad range of definitions for different activities or structures impacting growing and getting food, a number of local ordinances reviewed never used the defined term. Providing a definition is a start, but the defined term then should be followed with regulation for that use. The regulation may be to allow the use, such as gardening, in all zones, or the regulation may be to require fencing for community gardens. Having a term defined and used within the code not only helps residents, businesses, and would be entrepreneurs understand the local requirements but also proactively establishes parameters for addressing needs for healthy food within a community.
Growing Food

Gardening

Allowing backyard and community gardens as permitted uses within, at a minimum, all agricultural and residential zones has the effect of promoting these uses by identifying them. Additionally, by specifically identifying and approving community gardens, the general restriction found in many cities for unidentified uses is removed. Including vegetable gardens and production in the definitions of backyard and community gardens as well as urban agriculture, landscaping, agriculture, agricultural pursuits, and farming can clarify ambiguities within existing regulations. Finally, establishing community garden regulations can provide support to these activities while also ensuring these activities are appropriately used throughout a city.

For example, by recognizing community gardens as a principle use, municipalities can recognize community gardens as a proper use of vacant lots. In addition, cities may want to assess allowing the sale of products on the garden site where the produce is grown. These types of regulations can allow neighborhoods to establish gardens that not only increase access to healthy food but also promote livable neighborhoods within a city.

Farming

Different municipalities take a wide range of approaches to the definition and regulation of farming within the city. At the same time, the term “farm” is also used in some municipal ordinances out of context, without a specific or clear definition in the ordinance. Municipalities may want to assess their approach to governing farms in the city limits and make sure that the definition of farm is consistent with other municipal ordinances.

Keeping Animals

By identifying allowable animals, such as bees and chickens, and developing appropriate restrictions, municipalities can enable residents to increase their access to foods like eggs and honey. Some municipal codes restrict the total number of permits allowed for chickens or beekeeping. In addition, some codes include limits on the duration of the permit and the opportunity to renew existing permits. These types of regulations can discourage community members from pursuing these activities even when the municipal code allows the activity in certain areas. Chicken owners who cannot be assured of maintaining their permit from year to year may have less incentive to invest in coops that provide livable, healthy chicken environments, which also reduce nuisance issues that are a concern to neighboring residents.

Additionally, many cities do not address beekeeping. Home beekeeping can enhance vegetable and flower garden pollination, give residents access to local honey, and help develop an economic stream through individual sales to other community members.
Arbors, Trellises, Pergolas, Planting Boxes, and Raised Beds

Most municipalities did not include definitions for these types of gardening structures. These structures are generally too small to warrant any specific regulation or permit requirements. However, municipalities should ensure that any general restriction ordinances that prohibit any structures not specifically permitted do not inadvertently prohibit the use of these gardening structures.

Greenhouses and Hoop Houses

Greenhouses and hoop houses generally were either not addressed or addressed only as a commercial use. Small-scale hoop houses and greenhouses increase the growing season for individual or community gardeners and positively increase the amount of healthy food that a garden is able to produce. Municipalities that do not include specific regulations or direction about the use of commercial or private hoop houses or greenhouses may want to assess the interest in these gardening structures in their community and how local regulations can support these types of structures and the gardening activities they allow.

Processing Food

Food processing facilities can provide an important resource for local food producers to extend their market and provide new business enterprises and employment to local communities. No city in this research specifically identified food processing facilities within its code. While licensing of these types of facilities is generally done by the state, local zoning regulations can identify where these types of facilities may be located within a city. In addition, economic development policies can promote these types of facilities on a small as well as large scale.

Getting Food

Seasonal Produce/Farm Stands

Many cities did not define seasonal produce stands even though seasonal produce or farm stands are explicitly allowed or restricted in the code. In addition, licensing requirements for mobile food vendors can also impact the sale of seasonal produce. Some municipal codes reviewed limited the total number of licenses for mobile vendors without indicating if these limitations applied to seasonal produce stands that may operate out of a vehicle. Municipalities may want to assess how their local code defines and regulates both seasonal produce stands and mobile food vendors. Some code regulations may create unintended barriers that inhibit the ability of local producers to sell their produce or negatively impact the ability of mobile food vendors from selling fresh produce and other healthy food items.

Farmers’ Markets

Farmers’ markets were addressed at least minimally by some cities. However, many municipal ordinances did not reflect the growing interest and success of farmers’ markets as a key healthy
food source for local communities and the different ways that farmers’ markets are partnering with community organizations, such as churches, to increase access to fresh produce. For example, municipal ordinances that restrict the sale of goods on required off-street parking can create barriers to organizations or businesses that would like to host a farmers’ market, such as churches. Organizations or businesses hosting farmers’ markets in their parking lots do not need the parking spaces during the hours of the farmers’ market operations. Accordingly, restrictions against the use of these required parking spaces for the sale of goods from a farmers’ market is unnecessary. Municipalities may want to assess how their municipal code can support the expansion of farmers’ markets in different zones and on different types of properties.

**Restaurants**

The municipal codes reviewed for this project take widely different approaches to how restaurants are regulated. The definitions used by different municipalities for restaurants range from very general definitions covering all restaurants to extremely specific definitions identifying different types of restaurants. Specific restaurant definitions identified by this research include: drive-in, fast food, delivery or take-out, full-service, traditional, and cafeteria, amongst others. Many municipalities then use their zoning codes to determine where different types of restaurants are allowed, including some with restrictions on how close different types of restaurants can be located to schools, churches, or other community features within different zones.

Municipalities may want to assess how they define different types of restaurants and where a specific type of restaurant can operate. Creating regulations that encourage restaurants with healthier menus in areas community members frequent can greatly enhance the access community members have to healthier food and reduce access to unhealthy food.

**Mobile Food Vendors**

Mobile food vendors have been addressed to varying degrees within the cities assessed. Some cities identified specific zones where mobile food vendors can operate and also limit the number of licenses and times of operation for these vendors. While mobile food vendors are generally licensed by the state, cities that have not addressed mobile food vendors may want to assess how their local code can encourage mobile food vendors focused on healthy food options. For example, some social service agencies are exploring how to increase access to healthy food for low-income residents through mobile food shelves and mobile grocery stores. Municipal ordinances that restrict sales or giveaways from vehicles parked on city streets or require off-street parking for food vendors can create obstacles to the ability of social service agencies to provide access to healthy food for low-income residents.

**Transient Merchants**

All municipal codes reviewed included some regulation of transient merchants. However, many municipalities did not specifically indicate how or if the regulations governing transient merchants impacted vendors or merchants selling fresh farm products or other healthy food items. At the same time, some municipal ordinances specifically applied the regulations...
governing transient merchants to those selling fresh farm products and other healthy food items. Municipalities may want to assess how regulations governing transient merchants impact seasonal produce vendors and determine if any changes need to be made to ensure that regulations governing transient merchants do not inadvertently burden vendors selling fresh farm produce or other healthy food items.

**Grocery Stores**

The municipal codes reviewed for this project take widely different approaches to how grocery stores are regulated. Many municipalities do not define grocery store, even though the municipal code may specify the zones in which a grocery store can operate. In addition, the municipal codes reviewed vary greatly in regards to where grocery stores could operate. Some municipal codes include very strict limitations on where a grocery store can operate. These types of restrictions can inhibit the ability of local neighborhoods to have access to healthy food retail options if grocery stores are only allowed in zones far from residential areas.

Municipalities may want to consider how they define and regulate grocery stores and other food retail, and create criteria for grocery stores and other food retail that emphasizes healthy food as part of the food retail operations. In addition, municipalities may want to assess any limitations on where grocery stores can operate to ensure that residential neighborhoods, including those with higher numbers of low-income housing, and other areas where community members frequent, such as business districts, have access to grocery stores and healthy food retail.

**Making Food**

While no city in this policy analysis addressed commercial kitchens, commercial kitchen space is needed for many types of food production. One way that cities may address this is by making for-rent commercial space available within community centers, allowing this type of use in community buildings and on public property, or even by identifying the zones where commercial kitchen incubators businesses are allowed.

**Disposing Food**

Overall, composting for food waste was not adequately addressed by most cities. When composting was addressed, it was typically only for yard waste. At the same time, many municipalities only recognized food waste as garbage or refuse. Establishing regulations for how compost is defined and recognizing food waste as part of the definition of compost can improve the ability of residential, institutional, and commercial properties to reduce this type of waste from the municipal waste stream while also providing an important resource to gardeners and urban agriculture initiatives.
Research Process

The Public Health Law Center identified a list of relevant “search terms” in consultation with The Open Door and Dakota County Public Health that describe activities or structures likely to impact the growing, processing, and selling of food. (A list of those terms are included in Appendix A.) Researchers used the online edition of Hastings’s municipal code, available publicly online at: http://www.hastingsmn.gov/city-government/city-charter-ordinances.

Each search term was entered into a “search” setting within the online municipal code for any potential matches. If a relevant match was found, the regulatory municipal code language is included. For some search results, the findings were deemed irrelevant. Researchers reviewed all search results and identified those relevant to the scope of this project.

Use of Definitions

The growing, processing, and selling of food encompasses a wide range of farming, agricultural, and business practices that may occur within a municipality. This brief presents the applicable definitions established by the City of Hastings at the beginning of each section. For example, at the beginning of the Restaurants sub-section, the definitions for “Drive-in Restaurant or Refreshment Stand)” and “Sidewalk Café” are included at the very top of the section. The use of definitions ensures the reader understands how the municipality describes certain activities and structures.

For example, the City of Hastings differentiates between fast food restaurants and other restaurants as follows:

- **Drive-in restaurant or refreshment stand.** Any place or premises used for sale, dispensing, or servicing of food, refreshments or beverages in automobiles, including those establishments where customers may serve themselves and may eat or drink the food, refreshments, or beverages on site.¹

- **Sidewalk café.** A grouping of tables, chairs and related items located wholly or partially within a public sidewalk or right-of-way for the purposes of service and consumption of food and beverages by patrons, when located immediately adjacent to a food and beverage service establishment having a common operator.²

It is important to note that many of the definitions established by the City of Hastings are often narrower than how those terms may be understood by the general public or used outside of a legal context. Additionally, the City has not defined all terms, even those used throughout the municipal code. In that instance, the failure to define a term is highlighted in each section. One unintended consequence of a municipality choosing not to “define” a certain term is that the activity or structure may be captured in an unrelated or overly broad set of regulatory provisions. For example, while food is sold at grocery stores, farmers markets, and restaurants, there could
be consequences for treating the sale of food at all three of these entities in the same way. At the same time, a municipality may choose not to specifically define a certain term to allow for greater flexibility in municipal governance. The decision to specifically define or regulate a certain area of the food system is dependent on the specific needs and community characteristics of an individual municipality.

**Appendices**

This policy brief has several appendices attached to the end of the document. The appendices provide additional context to a variety of topics, including:

- Appendix A: List of search terms
- Appendix B: Regulations governing accessory buildings, structures, and uses
- Appendix C: Municipal Code Provisions – A compilation of relevant municipal code provisions
- Appendix D: State Exemptions from State Food Handlers Licensing Requirements
GENERAL INFORMATION

Before analyzing specific activities or structures, this memo briefly discusses some general information providing context regarding and impacting access to healthy food in Hastings, including:

- The Minnesota Food Charter
- State Laws Impacting the Food System
- State and Local Agency Oversight
- Policy Levers Used by Local Governments

The Minnesota Food Charter

The Minnesota Food Charter is described as:

“[A] roadmap designed to guide policymakers and community leaders in providing Minnesotans with equal access to affordable, safe, and healthy food regardless of where they live.

The strategies for policy and systems change described in the Food Charter are designed to reduce the risk and cost of obesity and diet-related diseases, like diabetes and heart disease; conserve state resources; and boost economic prosperity.

The Food Charter is intended to guide planning, decision-making, and collaboration for agencies, organizations, policy-makers, and public and private entities across the state.”

The Minnesota Food Charter provides strategies for policy, systems, and environmental change to increase access to healthy food. The information included in the Minnesota Food Charter further informs the Center’s analysis of Hastings’ regulation of different components of the food system. The Public Health Law Center used the Minnesota Food Charter to structure the analysis of Hastings’ municipal code. The Food Charter breaks the food system into six parts: (1) grow, (2) process, (3) distribute, (4) get, (5) make, and (6) dispose. The Center uses these broad categories to frame each section of this brief. 

† This analysis does not include the category of “eating” as local governments do not regulate this area as directly as the other areas identified.
For more information:

The Minnesota Food Charter is available online at http://mnfoodcharter.com/.

State Laws Impacting the Food System

A number of Minnesota laws impact the food system and authority municipal governments have to regulate a certain area. Areas impacted by state law include, but are not limited to:

- Buildings and plumbing requirements
- Sale of personally grown, unprocessed agricultural products
- Licensing of food establishments
- Food safety standards
- Sale of products prepared in unlicensed kitchens, and
- Food sampling at farmers’ markets and other community events.

A discussion of state laws impacting the food system is beyond the scope of this project. Additional information on state laws impacting the local and regional food system can be obtained at:


In addition, information about some recent changes to Minnesota state law not included in these resources has been provided in Appendix D, below.
State and Local Agency Oversight of Food System

Minnesota state and local government entities have varying degrees of authority to establish laws that directly or indirectly impact the local food system. Understanding the authority state and local governments have to regulate different aspects of the food system is important to identify opportunities to increase access to healthy food in local communities and around the state.

Minnesota State Agency Oversight of Food System

Minnesota law gives authority to regulate different components of the food system to a range of Minnesota state agencies. The most well-known include the Minnesota Departments of Health (MDH) and Agriculture (MDA). Specifically, these agencies have the power to create, implement, and enforce rules governing food safety through authority granted by the Minnesota legislature. The following table provides a brief overview of the different roles MDA and MDH have in regulating the food system.

<table>
<thead>
<tr>
<th>AGENCY</th>
<th>SOURCE OF FOOD</th>
<th>REGULATORY AUTHORITY</th>
</tr>
</thead>
</table>
| MDH    | Cafes, Restaurants, Bars, Hotels & motels, Cafeterias | Licenses and inspects food establishments\(^{10}\)  
Enforces Minnesota Food Code\(^{11}\)  
Provides food safety and food handling education and training\(^{12}\)  
Investigates outbreaks\(^{13}\)  
Tracks and monitors foodborne illness\(^{14}\)  
Operates the Minnesota Foodborne Illness Hotline\(^{15}\)  
Releases reports and summaries of foodborne illness outbreaks in Minnesota\(^{16}\)  
Coordinates response to foodborne illness outbreak with other state and local government agencies |
| MDA    | Grocery stores, Bakeries, Egg handlers, Dairy farms, Delis, Food manufacturers, Wholesale food dealers, Meat & poultry processors | Licenses and inspects certain food retailers, dairies, and meat processors  
Licenses and inspects food manufacturers, wholesalers, and retailers\(^{17}\)  
Enforces Minnesota Food Laws and the Minnesota Food Code\(^{18}\)  
Enforces state standards relating to food quality, labeling, and advertising\(^{19}\)  
Investigates complaints regarding questionable food products or food sales practices\(^{20}\)  
Cooperates in foodborne illness outbreak investigation when involving MDA-regulated facilities or food that is commercially distributed in Minnesota  
Tests food products and environmental samples for the presence of pathogens or deleterious substances |

Please note, there are a number of areas that MDA is involved in responding to foodborne illness beyond those mentioned in this resource. Please see [http://www.mda.state.mn.us/](http://www.mda.state.mn.us/) for more information about the agency’s specific role.
Municipal Government Oversight of Food System

In Minnesota, there are several mechanisms through which a municipal government may be able to regulate the food system. For example, MDA and MDH have delegated some of their authority to regulate different aspects of the food system to a limited number of municipalities, including the authority to license food establishments and oversee food safety requirements (this authority is referred to as “delegated authority,” because the Minnesota Department of Agriculture or Minnesota Department of Health must delegate powers to the specific municipality). Municipal governments also have the authority to establish zoning and permitting requirements through their municipal code to impact different aspects of the food system.

At this time, the City of Hastings does not have delegated authority to regulate food safety practices of food establishments, retail establishments, or food facilities. As a result, this memorandum focuses on how Hastings regulates the food system through its municipal code.

Local Government Ordinances Regulating the Food System

Minnesota state law recognizes that local governments have the power to enact ordinances and other regulatory tools. An ordinance is generally defined as “a local law of a municipal corporation, duly enacted by the proper authorities, prescribing general, uniform, and permanent rules of conduct relating to the corporate affairs of the municipality.”

For many local municipalities, local ordinances can be an effective way to increase access to healthy, affordable food. Local governments can change zoning laws to make it easier to create new grocery stores, farmers’ markets, and community gardens. New regulations and incentives can help existing stores increase the number and variety of healthy products they sell. Local governments can also create food policy councils to give residents a voice in how best to improve access to healthy food.

Understanding the different types of legal tools used by local governments to regulate the food system is important. These tools, also called “official controls,” can be used to increase access to healthy food. Minnesota state law gives local governments a broad range of powers over different aspects of the local food environment. For example, the primary policy levers used by local governments impacting access to healthy food, discussed below, include:

- Licenses,
- Permits,
- Land use planning and zoning,
- Variances and conditional use permits, and
- Regulation of structures.

Minnesota state law explicitly gives local governments the power to regulate many activities impacting healthy food through ordinance. For those cities governed by a home rule charter, the cities can exercise any powers in their locally adopted charters as long as these powers do not
conflict with state laws.\(^\ddagger\) Minnesota state law gives statutory cities\(^\$\) explicit authority to regulate a wide range of areas, including:\(^{24}\)

- Streets;
- Sidewalks;
- Public grounds;
- Buildings;
- Parks;
- Markets;
- Waterworks;
- Tourist camps;
- Transient commerce;
- Health;
- Haulers;
- Amusements, and
- Restaurants.

While Minnesota state law identifies specific areas over which statutory cities have authority, this language is also non-exhaustive. Minnesota state law gives statutory cities additional power to promote “health, safety, order, convenience, and the general welfare.”\(^{25}\) This language acts almost as a catch-all, being very broad and allowing statutory cities to regulate further activities when reasonably classified within this general welfare provision.

**Licenses**

Generally, licensing is used as a regulatory mechanism through which “local governments promote the public welfare and protect public health, safety and welfare…”\(^{26}\) Local governments generally have power to license through state law giving local governments the power to exercise police powers to protect and promote the public welfare. "When a city official proposes local licensing of any activity or occupation, the city must determine whether the state already licenses that activity and, if so, whether the law forbids or allows that local license. . . Cities have adequate legislative authority for any licensing ordinance, as long as it is constitutional, reasonable, and not pre-empted by state regulation.”\(^{27}\)

Local governments can utilize licensing strategies to increase access to healthy food and limit access to unhealthy food. They may license certain types of food businesses while not requiring licenses for others. For example, local governments may require licenses for mobile food vendors but not for restaurants generally. Additionally, licensing schemes may limit where certain fast food businesses are allowed to operate, create or remove licensing requirements for certain food businesses, and/or create incentive or ratings programs for food businesses.

\(^\ddagger\) Generally, a home rule charter serves as the constitution of a local city choosing to use the home rule charter as its governing law rather than Minnesota state law governing statutory cities. Of the municipalities reviewed for this project, the following cities are governed by a home rule charter: Hastings, South St. Paul, and West St. Paul.

\(^\$\) Under Minnesota law, a “statutory city” is any city which has not adopted a home rule charter pursuant to the Constitution and the Minnesota laws, including includes every city which was a village on January 1, 1974. Of the municipalities reviewed for this project, the following cities are statutory cities: Apple Valley, Burnsville, Eagan, Farmington, Inver Grove Heights, Lakeville, Mendota Heights, and Rosemount.
Alternatively, local governments may be using licensing (or other regulations) to reduce access to healthy foods such as by prohibiting the use of required parking lots for sale of products.

Hastings does not require general business licensing or registration for all businesses. However, Hastings has established business licensing requirements for sidewalk cafes, temporary merchants, and refuse haulers.

**Permits**

Permits are another policy tool used by local governments to regulate the food system including certain types of food enterprises. Generally speaking, a permit is “a written license or warrant, issued by a governing body, to empower the permit holder the authority to take a specified action.” Similar to a license, local governments can tailor permitting provisions to support access to healthy food. Permits often used by local governments include:

1. building permits allowing for some sort of construction or structural repair,
2. zoning permits that allow for certain activities, such as farmers’ markets, to take place in a certain designated zone, and
3. special permits that can allow for residents to keep certain animals.

Hastings uses permits to govern a wide range of activities, as found on their website at: http://www.hastingsmn.gov/city-government/city-departments/building-safety/forms-applications.

**Land Use Planning & Zoning**

Land use planning and zoning are fundamental tools local governments use to guide and control the use of land and manage growth in the municipality. Local governments use different policy mechanisms to establish and implement plans for land use in the community, including comprehensive plans, land use agreements, and zoning regulations. Land use planning policies allow a local government to identify and develop goals and strategies for how the land within its jurisdiction is developed and used. The Planning and Zoning Chapter of Minnesota Statutes authorizes municipalities to conduct planning and zoning activities to guide improvements to the community and future development. This includes the authority to prepare, adopt and amend a comprehensive municipal plan as well as the official controls to implement that plan. Hastings has the authority to conduct planning and enact zoning ordinances.

Cities may adopt restrictive language which limits uses within specific zones to specifically defined uses included in the municipal ordinance. In addition, some municipalities may include a “catch-all” restriction against any uses not specifically allowed. However, this research did not identify this type of restrictive language in Hastings’ code.
Comprehensive Planning

In Minnesota, the Municipal Planning Act (“MPA”) of 1965 is the basis of the authority requiring municipalities in the metropolitan area to complete comprehensive planning. This Act reflects the Minnesota Legislature’s desire that cities use comprehensive planning for a three-fold purpose:

1. to insure a safer, more pleasant and more economical environment for residential, commercial, industrial and public activities,
2. to preserve agricultural and other open lands, and
3. to promote the public health, safety, and general welfare.

The cities, townships, and counties that make up the seven-county metro-area are so interdependent, that the legislature determined that these local jurisdictions would be required to complete comprehensive planning and to coordinate those plans to “protect the health, safety, and welfare of residents” and also to ensure “orderly, and economic development.” Townships in Dakota County may choose to prepare comprehensive plans for their jurisdictions or delegate their planning authority to the county by agreement.

In the metropolitan development region, state law has placed most of the seven-county “metropolitan area” under the jurisdiction of the Metropolitan Council, a “public corporation and political subdivision of the state.” State law establishes several means for the Metropolitan Council to guide urban growth and development, and includes local-level procedures and requirements for land use planning.

The Metropolitan Land Planning Act requires every local government – counties, cities, and towns – in the “metropolitan area” to develop a comprehensive plan, and to systematically review it every ten years. This “decennial review” is a multilayered process, and begins several years before the actual deadline; the next review is due in 2018. Hastings is required to review its comprehensive plan under this law.

Comprehensive plans provide a vision and direction for future growth and development for a municipality. These plans guide the development of municipal “official controls” regulating activity and land use within the municipal boundaries and regionally. A review of Hastings’ comprehensive plan is outside the scope of this project. However, any effort to increase access to healthy food in Hastings and Dakota County should consider the impact of the current comprehensive plan review that will be completed in 2018. Coordinating comprehensive plan assessment and revisions with identified needs and opportunities to increase access to healthy food throughout Hasting’s municipal code is essential to ensure the comprehensive plan reflects the broader needs of the community to have access to healthy, affordable food. Hasting’s current comprehensive plan that is under review is available on the city’s website at: [http://www.hastingsmn.gov/city-government/city-departments/planning-zoning/planning-documents/comprehensive-plan](http://www.hastingsmn.gov/city-government/city-departments/planning-zoning/planning-documents/comprehensive-plan).

Zoning

Zoning is a tool through which cities can implement their comprehensive plans. Zoning allows cities to divide their boundaries into zoning districts, each of which have certain restrictions and/or characteristics.

Hastings has established the following zoning districts:

<table>
<thead>
<tr>
<th>“R” Residence Districts</th>
<th>“C” Commercial Districts</th>
<th>“I” Industrial Districts</th>
<th>Other</th>
</tr>
</thead>
<tbody>
<tr>
<td>R-1 Low Density Residence</td>
<td>C-1 General Commerce</td>
<td>I-1 Industrial Park</td>
<td>A Agriculture</td>
</tr>
<tr>
<td>R-1L Low Density Residence Large Lot</td>
<td>C-2 Highway Auto-Specialized Commerce</td>
<td>I-2 Industrial Park Storage/Service</td>
<td>O-1 General Office</td>
</tr>
<tr>
<td>R-2 Medium Density Residence</td>
<td>C-3 Community Regional Commerce</td>
<td>DC Downtown Core</td>
<td>PI Public Institution</td>
</tr>
<tr>
<td>R-3 Medium High Density Residence</td>
<td>DC Downtown Core</td>
<td>C-4 Regional Shopping Center</td>
<td>VSO Vermillion Street Overlay</td>
</tr>
<tr>
<td>R-4 High Density Residence</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>RMU Residential Mixed Use</td>
<td></td>
<td></td>
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</tr>
<tr>
<td>R-6 Manufactured Home Residence</td>
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</tr>
</tbody>
</table>

### Variances and Conditional Use Permits

Local governments that have enacted zoning ordinances also use variances and conditional use permits as mechanisms for property owners to request deviations from land use policies. Under Minnesota statute, a variance can be used when the use would be a departure from the standard created by ordinance. In contrast, a conditional use can be requested for a use that is only permitted in a zone with certain conditional requirements on a case-by-case basis. Hastings provides additional clarification about variances and conditional uses as follows.
Municipal Definitions

★ Variance. A modification from the literal requirements of this [zoning] chapter.47

★ Special Use. A use that would not be appropriate generally or without restriction throughout the zoning district but, if controlled as to number, area, location, or relation to the neighborhood, would not detract from the public health, safety, or welfare. Special uses may be permitted in a zoning district if specific provision for the special uses is made in this Zoning Ordinance.48

Additional information: Variances


See also League of Minnesota Cities information memo Land Use Variances. http://www.lmc.org/media/document/1/landusevariances.pdf?inline=true

Additional information: Conditional Use Permits


Regulating Structures

A wide range of built structures is used throughout the food system, including both permanent and temporary structures responding to the needs of a range of individuals and businesses involved in growing, processing, selling, and disposing food. These structures include, but are not limited to, sheds, hoop houses, greenhouses, fences, processing facilities, farm stands, composting facilities, and others. In Minnesota, structures are regulated by a range of Minnesota state laws and municipal codes, with Minnesota’s state laws creating minimum requirements for structures to protect healthy, safety and welfare. Municipal ordinances often address structural issues that the state building code did not address but are important to the municipality. State law and municipal codes often work together to create a comprehensive legal framework to govern different types of structures used throughout the food system.

For example, the State Building Code sets requirements for temporary and permanent structures to “establish reasonable safeguards for health, safety, welfare, comfort, and security.”49 Permanent and temporary structures are required to meet minimal structural requirements, and permanent structures must meet additional requirements including snow load requirements.50 At the same time, agricultural buildings on agricultural lands are exempted from certain provisions of the state building code.51 The Minnesota Building Code also exempts certain small-sized, one-story accessory structures from permit requirements prior to being constructed, altered, or repaired.52

While some structures are exempt from the state building code, in many circumstances municipalities retain the authority to apply more restrictive requirements in their municipal code.53 For example, a municipality may require a zoning permit for certain structures even if the structure is exempt from obtaining a building
permit under the state building code.\textsuperscript{54} Local governments in Minnesota often adopt the state building code’s minimum requirements and also regulate structures that are not covered under the state building and plumbing codes, such as structures below the size threshold covered by the state building code. In addition, many local governments have set standards for structures taking place within its boundaries on different types of properties. To illustrate, many cities establish standards for all structures considered “accessory” or that are on a property in addition to the “principal” structure (i.e., a chicken coop that is on the same property as a residential home or a community garden shed on the same property as a church). Often times, standards for accessory structures may vary depending on the zoning designation for that property.

Depending on the language in the municipal code, regulations governing different types of structures may burden certain activities impacting access to healthy food, especially if the regulations are overly broad and unintentionally capture inappropriate or unintended structures and activities.

The municipal code requires that the Hastings Building Department “carry out the provisions of the State Building Code”\textsuperscript{55} which governs “the construction, reconstruction, alteration, and repair of building and other structures to which the code is applicable.”\textsuperscript{56} In addition, Hastings has additional municipal ordinances governing structures, distinguishing principle use buildings and/or structures from accessory buildings and/or structures as follows.

**Municipal Definitions**

- **Accessory Use or Structure.** A use or structure on the same lot with, and of a nature customarily incidental and subordinate to, the principal use or structure.\textsuperscript{57}
- **Principal Structure.** A structure in which is conducted the primary use of the lot.\textsuperscript{58}
- **Structure.** Anything constructed or erected with a fixed location on the ground. Among other things, structures include buildings, manufactured homes, and fences.\textsuperscript{59}

Hastings’ code requires a person to obtain a zoning permit prior to the construction or alteration of an accessory structure of 120 square feet or less, and a building permit for structures over 120 square feet.\textsuperscript{60}

For more information:

- City specific information may be obtained from the city’s municipal building official
- More information on Hastings’s regulation of accessory buildings and structures is discussed in Appendix B, below.
Local governments can encourage local food production by evaluating whether their municipal code supports or burdens activities and structures that are necessary to grow and cultivate food.

Subsections:

1. Gardening
2. Farming
3. Keeping Animals (including Bees, Chickens, and Chicken Coops)
4. Fences
5. Arbor, Trellises, Pergolas, Planting Boxes, and Raised Beds
6. Greenhouses and Hoop Houses
7. Shed
Gardening

Gardens increase access to fresh vegetables, provide opportunities for physical activity, teach both adults and children about the origins of their food, and promote healthier eating behaviors. As gardening opportunities increase, advocates must often address legal and policy issues that affect the development and maintenance of gardens in local communities. These issues include access to water, composting efforts, land use planning and zoning considerations, liability issues, and the organizational structure of the gardens.

Municipal Code Definitions

★ Garden. Not defined by municipal code as of July 30, 2015.
★ Community Garden. Not defined by municipal code as of July 30, 2015.
★ Yard Waste. Garden waste, leaves, lawn cuttings, weeds, and prunings.61

Does the municipal code require a permit or license?

No, the city code does not require a permit or license to garden.

What are the relevant regulations?

The municipal code lists “gardens” as a permitted use in the Floodway District (FW).62

The code requires a building permit to allow for “land disturbing activities;” however, “gardening” is specifically exempted from this permitting process.63

The code prohibits the use of a power lawn mower, power hedge clippers, garden tillers and tools, or other similar domestic maintenance equipment between the hours of 10:01 p.m. and 6:59 a.m.64

There are no municipal regulations that address community gardens.

Lastly, Hastings has adopted an “Easement Fencing and Landscaping Policy,” which addresses gardening in that context. For more information, please visit: http://www.hastingsmn.gov/home/showdocument?id=558.

Farming

Local farms and farmers are part of the local community by providing access to larger quantities of healthy foods. These products may be sold at farm stands on the farm itself, at farmers’ markets, or even through local grocers. Buying fresh fruits and vegetables that are in season, from local farmers, is often more economical than purchasing from a grocery or convenience store because these foods are usually available in large amounts and are perishable, so products are more likely priced to sell.
Municipal Code Definitions

★ Farm. Not defined by municipal code as of July 30, 2015.

Does the municipal code require a permit or license?

No, the city code does not require a permit or license to farm. Moreover, the city code exempts the licensing requirements for any person selling or attempting to sell, or taking or attempting to take orders for, any product grown, produced, cultivated, or raised on any farm.65

What are the relevant regulations?

“General farming, pasture, grazing, horticulture, sod farming, and wild crop harvesting” is permitted in the following districts:

- Floodway District66 and
- Shoreland areas, so long as steep slopes and shore and bluff impact zones are maintained in permanent vegetation or operated under an approved conservation plan.67

“Farmsteads and agricultural operations is permitted in the Agriculture District.68

Keeping Animals (including Bees, Chickens, and Chicken Coops)

Raising chickens and beekeeping are just two types of activity that allow community members to become more involved in and engaged with the production of their food. Local governments are increasingly allowing for beekeeping and keeping small farm animals for personal use or sale of animal products, such as meat, eggs or honey, within a municipality. Amendments to zoning and animal ordinances allow residents to keep small farm animals and bees in a manner that prevents nuisances to occupants of nearby properties and prevents conditions that are unsanitary or unsafe.

Chicken coops protect chickens and other fowl from the elements and provide a space for the fowl to roam and exercise. Allowing chicken coops through city ordinances, amendments to zoning, and animal ordinances allow residents to keep poultry in a manner that prevents nuisances to occupants of nearby properties and prevents conditions that are unsanitary or unsafe.

Municipal Code Definitions

★ Animals. Cattle, horses, mules, sheep, goats, swine, ponies, ducks, geese, turkeys, chickens, guinea hens, and all other animals and feathered fowl except dogs and cats, unless the pets are specifically included in particular sections hereof, and this definition shall extend to this subchapter only.69

★ Animal. Any live creative [sic], domestic or wild.70

★ Chicken. Not defined by municipal code as of July 30, 2015.
★ **Chicken coop.** Not defined by municipal code as of July 30, 2015.

**Does the municipal code require a permit or license?**

Yes, the city code requires a license to keep a chicken. The license is issued for a 1-year probationary period.

**What are the relevant regulations?**

The Hastings Code does not permit the keeping of any “animal,” not in transit, except for on property zoned for agricultural purposes. The municipal code exempts the keeping of chickens from this provision, and the code permits the keeping of chickens in a few, limited circumstances, see below.

It is unlawful for any person to keep any “animals” in any structure infested by rodents, vermin, flies, or insects. It is unlawful for any person to treat any animal or house pet in a cruel or inhumane manner.

It is trespassing to permit your domestic animal or fowl to go upon the land of another within the city. The city code does not permit the wholesaling of live animals in the Industrial Park zoning district.

In the event that an animal must be “destroyed” (euthanized), it is the responsibility of the owner to pay the cost for storage and euthanasia of the animal.

The city code has a lengthy set of regulations prohibiting the torture and cruelty of animals.

The city code permits up to four chickens per acre. The keeping of chickens is prohibited on any property that is less than an acre in size. Roosters are prohibited in all areas. The chickens must be confined by a fence at all times.

The city code states that a chicken found at large shall be impounded and upon the fifth day, the chicken may be humanely euthanized or sold without notice.

The city code requires the use of chicken coops. Chicken coops must meet the accessory building regulations set forth by the code. Additionally, chicken coops must be completely covered, secured and with a solid floor, and must be setback 25 feet from homes on adjoining lots.

The code permits public institutions to keep chickens.

There are no municipal regulations that specifically govern beekeeping.
Fences

Many municipalities have established fence regulations that govern the height of the fence and the types of materials that may be used in the construction or repair of the fence. Fencing is often an integral component of many agricultural and gardening activities. For example, community gardens often use fences to provide protection from animals, define the garden’s parameters, and minimize vandalism and trespassing on community garden property. Ordinances that allow community gardens to install permanent fencing may encourage gardens, promote community acceptance of local gardening efforts, and improve the long-term success of a community garden.

Municipal Code Definitions

- **Fence.** Not defined by municipal code as of July 30, 2015.
- **Structure.** Anything constructed or erected with a fixed location on the ground. Among other things, structures include buildings, manufactured homes, and fences.

Does the municipal code require a permit or license?

Yes, a zoning permit is required to install all fences in Hastings. The fee for a zoning permit to install a fence is $50.00. The fence permit application is available online: [http://www.hastingsmn.gov/home/showdocument?id=138](http://www.hastingsmn.gov/home/showdocument?id=138).

What are the relevant regulations?

The city code permits fences in any yard, so long as they do not extend into the public right-of-way. All fences that are built or maintained on a residential property must be constructed of materials capable of providing a finished appearance on the outward side visible to the public. “Hazardous” fences that are designed for or likely to cause harm are prohibited.

The maximum height of any residential fence is 6 feet.

Fences must be kept maintained; and will be deemed “deteriorated” if any of the following conditions occur: rotted, missing or broken pieces, or unstable.

The city code declares “any barbed wire fence less than 6 feet above the ground and within 3 feet of a public sidewalk or way” to be a public nuisance.

The city code makes it unlawful for any person to place a fence or other obstruction upon any street without first obtaining a written permit to do so from the City Administrator.

Arbors, Trellises, Pergolas, Planting Boxes, and Raised Beds

Arbors, pergolas, trellises, planting boxes, and raised beds are types of garden structures used to encourage climbing vegetable and flowering vines, as well as used to create clearly defined gardening spaces that are generally easier to cultivate, weed, and maintain for the gardener. Planting boxes and raised beds can be used to develop beds with improved soils when the quality or safety of existing soil is questionable; they can also be used to make garden beds accessible to those in wheelchairs or who are otherwise physically not capable of working at ground level. Raised beds may also be allowed along public right of ways in residential areas, increasing the available area for garden production.

Municipal Code Definitions

- **Arbor.** Not defined by municipal code as of July 30, 2015.
- **Trellis.** Not defined by municipal code as of July 30, 2015.
- **Pergola.** Not defined by municipal code as of July 30, 2015.
- **Raised bed.** Not defined by municipal code as of July 30, 2015.

Does the municipal code require a permit or license?

No, the municipal code does not require a permit or license to possess or use an arbor, trellis, pergola, or raised plant bed.

What are the relevant regulations?

There are not regulations municipal regulations that specifically govern arbors, trellises, pergolas, or raised plant beds.
Greenhouses and Hoop Houses

Greenhouses and hoop houses (also called “high tunnels”) are structures that extend the growing season and protect plants from animals and inclement weather. (While hoop houses are generally a type of semi-permanent structure made up of several hoops or bows that are covered in a heavy plastic, some hoop houses may be a principal structure and be built as a permanent building.) These structures can be either an accessory or principal structure, depending on their use or the other uses of the property. If the greenhouse or hoop house is for personal use and is secondary to the main structure, it would likely fall into a category of a type of accessory structure. However, greenhouses and hoop houses that are for retail or commercial purposes could also be the principal structure on a property. Zoning and building regulations that allow for these types of buildings can support both personal gardening efforts as well as promote local business enterprises and the local food system by providing sources of plants and extending the growing season.

Municipal Code Definitions

★ **Greenhouse.** Not defined by municipal code as of July 30, 2015.
★ **Hoop house.** Not defined by municipal code as of July 30, 2015.
★ **High tunnel.** Not defined by municipal code as of July 30, 2015.

Does the municipal code require a permit or license?

The city code does not specifically require a permit or license to have a greenhouse or hoop house. That said, Hastings’ zoning code requires that accessory structures of 120 square feet or less obtain a zoning permit, and structures over 120 square feet obtain a building permit.99

What are the relevant regulations?

“Greenhouses subject to site plan review” are a permitted use in the Agricultural District.100

There are no municipal regulations that specifically govern hoop houses.

Please see Appendix B for more information regarding regulations governing accessory structures.

Additional Resources:

- University of Minnesota’s Minnesota High Tunnel webpage, [http://hightunnels.cfans.umn.edu/](http://hightunnels.cfans.umn.edu/)
The City of Minneapolis adopted regulations governing hoop houses and greenhouses in March 2012. The City of Minneapolis defined hoop house as “a temporary or permanent structure typically made of, but not limited to, piping or other material covered with translucent material for the purpose of growing food or ornamental crops. A hoop house is considered more temporary than a greenhouse.” For more information about those regulations, visit: http://www.minneapolismn.gov/sustainability/homegrown/WCMS1P-130152.

Shed

Sheds generally fall into a category of a type of accessory structure that is secondary to the primary building on a piece of property. Zoning and building regulations that allow for these types of structures allow gardeners to secure the tools that are necessary in cultivation while also providing the convenience of having tools and storage space on-site. The municipal zoning code should consider the beneficial impact of sheds as permanent garden structures, while balancing that with the impact on adjacent residences, businesses and public spaces, as well as ensuring compatibility with existing architecture of the community.

Municipal Code Definitions

★ Shed. Not defined by municipal code as of July 30, 2015.

Does the municipal code require a permit or license?

The city code does not specifically require a permit or license to have a shed. That said, Hastings’ zoning code requires that accessory structures of 120 square feet or less obtain a zoning permit, and structures over 120 square feet obtain a building permit.

What are the relevant regulations?

Sheds are permitted as an accessory use incidental to the foregoing principal use in the following zoning districts:

- A Agriculture,
- R-1 Low Density Residence;
- R-2 Medium Density Residence;
- R-3 Medium High Density Residence;
- R-4 High Density Residence; and
- R-6 Manufactured Home Residence.

Additionally, in the R-1 and R-1L Districts, an accessory structure, such as a shed, cannot be closer than 5 feet to the rear or adjacent interior side lot line. In the R-2 District, an accessory structure, such as a shed, cannot be closer than 5 feet to the rear or adjacent interior side lot line.

Please see Appendix B for more information regarding regulations governing accessory structures.
PROCESSING FOOD

Food processing is an important part of the food system. Apple juice, bread, smoked and cured meat, cereal bars, and chips are just a few of the examples of the varying types of foods that require processing before reaching a final consumer.

Wholesale food processors are generally governed by Minnesota state law and regulated by the Minnesota Department of Agriculture. The Minnesota Department of Agriculture has issued rules governing a wide range of food processing activities. The Minnesota Department of Agriculture generally incorporates applicable regulations from the U.S. Food and Drug Administration’s regulations into Minnesota’s legal requirements. State law creates the minimum standards regulating food processing facilities in Minnesota. While some local Minnesota municipalities may have limited authority over food processing facilities in their jurisdiction, local authority is limited to those powers delegated to the local government by MDA.

State Law Definitions

★ **Food processing plant.** [A] commercial operation that manufactures, packages, labels, or stores food for human consumption and does not provide food directly to a consumer. Food processing plant does not include a food establishment as defined in subpart 35.

Municipal Code Definitions

★ **Food processor.** Not defined by municipal code as of July 30, 2015.

Does the municipal code require a permit or license?

No.

What are the relevant regulations?

While Hastings does not have any regulations specifically targeting food processing facilities, a food processing facility would likely fall into one of Hastings’s zoning districts, such as Hastings’s commercial or industrial zoning districts.

Additional Resources

For more information about specific state laws impacting food processors and municipal zoning ordinances, please see:

- Starting a Food Business in Minnesota (2008), MINNESOTA DEPARTMENT OF AGRICULTURE, [http://www.mda.state.mn.us/~/media/Files/food/business/startingfoodbiz.ashx](http://www.mda.state.mn.us/~/media/Files/food/business/startingfoodbiz.ashx).

GETTING FOOD

Subsections:

1. Selling Products of a Farm or Garden
2. Farmers’ Markets
3. Restaurants
4. Mobile, Temporary, and Seasonal Food and Beverage Service Establishments
5. Transient Merchants
6. Grocery Stores
7. Displaying Signs
8. Parking

Diets high in vegetables, fruits, whole grains, and lean proteins can help a person maintain a healthy weight and avoid chronic diseases such as diabetes, cancer, and heart disease. But for many people, eating a healthier diet is not as simple as choosing to eat healthier foods. Some neighborhoods do not have grocery stores or other food outlets that sell healthy foods and sometimes healthy foods are too expensive for people to buy. In order to eat healthier foods, people need better access to healthy, affordable food.

Minnesota law creates two general categories of businesses where Minnesotans purchase their food - food establishments and food and beverage service establishments. These categories encompass the vast majority of places that provide food to consumers, including retail food sales and prepared food sold to customers to be consumed onsite. Minnesota state law gives authority to regulate different types of food establishments and food and beverage service establishments to the Minnesota Departments of Health and Agriculture, depending on different characteristics established by state law. Minnesota state law and Hastings ordinances have created general definitions for food establishments and food and beverage service establishments as follows:

State Law Definitions**

★ Food Establishment. An operation that: (1) stores, prepares, packages, serves, vends, or otherwise provides food for human consumption, including a market, grocery store, convenience store, special event food stand, vending machine and vending location, and retail bakery (2) relinquishes possession of food to a consumer directly or indirectly through a delivery service, including the home delivery of grocery orders or restaurant takeout orders, and a delivery service that is provided by common carriers.

★ Food and Beverage Service Establishment. A building, structure, enclosure, or any part of a building, structure, or enclosure used as, maintained as, advertised as, or held out to be an

** Please note: State law includes a wide range of legal definitions for different types of food establishments and food and beverage service establishments. The definitions included here are meant to highlight key definitions relevant to this discussion.
operation that prepares, serves, or otherwise provides food or beverages, or both, for human consumption.118

Municipal Code Definitions

★ **Food Establishment.** Not defined by municipal code as of June 22, 2015.

★ **Food and Beverage Service Establishment.** Not defined by municipal code as of June 22, 2015.

For many communities, policies at the local level can help increase access to healthy, affordable food. For example, cities can change zoning and licensing laws to make it easier to establish and operate new grocery stores and farmer’s markets. This section provides a focused look at a range of food establishments and food and beverage service establishments to explore how state law and Hastings regulations impact different business models that can be used to increase access to healthy food.

Minnesota law requires that every person who handles food obtain a license and that “all producers, packagers, labelers, handlers, distributors and vendors of food, whether or not subject to licensing … be required to comply with the applicable rules.”119 Specifically, any person that engages in the business of manufacturing, processing, selling, handling, or storing of food must obtain a license, unless Minnesota law specifically exempts that person or activity from the general licensing requirement.

**Additional Resources**

As mentioned above, a few exceptions to the state’s licensing requirement exist. More information about some state exemptions from state licensing requirements is available in Appendix D, below. In addition, the following resources provide additional information about the range of exemptions from licensing requirements for food sales:

- Starting a Food Business in Minnesota (2008), MINNESOTA DEPARTMENT OF AGRICULTURE, [http://www.mda.state.mn.us/~media/Files/food/business/startingfoodbiz.ashx](http://www.mda.state.mn.us/~media/Files/food/business/startingfoodbiz.ashx).


See Table 1: *Oversight of Food System by Minnesota Departments of Health and Agriculture*, provided earlier, for additional information regarding the specific authority the Minnesota Departments of Agriculture and Health have over different types of food establishments and food and beverage service establishments.
Selling Products of a Farm or Garden

The Minnesota constitution and state law exempts those selling products from a farm or garden that they have grown from the requirement of obtaining a food license. This exemption does not extend to the sale of processed food or other products created from the garden or farm from licensing requirements. At the same time, local governments can regulate other components of the sale of farm or garden products, such as accessory structures or stands used to sell or display farm or garden products and parking requirements for areas where these products are sold. Local governments can eliminate other regulatory and administrative barriers so that these food sellers can become more accessible to local residents.

Municipal Code Definitions

**Farm stand.** Not defined by municipal code as of July 30, 2015.

Does the municipal code require a permit or license?

A person selling or attempting to sell “products of the farm or garden occupied and cultivated” by that person is exempt from this licensing requirement under state law. Please see Appendix D: State Exemptions from State Food Handlers Licensing Requirements, below for additional information.

What are the relevant regulations?

There are no municipal regulations that specifically govern the sale of products of a farm or garden.

Farmers’ Market

Local governments regulate farmers’ markets in different ways. Some local governments use very specific language and regulatory provisions to address the unique attributes of farmers’ markets, while others regulate farmers’ markets in the same way that other types of food establishments or businesses are regulated. Notably, certain laws and regulations may strengthen and encourage the operation of farmers’ markets within a certain community, while others burden or hinder the prosperity of farmers’ markets.

Minnesota state law provides a framework for farmers’ markets by establishing a definition for farmers’ market and exempting some farmers’ market activities from licensing requirements, including the sale of agricultural products sold by the farmer or gardener, food sampling provided to farmers’ market customers, and certain products processed in unlicensed kitchens covered under the 2015 Cottage Food Law. However, state regulation of farmers’ markets is fairly limited and local governments are generally more involved in regulating different aspects of farmers’ markets beyond this limited state involvement.
Minnesota State Legal Definitions

★ Farmers’ market. (State law definition) An association of three or more persons who assemble at a defined location that is open to the public for the purpose of selling directly to the consumer the products of a farm or garden occupied and cultivated by the person selling the product. \(^{122}\)

★ Food product sampling. (State law definition) Distributing to individuals at a farmers’ market or community event, for promotional or educational purposes, small portions of a food item that include as a main ingredient a product sold by the vendor at the farmers’ market or community event. For purposes of this subdivision, "small portion" means a portion that is no more than three ounces of food or beverage. \(^{123}\)

★ Food product demonstration. (State law definition) Cooking or preparing food products to distribute to individuals at a farmers’ market or community event for promotional or educational purposes. \(^{124}\)

Municipal Code Definitions

★ Farmers’ market. Not defined by municipal code as of July 30, 2015.

★ Merchandising event. The promotion and sale of goods and/or services, including, but not limited to, inventory reduction or liquidation sales, distressed merchandise sales, seasonal sales, and special event sales. \(^{125}\)

Does the municipal code require a permit or license?

Unclear. The municipal code does not specifically require a permit or license to operate a farmers’ market. That said, a farmers’ market may need a “temporary sales permit,” which is available online at [http://www.hastingsmn.gov/home/showdocument?id=142](http://www.hastingsmn.gov/home/showdocument?id=142).

A vendor at the farmers’ market may need a permit or license; this depends on what products the vendor is selling. Please see Selling Products of a Farm or Garden and Transient Merchant for more information.

What are the relevant regulations?

There are no municipal regulations that specifically govern the operation of farmers’ markets within the city.

The municipal code regulates “temporary outdoor merchandising events.” \(^{126}\) If a farmers’ market falls under that licensing scheme, several regulations apply. \(^{127}\) Temporary outdoor merchandising events are permitted as an accessory use within the C-1, C-2, C-3, and C-4 zoning districts. \(^{128}\) Any temporary structures used for the event must meet the applicable building and fire codes. \(^{129}\) The temporary structures cannot impair traffic on or off the site, and must be removed within 24 hours after the end of the event. \(^{130}\)
One event cannot exceed 60 calendar days in a year. The site must have adequate off-street parking for the proposed event and adjoining “tenants.” Under no circumstances can handicap parking be impaired. All signs used at the event must comply with the applicable sign regulations. Lastly, the applicant for the license must submit an application to the Planning Department for approval.

Additionally, the city code requires that the city council give special permission to allow for the use of city-owned streets, parking lots, or sidewalks.

**Restaurants and Cafés**

Restaurants are a type of food and beverage service establishment defined by Minnesota law. These can vary greatly – size, types of food products offered, and affordability. Some local governments use very specific language and regulatory provisions to address the unique attributes of a particular type of restaurant. For example, a municipal code may differentiate between a conventional bricks-and-mortar restaurant, a mobile food truck, and a sidewalk cafe. Other local governments utilize broad regulatory language and regulate restaurants in a uniform manner. Notably, certain laws and regulations may strengthen and encourage different types of restaurants within a certain community, while others burden or hinder the prosperity of these initiatives. As indicated in Table 1: Oversight of Food System by Minnesota Departments of Health and Agriculture, provided earlier, the Minnesota Department of Health (MDH) generally regulates restaurants in Minnesota. While MDH can delegate some of its licensing and other regulatory authority over restaurants to specific local governments, Hastings does not have delegated authority from MDH. However, Hastings does regulate various aspects of restaurants, as discussed, below.

**Minnesota State Legal Definitions**

- **Restaurant.** A food and beverage service establishment, whether the establishment serves alcoholic or nonalcoholic beverages, which operates from a location for more than 21 days annually. Restaurant does not include a food cart or a mobile food unit.

**Municipal Code Definitions**

- **Drive-in restaurant or refreshment stand.** Any place or premises used for sale, dispensing, or servicing of food, refreshments or beverages in automobiles, including those establishments where customers may serve themselves and may eat or drink the food, refreshments, or beverages on site.

- **Sidewalk café.** A grouping of tables, chairs and related items located wholly or partially within a public sidewalk or right-of-way for the purposes of service and consumption of food and beverages by patrons, when located immediately adjacent to a food and beverage service establishment having a common operator.
Does the municipal code require a permit or license?

It depends. The City requires a permit for a sidewalk café. However, it does not require a permit or license for restaurants or other businesses generally.

What are the relevant regulations?

Hastings regulates different types of restaurants differently, with particular focus on sidewalk cafes.

Restaurants

The city code allows restaurants in the following zoning districts:

- “Eating places” are permitted in the C-2 Highway Auto Specialized Commerce District

The city code makes it unlawful to connect a drain from a restaurant or other cooking establishment with a sewer system without a grease trap or grated basin. The city code allows snowmobile operators within the Snowmobile Service District to stop at restaurants. The city code has established additional conditions for restaurants that have “access to and use of surface water feature” via its Shoreland Management Regulations.

The city code has set parking space requirements. For example, restaurants with on-sale liquor must provide 1 space per 50 square feet or 1 space per 2 seats.

<table>
<thead>
<tr>
<th>Commercial</th>
<th>Required # of Spaces</th>
</tr>
</thead>
<tbody>
<tr>
<td>Restaurant, tavern, or lounge (sit down full service):</td>
<td></td>
</tr>
<tr>
<td>1. Without on-sale intoxicating liquor or dance hall license</td>
<td>1 per 60 square feet or 1 per 3 seats</td>
</tr>
<tr>
<td>2. With on-sale intoxicating liquor or dance hall license</td>
<td>1 per 50 square feet or 1 per 2 seats, except that in cases that there is a bar area separate from the food service area, a dance area larger than 100 square feet, or other public areas, additional parking may be required</td>
</tr>
</tbody>
</table>

Sidewalk Cafés

The installation and operation of a sidewalk café is subject to several conditions:

- The sidewalk café is only permitted to be installed and operated from April 1 to November 1.
- Hours of operation limited to 11 a.m. – 11 p.m.
- The City Council may further restrict the hours of operation of a sidewalk café based on the proximity to residential dwelling units.
• All sidewalk cafés must abut and be operated as part of a food service establishment operated by the licensee.
• Only food or beverages for immediate consumption may be offered for sale.
• The sidewalk café cannot be located within 10 feet of any traffic signal, crosswalk, or curb cut.
• Fencing and planters used cannot exceed 3 feet in height (provided that live plants may extend to a height of no more than 6 feet).
• Sidewalk cafes must be handicap accessible.
• Sidewalk café must comply with the Minnesota Clean Air Act.
• Sidewalk café must be kept in a clean and sanitary condition.

All sidewalk café licenses must maintain commercial liability insurance with a minimum policy of no less than $1,000,000 per occurrence and $1,000,000 annual aggregate and for property damage of not less than $50,000.148

Mobile, Temporary, and Seasonal Food and Beverage Service Establishments

State and local laws often have different requirements for mobile, temporary, and seasonal food and beverage establishments. Local governments can support healthy food access by tailoring regulations governing different types of mobile, temporary, and seasonal food and beverage service establishments serving healthy food options. Many communities find that a one-size-fits-all regulatory structure for food and beverage service establishment may not meet the needs of different types of business models and can sometimes prove to be burdensome for new and emerging businesses seeking to provide fresh, local foods.

Minnesota State Legal Definitions††

★ **Mobile food unit** means a food and beverage service establishment that is a vehicle mounted unit, either:

(1) motorized or trailered, operating no more than 21 days annually at any one place, or operating more than 21 days annually at any one place with the approval of the regulatory authority as defined in Minnesota Rules, part 4626.0020, subpart 70; or

(2) operated in conjunction with a permanent business licensed under this chapter or chapter 28A at the site of the permanent business by the same individual or company, and readily movable, without disassembling, for transport to another location.149

★ **Food cart** means a food and beverage service establishment that is a nonmotorized vehicle self-propelled by the operator.150

†† Please note: State law includes a wide range of legal definitions for different types of mobile, seasonal, and temporary food and beverage service establishments. The definitions included here are meant to highlight those key definitions related to food and beverage service establishments more likely to promote healthy food options.
★ **Seasonal permanent food stand** means a food and beverage service establishment which is a permanent food service stand or building, but which operates no more than 21 days annually.  

★ **Seasonal temporary food stand.** (a) "Seasonal temporary food stand" means a food and beverage service establishment that is a food stand which is disassembled and moved from location to location, but which operates for no more than 21 days annually at any one location, except as provided in paragraph (b).

(b) A seasonal temporary food stand may operate for more than 21 days annually at any one place with the approval of the regulatory authority, as defined in Minnesota Rules, part 4626.0020, subpart 70, that has jurisdiction over the seasonal temporary food stand.

★ **Special event food stand.** "Special event food stand" means a food and beverage service establishment which is used in conjunction with celebrations and special events, and which operates no more than three times annually for no more than ten total days.

**Municipal Code Definitions**

★ **Mobile food.** Not defined by municipal code as of July 30, 2015.

**Does the municipal code require a permit or license?**

Yes. The municipal code makes it unlawful for any person, without first obtaining a permit from the city, to park a vehicle on any street for the purpose of selling merchandise, or advertising any merchandise for sale, for a period longer than 15 minutes. This municipal provision does not apply to a person selling farm or garden products. (See “Selling produce of a farm or garden” for more information).

**What are the relevant regulations?**

There are no municipal regulations that specifically govern mobile food vendors.

**Additional Resources**

The state may require a license to sell food from one of these food and beverage service establishments and have other legal requirements. The following resources provide additional information regarding state legal requirements:

- Starting a Food Business in Minnesota (2008), [MINNESOTA DEPARTMENT OF AGRICULTURE](http://www.mda.state.mn.us/~media/Files/food/business/startingfoodbiz.ashx).
Transient Merchant

Anyone who engages in a temporary or transient business within Dakota County is required to obtain a Transient Merchant License. Many businesses may fall into this broad category, including different types of food establishments, food and beverage service establishments, and other vendors.

Minnesota State Legal Definitions‡‡

★ **Transient merchant.** The term "transient merchant" includes any person, individual, copartnership, limited liability company, and corporation, both as principal and agent, who engage in, do, or transact any temporary and transient business in this state, either in one locality, or in traveling from place to place in this state, selling goods, wares, and merchandise; and who, for the purpose of carrying on such business, hire, lease, occupy, or use a building, structure, vacant lot, or railroad car for the exhibition and sale of such goods, wares, and merchandise. The term "transient merchant" does not include a seller or exhibitor in a firearms collector show involving two or more sellers or exhibitors.155

Municipal Code Definitions

★ **Transient Merchant.** A person who temporarily sets up business out of a vehicle, trailer, boxcar, tent, other portable shelter, or empty store front for the purpose of exposing or displaying for sale, selling or attempting to sell, and delivering, goods, wares, products, merchandise or other personal property and who does not remain or intend to remain in any one location for more than 14 consecutive days. The term TRANSIENT MERCHANT shall mean the same as TEMPORARY MERCHANT or TEMPORARY VENDOR. (Am. Ord. 562, passed 2-20-2007)156

Does the municipal code require a permit or license?

Yes, the municipal code requires that a person obtain a license from the city and county prior to conducting business as a transient merchant.157 There are several exemptions to this licensing scheme, including: (i) any person selling wholesale any goods or products to a retailer of the items being sold; (ii) any person who makes initial contacts with people for the purpose of establishing a delivery route; (iii) any person making deliveries of perishable food and dairy products to the customers of his/her regularly established delivery route; (iv) persons conducting garage-like sales; (v) persons participant in flea markets; (vi) anyone conducting an auction as a properly licensed auctioneer; and (vii) any officer of the court conducting a court-ordered sale.158 More so, the city code exempts the licensing requirements for any person selling or attempting to sell, or taking or attempting to take orders for, any product grown, produced, cultivated, or raised on any farm.159 If a person is exempt from licensing requirements under this chapter, that person is still required to register with the city.160

‡‡ Please note: State law includes a wide range of legal definitions for different types of mobile, seasonal, and temporary food and beverage service establishments. The definitions included here are meant to highlight those key definitions related to food and beverage service establishments more likely to promote healthy food options.
The city code establishes additional rules governing special events. The code requires that transient merchants applying for a license for a special event are required to obtain a permit from the entity sponsoring the special event.

“Extended stay” transient merchants must submit an application form to the Zoning Administrator for review. Upon approval, these transient merchants receive a permit, which is valid for 90 days with one 90-day renewal period in one calendar year.

**What are the relevant regulations?**

An application for the transient merchant license must be made at least 10 days prior to conducting business as a transient merchant. Additionally, the applicant must provide proof of insurance. A transient merchant must carry and/or post their license at all times. Licensees must conduct business between the hours of 7:00 a.m. and 9:00 p.m. Finally, the city code prohibits a licensee from making any false or misleading statements about the products or services being sold.

“Extended stay” transient merchants are allowed on vacant lots within the C-1, C-2, C-3, and C-4 zoning districts. These merchants are permitted to use temporary structures, provided that they are constructed with materials approved for weather-exposure durability and appearance, and that the temporary structures do not impair parking capacity, emergency access, or the safe movement of pedestrian or vehicular traffic. Additionally, the site of the “extended stay” transient merchants must have adequate off-street parking.

**Grocery Store**

Grocery stores must comply with the Minnesota state food safety requirements established in Minnesota law and other legal requirements governing food establishments and food and beverage service establishments if the grocery store serves prepared food. As indicated in Table 1: Oversight of Food System by Minnesota Departments of Health and Agriculture, provided earlier, the Minnesota Departments of Health and Agriculture may share regulatory authority over different aspects of a grocery store, depending on what activities the grocery store includes. For example, MDH could have regulatory authority over a restaurant service provided in a grocery store while MDA would have regulatory authority over the retail grocery operations.

Local governments can be instrumental in promoting access to healthy foods through grocery stores. For example, some localities have used zoning ordinances or variances to encourage developers, grocers, and other property owners to locate grocery stores in underserved areas known as “food deserts.”
Minnesota State Legal Definitions

★ Food establishment

A. “Food Establishment” means an operation that:

(1) stores, prepares, packages, serves, vends, or otherwise provides food for human consumption, including a restaurant, satellite or catered feeding location, market, grocery store, convenience store, special event food stand, school, boarding establishment, vending machine and vending location, institution, and retail bakery; or

(2) relinquishes possession of food to a consumer directly or indirectly through a delivery service, including the home delivery of grocery orders or restaurant takeout orders, and a delivery service that is provided by common carriers.

Municipal Code Definitions

★ Grocery store. Not defined by municipal code as of July 30, 2015.

Does the municipal code require a permit or license?

No.

What are the relevant regulations?

While the zoning provisions do not reference the term “grocery store,” the zoning code does permit “public” or “semi-public buildings” in several zoning districts. “Public and semi-public buildings” are permitted in the following zoning districts:

- C-3 Community Regional Commerce
- C-1 General Commerce
- C-4 Regional Shopping Center
- DC Downtown Core

Additional Resources

The following resources provide additional information regarding state legal requirements impacting grocery stores:

Please note: State law includes a wide range of legal definitions for different types of food establishments governed by the Minnesota Food Code, including grocery stores. The definitions included here are meant to highlight those key definitions related to food and beverage service establishments more likely to promote healthy food options. As indicated by this definition, a grocery store is included in the definition of a “food establishment” governed by the Minnesota Food Code. However, a grocery store is not recognized as a type of “food and beverage service establishment” even though a restaurant within a grocery store may fall within the definition of a “food and beverage service establishment”, discussed earlier.
Displaying Signs

Many food establishments and vendors – big and small – rely on signage to advertise and communicate with the public. Signage is generally regulated by the city, and can include restrictions on where signs are allowed on certain property. These sign regulations can prove to be overly burdensome to small or alternative food retailers.

Municipal Code Definitions

★ **Sign.** Any letter work, symbol, model, printed, projected or affixed device, poster, picture, reading matter, or other representation in the nature of an advertisement, announcement, direction or informative device including structural and compound parts that is located outdoors and is larger than 1 square foot in area.\(^{179}\)

★ **Freestanding Sign.** A sign that is self supporting and affixed to a frame structure, not attached to a building.\(^{180}\)

★ **Nonconforming Sign.** Any sign that does not conform to the regulations of this chapter.\(^{181}\)

★ **Off-Premises Sign.** Any sign that advertises anything other than the business located on the same lot.\(^{182}\)

★ **Permanent Sign.** Any sign other than a temporary sign.\(^{183}\)

★ **Portable Sign.** Sandwich boards and other types of durable signage which are placed in front of a business during operating hours and are removed at the end of the business day. A sign so designed as to be movable from 1 location to another that is not permanently attached to the ground, sales display device, or structure. Vehicle Signs shall not be considered Portable Signs. (Ord. No. 2014-06 3rd Series, Adopted 4-7-14)\(^{184}\)

★ **Public Sign.** Any sign display intended primarily to promote items of general interest to the community such as time, temperature, date, atmospheric conditions, news, and the like. This does not include any information that would be related to the products or services at the display site.\(^{185}\)

★ **Sign Illumination.** A light source within or directed at the sign.\(^{186}\)

★ **Temporary Sign.** Any sign used only temporarily and is not permanently mounted including ribbons, banners, pennants, and other similar attention getting devices.\(^{187}\)
To see the full list of definitions associated with the City’s sign regulations, please see Appendix C.

**Does the municipal code require a permit or license?**

Unless the sign is specifically allowed without a permit (see below), the municipal code requires that a person obtain a permit prior to erecting, altering, reconstructing, maintain, or moving a sign.¹⁸⁸

Several signs are exempt from the permitting requirement, including:

- Traffic signs;
- Public signs as approved by the City;
- One temporary, on-site construction sign for a residential development, provided a final plat has been issued;
- One temporary, on-site construction sign in a commercial, industrial, or public institution development, provided a building permit has been issued;
- Temporary signs are allowed in commercial, industrial, and public institution districts upon submittal of a sign notification form to the City;
- Signs 6 square feet or less in size per visible side on residential properties provided that the signs are identifying a home occupation;

Signs of any size containing non-commercial speech may be posted from August 1 in any general election year until 10 days following the general election and 13 weeks prior to any special election until 10 days following the special election.¹⁸⁹

**What are the relevant regulations?***

The city code establishes sign regulations to regulate the number, location, size, type, illumination, and other physical characteristics of the signs within the city in order to promote the public health, safety, and welfare.¹⁹⁰

The municipal code only permits electronic graph display signs in the following zoning districts: C-1, C-2, C-3, C-4, P-I, and O-1.¹⁹¹

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*** In 2015, the United States Supreme Court held, in *Reed v. Town of Gilbert*, 135 S.Ct. 2218 (2015), that the Town of Gilbert, Arizona’s comprehensive sign code that exempted 23 categories of temporary signs resulted in constitutionally prohibited content-based restrictions that favor some temporary signs over other types of temporary signs. Analyzing this case is outside of the scope of this review, however, this case may have relevance to local sign regulations within Dakota County and local municipalities.
The table below illustrates the allowed amounts of signage permitted in the various districts.

<table>
<thead>
<tr>
<th>Zoning Districts</th>
<th>A, R, PI</th>
<th>C-1, O-1</th>
<th>C-2</th>
<th>I-1, I-2</th>
<th>DC</th>
</tr>
</thead>
<tbody>
<tr>
<td>Monument</td>
<td>Maximum Height</td>
<td>5 feet</td>
<td>6 feet</td>
<td>6 feet</td>
<td>6 feet</td>
</tr>
<tr>
<td></td>
<td>Sign Face Size</td>
<td>50 square feet</td>
<td>50 square feet</td>
<td>50 square feet</td>
<td>50 square feet</td>
</tr>
<tr>
<td></td>
<td>Cap Height (max.)</td>
<td>8 inches</td>
<td>8 inches</td>
<td>8 inches</td>
<td>8 inches</td>
</tr>
<tr>
<td>Wall</td>
<td>Maximum Size</td>
<td>Greater of 40 square feet or 5% of wall area</td>
<td>See division (D)(8) below</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Projecting</td>
<td>Clearance</td>
<td>N/A</td>
<td>8 feet</td>
<td>8 feet</td>
<td>N/A</td>
</tr>
<tr>
<td></td>
<td>Max. Distance from Building</td>
<td>N/A</td>
<td>4 feet</td>
<td>4 feet</td>
<td>N/A</td>
</tr>
<tr>
<td>Directionals</td>
<td>Maximum Height</td>
<td>4 feet</td>
<td>4 feet</td>
<td>4 feet</td>
<td>4 feet</td>
</tr>
<tr>
<td></td>
<td>Maximum Size</td>
<td>-</td>
<td>2 square feet</td>
<td>2 square feet</td>
<td>2 square feet</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Zoning Districts</th>
<th>C-3</th>
<th>I-1, I-2, C-4</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Single Occupant</td>
<td>Multiple Occupants</td>
</tr>
<tr>
<td>Monument</td>
<td>Maximum Height</td>
<td>6 feet</td>
</tr>
<tr>
<td></td>
<td>Sign Face Size</td>
<td>50 square feet</td>
</tr>
<tr>
<td></td>
<td>Cap Height (max.)</td>
<td>8 inches</td>
</tr>
<tr>
<td>Wall</td>
<td>Maximum Size</td>
<td>Greater of 40 square feet or 5% of wall area</td>
</tr>
<tr>
<td>Projecting</td>
<td>Clearance</td>
<td>8 feet</td>
</tr>
<tr>
<td></td>
<td>Maximum Distance from Building</td>
<td>4 feet</td>
</tr>
<tr>
<td>Directionals</td>
<td>Maximum Height</td>
<td>4 feet</td>
</tr>
<tr>
<td></td>
<td>Maximum Size</td>
<td>2 square feet</td>
</tr>
</tbody>
</table>

Signage regulations are extremely fact specific – often varying depending on zoning district and type of sign. Additionally, there are municipal code provisions throughout the code that regulate
signage in some way. For example, the city code makes it unlawful for a person to attach any printed material to public or private buildings, bridges, fences, railing, utility poles, or sidewalk without obtaining a license first. Interestingly, that same code provision exempts “Farmers” and “local merchants” from this restriction if they are advertising their own goods or businesses.

**Parking**

Many local governments require certain businesses to comply with parking requirements. By establishing parking requirements, the local government can ensure there is handicap accessibility, ensure access to emergency vehicles, and address traffic and overcrowding concerns. At the same time, parking requirements for small and unconventional businesses can be burdensome.

The municipal code should consider the beneficial impact of parking requirements, while balancing that with the impact on small or unconventional establishments, such as farmers’ markets.

**Municipal Code Definitions**

- **Motor Vehicles.** Self-propelled motorized vehicles, whether or not licensed by the State of Minnesota, including automobiles, trucks, motorcycles, motor scooters, mini bikes, dune buggies, trail bikes, go-carts and all terrain vehicles (but specifically excluding snowmobiles as defined and regulated by City Code).

- **Parking Lots.** Areas designated for parking of motor vehicles and access and entrance roads used in connection with the parking lots.

**Does the municipal code require a license or permit?**

The municipal code only requires a permit in one situation. The code makes it unlawful to park for the purpose of advertising or selling merchandise without first obtaining a permit. Provided a permit is not required to sell products of the farm or garden “by the person producing the same.”

**What are the relevant regulations?**

The municipal code regulates parking and motor vehicles in several different ways.

The code makes it unlawful to stop, stand, or park in the following circumstances: on a sidewalk, in front of a public or private driveway, and within ten feet of a fire hydrant. The code sets requirements for “angle parking” and for parking during times of an emergency. The code sets rules for “restricted days and hours of parking” and allows the city council to grant special...
permission whereby on-street parking or the use of city-operated parking lots or ramps on public sidewalks may be temporarily or permanently prohibited.\textsuperscript{201}

The city code sets extensive design requirements for parking spaces, lots, and loading areas.\textsuperscript{202} The city code sets off-street loading requirements by zoning type (i.e., commercial, industrial, residential).\textsuperscript{203} There are specific parking requirements for identified establishments. For example, restaurants with on-sale liquor must provide 1 space per 50 square feet or 1 space per 2 seats.\textsuperscript{204} Parking requirements vary depending on zoning district\textsuperscript{205} and type establishment.\textsuperscript{206}
For new and growing food businesses making food for either retail food operations or for sales of prepared foods to serve to consumers, access to a licensed or commercial kitchen can be invaluable. Some local governments may have policies in place to allow community groups or others to use licensed kitchens in community facilities to promote food skills and other activities increasing access to healthy food. These policies can support efforts to teach community members how to cook and provide new and emerging food businesses with space to develop their business without having to make an initial investment in a commercial kitchen.

Under state law, kitchens used to prepare food for public consumption, including catering operations, meal service programs, school kitchens, and other food preparation sights are recognized as “food establishments” and must comply with state laws, including licensing and food safety requirements. Minnesota state law does create limited exceptions from the state licensing requirements for some types of food prepared in kitchens that have not been licensed or inspected. A discussion of these exemptions is outside the scope of this document. However, resources providing additional information about these exemptions are provided, below.

**Municipal Code Definitions**

- **Kitchen.** Not defined by municipal code as of July 30, 2015.

**Does the municipal code require a permit or license?**

The City does not require a permit or license to use a kitchen. Depending on several factors, the state may require a permit or license to use a kitchen. These factors include: whether the kitchen is commercial in nature; what type of food is being prepared; whether the food will be sold or served to the public, and other considerations. Please consult with MDA and/or MDH for more information.

**What are the relevant regulations?**

No municipal regulations directly on point. If a food license is required to operate the kitchen, the Minnesota Food Code will govern the use of the kitchen.
Additional Resources

For more information about state laws impacting kitchens used to prepare food for sale or other regulated purposes, including licensing and inspection requirements, please see the following resources:


In addition, information about some recent changes to Minnesota state law allowing for some exemptions from state licensing requirements under the 2015 Cottage Food Law not included in these resources is provided in Appendix D.
DISPOSING FOOD

Subsections:

1. Composting
2. Recycling
3. Waste Disposal

Composting and recycling are both components of the local food system. Local governments can help reduce the amount of waste reaching landfills by removing barriers to composting and recycling. Additionally, local governments can encourage composting and recycling by maintaining composting and recycling centers and by providing areas throughout the community to compost or recycle. Local governments can also support local gardening efforts by providing free or reduced cost compost.

Composting

Composting provides an organic source of nutrients for garden soil, and makes great use of leaf litter, grass clippings, plant debris, certain food scraps, and other decomposed organic matter. Composting programs are used to reduce waste and create a resource of organic matter for farmers and gardeners. Both municipal and state laws may impact composting activities, depending on the type of composting activity. Composting can be an activity limited to an individual household, also known as backyard composting. However, composting can also involve a larger waste stream if a larger commercial facility or business composts waste for its individual business or industrial activities or consolidates compost from other businesses or facilities. Laws governing composting activities, at both the state and municipal level, generally depend on the type of composting activity – whether the composting is for an individual household or a larger facility.

Minnesota state law does not regulate permits or licenses for “backyard composting”. However, Minnesota state law does require a permit for facility composting (or commercial composting). Therefore, a distinction must be made between “backyard compost” and “facility compost.”

Compost generated by individual households, apartment buildings, or businesses would generally fall under the “Backyard composting” umbrella and are regulated largely by the City. All other categories are most like to be considered “compost facilities” and are more heavily regulated by the Minnesota Pollution Control Agency. Regulations of compost by the state may include:

- Odors
- Design requirements
• Discharge and surface water drainage runoff
• Operation requirements (i.e., staff training)\textsuperscript{208}

**Minnesota State Law Definitions:**

- **Backyard compost site.** (State Definition) A site used to compost food scraps, garden wastes, weeds, lawn cuttings, leaves, and prunings from a single family or household, apartment building, or a single commercial office, a member of which is the owner, occupant, or lessee of the property.\textsuperscript{209}

- **Compost facility.** (State Definition) A site used to compost or cocompost solid waste, including all structures or processing equipment used to control drainage, collect and treat leachate, and storage areas for the incoming waste, the final product, and residuals resulting from the composting process.\textsuperscript{210}

- **Composting.** (State Definition) The controlled microbial degradation of organic waste to yield a humus like product.\textsuperscript{211}

- **Operator.** (State Definition) The person or persons responsible for the operation of a facility.\textsuperscript{212}

- **Owner or facility owner.** (State Definition) The person or persons who own a facility or part of a facility.\textsuperscript{213}

**Municipal Code Definitions:**

- **Compost.** Not defined by municipal code as of May 7, 2015.

- **Refuse.** All inorganic waste, including construction and demolition material, from residential, commercial, industrial, professional, governmental, or institutional operations that is the result of their normal operations, excluding compost, recyclables, toxic waste, and hazardous waste.\textsuperscript{214}

**Does the municipal code require a permit or license?**

No.

**What are the relevant regulations?**

The Municipal Code does not address composting in a meaningful manner. The City website briefly addresses backyard composting, stating:

*Composting is an easy way to reduce waste while improving your yard and garden soils. Backyard composting turns organic wastes—grasses, leaves, garden debris and vegetable and fruit scraps—into a nutrient-rich mixture that you can add to your yard or garden. It’s easy to get started!*\textsuperscript{215}
Instructions for commercial/facility composting: The Minnesota Pollution Control Agency (MPCA) Yard Waste Compost Permit Program requires applicants (facility owners and operators) to:

1) Complete and submit the permit-by-rule (PBR) permit application form below.
2) Operate in compliance with the yard waste rules in Minn. Rules 7035.2836.
3) Complete and submit an annual report below.

Recycling

The food system extends beyond the consumption of food and includes the disposal of food packaging and other non-compostable materials. Many materials can be used or reused through recycling, such as paper, glass, and plastic. Local governments often address garbage disposal and recycling via their municipal codes. By making recycling an easier option, local governments can encourage residents to recycle and reduce waste throughout the city.

Municipal Code Definitions

★ **Authorized Recycling Program.** A program for the collection and recycling of recyclable materials which is instituted, sponsored, authorized, and controlled by the City of Hastings.\(^{216}\)

★ **Recyclable Materials.** All items of refuse designated by the City Council to be part of an authorized recycling program and which are intended for transportation, processing, remanufacturing, or reuse.\(^{217}\)

★ **Scavenging.** The unauthorized collection of recyclable materials that have been set out by residents of the City specifically for participation in curb-side recycling programs.\(^{218}\)

★ **Garbage.** All organic waste resulting from the handling, preparation, cooking, service, and consumption of food.\(^{219}\)

★ **Reclyclables.** All those materials which are required to be recycled under § 50.08.\(^{220}\)
Does the municipal code require a permit or license?

It depends:

**Recycling**

The city code makes it unlawful for any person to pick up recyclable materials from residences or commercial businesses without a license form the City.\(^{221}\) The city code permits one license to be issued “until such a time as the [City] Council determines, by ordinance approved by a 2/3 majority of the entire City Council, that additional licenses are necessary.”\(^ {222}\)

**Waste Disposal**

Yes, the city code makes it unlawful for a person to haul solid waste from any residential structure within the city without being issued a “residential hauler’s license.”\(^{223}\) The city code only allows for the issuance of one residential hauler’s license, unless the City Council chooses to change the number of permitted licensees.\(^{224}\)

The city code makes it unlawful for any person to haul solid waste from a commercial, industrial, professional, governmental, or institutional structure without first obtaining a “commercial solid waste collection” license.\(^{225}\)

**What are the relevant regulations?**

The city code requires that any solid waste hauler of non-residential structures must offer recycling services to its citation Commercial haulers must provide their customers the same recycling services offered to residential structures within the City.\(^{226}\)

**Waste Disposal**

The food system extends beyond the consumption of food and includes the disposal of food and packaging. Local governments often address garbage disposal and recycling via their municipal codes.

**Municipal Code Definitions**

- **Refuse.** *All inorganic waste, including construction and demolition material, from residential, commercial, industrial, professional, governmental, or institutional operations that is the result of their normal operations, excluding compost, recyclables, toxic waste, and hazardous waste.*\(^{227}\)

- **Solid Waste.** *Garbage and refuse.*\(^{228}\)
Solid Waste. Garbage, refuse, and other discarded solid materials, including solid waste materials resulting from industrial, commercial, agricultural operations, residential uses, and community activities, but does not include earthen fill, boulders, rock, and other materials normally handled in construction operations, animal waste used as fertilizer, any permitted material disposed of as soil amendment, solids or dissolved material in domestic sewage or other significant pollutants in water resources, such as silt, waste water effluent, dissolved materials, suspended solids and irrigation return flows, or other water pollutants.229

What are the relevant regulations?

The city code governs the placement of garbage containers by alleys and curbsides.230 For example, garbage containers that are placed at the front of a property line may not be placed sooner than 6:00 p.m. the night before collection day and must be removed by 6:00 p.m. on collection day.231 Residential collection can only take place in the hours between 6:30 a.m. and 6:30 p.m.232

The city code finds the collection or removal of garbage or refuse in any residential district between the hours of 10:01 p.m. and 5:59 a.m. to be a public nuisance.233

The city code states that there will be no conditional use permits issued for garbage and waste disposal sites in areas zoned as a floodway.234

Before a person begins new construction or a major alteration of a structure (except 1- and 2-family dwellings and buildings accessory thereto), the person must submit a plan to the Planning Department that contains details regarding storage of waste and garbage.235
APPENDICES
APPENDIX A: SEARCH TERMS

Farm                      Market garden
Fence                     Garden
Arbor                     Transient Merchant
Trellis                   Farmers’ market
Pergola                   Grocery store
Plant bed                 Restaurant
Greenhouse                Fast food
Hoop house                Food truck
High tunnel               Mobile food unit
Farm animal               Compost
Domestic animal           Recycling
Chicken                   Sign
Bee                       Parking
Chicken coop              Kitchen
Shed                      Pantry
Community garden          Food processor
APPENDIX B: REGULATIONS GOVERNING ACCESSORY BUILDING, STRUCTURES, AND USES

As mentioned throughout this document, the city of Hastings regulates accessory buildings in a variety of ways. For example, the city code has established:

- Set back requirements,
- Limitations on how many accessory structures are permitted on a given property;
- Limitation on where an accessory structure may be erected,
- Zoning district-specific requirements, and
- Material requirements.  

★ Accessory Use or Structure. A use or structure on the same lot with, and of a nature customarily incidental and subordinate to, the principal use or structure.  

★ Principal Structure. A structure in which is conducted the primary use of the lot.  

★ Structure. Anything constructed or erected with a fixed location on the ground. Among other things, structures include buildings, manufactured homes, and fences.

Municipal Code of Ordinances

§ 155.05 APPLICATION OF DISTRICT REGULATIONS.

(D) Accessory building and structure requirements. Accessory buildings and structures shall meet the following requirements.

(1) No accessory building shall be erected in any required front or side yard fronting a public street or right-of-way.

(2) No accessory building or structure shall be constructed on any lot prior to the time of construction of the principal building to which it is accessory.

(3) Accessory structures, except fences meeting the requirements of division (F) below, shall not be placed in any easements.

(4) All accessory structures, except fences, shall meet the setbacks listed in the table in division (D)(11) below.

(5) All accessory structures shall be setback at least 6 feet from all other structures.

(6) At grade accessory structures such as basketball courts, patios, dog kennels shall meet the accessory structures setbacks listed in the table in division (D)(11) below. These accessory structures are not included in the total allowable square
Hastings, Minnesota

footage allowed, as long as the total impervious surface of the lot does not exceed 35% for the rear yard. The rear yard shall be measured from the rear building line to the rear lot line.

(7) Accessory structures shall have weather resistive exterior finishes that are durable and architecturally compatible with and similar in design, color, and material to the principal structure.

(8) Accessory structures shall not exceed 1 story in height and shall not exceed 16 feet in height as measured to the mean of the roofline, or the height of the principal structure, whichever is more restrictive. The roofline mean height shall be measured from the mean height of the ground grade surrounding the accessory structure. Sidewalls shall not exceed 10 feet in height as measured from the mean height of the floor of the structure.

(9) The height of any accessory structure shall not be taller than the primary structure.

(10) Accessory structures 120 square feet or less require a zoning permit. Structures over 120 square feet require a building permit.

(11) The following table shall determine the number, size, and setbacks of accessory structures. In addition to the accessory structures listed in the table below, swimming pools meeting the requirements of § 150.09 and 155.05 are permitted.

<table>
<thead>
<tr>
<th>Accessory Building/Structure Number, Size, and Setback Standards</th>
<th>Setbacks</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Property zoning</strong></td>
<td><strong>Number of Structures</strong></td>
</tr>
<tr>
<td>A</td>
<td>1</td>
</tr>
<tr>
<td>R-1, R-1L, R-2, R-3, R-4, R-5 with attached garage</td>
<td>2</td>
</tr>
<tr>
<td>R-6</td>
<td>1</td>
</tr>
<tr>
<td>Multi-Family 4 or more units</td>
<td>Site Plan Review</td>
</tr>
<tr>
<td>Commercial/Office Districts</td>
<td>Site Plan Review</td>
</tr>
<tr>
<td>Industrial Districts</td>
<td>Site Plan Review</td>
</tr>
</tbody>
</table>

Page 61 of 138
Hastings, Minnesota
NOTES TO TABLE:

(a) Garages shall be setback 20 feet from the right-of-way.

(b) Residential properties with an attached garage are also permitted an accessory storage structure 120 square feet in size or less.
APPENDIX C: GENERAL PROVISIONS GOVERNING ZONING

Zoning is a tool that allows cities to divide its boundaries into zoning districts, each of which have certain restrictions and/or characteristics. Hastings has established several zoning regulations – some general and others that are specific to a particular zoning district. The following information is not an extensive overview of the zoning regulations. Instead, this section is intended to give a general overview of the zoning regulations in Hastings.

Hastings has over fifteen (15) zoning districts. Hastings’s municipal code holds that if there are other laws, code provisions, resolutions, or regulations that are more restrictive than the zoning regulations set forth, that the most restrictive rules shall prevail. Additionally, the municipal code outlines its procedure process, specifically allotting for public participation.


Chapter 155 – Zoning Code

§ 155.20 GENERALLY.
(A) Zoning districts. The city is hereby divided into the following use districts:
   (1) A Agriculture;
   (2) R-1 Low Density Residence;
   (3) R-2 Medium Density Residence;
   (4) R-3 Medium-High Density Residence;
   (5) R-4 High Density Residence;
   (6) RMU Residential Mixed Use;
   (7) R-6 Manufactured Home Park Residence;
   (8) C-1 General Commerce;
   (9) C-2 Highway Auto-Specialized Commerce;
   (10) C-3 Community Regional Commerce;
   (11) DC Downtown Core;
   (12) C-4 Regional Shopping Center;
   (13) O-1 General Office;
   (14) I-1 Industrial Park;
   (15) I-2 Industrial Park Storage/Service;
   (16) PI Public Institution; and
   (17) VSO Vermillion Street Overlay. (Am. Ord. 497, passed 7-7-2003)

(B) Zoning Map. The location and boundaries of the above use districts are as shown on the Zoning Map, and the Map is hereby made a part of this chapter. The Map and all notations, references, and data shown thereon are hereby incorporated by reference into this chapter and shall be as much a part of it as if all were fully described herein. All amendments to the Zoning Map are generally described in Table II of the Table of Special Ordinances. It is
unlawful to use or permit the use of any building or premises within the city for any purpose other than as listed. (Prior Code, § 10.10)
APPENDIX D: MUNICIPAL CODE OF ORDINANCE PROVISIONS (BY TOPIC)

Gardening

CHAPTER 95: HEALTH AND SAFETY; NUISANCES

§ 95.23 PUBLIC NUISANCES AFFECTING PEACE AND SAFETY.

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

(2) Hourly restriction of certain operations.

(a) Domestic Power Equipment. No person shall operate a power lawn mower, power hedge clipper, chain saw, mulcher, garden tiller, edger, drill, or other similar domestic power maintenance equipment except between the hours of 7:00 a.m. and 10:00 p.m. on any weekday or between the hours of 9:00 a.m. and 9:00 p.m. on any weekend or holiday. Snow removal equipment is exempt from this provision.

CHAPTER 151: FLOOD PLAIN REGULATIONS

§ 151.04 FLOODWAY DISTRICT (FW).

Permitted uses.

• General farming, pasture, grazing, outdoor plant nurseries, horticulture, truck farming, forestry, sod farming and wild crop harvesting.

• Industrial-commercial loading areas, parking areas, and airport landing

• Private and public golf courses, tennis courts, driving ranges, archery ranges, picnic grounds, boat launching ramps, swimming areas, parks, wildlife and nature preserves, game farms, fish hatcheries, shooting preserves, target ranges, trap and skeet ranges, hunting and fishing areas, and single or multiple purpose recreational trails.

• Residential lawns, gardens, parking areas, and play areas.

CHAPTER 152: STORM WATER MANAGEMENT

§ 152.05 SCOPE AND EFFECT.

Applicability. Every applicant for a building permit, subdivision approval, or a permit to allow land disturbing activities must submit a storm water management plan to the Public Works Department. No building permit, subdivision approval, or permit to allow land
disturbing activities shall be issued until approval of the storm water management plan or a waiver of the approval requirements has been obtained in strict conformance with the provisions of this chapter. The provisions of §152.09 apply to all land, public or private, located within the City of Hastings.

Exemptions. The provisions of this chapter do not apply to:

Installation of fence, sign, telephone, and electric poles and other kinds of posts or poles gardening, tree planting, deck construction, and other types of construction disturbing 1/3 acre or less

Farming

CHAPTER 151: FLOOD PLAIN REGULATIONS

§ 151.04 FLOODWAY DISTRICT (FW).

Permitted uses.

General farming, pasture, grazing, outdoor plant nurseries, horticulture, truck farming, forestry, sod farming and wild crop harvesting.

CHAPTER 153: SHORELAND MANAGEMENT

§ 153.05 ZONING AND WATER SUPPLY/SANITARY PROVISIONS.

• Agriculture use standards. General cultivation farming, grazing, nurseries, horticulture, truck farming, sod farming, and wild crop harvesting are permitted uses if steep slopes and shore and bluff impact zones are maintained in permanent vegetation or operated under an approved conservation plan (Resource Management Systems) consistent with the field office technical guides of the local soil and water conservation districts or the United States Soil Conservation Service, as provided by a qualified individual or agency. The shore impact zone for parcels with permitted agricultural land uses is equal to a line parallel to and 50 feet from the ordinary high water level.

Chapter 55: Zoning Code

§ 155.21 A AGRICULTURE.

Uses permitted.

Farmsteads and agricultural operations
Animals

Chapter 91: Animals

§ 91.01 DEFINITION.

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

ANIMALS. Cattle, horses, mules, sheep, goats, swine, ponies, ducks, geese, turkeys, chickens, guinea hens, and all other animals and feathered fowl except dogs and cats, unless the pets are specifically included in particular sections hereof, and this definition shall extend to this subchapter only. (Prior Code, § 9.29)

§ 91.02 KEEPING.

It is unlawful for any person to keep any animal, not in transit, in any part of the city not zoned for agricultural purposes.

Exceptions.

• Chickens (Gallus gallus domesticus) subject to § 155.07.

§ 91.03 HOUSING.

It is unlawful for any person to keep any animals in any structure infested by rodents, vermin, flies, or insects.

§ 91.04 TREATMENT.

It is unlawful for any person to treat any animal or house pet in a cruel or inhuman manner. (Prior Code, § 9.29) Penalty, see § 10.99

§ 91.32 EUTHANASIA OF ANIMALS.

In the event it becomes necessary to destroy a dog or other animal under this subchapter or any other applicable law or regulation, the owner thereof shall be responsible for and pay to the city the city’s cost for storage and the euthanasia of the animal. This section may be enforced by the city by appropriate civil action. (Prior Code, § 9.21)

§ 91.33 CRUELTY TO ANIMALS.
2. The word **ANIMAL** includes every living creature except the human race; the word **TORTURE** or **CRUELTY** meaning every act, omission, or neglect whereby unnecessary or unjustifiable pain, suffering, or death shall be caused or permitted.

3. No person shall overdrive, overload, torture, cruelly beat, neglect, or unjustifiably injure, maim, mutilate, or kill any animal, or cruelly work any animal when unfit for labor, whether belonging to himself or herself or another.

4. No person shall deprive any animal of which he or she has charge or control of necessary food, water, or shelter.

5. No person shall abandon any animal.

6. No person shall allow any maimed, sick, infirm, or disabled animals to lie in any street, road, or other public place.

7. No person shall willfully set on foot, instigate, or in any way further any active cruelty to any animal or animals, or any act tending to produce the cruelty. (Prior Code, § 9.21) Penalty, see § 10.99

8. Tethering:
   
a). No person shall leave an animal unattended while chained, tied, fastened or otherwise tethered for a period of time or to the extent that the animal is deprived of adequate food, water, or shelter.

b). No person shall tether an animal as a primary means of confinement. Stationary confinement by tethering shall be considered cruel treatment.

c). A single animal may be attached to a cable line or trolley system if the system allows the animal adequate access to food, water, and shelter with freedom to move, lie down, and access shelter.

§ 110.16 KENNEL; ANIMAL SHELTER.

**ANIMAL.** Any live creative, domestic or wild.

§ 130.02 DANGEROUS TRESPASSES AND OTHER ACTS.

Trespass or permit animals under his or her control to trespass upon a railroad track;

Permit domestic animals or fowl under his or her control to go upon the lands of another within the city;

No roller device shall be operated on any street within the city while being pushed, pulled or in any way propelled by the following means: any motorized vehicle, a person on a bicycle, or an animal.
Chapter 155: Zoning Code
§ 155.34 I-1 INDUSTRIAL PARK.
Uses permitted. Wholesaling, all commodities except live animals;

Chickens

Chapter 91: Animals
§ 91.01 DEFINITION.
For the purpose of this subchapter, the following definition shall apply unless the context clearly indicates or requires a different meaning.

ANIMALS. Cattle, horses, mules, sheep, goats, swine, ponies, ducks, geese, turkeys, chickens, guinea hens, and all other animals and feathered fowl except dogs and cats, unless the pets are specifically included in particular sections hereof, and this definition shall extend to this subchapter only. (Prior Code, § 9.29)

§ 91.02 KEEPING.
It is unlawful for any person to keep any animal, not in transit, in any part of the city not zoned for agricultural purposes.

Exceptions.
• Chickens (Gallus gallus domesticus) subject to § 155.07.

Chapter 155: Zoning Code
§ 155.07 SPECIAL PROVISIONS.
31 Keeping of chickens.

31.15 Purpose. The purpose of this division is to provide a means, through the establishment of specific standards and procedures, by which chickens can be kept in areas that are principally not used for agricultural. It is recognized that the keeping of chickens is clearly incidental and subordinate to the primary use and will not be allowed to negatively affect the character, health, safety or general welfare of the surrounding area.

31.16 Regulations. The keeping of chickens requires a license to be granted by the City Council. The following conditions are requirements of the license:
Allowed in specified zoning districts as an accessory use to a school or

No roosters permitted;

Four chickens are allowed per acre. Chickens are prohibited on properties less than 1 acre; and follows: times;

Confinement restrictions. Chickens must be kept and confined as

Fenced area to keep the chickens contained on the property at all wild birds;

Food containers and feeders must not be accessible to rodents and

Sanitary conditions must be maintained;

Fecal matter shall not accumulate in a manner that causes odor;

Injury or annoyance to others. No chicken may be kept or raised in a manner as to cause injury or annoyance to persons or other animals on other property in the vicinity by reason of noise, odor or filth;

Impounding chicken. Any chicken at large or in violation of this section may be impounded by the city, and after being impounded for 5 business days or more without being reclaimed by the owner, may be humanely euthanized or sold without notice. Failure to claim an impounded chicken may result in the revocation of the license. A person reclaiming any impounded chicken shall pay the cost of impounding and keeping the same; and

Covered enclosure (coop) must be provided to protect chickens from the elements and predators. The required enclosure must meet the following requirements:

(A) All accessory building regulations under § 155.05(D);

(B) Completely covered, secured and with a solid floor; and

Setback 25 feet from homes on adjoining lots.

31.17 License. Keeping chickens requires a license to be granted by the City

- Staff shall notify property owners within 350 feet of the Planning Commission meeting, at which a recommendation will be made to the City Council for granting of a license. Failure of a property owner to receive the notice shall not invalidate any such proceedings as set forth within this code.

- The license shall not run with the land and shall not be transferable.

- If the license is approved by the City Council, staff shall inspect the property to determine if all of the provisions of this section are met prior to issuing the license.

- Licenses shall be issued for a 1 year probationary period from the date of City Council approval. The City Council shall consider issuance of a full license at the end of the probationary period.
• The City Council may revoke the license if the conditions of this section is not followed or if unresolved nuisances arise.

• An annual license fee shall be paid to the city prior to issuance of the license. The annual license fee shall be established by ordinance. (Prior Code, § 10.14) (Am. Ord. 2007-05, 3rd Series, passed 9-4-2007; Am. Ord. 2008-6, 3rd Series, passed 3- 17-2008; Am. Ord. 2009-08, 3rd Series, passed 9-21-2009; Am. Ord. 2010-08, 3rd Series, Passed 6-21-2010)
Penalty, see § 10.99

§ 155.36 PI PUBLIC INSTITUTION.

(A) Intent. The intent of this chapter in establishing a public institution district is in recognition of the substantial amount of land within Hastings now devoted to medical care, government service, and community service facilities. The city shall protect the Public Institution District from encroachment by incompatible uses.

(B) Uses permitted. (8) Keeping chickens pursuant to 155.07.

Fences

§ 90.09 FIRES, SIGNS, OBSTRUCTIONS, AND REFUSE IN STREETS.

Obstructions. It is unlawful for any person to place or deposit any fence or other obstruction upon any street without first having obtained a written permit to do so from the City Administrator, and then only in compliance in all respects with the terms and conditions of the permit, and taking precautionary measures for the protection of the public.

§ 95.23 PUBLIC NUISANCES AFFECTING PEACE AND SAFETY.

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

(I) Any barbed wire fence less than 6 feet above the ground and within 3 feet of a public sidewalk or way

CHAPTER 155: Zoning Code

§ 155.05 APPLICATION OF DISTRICT REGULATIONS.

Fences and walls or hedges.
• **Location.** Fences are permitted, but shall not extend into public right-of-way. Notwithstanding other provisions of this chapter, fences, walls, and hedges are permitted in any yard, including a required yard, or along the edge of any yard, provided that no fence, wall, or hedge shall extend into public right-of-way.

• **Materials.** All fences built or maintained on a residential property shall be constructed of materials capable of providing a finished appearance on the outward side visible to the public. All materials used to construct the fence shall be sound materials, resistant to rot, and capable of accepting and maintaining a visually attractive appearance. The fence shall be constructed in such a manner as to be capable of resisting the design wind loads for structures as defined by the state building code.

• **Hazardous fences and walls.** Hazardous fences and walls such as barbed wire, electric, chain link with barbs exposed, and walls with protruding sharp edges thereof, and other fences and walls designed for or likely to cause harm to persons are declared hazardous and are prohibited in the city, except as follows: conventional barbed wire fences with barbs exposed are allowed with permission of the Council by simple resolution in commercially zoned areas, and are allowed without permission of the Council in industrial and agriculturally zoned area. Any fence constructed in violation of this section after the effective date shall be brought into compliance or removed as determined by the Planning Director.

• **Height restrictions.** The maximum height of any residential fence installed within the City of Hastings is 6 feet. Fences installed around swimming pools from ground up must be a minimum of 4 feet high and non-climbable with a self-closing, self-latching gate. Maximum height of all fences shall be in compliance with the city zoning code or as approved by the Planning Commission.

• **Special consideration/corner lots.** Fences that extend into front yards of corner lots must not impair traffic visibility. No fence or hedge shall be over 30 inches in height located within 25 feet each direction from a property corner fronting a street right of way.

• **Covenants.** The City of Hastings does not enforce the private covenants of subdivisions. Homeowner’s association covenants may restrict the ability to construct fences. Homeowners should review any covenants prior to submittal of a permit.

• **Permits.** A zoning permit is required for all fences installed in Hastings.

• **Setbacks.** All fences may be installed up to, but not on the property line.

• **Establishing Property Lines.** The City of Hastings does not provide surveying service. It is up to the homeowner to establish the location of the lines and make these available at time of application or upon request of the inspector.

• **Erection or more than 1 principal structure on a lot.** In any district, more than 1 structure housing a permitted principal use may be erected on a single lot provided that
yard and other requirements of this chapter shall be met for each structure as if it were on an individual lot.

- Exceptions to height regulations. The height limitations contained in § 155.20, do not apply to spires, belfries, cupolas, antennas, water tanks, ventilators, chimneys, or other appurtenances usually required to be placed above the roof level and not intended for human occupancy except as otherwise allowed by the City Council.

- Structure to have access. Every building hereafter erected or moved shall be on a lot next to a public street, or with access to a city allowed private street or driveway and all structures shall be so located on lots as to provide safe and convenient access for servicing, fire protection, and required off street parking.

- Yard maintenance. In all districts, landscaping and fences shall be constructed and maintained so as not to be unsightly or present harmful health or safety conditions.

§ 34.03 FEE SCHEDULE.

The fees for licenses, permits, municipal services, rentals and leases are set forth below.

Zoning Permits

Fences $50.00

§ 158.04 PROPERTY MAINTENANCE REQUIREMENTS.

(g) Fences.

- Fences shall be deemed deteriorated if any of the following conditions occur: rotted, missing or broken parts, if they are unstable leaning or failed paint over more than 20% of any fence surface.

- Existing fences shall not be constructed with materials designed to cause an injury such as fencing charged with electricity or barbwire.

- Fences may not cause a hazard by blocking a driver’s view of an oncoming vehicle or pedestrian.

Shed

Chapter 155: Zoning Code

§ 155.21 A AGRICULTURE.
Generally. Any land that may be annexed to the city shall be placed in the A Agricultural District until action by the Council that assigns the land to another district.

Intent. The intent of this chapter in establishing an Agricultural District is to allow maximum freedom of operation for agricultural purposes and to protect the uses from untimely encroachment by potential conflicting urban uses. It is also the intent to protect the natural amenities of the Hastings area from harmful exploitation.

Uses permitted.
Accessory uses incidental to the foregoing principal uses such as private garages and sheds

§ 155.22 R-1 LOW DENSITY RESIDENCE

Uses permitted.
Accessory uses if incidental to the foregoing principal uses such as private garages and sheds

§ 155.24 R-3 MEDIUM HIGH DENSITY RESIDENCE.

Intent. The intent of this chapter in establishing a moderate high density residential district is in recognition of the growing demand for rental housing in Hastings and of the desire to provide for multi-family housing upon fairly sizeable tracts of land, thereby allowing increased design flexibility and a more compatible land use development pattern.

Uses permitted.
Accessory uses incidental to the foregoing principal uses such as private garages and sheds

§ 155.27 R-6 MANUFACTURED HOME RESIDENCE.

Intent. The intent of this chapter in establishing a manufactured home residence district is to provide for the development of well designed manufactured homes in areas consistent with the Hastings Comprehensive Plan.

Permitted uses. Manufactured homes, community centers, storm shelters, subdivisions, parks, office for management of the manufactured home park, accessory uses if incidental to the foregoing principal uses such as private garages, storage sheds, decks, patios, play equipment. All permitted uses are subject to the following requirements

§ 155.50 RESIDENTIAL LOT REGULATIONS
In the R-1 and R-1L Districts, an accessory structure (garage, shed, open deck, and the like) shall be no closer than 5 feet to the rear or adjacent interior side lot line.

In the R-2 District, an accessory structure (garage, shed, open deck, and the like) shall be no closer than 5 feet to the rear or adjacent interior side lot line.

§ 155.23 R-2 MEDIUM DENSITY RESIDENCE.

Intent. The intent of this chapter in establishing a medium density residence district is to protect those predominately single-family residential areas within Hastings that were developed in most part prior to World War II, encroachment from potential conflicting uses, and to provide for future residential and related development consistent with proper existing development existing neighborhood character and with minimum maintaining standards for the provision of health, light, air, and visual appeal.

Uses permitted.

Same as permitted in the R-1 Low Density Residence District;

§ 155.25 R-4 HIGH DENSITY RESIDENCE.

Intent. The intent of this chapter in establishing a medium density residence district is in recognition of the growing demand for multiple-family housing and of the desire to encourage high quality developments less than 3 stories in height in strategic locations within the city.

Uses permitted. Same as permitted in the R-3.

Greenhouse

Chapter 155: Zoning Code

§ 155.21 A AGRICULTURE.

Generally. Any land that may be annexed to the city shall be placed in the A Agricultural District until action by the Council that assigns the land to another district.

Intent. The intent of this chapter in establishing an Agricultural District is to allow maximum freedom of operation for agricultural purposes and to protect the uses from untimely encroachment by potential conflicting urban uses. It is also the intent to protect the natural amenities of the Hastings area from harmful exploitation.

Uses permitted.
Restaurant

CHAPTER 51: UTILITIES

§ 51.05 RULES AND REGULATIONS; WATER AND SEWER.

Unlawful acts.
It is unlawful to connect a drain from a laundry, hotel, restaurant, or other public cooking establishment, with the sewerage system, without a grease trap or grated basin.

CHAPTER 70: TRAFFIC REGULATIONS

§ 70.04 SNOWMOBILE REGULATIONS

A snowmobile service district is created between Highway 316 and Highway 61, from 33rd Street south to the southern city limits. Within this service district, snowmobile operators are permitted to stop at restaurants, gas stations, lodging facilities, and parking lots for park and ride operations.

CHAPTER 153: SHORELAND MANAGEMENT

SURFACE WATER-ORIENTED COMMERCIAL USE. The use of land for commercial purposes, where access to and use of a surface water feature is an integral part of the normal conductance of business. Marinas, resorts, and restaurants with transient docking facilities are examples of the use.

CHAPTER 155: ZONING CODE

§ 155.29 C-2 HIGHWAY AUTO-SPECIALIZED COMMERCE.

Intent. The intent of this chapter in establishing a highway-auto-specialized commerce district is to provide appropriate areas for commercial establishments which are oriented to the motoring public or which require large sites for off-street parking or display of merchandise.

Uses permitted.

Commercial establishments which are oriented to the motorist including, but not limited to, eating places, automobile service stations, auto repair shops, car wash, and motel.
Appendix B: Required Number of Spaces

<table>
<thead>
<tr>
<th>Commercial</th>
<th>Required # of Spaces</th>
</tr>
</thead>
<tbody>
<tr>
<td>Restaurant, tavern, or lounge (sit down full service):</td>
<td></td>
</tr>
<tr>
<td>1. Without on-sale intoxicating liquor or dance hall license</td>
<td>1 per 60 square feet or 1 per 3 seats</td>
</tr>
<tr>
<td>2. With on-sale intoxicating liquor or dance hall license</td>
<td>1 per 50 square feet or 1 per 2 seats, except that in cases that there is a bar area separate from the food service area, a dance area larger than 100 square feet, or other public areas, additional parking may be required</td>
</tr>
</tbody>
</table>

Sidewalk Cafe

CHAPTER 90: STREETS AND SIDEWALKS

§ 90.16 SIDEWALK CAFES.

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

SIDEWALK CAFÉ. A grouping of tables, chairs and related items located wholly or partially within a public sidewalk or right-of-way for the purposes of service and consumption of food and beverages by patrons, when located immediately adjacent to a food and beverage service establishment having a common operator.

(B) Sidewalk cafés authorized. Sidewalk cafés with or without service of alcohol may be located on public sidewalks subject to a license issued by the City Council pursuant to this section.

(C) Requirements. Installation and operation of all sidewalk cafés are subject to the following requirements and sidewalk cafés serving intoxicating liquor, beer or wine are subject to the applicable requirements of Chapter 111.

Sidewalk cafés may only be installed and operated from April 1st to November 1st and during the hours of operation of the food service establishment provided that no sidewalk café may be operated between the hours of 11:00 p.m. and 11:00 a.m. No tables, chairs, furnishings, planters, fences or other obstructions shall be placed on public sidewalks between November 1st and April 1st. The City Council may further restrict the hours of operation of a sidewalk café based upon the proximity to residential dwelling units, and upon considerations relating to the safety, repose and welfare of residents, businesses and
other uses near the establishment. Furniture and fixtures may be stored overnight within the sidewalk café area provided the licensee shall ensure all items are stored and secured in a neat and orderly manner.

(2) All sidewalk cafés must abut and be operated as part of the food service establishment operated by the applicant and shall have delineated limits separating the sidewalk café from the travelled portion of the sidewalk. Sidewalk cafés serving intoxicating liquor, beer or wine must have a visually appealing and continuous barrier made of fencing or planters surrounding the entire sidewalk café area which must be compact and contiguous with the enclosed portion of the licensed premises. No licensee shall expand a sidewalk café without first obtaining an amended sidewalk café license covering the additional space.

(3) Only food or beverages for immediate consumption may be offered for sale and no alcoholic beverages may be dispensed from within the sidewalk café. The licensee shall provide food service in all sidewalk café areas during all hours of operation. Food service may consist of less than a full menu, but shall at all times offer a substantial choice of main courses, other food items, and non-alcoholic beverages. Glassware may be used in the service of food and beverages but only to the extent such use does not create a safety hazard for patrons or the public in adjacent areas and the licensee is responsible to immediately remove any broken glass from the premises.

(4) No licensee shall allow entertainment within a sidewalk café, including non-live entertainment such as radio, taped music and television unless the same is expressly approved in writing by the City Council and in no event shall noise be generated that would unreasonably annoy or interfere with neighboring property owners or occupants or the public.

(5) No sidewalk café may: (i) unduly restrict the safe usage of any roadway or the sidewalk by the public after taking into consideration the locations of obstructions, vehicular traffic and other impediments to the passage of vehicles and pedestrians; (ii) be located within ten (10) feet of any traffic signal, crosswalk or pedestrian curb cut; or (iii) adjoin any premises other than the applicant’s food service establishment. All signs, including sandwich boards, must comply with Chapter 155 and no signs may be placed in a manner that would obstruct a pedestrian sidewalk the licensee is otherwise required to keep clear and unobstructed.

(6) Fencing and planters shall be visually appealing and constructed of high-quality, durable materials maintained in good condition and shall not be permanently attached to the sidewalk or right-of-way. Fences and planters shall not exceed three (3) feet in height provided live plants may extend to a height of not more than six (6) feet, all as measured from the surface of the sidewalk or right-of-way. Planters must include live plants and must be well maintained at all times.

(7) Sidewalk cafés shall be handicap accessible and shall be installed in a manner complying with all ADA requirements and shall provide for a minimum of four (4) feet of
clear, unobstructed pedestrian walkway between all obstructions and the edge of the sidewalk café. No employee or server may obstruct pedestrian walkways at any time.

(8) Operation of a sidewalk café must comply with all provisions of the Minnesota Clean Indoor Air Act.

(9) No sidewalk café shall be installed or operated, and no license shall be issued, for any location where the same is prohibited by state or local law and the ownership, operation and maintenance of all sidewalk cafés shall be subject to all applicable laws, ordinances and regulations.

(10) The licensee shall maintain the sidewalk café in a clean and sanitary condition and shall be responsible to remove all trash and litter generated by the operation of the sidewalk café within a reasonable distance from the area. The licensee shall be responsible for all costs of repairing any damage to the sidewalk or other public property caused by the use of the sidewalk or public property as a sidewalk café. If the City Council approves any improvements to the sidewalk or right-of-way necessary for the licensee to operate a sidewalk café, the costs of such improvements plus any administrative costs shall be paid for in advance by the licensee.

(11) All sidewalk café licensees must at all times maintain commercial liability insurance covering the licensed premises and the sidewalk café area with minimum policy limits for bodily injury or death of not less than $1,000,000 per occurrence and $1,000,000 annual aggregate and for property damage of not less than $50,000. Proof of the required liability insurance shall be in the form of a certificate of insurance or some other form acceptable to the City Attorney and City Clerk. All liability insurance policies required herein shall name the city as any additional insured and shall provide that there shall be no cancellation of the policy for any cause, by the insured or by the insurance company, without first giving 10-days’ written notice to the city, addressed to the City Clerk. Operation of a sidewalk café or liquor sales by a licensee without required liability insurance coverage shall be grounds for immediate suspension or revocation of the license. In addition, the licensee shall indemnify and hold harmless the city, the city’s public officials, employees and agents from any loss, costs, damages and expenses arising out of the use, design, operation or maintenance of the sidewalk café. These insurance and indemnification requirements shall be memorialized in a license agreement signed by the licensee prior to the initial issuance of the sidewalk café license and upon any renewal thereof, but failure of the city and the licensee to execute such a license agreement shall not alleviate the licensee of its insurance and indemnification obligations hereunder.

(12) The city shall retain the right to remove or cause to be removed any tables, chairs, furnishings, planters, fences or other obstructions from the sidewalk or public right-of-way as necessary to access public utilities and facilities, during community civic festivals, celebrations and other events, or if the city reasonably determines any such item or items create an unreasonable risk to public health or safety. The city shall endeavor to give reasonable advance notice to the licensee that items need to be removed or relocated.
(D) License Applications.

An applicant for a sidewalk café license shall file an application on forms provided by the City Clerk which shall include, in addition to any other information required by the City, the following:

• The business name, address, phone number and contact person.

• A site plan of the proposed sidewalk café drawn to scale covering the entire area between the curb and building showing locations of the property lines, curbs, all streets in front of and adjacent to the property, all sidewalk dimensions measured from the building face to the back of the curb, all existing facilities and obstructions within the right-of-way, the proposed location of all sidewalk café fixtures, including but not limited to tables, chairs, umbrellas, planters, fences, barricades, lighting, and heaters, and the proposed limits of the sidewalk café.

• Photographs and manufacturer specifications for all proposed sidewalk café furniture and fixtures.

• Description and locations of any sound, television or video systems proposed for the sidewalk café.

• Description of all food and beverages that will be served within the sidewalk café and the proposed hours of operation.

• Description of all points of access between the building and the sidewalk café and exterior areas.

• Description of ingress and egress arrangements including those necessary to provide handicap accessibility and control of persons entering and leaving the premises to prevent consumption of alcohol by minors and to ensure safety of moveable seating arrangements.

(h) Description of all physical improvements to be constructed to accommodate the sidewalk café.

An insurance commitment or binder securing all insurance coverage required under this chapter and Chapter 111, if applicable, on the sidewalk café areas and meeting all requirements for naming the city as an additional insured.

18. Any other information known to the applicant that may reasonably impact the issuance of the license including but not limited to objections to the proposed sidewalk café raised by neighboring property owners or the public, obstructions or other factors that may interfere with pedestrian travel on the affected sidewalk area, or conditions that may impact public health or safety if the sidewalk café license is issued.

(2) Upon submission of a complete application the City Clerk shall place the application upon the agenda for next available City Council meeting at which time the City Council shall order a public hearing and direct that notice of the hearing be given in the same manner as prescribed for special use permits.
(E) Granting of license. Following the public hearing, the City Council may grant or deny the license or refer the matter to any commission or committee for further study.

(F) Criteria for issuance and renewal. No sidewalk café license may be issued or renewed if the results of the investigation or other evidence given to the City Council through any means, shows to the satisfaction of the Council, that the issuance or renewal would not be in the public’s interest. The Council shall make written findings, certifying the sidewalk café will comply with the following criteria.

(1) The design and operation satisfy the applicable requirements of this chapter and will be in harmony with the purpose and intent of Chapter 155 and all rules applicable in any Heritage Preservation District within which the sidewalk café is located.

(2) The design and operation will not unreasonably interfere with or annoy users of neighboring residential, commercial or public property.

(3) The design and operation will not unreasonably interfere with pedestrian or vehicular traffic or access to any public street, utility or other facilities.

(4) Where liquor, wine or beer will be served, the licensed premises is compact and contiguous with the premises licensed under Chapter 111 and the design and operation will safeguard against consumption of alcohol by minors.

(G) Conditions of license. Every license issued pursuant to this chapter shall be subject to the conditions of this section and all other sections of this chapter and any other applicable ordinance of the city, state law, or federal law, and shall include the following conditions.

(1) Posting. The license shall be posted in a conspicuous place in the licensed establishment at all times.

(2) Additional conditions. The Council may, upon a finding of necessity, place the conditions and restrictions upon the license as it, at its discretion, may deem reasonable and justified to protect the public interest.

(3) Licenses limited to certain areas. All fixtures shall be placed, and all operations conducted, within the space described on the license.

(4) Inspection by peace officers or health officers. All sidewalk cafés shall be subject to compliance inspections and no licensee or employee of a licensee shall hinder or prevent a peace officer, health officer, building official, fire official, or any other employee so designated by the City Council or City Administrator from entering upon and inspecting the licensed premises during business hours, without a search warrant.

(5) Responsibility of licensee. Every licensee, whether actually present on the licensed premises or not, shall be responsible for the conduct of the licensed premises and shall maintain conditions of sobriety and order on the licensed premises.
(6) Payment of WAC and SAC. Licensees shall pay all additional WAC and SAC imposed as a result of additional seating offered within a sidewalk café.

(H) Transfer of license. No license issued pursuant to this chapter shall be transferrable to another person or entity nor may any such license be transferred to a different location.

(I) Expiration of license. Every license issued under this chapter shall expire on November 1st of each year, regardless of when the license was issued.

(K) Suspension or revocation of license. The City Council may suspend, revoke or deny renewal of any sidewalk café license upon the violation of any license condition or of any provision or condition of this chapter, any other city ordinance, or of any state or federal law. Before the Council shall suspend or revoke any license issued under this chapter, the licensee shall be given at least 10-days’ notice stating the time and place of the hearing and the charges against the licensee. (Ord. 2015-07, 3rd Series, passed 6-1-15)

Farmers’ Market

Chapter 155: Zoning Code
§ 155.07 SPECIAL PROVISIONS.

(A) Temporary outdoor merchandising events. Temporary outdoor merchandising events may be allowed as an accessory use within the C-1, C-2, C-3, and C-4, zoning districts, subject to the requirements of this section. For the purposes of this section, MERCHANDISING EVENT or EVENT is defined to include the promotion and sale of goods and/or services, including, but not limited to, inventory reduction or liquidation sales, distressed merchandise sales, seasonal sales, and special event sales. The following standards shall apply to all temporary outdoor merchandising events in private parking lots.

(1) A proposed event and any temporary structures to be used in that event must meet all applicable building, fire, and electrical codes and adopted appendices and city ordinances.

(2) One event shall not exceed 60 consecutive calendar days. Any combination of events shall not exceed 60 calendar days per site per calendar year. For purposes of this section, shopping centers shall be considered 1 site and 1 event shall not exceed 60 consecutive calendar days and any combination of events held at a shopping center shall not exceed 75 calendar days per calendar year.

(3) No merchandise shall be sold which would violate the city’s zoning ordinances.

(4) Temporary structures may be used, provided they will not impair the parking capacity, emergency access or the safe movement of pedestrian and vehicular traffic on or off the site. All temporary structures shall be constructed with materials approved for weather-exposure durability and appearance. All temporary structures shall be removed within 24 hours after the end of the event.

(5) The site shall have adequate off-street parking will exist for the proposed event and adjoining buildings. In multi-tenant buildings, consideration will be given to the parking
needs of the other tenants. In no event, can designated handicapped parking spaces or handicapped access be impaired by an event.

(6) All signs related to the event shall comply with the standards of the zoning district.

(7) Applicant must submit a completed application form to the Planning Department for review and approval.

§ 90.11 PRIVATE USE OF PUBLIC STREETS AND PARKING LOTS.

The Council may, in its discretion, grant special permission whereby on-street parking or the use of city-owned parking lots or ramps on public sidewalks may be temporarily or permanently prohibited or restricted for private reasons and purposes (including, but not limited to, establishment of private or leased parking, loading zones, or display of merchandise on sidewalks) at the places, on the terms and for the compensation as the Council may deem just and equitable. In establishing the amount of the compensation to be paid to the city, the Council shall consider the amount of space, location, thereof, public inconvenience, and hazards to persons or property. Upon complaint of any aggrieved person at any time and by reason of any specific special permission so granted, the Council shall at its next regular meeting after receipt of the complaint, call a hearing thereon to be held after 10-days’ notice in writing to the applicant and complainant and published notice at least 10 days prior to the hearing. After the hearing, the Council may by resolution decide whether to terminate, continue, or redefine the terms of the permission and the decision shall be final and binding on all persons directly or indirectly interested therein, except that the Council may, on its own motion, reconsider the same.

Free and reserved on-street parking shall be limited to city-owned and operated vehicles.

It is unlawful for any person to park or otherwise infringe upon a grant of right under this section, when clearly and distinctly marked or sign-posted. It is unlawful for any person not granted the right to assert the same, or for any grantee of the right to exceed the same under claim thereto.

Mobile Food and Vending Vehicles

CHAPTER 71: PARKING REGULATIONS

§ 71.10 PARKING FOR THE PURPOSE OF ADVERTISING OR SELLING MERCHANDISE.

It is unlawful for any person, without first obtaining a permit from the city, to park a vehicle on any street for the purpose of selling merchandise thereon or therein, or advertising any merchandise for sale or a forthcoming event, for a period longer than 15 minutes. Provided, however, that this section shall not apply to the sale of farm or garden products by the person producing same. (Prior Code, § 8.20) Penalty, see § 10.99
CHAPTER 115: PEDDLERS AND SOLICITORS

§ 110.04 CARRYING OR POSTING.

All transient merchants, peddlers, and solicitors shall at all times when so engaged, carry their license on their person. All other licensees shall post their licenses in their places of business near the licensed activity. All licensees shall display their licenses upon demand by any officer or citizen. (Prior Code, § 5.04) Penalty, see § 10.99

§ 115.01 DEFINITIONS.

TRANSIENT MERCHANT. A person who temporarily sets up business out of a vehicle, trailer, boxcar, tent, other portable shelter, or empty store front for the purpose of exposing or displaying for sale, selling or attempting to sell, and delivering, goods, wares, products, merchandise or other personal property and who does not remain or intend to remain in any one location for more than 14 consecutive days. The term TRANSIENT MERCHANT shall mean the same as TEMPORARY MERCHANT or TEMPORARY VENDOR. (Am. Ord. 562, passed 2-20-2007)

§ 115.02 EXCEPTIONS TO DEFINITIONS.

(A) For the purpose of the requirements of this chapter, the terms PEDDLER, SOLICITOR, and TRANSIENT MERCHANT shall not apply to:

i) any person selling or attempting to sell at wholesale any goods, wares, products, merchandise or other personal property to a retailer of the items being sold by the wholesaler; or

ii) any person who makes initial contacts with other people for the purpose of establishing or trying to establish a regular customer delivery route for the delivery of perishable food and dairy products such as baked goods and milk; or

iii) to any person making deliveries of perishable food and dairy products to the customers on his or her established regular delivery route; or

iv) persons conducting the type of sales commonly known as garage sales, rummage sales, or estate sales; or

v) those persons participating in an organized multi-person bazaar or flea market; or

vi) anyone conducting an auction as a properly licensed auctioneer, or
vii) any officer of the court conducting a court-ordered sale.

Exemption from the definitions for the scope of this chapter shall not excuse any person from complying with any other applicable statutory provision or local ordinance.

(B) Nothing in this chapter shall be interpreted to prohibit or restrict DOOR-TO-DOOR ADVOCACY.

Persons engaging in door-to-door advocacy shall not be required to register as solicitors.

§ 115.03 LICENSING; EXEMPTIONS.

(A) County license required. No person shall conduct business as a peddler, solicitor, or transient merchant within the city limits without first having obtained the appropriate license from the county as required by M.S. Chapter 329, as it may be amended from time to time, if the county issues a license for the activity.

(B) City license or registration required. Except as otherwise provided for by this chapter, no person shall conduct business as either a peddler or a transient merchant without first having obtained a license from the city. Solicitors need not be licensed, but are still required to register pursuant to § 115.07.

(C) Application. Application for a city license to conduct business as a peddler or transient merchant shall be made at least 10 regular business days before the applicant desires to begin conducting business. Application for a license shall be available from the office of the City Clerk. All applications shall include the following information:

(1) Applicant’s full legal name; answers;

(2) All other names under which the applicant conducts business or to which applicant officially

(3) Complete and current personal contact information for applicant

(4) Full legal name of any and all business operations owned, managed or operated by applicant, or for which the applicant is an employee or agent;

(5) Complete and current business contact information for applicant (if any)

(6) The type of business for which the applicant is applying for a license;

(7) The term of license being applied for;

(8) The date(s) during which the applicant intends to conduct business. If the applicant is applying for a daily license, the number of days he or she intends to conduct business in the city (maximum 14 consecutive days, except for those meeting the requirements of § 155.07(G)); Special Provisions – Transient Merchant – Extended Stay)
(9) The location where an applicant intends to set up business;

(10) A statement as to whether or not the applicant has been convicted within the last 5 years of any felony, gross misdemeanor, or misdemeanor for violation of any state or federal statute or any local ordinance, other than traffic offenses;

(11) A list of the 3 most recent locations where the applicant has conducted business as a peddler or transient merchant;

(12) Proof of any requested county license;

(13) Certificate of Insurance

(14) A general description of the items to be sold or services to be provided;

(15) All additional information deemed necessary by the City Council;

and

(16) A color copy of the applicant’s driver’s license or other acceptable form of photo identification;

(17) The license plate number, registration information, description, and vehicle identification number for any vehicle(s) to be used in conjunction with the licensed business.

(18) If the applicant will have employee(s) working, then all additional employee(s) are required to successfully complete a background investigation prior to being authorized to work under any license issued to an applicant.

(D) Fee. All applications for a license under this chapter shall be accompanied by the fee established by ordinance.

(E) Procedure.

(1) Upon receipt of the completed application and payment of the license fee and background check fee, the City Clerk, within 2 regular business days, must determine if the application is complete. An application is determined to be complete only if all required information is provided.

(2) If the City Clerk determines that the application is incomplete, the City Clerk must inform the applicant of the required necessary information that is missing.

(3) If the application is complete, the City Clerk must order any investigation, including background checks, necessary to verify the information provided with the application. Within ten regular business days of receiving a complete application the City Clerk must issue the license unless there exist grounds for denying the license under § 115.04, in which case the Clerk must deny the license.
(4) If the City Clerk denies the license, the applicant must be notified in writing of the decision, the reason for denial, and of the applicant’s right to appeal the denial by requesting, within 20 days of receiving notice of rejection, a public hearing before the City Council.

(5) The City Council shall hear the appeal within 20 days of the date of the request. The decision of the City Council following the public hearing can only be appealed by filing an appeal in the Dakota County District Court within 30 days of the final decision by the City Council.

(F) Duration. All licenses granted under this chapter shall be valid only during the time period indicated on the license. Transient merchant licenses are limited to 14 consecutive days or must meet the requirements of § 155.07(G) - Transient Merchant – Extended Stay.

(G) License exemptions.

(1) No license shall be required for any person to sell or attempt to sell, or to take or attempt to take orders for, any product grown, produced, cultivated, or raised on any farm.

(2) No license shall be required of any person going from house-to-house, door-to-door, business-to-business, street-to-street, or other type of place-to-place when the activity is for the purpose of exercising that person’s state or federal constitutional rights such as the freedom of speech, press, religion and the like, except that this exemption may be lost if the person’s exercise of Constitutional rights is merely incidental to a commercial activity.

(3) Professional fund raisers working on behalf of an otherwise exempt person or group shall not be exempt from the licensing requirements of this chapter.

(H) Any license issued under this chapter shall not be valid during any special event designated by resolution of the City Council. Separate peddler’s and transient merchant’s licenses shall be required for any special event.

(I) Special event. The following standards apply to all special events designated by resolution of the City Council.

(1) Only those peddler and transient merchant licenses issued specially for the special event shall be valid during the term and location of the special event as designated by resolution of the City Council. All other peddler and transient merchant licenses shall be invalid within the parameters set by the resolution of the City Council creating the special event.

(2) To protect the public safety by having an orderly placement of peddlers and transient merchants within the location of the special event, peddlers and transient merchants applying for a license for the special event shall be required to obtain a permit from the entity sponsoring the special event. The sponsoring entity may charge a fee for its
permit. (Am. Ord. 562, passed 2-20-2007; Am. Ord. 2010-08, 3rd Series, passed 6-21-2010) Penalty, see § 10.99

(J) Location of Event. The following apply to all applicants:

(1) Private Property—if the applicant intends to conduct temporary sales on private property, a letter of consent from the property owner or the property owner’s agent must be submitted with the application materials.

(2) Public (City) Property—sales on public (City) property or streets are not permitted except under the following circumstances:

a) As part of a Special Event as designated by the City Council;

b) As part of a recreational tournament sanctioned by the City and occurring on public (City) property.

§ 115.04 LICENSE INELIGIBILITY.

The following shall be grounds for denying a license under this chapter:

(A) The failure of the applicant to obtain and show proof of having obtained any required county license;

(B) The failure of the applicant to truthfully provide any of the information requested by the city as a part of the application, or the failure to sign the application, or the failure to pay the required fee at the time of application;

(C) The conviction of the applicant within the past 5 years from the date of application for any violation of any federal or state statute or regulation, or of any local ordinance, which adversely reflects on the person’s ability to conduct the business for which the license is being sought in an honest and legal manner. Those violations shall include but not be limited to burglary, theft, larceny, swindling, fraud, unlawful business practices, and any form of actual or threatened physical harm against another person;

(D) The revocation within the past 5 years of any license issued to the applicant for the purpose of conducting business as a peddler, solicitor, or transient merchant; and/or

(E) The applicant is found to have a bad business reputation. Evidence of a bad business reputation shall include, but not be limited to, the existence of more than 3 complaints against the applicant with the Better Business Bureau, the Attorney General’s Office, or other similar business or consumer rights office or agency, within the preceding 12 months, or 3 complaints filed against the applicant within the preceding 5 years.
§ 115.05 LICENSE SUSPENSION AND REVOCATION.

(A) Generally. Any license issued under this section may be suspended or revoked at the discretion of the City Council for violation of any of the following:

(1) Fraud, misrepresentation, or incorrect statements on the application form or during the course of the licensed activity;

(3) Conviction of any offense for which granting of a license could have been denied under § 115.04;

(4) Violation of any provision of this chapter; and/or

(5) Violation of any conditions imposed on a permit issued by a sponsoring entity of a special event.

(B) Multiple persons under one license. The suspension or revocation of any license issued for the purpose of authorizing multiple persons to conduct business as peddlers or transient merchants on behalf of the licensee shall serve as a suspension or revocation of each authorized person’s authority to conduct business as a peddler or transient merchant on behalf of the licensee whose license is suspended or revoked.

(C) Notice. Prior to revoking or suspending any license issued under this chapter, the city shall provide the license holder with written notice of the alleged violation(s) and inform the licensee of his or her right to a hearing on the alleged violation. Notice shall be delivered in person or by mail to the permanent residential address listed on the license application, or if no residential address is listed, to the business address provided on the license application.

(D) Public hearing. Upon receiving the notice provided in this section, the licensee shall have the right to request a public hearing. If no written request for a hearing is received by the City Clerk within 10 business days following the service of the notice, the city may proceed with the suspension or revocation. For the purpose of mailed notices, service shall be considered complete as of the date the notice is placed in the mail. If a public hearing is requested within the stated time frame, a hearing shall be scheduled within 20 days from the date of the request. Within 3 regular business days of the hearing, the City Council shall notify the licensee of its decision.

(E) Emergency. If, in the discretion of the City Council, imminent harm to the health or safety of the public may occur because of the actions of a peddler or transient merchant licensed under this chapter, the City Council may immediately suspend the person’s license and provide notice of the right to hold a subsequent public hearing as prescribed in division (C) of this section.
(F) Appeals. Any person whose license is suspended or revoked under this section shall have the right to appeal that decision in court. (Am. Ord. 562, passed 2-20-2007) Penalty, see § 10.99

§ 115.06 LICENSE TRANSFERABILITY.

No license issued under this chapter shall be transferred to any person other than the person to whom the license was issued. Penalty, see § 10.99

§ 115.07 REGISTRATION.

All solicitors, and any person exempt from the licensing requirements of this chapter under § 115.03, shall be required to register with the city. Persons engaging in door-to-door advocacy shall not be required to register. The term DOOR-TO-DOOR ADVOCACY includes door-to-door canvassing and pamphleteering as vehicles for the dissemination of religious, political and other ideas. Registration shall be made on the same form required for a license application, but no fee shall be required. Immediately upon completion of the registration form, the City Clerk shall issue to the registrant a certificate of registration as proof of the registration. Certificates of registration shall be non-transferable. Penalty, see § 10.99

§ 115.08 PROHIBITED ACTIVITIES.

No peddler, solicitor, or transient merchant shall conduct business in any of the following manners:

(A) Calling attention to his or her business or items to be sold by means of blowing any horn or whistle, ringing any bell, crying out, or by any other noise, so as to be unreasonably audible within an enclosed structure;

(B) Obstructing the free flow of either vehicular or pedestrian traffic on any street, alley, sidewalk or other public right-of-way;

(C) Conducting business in a way as to create a threat to the health, safety and welfare of any individual or the general public;

(D) Conducting business before 7:00 a.m. or after 9:00 p.m.;

(E) Failing to provide proof of City license or registration, and identification, when requested; or using the license or registration of another person;

(F) Making any false or misleading statements about the product or service being sold, including untrue statements of endorsement. No peddler, solicitor, or transient merchant shall claim to have the endorsement of the city solely based on the city having issued a license or certificate of registration to that person; and/or
(G) Remaining on the property of another when requested to leave, or to otherwise conduct business in a manner a reasonable person would find obscene, threatening, intimidating, or abusive.

Penalty, see § 10.99

§ 115.09 EXCLUSION BY PLACARD.

No peddler, solicitor, or transient merchant, unless invited to do so by the property owner or tenant, shall enter the property of another for the purpose of conducting business as a peddler, solicitor, or transient merchant when the property is marked with a sign or placard at least 4 inches long and 4 inches wide with print of at least 48 point in size stating “No Peddlers, Solicitors, or Transient Merchants,” or “Peddlers, Solicitors, and Transient Merchants Prohibited,” or other comparable statement. No person other than the property owner or tenant shall remove, deface, or otherwise tamper with any sign or placard under this section. Penalty, see § 10.99 (Ord. 2012-16, 3rd Series, passed 4-16-12)

CHAPTER 155: ZONING CODE
§ 155.07 SPECIAL PROVISIONS.
(G) Transient Merchant - Extended Stay.
(1) Definition. Transient Merchant – Extended Stay. Transient Merchants – Extended Stay are subject to the definition of TRANSIENT MERCHANT as defined in Chapter 115.01 - Peddlers.
(2) General Regulations.
(a) Allowed on vacant lots within the C-1, C-2, C-3 and C-4 zoning districts.
(b) Applicant must submit a completed application form to the Zoning Administrator for review and approval. Intensive uses and high traffic will require the applicant to apply for a Special Use Permit which requires City Council and Planning Commission approval.
(c) Permit shall be valid for 90 days with one 90-day renewal period in one calendar year.
(d) Transient Merchants who are in operation longer than one year shall file for an extension of the permit. The extension requires approval by the City Council. Approval is contingent on meeting site plan improvements such as, but not limited to, parking and landscaping. An annual inspection is required.
(e) No merchandise shall be sold which would violate the city’s zoning ordinances. Any changes in merchandise sold from the original application will require a new permit.
(f) Temporary structures may be used, provided they will not impair the parking capacity, emergency access or the safe movement of pedestrian and vehicular traffic on or off the site. All temporary structures shall be constructed with materials approved for weather-exposure durability and appearance.
(g) The site shall have adequate off-street parking.
(h) All signs related to the Transient Merchants shall comply with the standards of the zoning district.
(i) Transient Merchant must meet all applicable building, fire, and electrical codes and adopted appendices and city ordinances.

Parking

§ 70.08 REGULATION OF MOTOR VEHICLES ON PUBLIC, SEMI-PUBLIC, AND PRIVATE PROPERTY.

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

MOTOR VEHICLES. Self-propelled motorized vehicles, whether or not licensed by the State of Minnesota, including automobiles, trucks, motorcycles, motor scooters, mini bikes, dune buggies, trail bikes, go-carts and all terrain vehicles (but specifically excluding snowmobiles as defined and regulated by City Code).

PARKING LOTS. Areas designated for parking of motor vehicles and access and entrance roads used in connection with the parking lots.

PRIVATE PROPERTY. Property, whether owned by government unit or private person or corporations, not open for use by the public, including but not limited to yards of residences, apartment buildings, industrial and commercial locations, railroads, cemeteries, and golf courses.

PUBLIC PROPERTY. Property owned by a governmental body that may be used by the public, subject to reasonable regulations by the government body, including: public parks; county, city and school parks, grounds, yards and parking lots, but excluding state, city and county streets and roads.

SEMI-PUBLIC PROPERTY. Privately-owned property, generally open for use by the public, including commercial and institutional parking lots and other property generally used by patrons of a commercial business or institution.

It is hereby declared unlawful for any person to operate a motor vehicle:

On private property of one other than the owner, and on semi-public property (except parking lots), without express permission of the owner;
On public property (excluding parking lots) unless area is expressly posted to allow the use by governmental until having control of area in which case operation thereon shall comply with all posted restrictions and regulations;

On parking lots and (when authority is granted as above provided) on public property, semi-public property and private property:

- Contrary to posted instructions and directions;
- At unsafe or unreasonable speeds;
- In a careless, reckless, or negligent manner so as to endanger life or property;
- While under the influence of an alcoholic beverage or narcotic drug or combination thereof; and/or
- So as to create or cause unnecessary engine noises or tire squeal or so as to cause the tires to spin or slide upon the acceleration or stopping of the vehicle or so as to cause the motor vehicle to turn abruptly or swerve from side to side or so as to create a substantial likelihood of damage to person or property.

On any public, semi-public, or private property (except parking lots) during the hours from 10:00 p.m. to 8:00 a.m. except that a property owner or persons specifically authorized by him or her may operate between these hours but the operation shall comply with the prohibition set forth in division (B)(3) above.

It is unlawful to operate a motor vehicle on public, private, or semi-public property, including parking lots, unless equipped as follows:

With standard mufflers which are properly attached and which reduce the noise of operation of the motor vehicle to the minimum necessary for operation. No muffler cutouts, by-passes, straight pipes, or similar devices shall be allowed;

Without brakes adequate to control the movement of and to stop and hold the vehicle;

Without a deadman throttle which when pressure is removed will cause the motor to be disengaged from the drive system if such a throttle was part of the original equipment on the vehicle; and

When operated at night, without at least 1 clear lamp attached to the front, with sufficient intensity to reveal persons and vehicles at a distance of at least 100 feet ahead during the hours of darkness under normal atmospheric conditions. The headlamps shall be so aimed that glaring rays are not projected into the eyes of an oncoming vehicle operator. It shall also be equipped with at least 1 red tail lamp, having a minimum candle power of sufficient intensity to exhibit a red light plainly visible from a distance of 500 feet to the rear during the hours of darkness under normal atmospheric conditions. This equipment shall be required and shall be in operating condition when the vehicle is operated during the hours of 2 hour after sunset to 2 hour before sunrise or at times of reduced visibility.
It is unlawful to chase, drive after, run over, kill, or injure any animal with a motor vehicle.

Vehicles not licensed under the laws of the State of Minnesota may not be operated on parking lots, whether publicly owned or semi-private property unless specifically authorized by the owner thereof.

Persons operating motor vehicles the operation of which requires the operator to wear a helmet under regulations of the State of Minnesota and in particular the Public Safety Department thereof shall, when operated in the City of Hastings, be operated by a person wearing an approved helmet.

Passengers may not be carried in or upon the vehicle if under the laws of the State of Minnesota, passengers are not allowed when the vehicle is operated on the public roads. When passengers are under state law allowed on or in the vehicle, the passengers shall be governed by state law applicable to passengers on vehicles of that type when operated on public right-of-way.

**Chapter 71: Parking Regulations**

§ 71.01 DEFINITIONS.

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

COMMERCIAL VEHICLE/EQUIPMENT. Including but not limited to back hoes, dump trucks, landscaping equipment, skid steers, wood chippers, cube or box type trailers or trucks, flat bed trailers, open trailers with rails, tractor trailers, semi-trailers, farm trailers, custom service vehicles, and the like.

LOT. A separate parcel, tract, or area of land undivided by any public street or approved private road, established by plat, metes and bounds subdivision, or as otherwise permitted by law, and occupied by or intended to be developed for and occupied by a principal building or group of the buildings and accessory buildings, or utilized for a principle use and uses accessory thereto, including the open spaces and yards as are designed and arranged or required by city code for the building, use, or development.

MOTOR VEHICLE. Any self-propelled vehicle designed and originally manufactured to operate primarily upon public roads and highways. It includes any vehicle propelled or drawn by a self-propelled vehicle.

MOTORCYCLE. Every motor vehicle having a seat or saddle for the use of the rider and designed to travel on not more than 3 wheels in contact with the ground, including motor scooter and bicycles with motor attached, other than those vehicles defined as motorized bicycles.

MOTORIZED BICYCLES. A bicycle that is propelled by a motor of a piston displacement capacity of 50 cubic centimeters or less, and a maximum of 2 brake horsepower, which is
capable of a maximum speed of not more than 30 mph on a flat surface with no more than 1% grade in any direction when the motor is engaged.

**PASSENGER AUTOMOBILE.** Any motor vehicle designed and used for carrying not more than 15 persons including the driver.

**PASSENGER VEHICLES.** Any passenger automobile, pick-up truck, van, self-propelled recreational vehicle, motorcycle, motorized bicycle, bus, school bus, or a farm truck.

**PICK-UP TRUCK.** A truck with a manufacturer’s nominal rated carrying capacity of 3/4 ton or less commonly known as a pick-up truck.

**RECREATIONAL VEHICLE/EQUIPMENT.** Motorized or non-motorized. Includes but not limited to boats, boat trailers, travel trailers, pickup campers and coaches, tent campers, tent trailers, canoes, snowmobiles, motor homes, jet skis, all-terrain vehicles, go-carts, mud trucks, stock cars, stock car trailers, buses, snowmobile trailers, jet ski trailers, truck toppers, and enclosed box trailers whether occupied or not by equipment and any trailer capable of carrying any of the foregoing items.

**SEMI-TRAILER.** A vehicle of the trailer type so designed and used in conjunction with a tractor trailers that a considerable part of its own weight or that of its load rests upon and is carried by the tractor trailers and includes a trailer drawn by a tractor trailers semi-trailer combination.

**TRACTOR TRAILER.** A motor vehicle designed and used primarily for drawing other vehicles and not constructed to carry a load other than a part of the weight of the vehicle and load drawn.

**TRAILER.** Any vehicle designed for carrying property, cargo, or passengers on its own structure and for being drawn by a motor vehicle.

**VAN.** Any vehicle of box-like design with no barrier or separation between the operators and the remainder of the cargo-carrying area, and with a manufactures nominal rated carrying capacity of 3/4 ton or less.

**VEHICLE.** Any motor vehicle, passenger vehicle, recreational vehicle/equipment, or commercial vehicle/equipment.

§ 71.02 PRESUMPTION.

As to any vehicle parked in violation of Chapters 70, 71, and 90, when the driver thereof is not present, it shall be presumed that the owner parked the same, or that the driver was acting as the agent of the owner. (Prior Code,§ 8.02) (Am. Ord. 519, passed 6-21-2004)

§ 71.03 GENERAL PARKING PROHIBITIONS.
It is unlawful for any person to stop, stand, or park a vehicle except when necessary to avoid conflict with other traffic or in compliance with the specific directions of a police officer or traffic-control device in any of the following places:

- On a sidewalk;
- In front of a public or private driveway;
- Within an intersection;
- Within 10 feet of a fire hydrant;
- On a crosswalk;
- Within 20 feet of a crosswalk at any intersection;
- Within 30 feet upon the approach to any flashing beacon, stop sign, or traffic-control signal located at the side of a roadway;
- Within 50 feet of the nearest rail of a railroad crossing;
- Within 20 feet of the driveway entrance to any fire station and on the side of a street opposite the entrance to any fire station within 75 feet of the entrance when properly sign-posted;
- Alongside or opposite any street excavation or obstruction when the stopping, standing, or parking would obstruct traffic;
- Upon any bridge or other elevated structure upon a street;
- At any place where official signs prohibit stopping; or
- Upon private residential property without first receiving consent of the owner thereof.

§ 71.04 UNAUTHORIZED REMOVAL.

It is unlawful for any person to move a vehicle not owned by the person into any prohibited area or away from a curb such distance as is unlawful. (Prior Code, § 8.04) (Am. Ord. 519, passed 6-21-2004) Penalty, see § 10.99

§ 71.05 DIRECTION TO PROCEED.

It is unlawful for any person to stop or park a vehicle on a street when directed or ordered to proceed by any police officer invested by law with authority to direct, control, or regulate traffic.
§ 71.06 ANGLE PARKING.

Where angle parking has been established and is allowed, as shown by curb marking or signposting, or both, each vehicle stopped or parked shall be at an angle of approximately 45 to 60 degrees with the front wheel touching the curb and within any parking lines painted on the curb or street, provided that the front wheel not touching the curb shall be the portion of the vehicle furthest in the direction of 1-way traffic; and it is unlawful to park in violation of this section.

§ 71.07 EMERGENCY.

No vehicle shall be left parked on the streets of the City after a snowfall of two inches or more in depth until streets are plowed to their full width. If a vehicle is found in violation of this subsection, a citation may be issued and the vehicle may be removed at the owner’s expense.

§ 71.09 RESTRICTED DAYS AND HOURS OF PARKING.

It is unlawful for any person to park on any street on any day during prohibited hours on any day, or in excess of the permitted number of hours when the same has been marked by signposting in each block or contiguous area of parking thereon, provided that parking on any street is prohibited in excess of 24 hours. This provision shall supplement any other provision of this chapter.

§ 71.10 PARKING FOR THE PURPOSE OF ADVERTISING OR SELLING MERCHANDISE.

It is unlawful for any person, without first obtaining a permit from the city, to park a vehicle on any street for the purpose of selling merchandise thereon or therein, or advertising any merchandise for sale or a forthcoming event, for a period longer than 15 minutes. Provided, however, that this section shall not apply to the sale of farm or garden products by the person producing same.

§ 90.11 PRIVATE USE OF PUBLIC STREETS AND PARKING LOTS.

The Council may, in its discretion, grant special permission whereby on-street parking or the use of city-owned parking lots or ramps on public sidewalks may be temporarily or permanently prohibited or restricted for private reasons and purposes (including, but not limited to, establishment of private or leased parking, loading zones, or display of merchandise on sidewalks) at the places, on the terms and for the compensation as the Council may deem just and equitable. In establishing the amount of the compensation to be paid to the city, the Council shall consider the amount of space, location, thereof; public
inconvenience, and hazards to persons or property. Upon complaint of any aggrieved person at any time and by reason of any specific special permission so granted, the Council shall at its next regular meeting after receipt of the complaint, call a hearing thereon to be held after 10-days’ notice in writing to applicant and complainant and published notice at least 10 days prior to the hearing. After the hearing, the Council may by resolution decide whether to terminate, continue, or redefine the terms of the permission and the decision shall be final and binding on all persons directly or indirectly interested therein, except that the Council may, on its own motion, reconsider the same.

Free and reserved on-street parking shall be limited to city-owned and operated vehicles.

It is unlawful for any person to park or otherwise infringe upon a grant of right under this section, when clearly and distinctly marked or sign-posted. It is unlawful for any person not granted the right to assert the same, or for any grantee of the right to exceed the same under claim thereto.

155.09 PARKING AND LOADING REQUIREMENTS.

General provisions.
• No change of use, tenancy, or occupancy of a parcel of land or building, including construction of new building or an addition to a building, which requires additional parking or loading spaces shall be allowed until the additional parking or loading spaces are approved and furnished. Review may be required under the site plan review procedures of § 155.51.
• Required parking shall be available for the parking of operable vehicles of residents, customers, and employees. A required loading space shall not be used for any other purpose than the immediate loading or unloading of goods or passengers.
• Parking and loading spaces shall meet all requirements of this chapter before the building for which they serve is occupied, except as otherwise permitted in this chapter.
• Required parking and loading spaces shall be located on the same development site as the use served. Except residential uses in the R-1, R-IL and R-2 zoning districts, the city may approve off-site parking if the City Council finds the following.
• Reasonable access shall be provided from the off-site parking facilities to the use being served.
• The parking shall be within 400 feet of a building or lot for the use
• The parking area shall be under the same ownership as the site served, under public ownership or the use of the parking facilities shall be protected by a recorded instrument, acceptable to the city.
• Failure to provide on-site parking shall not encourage parking on the public streets, other private property or in private driveways or other areas not expressly set aside for the purposes.
• The off-site parking shall be maintained until on-site parking is provided or an alternate off-site parking facility is approved by the city as meeting ordinance requirements.
• Notwithstanding any other provision of this section to the contrary, a land use may provide the required off-street parking area for additional land uses on the same development site if the following conditions are met.
• Because of the hours of operation of the respective uses, their sizes and their modes of operation there will be available to each use during its primary hours of operation an amount of parking sufficient to meet the needs of the use.
• The joint use of the parking facilities shall be protected by a recorded instrument, acceptable to the city.

Design requirements.
• Standard dimensions. Except as permitted in division (B)(2) below, a parking space shall have a minimum width of 9 feet and a minimum length of 18 feet not including access driveways and turnarounds sufficient to permit a standard automobile to be parked in and removed from the space without the necessity of moving other vehicles. The minimum dimensions of stall and aisles are as follows.

<table>
<thead>
<tr>
<th>Curb Angle</th>
<th>Stall Length</th>
<th>Length</th>
<th>Aisle</th>
</tr>
</thead>
<tbody>
<tr>
<td>45 degrees</td>
<td>12.0 feet</td>
<td>18.0 feet</td>
<td>13 feet*</td>
</tr>
<tr>
<td>60 degrees</td>
<td>10.0 feet</td>
<td>18.0 feet</td>
<td>18 feet*</td>
</tr>
<tr>
<td>75 degrees</td>
<td>9.0 feet</td>
<td>19.0 feet</td>
<td>21 feet*</td>
</tr>
<tr>
<td>90 degrees</td>
<td>9.0 feet</td>
<td>18.0 feet</td>
<td>22 feet**</td>
</tr>
<tr>
<td>Parallel</td>
<td>20.0 feet</td>
<td>8.0 feet</td>
<td>22 feet</td>
</tr>
</tbody>
</table>

NOTES TO TABLE:
* One-way aisles only.
** Aisles that are not between 2 rows of 90 angle parking spaces may be 18 feet wide.
• Compact car dimensions. A compact car space shall have a minimum width of 8 feet and a minimum length of 16 feet not including access driveways and turnarounds sufficient to permit a compact automobile to be parked in and removed from the space without the necessity of moving other vehicles. The minimum dimensions of compact stalls shall be as follows.

<table>
<thead>
<tr>
<th>Angle</th>
<th>Curb Length</th>
<th>Stall Length</th>
</tr>
</thead>
<tbody>
<tr>
<td>45 degrees</td>
<td>10.0 feet</td>
<td>16.0 feet</td>
</tr>
<tr>
<td>60 degrees</td>
<td>8.5 feet</td>
<td>17.5 feet</td>
</tr>
<tr>
<td>75 degrees</td>
<td>8.0 feet</td>
<td>16.5 feet</td>
</tr>
<tr>
<td>90 degrees</td>
<td>8.0 feet</td>
<td>16.0 feet</td>
</tr>
<tr>
<td>Parallel</td>
<td>16.0 feet</td>
<td>8.0 feet</td>
</tr>
</tbody>
</table>

• Compact car parking conditions. Compact car parking may be provided if the following conditions are met.
  • A maximum of 25% of the total number of required parking spaces may be used for compact cars, provided the total parking area has at least 20 stalls.
  • Compact car stalls shall be clearly marked with directional signs as approved by the city.
  • Compact car stalls shall be distributed throughout the parking area to have reasonable proximity to the structure(s) served by and shall not have generally preferential locations such that their use by non-compact cars will be discouraged.
  • Compact car stalls shall be designed to discourage their use by non-compact cars.

• Access and location.
• Parking areas shall be designed to provide an adequate means of access to a public alley or street. The driveway access shall not exceed 30 feet in width for residential uses and 32 feet in width for commercial, office, or industrial uses at the property line and driveways shall be so located as to cause the least interference with traffic movement. All driveway widths shall be measured from the property line, not the roadway. Driveways must be located at least 3 feet from the extension of the side lot line from the property line to the curb to accommodate the driveway apron. Driveways abutting a public street must have a minimum 3-foot landscaped separation between any adjacent driveway. (Am. Ord. 549, passed 4-17-2006; Am. Ord. 2007-05, 3rd Series, passed 9-4-2007)

• Driveway widths up to 50 feet will be permitted only by special permission of the Planning and Public Works Directors. All off-street parking spaces shall access off driveways and not directly off a public street unless otherwise approved by the Planning and Public Works Directors.

Surfacing.
• Generally.
• Except as otherwise provided in this chapter, all parking spaces, access, maneuvering areas, and driveways shall be engineered according to city specifications and constructed with an asphalt or another impervious surface, and concrete curb and gutter. Single- and 2-family homes shall be graded and paved with asphalt or another impervious surface, but are exempt from curb and gutter requirements. All parking areas shall be maintained in good condition, in accordance with city specifications.
• If access is gained from an improved street, that portion of the access in the public right-of-way also shall be paved.
• Any improvement that expands or modifies the surface of an existing parking lot or drive aisle by more than 25% within a 5-year period shall trigger full compliance with city specifications for the entire parking lot.
• Exemptions. Exemptions from surfacing requirements shall meet the following requirements:
  • Provide gravel, oil mat, and/or durable dustless surface to control dust;
  • Pave driveways and aprons to prevent debris from entering the street right-of-way or sidewalk;
  • Install gates at the access to catch gravel and dirt;
  • Direct traffic through other paved portions of the parking area; and
  • Provide adequate drainage to dispose of runoff. (Am. Ord. 479, passed

Setbacks/buffers.
• Access drives, driveways, and aisles shall not be allowed to intrude into a required parking setback except at the access point or where a joint drive serving more than 1 property will provide better/safer traffic circulation.

building.
• For residential structures, no parking space shall be within 5 feet of any
• Parking structures/ramps shall be subject to site plan review, including the following criteria for establishing setbacks.

• A parking structure shall be deemed an underground garage for the level(s) of parking which are below grade and are unexposed except entrance and exit points. Where the roof or any portion of the roof of such a qualifying structure is used as surface parking, the parking shall meet the applicable zoning district and other ordinance requirements regarding surface parking location, setbacks, and screening.

• A parking structure with 1 or more parking levels that is completely or partially below grade and does not qualify as an underground garage shall meet the applicable zoning district and other ordinance requirements regarding surface parking location, setbacks, and screening.

• Any parking structure or portion thereof which is partially or completely above grade shall be deemed a structure for meeting the applicable zoning district and other ordinance requirements regarding building setbacks/screening. (Am. Ord. 551, 2nd Series, passed 5-1-2006)

3. Drainage, lighting, signs, and curb and gutter.
   • Drainage. Adequate drainage shall be provided to prevent ponding and to dispose of the runoff from the impervious surface of the parking area. Provisions shall be made for the on-site collection of drainage waters to eliminate sheet flow of water onto sidewalks, public right-of-way, and abutting private property, subject to the approval of the Public Works Director.
   • Lighting. Lighting used to illuminate parking areas shall be directed in a downward vertical direction and away from adjacent properties and rights-of-way so as not to cause a nuisance either to traffic or abutting properties.
   • Signs. Except as permitted in § 155.08, no signs shall be located in any parking area except as necessary for orderly operational movement, including, but not limited to:
     • Parking stalls shall be clearly marked with painted stripes showing the full 18 or, for compact cars, 16-foot length and access lanes with directional arrows to guide internal movements;
     • Areas used for compact cars shall be clearly marked;
     • Handicapped parking spaces shall be designated according to state standards; and

   • Additional signs and markings shall be required if determined by the Public Works Director to be necessary for traffic circulation of safety.

• Curb and gutter. Curb and gutter is required for all parking lots with 6 or more parking spaces.

Minimum and maximum off-street parking requirements.

• Floor area for calculating the number of parking spaces shall be the total gross floor area for each story of the building/structure.
• The amount of parking shall be computed according to the standards of this section and the formulas listed in Appendix B at the end of this chapter. The maximum number of parking stalls shall not exceed 20% of the minimum required unless the City Council grants an exception.

• Parking requirements for a use not specifically mentioned shall be computed at the requirement for the use it most closely resembles at the discretion of the Planning Director.

• For mixed uses, the total requirements for off-street parking facilities shall be the sum of the requirements for the various uses computed separately.

• The minimum number of parking spaces shall be based on the maximum number of employees and/or seating capacity/occupancy at peak hours of operation.

• Existing structures and uses within the DC and RMU Zoning Districts prior to the adoption of the Downtown Master Plan (5-5-2003) shall be considered in conformance with the minimum parking and loading requirements of this section, provided the use and intensity is unchanged. Parking and loading requirements for any intensification of an existing building or use, or construction of a new building shall be determined by a proof of parking study. When a study is required, the Urban Land Institute’s 1983 publication, Shard Parking Standards, the Institute of Transportation Engineers Shared Parking Standards Planning Guidelines (1995), or equivalent study shall be used to determine the number of spaces needed for a single or shared use. (Am. Ord. 497, passed 7-7-2003)

Loading requirements.

• Off-street loading shall be required of uses or buildings that receive or distribute merchandise by truck and shall be adequate to handle the needs of the particular use or building and as designated by Appendix A at the end of this chapter.

• All schools having a capacity of 25 or more students shall have a driveway designed for a continuous flow of passenger vehicles for loading and unloading students.

APPENDIX A: OFF-STREET LOADING REQUIREMENTS

<table>
<thead>
<tr>
<th>Square Feet of Floor Area or Outside Storage Area</th>
<th>Loading Space</th>
<th>Special Requirements</th>
</tr>
</thead>
<tbody>
<tr>
<td>1,000 - 5,000</td>
<td>250 square feet</td>
<td>None</td>
</tr>
<tr>
<td>5,000 - 20,000</td>
<td>300 square feet</td>
<td>None</td>
</tr>
<tr>
<td>20,000 - 50,000</td>
<td>750 square feet</td>
<td>1 space must measure 10 feet by 50 feet</td>
</tr>
</tbody>
</table>
### APPENDIX B: REQUIRED NUMBER OF SPACES

<table>
<thead>
<tr>
<th>Commercial</th>
<th>Required # of Spaces</th>
</tr>
</thead>
<tbody>
<tr>
<td>General Retail</td>
<td>1 per 200 square feet</td>
</tr>
<tr>
<td>Professional/General Office</td>
<td>1 per 300 square feet</td>
</tr>
<tr>
<td>Banks/Credit Unions, including stacking spaces</td>
<td>1 per 300 square feet</td>
</tr>
<tr>
<td>Self-Service Laundry</td>
<td>1 per 3 washing machines</td>
</tr>
<tr>
<td>Bowling Alley</td>
<td>5 per lane</td>
</tr>
<tr>
<td>Theater</td>
<td>1 per 6 seats based on design capacity</td>
</tr>
<tr>
<td>Furniture and Appliance Store</td>
<td>1 per 500 square feet</td>
</tr>
<tr>
<td>Restaurant, tavern, or lounge (sit down full service):</td>
<td></td>
</tr>
<tr>
<td>1. Without on-sale intoxicating liquor or dance hall license</td>
<td>1 per 60 square feet or 1 per 3 seats</td>
</tr>
<tr>
<td>2. With on-sale intoxicating liquor or dance hall license</td>
<td>1 per 50 square feet or 1 per 2 seats, except that in cases that there is a bar area separate from the food service area, a dance area larger than 100 square feet, or other public areas, additional</td>
</tr>
<tr>
<td>Recreation-Participant/Spectator:</td>
<td></td>
</tr>
<tr>
<td>1. Indoor and Outdoor</td>
<td>1 per 4 seats or 8 feet of bench length.</td>
</tr>
<tr>
<td>2. Shopping Center*</td>
<td>At least 4 spaces per 1,000 square feet of area.</td>
</tr>
<tr>
<td>Automobile Service or Gas Station</td>
<td>2 parking spaces for each service stall plus 1 parking space for each 200 square feet of gross building area and adequate parking for gas pump</td>
</tr>
<tr>
<td>Auto, Boat, Trailer/Mobile Home Sales or</td>
<td>1 per 500 square feet</td>
</tr>
<tr>
<td>Service</td>
<td></td>
</tr>
</tbody>
</table>

**NOTES TO TABLE:**

* If a center contains substantial interior common space, required parking spaces may be reduced based on an analysis of parking demand and proof of parking to be installed if needed at the request of the city.
<table>
<thead>
<tr>
<th>Public/quasi-public</th>
<th>Required # of Spaces</th>
</tr>
</thead>
<tbody>
<tr>
<td>Hospital</td>
<td>3 per 2 beds</td>
</tr>
<tr>
<td>Library</td>
<td>1 per 500 square feet, plus 1 per employee</td>
</tr>
<tr>
<td>Government</td>
<td>1 per 300 square feet</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Industrial</th>
<th>Required # of Spaces</th>
</tr>
</thead>
<tbody>
<tr>
<td>Warehouse and Manufacturing</td>
<td>1 per 1,000 square feet but no less than 1 per</td>
</tr>
<tr>
<td>Wholesale Establishment</td>
<td>1 per employee plus 1 per 1,000 square feet</td>
</tr>
</tbody>
</table>

Displaying Signs

TITLE XV: LAND USAGE

CHAPTER 155: ZONING CODE

§ 155.02 DEFINITIONS.

SIGN. Any letter work, symbol, model, printed, projected or affixed device, poster, picture, reading matter, or other representation in the nature of an advertisement, announcement, direction or informative device including structural and compound parts that is located outdoors and is larger than 1 square foot in area.

(1) BANNERS. Attention getting devices that resemble flags and are of a paper, cloth, or plastic like consistency. A sign, flag, banner, pennant, or valance constructed of cloth, canvas, light fabric, cardboard, wallboard, plastic or other light materials with or without frames, which is not permanently secured and is intended to be displayed for a limited period of time only. (Ord. No. 2014-06 3rd Series, Adopted 7-07-14)

(2) CONSTRUCTION SIGN. Any sign that displays information regarding the construction or development of the site in which it is displayed.

(3) DIRECTIONAL SIGN. A sign that serves primarily to direct traffic to the location of a place, area, or activity.

(4) ELECTRONIC GRAPHIC DISPLAY SIGN. A sign or portion thereof displaying electronic images, graphics, or pictures, with or without text information, defined by a small number of matrix elements using different combinations of light emitting diodes (LEDs), fiber optics, light bulbs or other illumination devices within the display area where the message change sequence is accomplished immediately or by means of fade, repixelization or dissolve modes. ELECTRONIC GRAPHIC DISPLAY SIGNS include computer programmable, microprocessor controlled electronic or digital displays. ELECTRONIC GRAPHIC DISPLAY SIGNS are prohibited from flashing or pulsing. ELECTRONIC GRAPHIC DISPLAY SIGNS include projected images or messages within these characteristics onto buildings or other objects.
(5) FLAG. A rectangular piece of fabric of distinctive design mounted on a pole used as a symbol (as a nation), signaling device (nautical), or attention getting device (advertising).

(6) FREESTANDING SIGN. A sign that is self supporting and affixed to a frame structure, not attached to a building.

(7) GRADE OF SIGN. The lowest point of elevation of the finished surface of the ground, paving, or sidewalk within the area between the sign and a line 10 feet from the sign.

(8) IDENTIFICATION SIGN. A sign that displays only the name, address and title of an occupant or the name and address of a building or development.

(9) MONUMENT SIGN. Any freestanding sign with its sign face mounted on the ground or mounted on a base at least as wide as the sign.

(10) NONCONFORMING SIGN. Any sign that does not conform to the regulations of this chapter.

(11) OFF-PREMISES SIGN. Any sign that advertises anything other than the business located on the same lot.

(12) PERMANENT SIGN. Any sign other than a temporary sign.

(13) PORTABLE SIGN. Sandwich boards and other types of durable signage which are placed in front of a business during operating hours and are removed at the end of the business day. A sign so designed as to be movable from 1 location to another that is not permanently attached to the ground, sales display device, or structure. Vehicle Signs shall not be considered Portable Signs. (Ord. No. 2014-06 3rd Series, Adopted 4-7-14)

(14) PROJECTING SIGN. Any sign affixed to an outside exterior wall or soffit of any building and is not parallel to the plane of the wall or soffit.

(15) PUBLIC SIGN. Any sign display intended primarily to promote items of general interest to the community such as time, temperature, date, atmospheric conditions, news, and the like. This does not include any information that would be related to the products or services at the display site.

(16) REAL ESTATE SIGN. Any sign about the sale, lease, or rental of land or buildings.

(17) ROOF LINE. The line at which an exterior wall surface of a building structure departs from a vertical plane.

(18) ROOF SIGN. Any sign erected and constructed wholly on and over the roof of a building, supported by the roof structure, and extending vertically above the highest portion of the roof.

(19) SHOPPING CENTER AREA IDENTIFICATION SIGN. A freestanding sign used to identify single tenant or multi-tenant buildings.
(20) SIGN AREA. The area within the marginal lines or extreme outside edge of the surface that bears the advertisement, or in the case of messages, figures, or symbols attached directly to any part of a building, that area included in the smallest rectangle that can be made to circumscribe any message, figure, or symbol displayed thereon. For a sign with not more than 2 back-to-back faces, only the area of 1 side is computed in determining the sign area.

(21) SIGN HEIGHT. The height of a sign shall be measured from the grade of the sign.

(22) SIGN ILLUMINATION. A light source within or directed at the sign.

(23) TEMPORARY SIGN. Any sign used only temporarily and is not permanently mounted including ribbons, banners, pennants, and other similar attention getting devices.

(24) TRAFFIC SIGN. A sign erected by a governmental agency for guiding vehicular traffic and providing information to motorists.

(25) VEHICLE SIGN. (a) Flat, one-dimensional signs painted or placed magnetically or otherwise attached (i.e. glue) to a vehicle. on the side of vehicles. 9 (b) Signs under 10 square feet attached to a vehicle via a structural support. (c) Temporary Signs and Banners affixed to vehicles shall not be considered Vehicle Signage. ( Ord. No. 2014-06, 3rd Series, Adopted 04-07-14)

(26) VIDEO DISPLAY SIGN. A sign that changes its message or background in a manner or method of display characterized by motion or pictorial imagery, which may or may not include text and depicts action or special effects to imitate movement, the presentation of pictorials or graphics displayed in a progression of frames which have the illusion of motion, including but not limited to the illusion of moving objects, moving patterns or bands of light, or expanding or contracting shapes. VIDEO DISPLAY SIGNS include projected images or messages with these characteristics onto buildings or other objects.

(27) WALL SIGN. A sign affixed to the exterior wall, mansard roof, or soffit of a building that is parallel to the building wall. A wall sign does not project more than 12 inches from the surface to which it is attached, or extend beyond the top of the parapet wall.

§ 155.08 SIGNS.

General provisions.
Purpose. Findings, Purpose and Effect.
Findings. The City Council hereby finds as follows:
Exterior signs have a substantial impact on the character and quality of the environment.
Signs provide an important medium through which individuals may convey a variety of messages.
Signs can create traffic hazards, aesthetic concerns and detriments to property values, thereby threatening the public health, safety and welfare.
The city’s zoning regulations have, historically included the regulation of signs in an effort to provide adequate means of expression and to promote the economic viability of the business community, while protecting the city and its citizens from a proliferation of signs of a type, size, location and character that would adversely impact upon the aesthetics of the community and threaten the health, safety and welfare of the community. The regulation of the physical characteristics of signs within the city has had a positive impact on traffic safety and the appearance of the community.

Purpose and intent. It is not the purpose or intent of this section to regulate the message displayed on any sign; nor is it the purpose or intent of this section to regulate any building design or any display not defined as a sign, or any sign which cannot be viewed from outside a building. The purpose and intent of this section is to:

Regulate the number, location, size, type, illumination and other physical characteristics of signs within the city in order to promote the public health, safety and welfare.

Maintain, enhance and improve the aesthetic environment of the city by preventing visual clutter that is harmful to the appearance of the community.

Improve the visual appearance of the city while providing for effective means of communication, consistent with constitutional guarantees and the city’s goals of public safety and aesthetics.

Provide for fair and consistent enforcement of the sign regulations set forth herein under the zoning authority of the city.

Effect. A sign may be erected, mounted, displayed or maintained in the city if it is in conformance with the provisions of these regulations. The effect of this section, as more specifically set forth herein, is to:

Allow a wide variety of sign types in commercial zones, and a more limited variety of signs in other zones, subject to the standards set forth in this section.

Allow certain small, unobtrusive signs incidental to the principal use of a site in all zones when in compliance with the requirements of this section.

Prohibit signs whose location, size, type, illumination or other physical characteristics negatively affect the environment and where the communication can be accomplished by means having a lesser impact on the environment and the public health, safety and welfare.

Provide for the enforcement of the provisions of this section.

Definitions. See § 155.02.

Generally. The following are minimum requirements.

All signs shall be erected or installed according to state building and electrical codes. Furthermore, all electrical signs shall require underground wiring.
• All signs/sign structures shall be maintained in safe and orderly condition with the areas around them kept free from debris, bushes, high grass/weeds, or anything else that would be a nuisance.

• Address signs that are clearly legible from the street which access is gained shall be required for each principal structure, except in non-sewered areas where addresses shall be affixed and visible from both sides of the mailbox and/or a separate structure visible from the access or street.

• Illuminated signs shall be designed so as not to be obtrusive to adjacent property or to passing motorists on private or public rights-of-way.

• Except as otherwise regulated herein, the minimum setback from property lines for all signs may be zero feet provided that no portion of the sign extends into public right-of-way. At no time shall a sign be permitted to extend into a Minnesota Department of Transportation right-of-way. Signs above 30 inches in height may not be placed within the vision triangle, which is measured by 25 feet in either direction of an intersection at the edge of the street, or within any easement.

• Signs permitted by this section shall be designed and constructed to resist wind and seismic forces as specified in the 1982 Uniform Sign Code.

• Roof signs. To provide reasonable flexibility in respect to the sign regulations set forth in this section, the City Council may approve an application for a roof sign where an exception would be consistent with the intent of these regulations, in cases where the applicant demonstrates practical difficulties in using a wall sign or freestanding sign. However, no roof sign shall exceed in size the district requirements for freestanding signs. If the City Council approves a roof sign, the area of the roof sign may be subtracted from the allowable freestanding and/or wall signage allowed for the property and/or building.

• Portable signs are allowed in all commercial districts as follows:

• Properties zoned DC (Downtown Core) or within the East 2nd Street Historic District are allowed to have one portable sign per business. The sign shall be no greater than eight (8) square feet in size, six (6) feet in height, and shall not substantially impede pedestrian traffic along the sidewalk. Signs may not be left outdoors overnight. Signage shall complement the historic nature of downtown.

• Commercial Districts, excluding the DC (Downtown Core) and East 2nd Street Historic District, are allowed to have one portable sign per business.

A sign permit is not allowed if:

The sign is less than sixteen (16) square feet in size and six (6) feet in height, and
The sign is not left outdoors overnight.

- **Additional Regulations.** Portable signage may not be situated within any public street right-of-way or easement, unless the building has a zero front yard setback. Portable signs over thirty-two (32) square feet and six (6) feet in height are prohibited. (Ord. No. 2014-06 3rd Series, Adopted 4-7-14)

**Prohibited signs and sign structures.**

- No sign shall be located within or over a public right-of-way unless otherwise specifically permitted by this section or the City Council.

- No illuminated flashing or revolving signs shall be permitted with the exception of electronic graphic display signs and movie theaters, time and temperature provided the signs are designed so as not to be obtrusive to adjacent property or to passing motorists on private or public rights-of-way. Furthermore, movie theaters with illuminated flashing or revolving signs shall use light bulbs that are 25 watts or less and shall not be operated between 12:00 a.m. and 6:00 a.m.

- No sign shall be erected or maintained in a way that obstructs, obscures, or otherwise physically interferes with an official traffic sign, signal/device, or driver’s view of approaching, merging, or intersecting traffic.

- No sign shall be erected or maintained which imitates or resembles any official traffic sign, signal, or device. Furthermore, no sign shall contain the wording including, but not limited to, “stop,” “warning,” or “caution” which may be confused with traffic signing or controls unless the signs are approved by the city.

- No sign shall be painted or placed on a utility pole, tree, or other like structure except those signs that provide public information concerning a school, city, county, state, or federal event.

- No sign shall be made of any nondurable material and attached directly to a building.

- No sign/structure shall be placed that will obstruct safe access to doors, windows, or fire escapes.

- No sign shall be supported by guy wires.

- No sign shall be placed on a rooftop or project above the roof line when attached to a structure except as may be permitted by the City Council under division (A) above.

- Any sign not expressly permitted by the provisions of this section.

Page 110 of 138
Hastings, Minnesota
• **Video display signs.**

• **Signs affixed to vehicles, except Vehicle Signs.** *(Ord. No. 2014-06 3rd Series, Adopted 4-7-14)*

3. **Signs permitted without a permit.**

• **Traffic signs as approved by the Public Works Director;**

• **Public signs as approved by the City of Hastings;**

• **One temporary, on-site construction sign for a residential development provided a final plat has been filed. The sign shall not exceed 100 square feet in size, 10 feet in height and must be located on a vacant lot or lot with a model home within the subdivision at least 10 feet from the nearest property line. Furthermore, the sign shall be removed when 90% of single-family or 75% of multiple-family lots are sold. Construction trailers may be placed in close proximity to support construction of the site. Placement and/or use of the trailers solely for advertising shall be prohibited;**

• **One temporary, on-site construction sign in a commercial, industrial, or public institution development, provided a building permit has been issued. The sign shall not exceed 100 square feet in size, 10 feet in height and shall be removed before any building in the project is occupied. Where a building permit or certificate of occupancy is not required for a construction project including, but not limited to, landscaping projects, 1 on-site sign not to exceed 25 square feet in size and 10 feet in height may be allowed up to 7 days. Construction trailers may be placed in close proximity to support construction of the site. Placement and/or use of the trailers solely for advertising shall be prohibited;**

• **Temporary ribbons, banners, pennants, and similar devices are—** *Temporary Signs are allowed in commercial, industrial, and public institution districts upon submittal of a sign notification form to the City. The devices shall be removed if they become torn, discolored, or in any way damaged to modify their original appearance. Businesses and/or property owners utilizing these temporary devices that include advertising and/or a message shall be allowed only a total of 90 days during any 12-month period. Only 1 device shall be used at a time, and the maximum size of the device shall be equal to or less than the monument sign area standards for the district in which the site is located, or in the case of the East 2nd Street Historic District or Downtown Core District, equal or less than the wall sign standards. Signage placed on public property as part of a City Council designated “Special Event” shall be exempt from temporary sign regulations. (Ord. No. 2014-06 3rd Series, Adopted 4-7-14)*

• **Signs 6 square feet or less in size per visible side on residential properties provided that signs identifying home occupations must comply with the signage restrictions set forth in § 155.07(D); and**
• Notwithstanding any other provisions of this section, all signs of any size containing noncommercial speech may be posted from August 1 in any general election year until 10 days following the general election and 13 weeks prior to any special election until 10 days following the special election.

• **Vehicle Signs.**

(Ord. 2014-06 3rd Series, Adopted 4-07-14)

4. Signs requiring a permit.

Permit required. Except for signs specifically allowed by this section without a permit, no signs shall be erected, altered, reconstructed, maintained or moved in the city without first securing a permit from the city. The content of the sign shall not be reviewed or considered in determining whether to approve or deny a sign permit. Sign applications are available from the Planning Department. The applicant shall include sign dimensions, height, colors, construction materials, method of anchoring and location. A sketch or photograph of the proposed sign and a site plan that adequately illustrates the location of the sign is required. In addition, the application shall include the location and size of all other signs at the subject property/development. Once a completed sign application is filed with the Planning Department, City Staff shall review the plans and specifications for the proposed sign(s). If the proposed sign meets section requirements, the Building Code and all other city ordinances, a signed permit will be approved. The required fee as established by resolution of City Council shall be paid to the city before issuance of a signed permit. Unless otherwise noted, the following regulations apply to all zoning districts.

One monument sign for each principal structure, unified development, or legal parcel, whichever is more restrictive. Lots adjacent to more than 1 street may have 1 sign per street frontage. In no case shall secondary signs exceed 50 square feet in size or 6 feet in height.

Wall canopy, projecting or marquee; except as otherwise noted, the amount of signage permitted is based on the wall to which the sign will be attached. Sign heights shall not exceed the top of the parapet wall or, if there is no parapet wall, sign height shall not exceed height of eaves.

On-site directional signs. To direct vehicular and pedestrian traffic in a safe and convenient manner, directional signs are permitted, provided the sign does not exceed the sizes indicated in the table in division (D)(1)(e) below. The number and location of directional signs will be determined through sign permit review.

**Electronic graphic display signs must meet the following requirements:**

**Allowable zoning districts.** Electronic graphic display signs may
only be located in the C-1, C-2, C-3, C-4, P-I, and O-1 Zoning Districts. Electronic graphic display signs shall be prohibited in all other zoning districts and the East 2nd Street Historic District.

Setback from residential. The leading edge of the sign must be a minimum distance of 60 feet from an abutting residential district.

Dimmer control. Electronic graphic display signs must have an automatic dimmer control to produce a distinct illumination change from a higher illumination level to a lower level for the period between 1 half-hour before sunset and 1 half-hour after sunrise.

Use. Electronic graphic display signs may only be used in combination with freestanding signage and may not constitute more than 25% of the monument sign face size as regulated in the table in division (D)(1)(e) below. If a sign is being refaced, no more than the existing size of signage may be replaced with an electronic sign.

Flashing. The messages on an electronic graphic display sign may change at a rate of no less than 6 seconds. No flashing shall be allowed.

The table below illustrates the allowed amounts of signage permitted in the various districts.

<table>
<thead>
<tr>
<th></th>
<th>Zoning Districts</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>A, R, PI</td>
</tr>
<tr>
<td>Monument</td>
<td></td>
</tr>
<tr>
<td>Maximum Height</td>
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</tr>
<tr>
<td>Sign Face Size</td>
<td>50 square feet</td>
</tr>
<tr>
<td>Cap Height (max.)</td>
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</tr>
<tr>
<td>Wall</td>
<td></td>
</tr>
<tr>
<td>Maximum Size</td>
<td>Greater of 40 square feet or 5% of wall area</td>
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<tr>
<td>Projecting</td>
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<tr>
<td>Clearance</td>
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</tr>
<tr>
<td>Maximum Distance from Building</td>
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</tr>
<tr>
<td>Directionals</td>
<td></td>
</tr>
<tr>
<td>Maximum Height</td>
<td>4 feet</td>
</tr>
<tr>
<td>Maximum Size</td>
<td>-</td>
</tr>
<tr>
<td>Zoning Districts</td>
<td></td>
</tr>
<tr>
<td>------------------</td>
<td></td>
</tr>
<tr>
<td><strong>C-3</strong></td>
<td><strong>I-1, I-2, C-4</strong></td>
</tr>
<tr>
<td>Single Occupant</td>
<td>Multiple Occupants</td>
</tr>
<tr>
<td><strong>Monument</strong></td>
<td><strong>Maximum Height</strong></td>
</tr>
<tr>
<td></td>
<td><strong>Sign Face Size</strong></td>
</tr>
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<td><strong>Cap Height (max.)</strong></td>
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<tr>
<td><strong>Wall</strong></td>
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<td><strong>Clearance</strong></td>
</tr>
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<td></td>
<td><strong>Maximum Distance from Building</strong></td>
</tr>
<tr>
<td><strong>Directionals</strong></td>
<td><strong>Maximum Height</strong></td>
</tr>
<tr>
<td></td>
<td><strong>Maximum Size</strong></td>
</tr>
</tbody>
</table>

**NOTES TO TABLE:**

2. 5, 6 and 10 foot tall monument signs may be taller than noted if equal height bases are used, up to 3 feet
3. 15 and 20 foot tall monument signs may be taller than noted if equal height bases are used, up to 5 feet

(Ord. 2010-15, 3\textsuperscript{rd} Series, passed 07-19-2010)

- A, R, and PI Districts.

Residential developments with 6 or more single-family or multiple-family dwelling units may have 1 monument identification sign per the size indicated in the table in division (D)(1)(e) above.
Churches, public or private schools, hospitals, and residential care facilities are permitted 1 monument identification for the purpose of displaying the name of the institution and its activities or services.
On-site directional signs are permitted for churches, public or private schools, hospitals, residential care facilities, or government/public institutions.

One monument identification sign not to exceed 50 square feet in size or 5 feet in height for any commercial or institutional use within the PI Zoning District. Lots adjacent to more than 1 street may have 1 sign per street frontage. (Am. Ord. 553, 2nd Series, passed 5-15-2006; Am. Ord. 2008-1, 2nd Series, passed 1-7-2008; Am. Ord. 2009-06, 3rd Series, passed 5-4-2009; Am. Ord. 2009-11, 3rd Series, passed 11-16-2009)

C-1 and O-1 Districts.

Signs as permitted per division (D)(1) above.

Lots adjacent to more than 1 street may have 1 sign per street frontage. In no case shall secondary signs exceed 50 square feet in size or 6 feet in height.

• C-2 District.

Signs as permitted per division (D)(1) above.

Lots adjacent to more than 1 street may have 1 sign per street frontage. In no case shall secondary signs exceed 50 square feet in size or 6 feet in height.

Additional monument signs permitted for automobile dealerships:

One monument sign not to exceed 50 square feet or 6 feet in height for advertisement of sale of pre-owned automobiles; and

One monument sign not to exceed 50 square feet or 6 feet in height for each additional new automobile product line (automobile make) sold on the premises.

• C-3 District.

Signs as permitted per division (D)(1) above.

Lots adjacent to more than 1 street may have 1 sign per street frontage. In no case shall secondary signs exceed 50 square feet in size or 6 feet in height.

Those properties located within the East 2nd Street Historic District are subject to the regulations of division (D)(8) below.

• C-4 Districts.
Signs as permitted per division (D)(1) above.

Lots adjacent to more than 1 street may have 1 sign per street frontage. In no case shall secondary signs exceed 50 square feet in size or 6 feet in height.

For movie theatres, the primary wall sign may not exceed 10% of the building facade on which the sign is erected. Secondary signs on the other building facades may not exceed 5% of the building facade on which the sign is erected, or 40 square feet, whichever is greater.

- **I-1 and I-2 Districts.** Signs as permitted per division (D)(1) above.
- **DC Downtown Core and East 2nd Street Historic District.**

Downtown Hastings is a remarkably intact and compact example of commercial architecture from the 1860's to the 1920's. This historic character is considered an important asset of Downtown and, therefore, it is the intent of the this section that this character be preserved. To accomplish this objective, all permanent signage within the East 2nd Street Historic District or on property zoned DC Downtown Core shall comply with the following requirements and guidelines.

Wall signs not to exceed 2 square feet per linear foot of building frontage. The size of a sign should be appropriate to the building.

Signs should not cover up the traditional design elements of a building as identified in the following sketch. When feasible, signage shall be at traditional locations, including: painted inside the windows, door pane or transom pane; flush on the storefront cornice or lintel; letters painted or attached directly on the cornice or lintel; mounted flush between the lintel and second floor windows.
• The style, colors, lettering, and materials of the sign should reflect the age of the building. Examples may be found in old photographs and surviving signs.

• Contrast between a dark background and light lettering, or vice versa, is more important than size. The lettering style should be chosen for its legibility.

• Plastic, aluminum, and back lit signs are not usually appropriate on older buildings because of their materials, colors, size, and style of lettering. The content and
5. Permit requirements.

Except as otherwise provided in this section, no sign or structure shall be erected, constructed, altered, rebuilt, or relocated until a permit has been issued by the city. The applicant shall include sign dimensions, height, colors, construction materials and method of anchoring. A site plan that adequately illustrates the location of the sign is required. In addition, the application shall include the location and size of all other signs at the subject property/development.

Once a completed sign application is filed with the Planning Department, staff shall review the plans and specifications for the proposed sign(s). If the proposed sign(s) meets ordinance requirements, the building code and all other laws and ordinances of the city, a sign permit will be approved.

The required fee as established by resolution of the City Council shall be paid to the city before issuance of a sign permit.

Signs erected without a permit are subject to payment of twice the established sign permit fee.


Any sign legally existing on the effective date of this section that does not conform to the requirements set forth in this section shall become a nonconforming use and/or structure. Except as otherwise provided in this section, nonconforming signs shall be allowed to continue, but shall not be rebuilt, relocated, replaced, or altered without being brought into compliance with all the requirements of this section. Furthermore, nonconforming signs are subject to the provisions contained at § 155.06.
Any sign that is in violation of this section shall be removed or altered to comply with this section.
Maintenance of existing signs, including the replacement of faceplates of the same size, or smaller shall be permitted on nonconforming signs.
Temporary ribbons, banners, pennants, and similar devices that are in use as of the adoption of this section must comply with the provisions of division (C)(11) above.

§ 110.07 POSTING AND DISTRIBUTING PRINTED MATTER.
Posting. It is unlawful for any person to attach any printed matter of any kind to any public or private building, bridge, fence, railing, utility pole, or any other public or private property in the city, or paint any advertising matter or sign upon any sidewalk without first having obtained a license therefore. The Council may from time to time designate the places within the city where billboards may be placed, and specify size, dimensions, and any restrictions that they deem necessary. Any person desiring to attach any printed matter to any billboard shall first obtain a license from the City Clerk. The fee for the license shall be $5 per year and the license document shall specify the location of the billboards for which it is issued. Every billboard so licensed shall be kept in good repair by the licensee at his or her own expense so that its appearance will at all times be neat and clean. It is unlawful for any person to willfully deface or otherwise injure or destroy any billboards designated by the Council or any handbills or printed matter thereon.

Exceptions. The provisions of this section shall not apply to posting notices required by law, or to the distribution of newspapers, periodicals, or local merchants or farmers distributing handbills, advertising their own goods or businesses; or to churches, lodges, schools and colleges distributing bills advertising meeting or athletic or other event, or to any fair association distributing its own advertising matter. (Prior Code, § 5.07) Penalty, see § 10.99

Recycling

CHAPTER 50: GENERAL PROVISIONS

§ 50.07 GARBAGE AND REFUSE HAULERS.

Commercial solid waste collection.

Recycling. Any hauler wishing to haul solid waste from non-residential structures must also offer recycling services to its customers. At a minimum, all commercial haulers must provide their customers with the same recycling services that are offered to residential structures within the City.
§ 50.08 RECYCLING HAULERS.

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

AUTHORIZED RECYCLING PROGRAM. A program for the collection and recycling of recyclable materials which is instituted, sponsored, authorized, and controlled by the City of Hastings.

RECYCLABLE MATERIALS. All items of refuse designated by the City Council to be part of an authorized recycling program and which are intended for transportation, processing, remanufacturing, or reuse.

SCAVENGING. The unauthorized collection of recyclable materials that have been set out by residents of the City specifically for participation in curb-side recycling programs.

(B) License required. It is unlawful for any person to pick up recyclable materials from residences or commercial buildings without a license from the City. There shall be issued by the City recycling license until such time as the Council determines, by ordinance approved by a 2/3 majority of the entire City Council, that additional licenses are necessary. The holder of a recycling license shall be able to collect recyclable material from residential or commercial buildings as part of an authorized recycling program. Application shall be made in the same manner as required by ordinance for a garbage and refuse hauler in the City.

(C) Fee. The annual fee for a recycling license shall be $50.

(D) Designation of items. Items designated for recycling shall be listed by resolution of the City Council to be part of an authorized recycling program.

(E) Ownership of recyclable materials. Ownership of recyclable materials set out for the purpose of participating in a curb side recycling program shall remain with the person who set out the recyclable materials until they are removed by the recycling hauler licensed by the City. Until the recyclable materials are removed by the licensed recycling hauler, the person who set out the recyclable materials are totally responsible for their proper preparation, handling, and storage. Ownership and responsibility for the proper handling of the recyclable materials shall vest in the licensed recycling hauler upon removal by it.

(F) Unauthorized collection. It shall be unlawful for any person who is not authorized by the City to take, collect, or scavenge recyclable materials set out for authorized recycling programs within the City. A violation of this division (F) shall be a misdemeanor.

(G) Contract. The City may require recycling haulers to enter into a contract with the City which more specifically spells out the details and requirements of an authorized recycling program. Violation of the contract will be grounds for revocation of any license issued pursuant to this section.
(H) Fees. Before the Council shall establish the rates for residential recycling collections. The Council shall establish the rates by written agreement with the licensed hauler. Such rates may include an automatic price increase or fuel surcharge when based on an ascertainable standard described in the written agreement. A residential hauler cannot request a rate adjustment during the first year of a residential hauler’s license. (Prior Code, § 5.44) Penalty, see § 10.99

Garbage Disposal

Chapter 130. PUBLIC PROTECTION, CRIMES, AND OFFENSES

§ 130.11 PLACEMENT OF GARBAGE CONTAINERS BY ALLEYS OR CURBSIDES.

In those areas of the city where alleys are platted and opened for traffic, garbage containers shall be placed at the rear of the property adjacent to the alley.

Where no alley exists, garbage containers shall be placed at a point adjacent to the residence which is reasonably accessible to the front of the house. On pick-up day, containers may be placed at the front of the property line. If containers are placed at the front property line, they shall not be placed before 6:00 the night before collection day and must be removed by 6:00 p.m. on collection day. (Prior Code, § 9.93) Penalty, see § 10.99

Chapter 155: Zoning Code

§ 155.51 SITE PLAN REVIEW PROCEDURE.

Every person, before commencing construction or major alterations of a structure, except 1- and 2-family dwellings and buildings accessory thereto, shall submit to the Planning Department the following: Complete plans for storage of waste and garbage

CHAPTER 151: FLOOD PLAIN REGULATIONS

§ 151.04 FLOODWAY DISTRICT (FW).

Garbage and solid waste disposal.

No conditional use permits for garbage and waste disposal sites shall be issued for floodway areas. Provided further, there shall be no further encroachment upon the floodway at existing sites. (Prior Code, § 13.04) (Ord. 2009-12, 3rd Series, passed 12-7-2009; Am. Ord. 2010-02, 3rd Series, passed 3-1-2010; Ord. 2010-14, 3rd Series, passed 07-06-2010) Penalty, see § 10.99

CHAPTER 50: GENERAL PROVISIONS

§ 50.07 GARBAGE AND REFUSE HAULERS.

Page 121 of 138
Hastings, Minnesota
(A) Definitions. For the purpose of this section, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

CITY. City of Hastings.

COMMERCIAL HAULER. Any person licensed by the City to collect solid waste from commercial, industrial, professional, governmental, institutional structures, or governmental property within the City.

COMMERCIAL STRUCTURES. Buildings which contain 4 or more dwelling units; and buildings with commercial, industrial, professional, governmental, or institutional uses and which are located in the appropriate zoning district. Buildings with home occupations shall be considered residential structures.

CONSTRUCTION AND DEMOLITION MATERIAL. Any refuse resulting from the construction, alteration, or removal of a structure.

DWELLING UNITS. One room or rooms connected together, constituting a separate, independent housekeeping establishment for owner occupancy, or rental or lease on a daily, weekly, monthly or longer basis, and physically separated from any other rooms or dwelling units which may be in the same structure, and containing independent cooking and sleeping facilities.

GARBAGE. All organic waste resulting from the handling, preparation, cooking, service, and consumption of food.

PERSON. Any natural person, partnership, or corporation.

RECYCLABLES. All those materials which are required to be recycled under § 50.08.

REFUSE. All inorganic waste, including construction and demolition material, from residential, commercial, industrial, professional, governmental, or institutional operations that is the result of their normal operations, excluding compost, recyclables, toxic waste, and hazardous waste.

RESIDENTIAL HAULER. Any person licensed by the City to collect solid waste from residential structures within the City.

RESIDENTIAL STRUCTURE. Any structure containing 1 dwelling unit, 2 dwelling units, or 3 dwelling units and which are located in a residential zone within the City. RESIDENTIAL STRUCTURES that rent dwelling units on a daily, weekly, or longer basis, shall be considered a residential structure for purposes of this section. RESIDENTIAL STRUCTURES containing 1 dwelling unit, 2 dwelling units, or 3 dwelling units and which are nonconforming uses under Chapter 155, shall be considered residential structures for purposes of this section.

SOLID WASTE. Garbage and refuse.

WHITE GOODS. Refrigerators, stoves, dishwashers, washers and dryers, water heaters, and household furniture.
YARD WASTE. Garden waste, leaves, lawn cuttings, weeds, and prunings.

(B) Residential solid waste collection.

(a) Statement of purpose. The City of Hastings finds that it is in the best interests of its residents to have organized residential solid waste collection within the City, and will protect the public health, safety, and welfare of its residents by promoting efficiency, reducing disturbances to residents, reducing wear on residential streets, cost reduction and promoting the disposal of residential solid waste within the City in an environmentally safe manner.

(b) License required. It is unlawful for any person to haul solid waste for hire from any residential structure within the City without being issued a residential hauler’s license from the City.

(c) Number of licenses. The City shall issue 1 residential hauler’s license which will permit that residential hauler to collect solid waste from residential structures within the City.

(d) License subject to this section. Any residential hauler’s license issued under this section shall be subject to the terms of this section, any amendments to it, and additional requirements imposed by the City Council through the request for proposal and licensing process.

(e) Change in number; expiration. The City Council may change the number of residential hauler license(s) when it determines, by a 2/3 majority of the entire Council, that a change in circumstances warrants changing the number of residential hauler license(s). All residential license(s) shall expire on the same date.

(f) Term of license. The term of a residential hauler license shall be 3 years from the date of issuance, unless terminated earlier, as provided in this section or as further limited by this section.

(g) License fee. The annual fee for a residential hauler’s license shall be set by Council resolution and shall not be prorated. The first year’s fee shall be paid before the license shall be issued. Subsequent annual installments of the license fee shall be paid by the first working day of each year. Failure to pay the license fee shall be grounds for termination of the license. In determining the amount of the license fee, the City Council shall include all costs incurred by the City to administer any residential hauler’s license and to enforce City Code provisions relating to solid waste collection.

(h) Rate regulation. The City shall establish by resolution a written agreement with the licensed hauler. Such rates may include an automatic price increase or fuel surcharge when based on an ascertainable standard described in the written agreement. A residential hauler cannot request a rate adjustment during the first year of a residential hauler’s license.

(i) Non-assignability of license. A residential hauler’s license issued by the City may not be assigned or transferred in whole or in part by the hauler unless the City Council, in its sole discretion, gives its approval prior to any proposed assignment or transfer. Any attempt to
assign or transfer the license in whole or in part without prior approval of the City Council shall be grounds for termination of the license.

(j) Revocation. A residential hauler’s license may be terminated by the City for any violation of City ordinance, Dakota County ordinances, or state or federal laws. The City may also terminate the license for unsatisfactory performance by the hauler.

(k) Hours of collection. All residential solid waste collection shall take place between the hours of 6:30 a.m. and 6:30 p.m. There shall be no residential solid waste collection on Sundays or Christmas Day.

(l) Insurance and performance bond requirements. Every residential hauler shall provide the City with proof of insurance for general liability coverage in an amount not less than $1,000,000 for injury to any one or more persons resulting from any 1 accident and not less than $500,000 for property damage resulting from any 1 accident. Every residential hauler shall also provide the City with proof of automobile liability insurance with a combined single limit of $1,000,000, covering all owned, hired, and non-owned vehicles. Every hauler shall also provide the City with proof of worker’s compensation insurance covering all of its employees.

(m) Performance bond. Every residential hauler shall provide the City with a performance bond, in a form satisfactory to the City, to assure the hauler’s compliance with this section, all City ordinances, county, state, and federal laws.

(n) Policy and bond effect. Any insurance policy or performance bond required from the residential hauler under this section shall remain in full force and effect at all times that the hauler is licensed in the City. All insurance policies and performance bonds required under this section shall contain a provision requiring the City to be notified at least 30 days prior to the expiration or cancellation of any insurance policy or bond. Failure to carry the required insurance or the required performance bond shall be grounds for termination of the residential hauler’s license.

(o) Equipment. Every residential hauler shall transport residential solid waste only in covered vehicles having watertight containers which prevent the scattering, dripping or removal of the contents from the vehicle during transit. Every vehicle used to haul residential solid waste shall be maintained in a clean condition. Permitting solid waste to scatter, drip, fall, spill, blow, or otherwise be removed from the hauler’s vehicle during transportation, is prohibited and is hereby declared a public nuisance.

(p) Residential yard waste. Every residential hauler shall provide for a method of disposal of residential yard waste within the City limits where residents can drop off residential yard waste at no additional cost to the residents.

(q) Pickup. Every residential hauler shall provide for pickup of residential yard waste at curbside for which the hauler can charge the residential customer.

(r) Household white goods. Every residential hauler shall provide a method for disposal of household white goods, with the hauler determining the cost and billing the residential customer for that service.
(s) Household hazardous waste program. Every residential hauler must participate in any household hazardous waste program conducted within the City. The hauler shall provide necessary disposal containers and personnel at no direct cost to the City.

(t) Additional provisions. Any hauler issued a residential hauler’s license shall cooperate with and assist the City in enforcing M.S. § 115A.941, as it may be amended from time to time, and City Code § 50.06, both now in effect. The cooperation required by this section shall include, but not be limited to, providing the City with all documentation needed by it to enforce mandatory collection requirements. Any cooperation and assistance required by this section shall be provided at no cost to the City.

• A residential hauler shall provide solid waste collection from each residential structure at least weekly, except for qualified customers using the bag system.
• All residential solid waste collection shall be at the street curb unless separate arrangements are made with the hauler to pick up the solid waste at a different part of the residential dwelling.
• Until such time as the City issues more than 1 residential hauler’s license, the residential hauler must provide, at no additional cost to the City, solid waste pickup at all buildings and public parks used or maintained by the City.

• Every residential hauler shall provide, at no additional cost to the residents or City, curbside Christmas tree pickup on a Saturday in January of each year. The specific Saturday in January for Christmas tree pickup shall be selected by the residential hauler.

• Every residential hauler shall establish and maintain, in a location approved by the City, an office with continuous supervision, for accepting complaints and resident calls. City residents shall not be required to make long-distance calls for service or to register complaints. The office shall be in service during the hours of 8:00 a.m. to 4:30 p.m., Monday through Friday, except holidays. Any change in the address or telephone number of the office shall be given to the City in writing.

(C) Commercial solid waste collection.

(a) License required. It is unlawful for any person to haul solid waste for hire from a commercial, industrial, professional, governmental, or institutional structure or governmental property without first obtaining a commercial hauler’s license from the City. A licensed commercial hauler may also haul only construction and demolition material from residential structures.

(b) Number of licenses. The City can issue unlimited commercial haulers’ licenses for solid waste collection from commercial, industrial, professional, governmental, or institutional structures or property within the City. The City Council may change the number of commercial hauler licenses when it determines by a 2/3 majority of the entire Council that a change in circumstances warrants changing the number of commercial hauler licenses. At the first council meeting in March of each year, the Council shall review whether the number of commercial hauler licenses should be changed.
(c) **Term of license.** All commercial haulers’ licenses shall expire on December 31, in each odd year, regardless of when it was issued.

(d) **Application and license fee.** Any person requesting a commercial hauler’s license shall complete the application form approved by resolution of the City Council.

(e) **Application review.** All applications shall be presented to the City Council for review. If approved by the City Council, the commercial hauler’s license shall be issued to the applicant after payment of the license fee. If the Council does not approve an application, it shall state in writing its reasons for the denial.

(f) **License fee to be set by Council.** The license fee for a commercial hauler’s license shall be set by resolution of the City Council and shall not be prorated.

(g) **Denial or termination of license.** False information provided by an applicant shall be grounds for denial or termination of the commercial hauler’s license.

(h) **Rates.** The rates for commercial solid waste collection are not subject to City regulation.

(i) **Termination of commercial hauler’s license.** A commercial hauler’s license may be terminated by the City for any violation of City ordinances, county ordinances, or state or federal laws.

(j) **Non-assignability of license.** A commercial hauler’s license issued by the City may not be assigned or transferred by the commercial hauler in whole or in part, without the prior approval of the City Council. Any attempt to assign or transfer the license in whole or in part without prior approval of the City Council shall be grounds for termination of the commercial hauler’s license.

(k) **Recycling.** Any hauler wishing to haul solid waste from non-residential structures must also offer recycling services to its customers. At a minimum, all commercial haulers must provide their customers with the same recycling services that are offered to residential structures within the City.

(l) **Insurance requirements.** Every commercial hauler shall provide the City with proof of insurance for general liability coverage in an amount not less than $1,000,000 for injury to any 1 or more persons resulting from any 1 accident, and not less than $500,000 for property damage resulting from any 1 accident. Every commercial hauler shall also provide the City with proof of automobile liability insurance with a combined single limit of $1,000,000 covering all owned, hired, and non-owned vehicles. Every hauler shall also provide the City with proof of worker’s compensation insurance covering all of its employees.

(m) **Hours of collection.** All commercial solid waste collection shall take place between the hours of 6:30 a.m. and 6:30 p.m.

(n) **Equipment.** All commercial haulers shall transport commercial solid waste only in covered vehicles having watertight containers which prevent the scattering, dripping or removal of the contents from the vehicle during transit. Every vehicle used to haul commercial solid waste shall be maintained in a reasonably clean condition. Permittting solid waste to scatter, drip, fall, spill,
blow, or otherwise be removed from the hauler’s vehicle during transportation, is prohibited and is hereby declared a public nuisance.

(o) Additional provisions. Any hauler issued a commercial hauler’s license shall cooperate with and assist the City in enforcing M.S. § 115A.941, as it may be amended from time to time, and City Code § 50.06, both now in effect. The cooperation required by this section shall include, but not be limited to, providing the City with all documentation needed by it to enforce mandatory collection requirements. Any cooperation and assistance required by this section shall be provided at no cost to the City.

(p) Standards. The City Council may establish by resolution performance standards for solid waste collection, which must be complied with by all commercial haulers. Violations of any performance standards shall be grounds for termination of a commercial hauler’s license. (Prior Code, § 5.43)
APPENDIX E: STATE EXEMPTIONS FROM STATE FOOD HANDLERS LICENSING REQUIREMENTS

Minnesota state law requires that “every person who handles food… obtain a license” further indicating that “all producers, packagers, labelers, handlers, distributors and vendors of food, whether or not subject to licensing, shall be required to comply with the applicable rules.” Specifically, any person that engages in the business of manufacturing, processing, selling, handling, or storing of food must obtain a license. At the same time, a few exceptions to this licensing requirement exist discussed, below. Please note, this is not meant to be an exhaustive list and state law includes additional exemptions.

Minnesota Constitution

Exception: The Sale of Farm and Garden Products

The Minnesota Constitution exempts “growers” from obtaining a license to sell their farm and garden products. The Minnesota Constitution, indicates that “Any person may sell or peddle the products of the farm or garden occupied and cultivated by him without obtaining a license therefor.”

Therefore, the City of Hastings cannot require a grower to apply for a food license if that person falls under this constitutional provision.

This provision means:

- A farmer can sell his/her crops without a food license.
- A gardener or other grower can sell his/her produce without a food license.
- A farmer or individual can sell eggs directly from his/her farm or home to an individual customer with no licensing, registration, or inspection.

This Constitutional provision has been interpreted in the following ways:

- Provision of state constitution allowing any person to sell or peddle products of farm or garden occupied and cultivated by him without obtaining license therefor does not exempt a farmer from health and safety regulations that prohibit the sale of uninspected meat. (State v. Hartmann, 2005, 700 N.W.2d 449).

- The sale of “related products” are not exempt from a peddling license. (Farmer who grows broom corn from which he makes brooms and sells them to merchants and at private houses was required to have a peddler's license to sell the brooms, and is not exempt therefrom by Constitution. (Op. Atty. Gen., 1928, No. 250, p. 231).

- Meats from animals and turkeys and chickens raised on land occupied by a farmer who sells such meat in city constitutes “products of the farm or garden”, therefore city could
not require farmer to be licensed in order to sell such product. (Op. Atty. Gen., 1940, No. 213, p. 263).

The constitutional provision does not cover (and therefore, these farmers and growers would still likely need some sort of food license in order to sell their products):

- Processed foods
- Products cultivated on land NOT occupied by the grower

To date, there is no clear legal ruling that interprets what exactly is meant when the constitutional provision requires the garden or farm be “occupied” by the grower/farmer/seller.

**Exemption: Small Scale Production & Minnesota’s Cottage Food Law (formerly known as Minnesota’s “Pickle Bill”)**

Minnesota state law creates an exemption from the state licensing requirements for individuals selling “home-processed” and “home-canned” foods, so long as the sale of these products meets certain statutory requirements. This law, formerly referred to as the “Pickle Bill”, was amended in 2015 to the current “Cottage Foods Exemption”.

The 2015 Cottage Foods Exemption identifies certain circumstances under which an individual preparing and selling certain foods is exempt from obtaining a food handlers license.

Minnesota Statutes Chapter 28A. Licensing Food Handlers

[28A.152] COTTAGE FOODS EXEMPTION

Subdivision 1. Licensing provisions applicability.

(a) The licensing provisions of sections 28A.01 to 28A.16 do not apply to the following:

1. an individual who prepares and sells food that is not potentially hazardous food, as defined in Minnesota Rules, part 4626.0020, subpart 62, if the following requirements are met:

   (i) the prepared food offered for sale under this clause is labeled to accurately reflect the name and address of the individual preparing and selling the food, the date on which the food was prepared, and the ingredients and any possible allergens; and

   (ii) the individual displays at the point of sale a clearly legible sign or placard stating: “These products are homemade and not subject to state inspection.”;

2. an individual who prepares and sells home-processed and home-canned food products if the following requirements are met:

   (i) the products are pickles, vegetables, or fruits having an equilibrium pH value of 4.6 or lower;
(ii) the products are home-processed and home-canned in Minnesota;

(iii) the individual displays at the point of sale a clearly legible sign or placard stating: "These canned goods are homemade and not subject to state inspection."

and

iv) each container of the product sold or offered for sale under this clause is accurately labeled to provide the name and address of the individual who processed and canned the goods, the date on which the goods were processed and canned, and ingredients and any possible allergens.

(b) An individual who qualifies for an exemption under paragraph (a), clause (2), is also exempt from the provisions of sections 31.31 and 31.392.

Subd. 2. Direct sales to consumers.

(a) An individual qualifying for an exemption under subdivision 1 may sell the exempt food:

(1) directly to the ultimate consumer;

(2) at a community event or farmers' market; or

(3) directly from the individual's home to the consumer, to the extent allowed by local ordinance.

(b) If an exempt food product will be delivered to the ultimate consumer upon sale of the food product, the individual who prepared the food product must be the person who delivers the food product to the ultimate consumer.

(c) Food products exempt under subdivision 1, paragraph (a), clause (2), may not be sold outside of Minnesota.

(d) Food products exempt under subdivision 1 may be sold over the Internet but must be delivered directly to the ultimate consumer by the individual who prepared the food product. The statement "These products are homemade and not subject to state inspection."

must be displayed on the Web site that offers the exempt foods for purchase.

Subd. 3. Limitation on sales.

An individual selling exempt foods under this section is limited to total sales with gross receipts of $18,000 or less in a calendar year.

Subd. 4. Registration.

An individual who prepares and sells exempt food under subdivision 1 must register annually with the commissioner. The annual registration fee is $50. An individual with $5,000 or less in annual gross receipts from the sale of exempt food under this section is not required to pay the registration fee.

Subd. 5. Training.
(a) An individual with gross receipts between $5,000 and $18,000 in a calendar year from the sale of exempt food under this section must complete a safe food handling training course that is approved by the commissioner before registering under subdivision 4. The training shall not exceed eight hours and must be completed every three years while the individual is registered under subdivision 4.

(b) An individual with gross receipts of less than $5,000 in a calendar year from the sale of exempt food under this section must satisfactorily complete an online course and exam as approved by the commissioner before registering under subdivision 4. The commissioner shall offer the online course and exam under this paragraph at no cost to the individual.

Subd. 6. Local ordinances.

This section does not preempt the application of any business licensing requirement or sanitation, public health, or zoning ordinance of a political subdivision.

Subd. 7. Account established.

A cottage foods account is created as a separate account in the agricultural fund in the state treasury for depositing money received by the commissioner under this section. Money in the account, including interest, is appropriated to the commissioner for purposes of this section.

Exemption: Minnesota’s Farmers’ Market or Community Event Food Product Sampling and Demonstration Law

In 2014, the Minnesota Legislature passed the “Farmers’ Market or Community Event; Food Product Sampling and Demonstration” Law. This law allows farmers’ market vendors and individuals selling items at a community event to provide a small portion of a food item that includes as a main ingredient a product sold by the vendor at the farmers’ market or community event for promotional or educational purposes free of charge without obtaining a food handlers license.246

Minnesota Statutes Chapter 28A. Licensing Food Handlers

28A.151 FARMERS’ MARKET OR COMMUNITY EVENT; FOOD PRODUCT SAMPLING AND DEMONSTRATION.

Subdivision 1. Definitions.

(a) For purposes of this section, the following terms have the meanings given them.

(b) "Farmers' market" means an association of three or more persons who assemble at a defined location that is open to the public for the purpose of selling directly to the consumer the products of a farm or garden occupied and cultivated by the person selling the product.

(c) "Food product sampling" means distributing to individuals at a farmers’ market or community event, for promotional or educational purposes, small portions of a food item that include as a main ingredient a product sold by the vendor at the farmers' market or community
event. For purposes of this subdivision, "small portion" means a portion that is no more than three ounces of food or beverage.

(d) "Food product demonstration" means cooking or preparing food products to distribute to individuals at a farmers' market or community event for promotional or educational purposes.

Subd. 2. Food sampling and demonstration.

The licensing provisions of [the Minnesota Consolidated Food Licensing Law] shall not apply to persons engaged in food product sampling or food product demonstrations.

Subd. 3. Food required to be provided at no cost.

Food provided through food product sampling or food product demonstrations must be provided at no cost to the individual.

Subd. 4. Regulatory authority oversight.

Any person conducting food product sampling or food product demonstrations shall provide to the regulatory authority upon request the following information related to the food product sampling or food product demonstration conducted by the person:

(1) the source of the food used in the sampling or demonstration and whether or not the food was produced at the person's farm or garden;

(2) the type and volume of food to be served, held, prepared, packaged, or otherwise provided for human consumption;

(3) the equipment used to serve, hold, prepare, package, or otherwise provide food for human consumption;

(4) the time period and location of the food product sampling or food product demonstration;

(5) the availability of facilities for hand washing by persons conducting the food product sampling or food product demonstrations;

(6) information on facilities available for ware washing of multiuse utensils and equipment;

(7) the available source of water; and

(8) methods of liquid and solid waste disposal.

Subd. 5. Food safety and equipment standards.

Any person conducting food product sampling or food product demonstrations shall meet the same food safety and equipment standards that are required of a special event food stand in Minnesota Rules, parts 4626.1855, items B to O, Q, and R; and 4626.0330.

Subd. 6. Definition exception.
The definition of farmers' market in subdivision 1, paragraph (b), does not prohibit a farmers' market association from establishing a definition of farmers' market that applies to its membership that is more restrictive than the definition in subdivision 1, paragraph (b).
ENDNOTES

1 Hastings, Minn., Code § 155.02.
2 Hastings, Minn., Code § 90.16.
5 Minn. Const., art. 13, § 7.
6 Minn. Stat. §§ 157.16, 28A.04; Minn. Rules Ch. 4626.
7 Minn. Rules Ch. 4626.
10 Minn. Stat. § 28A.04.
11 Minn. Rules 4626.
13 Minn. Rules 4626.0017; Minn. Stat. § 144.05.
14 Minn. Rules 4626.0017; Minn. Stat. § 144.05.
17 Minn. Rules 4626.1785.
18 Minn. Stat. §§ 31.101; 31.11.
19 Minn. Rules 4626.1785.
20 See generally Food, Dairy, Meat & Eggs, Minn. Dep’t of Agric., http://www.mda.state.mn.us/licensing/inspections.aspx (last visited May 19, 2015); See also, Food & Feed Quality Complaint Form, Minn. Dep’t of Agric., http://www.mda.state.mn.us/en/food/safety/foodcomplaint.aspx (providing an example of the different types of food products that MDA regulates) (last visited Aug. 3, 2015).
21 See generally, Minn. Stat. Ch. 410 (home rule charter cities) and Minn. Stat. Ch. 412 (statutory cities).
23 Minn. Stat. § 462.352, subd. 15 (2014); see also Minn. Stat. § 394.22, subd. 6 (2014); Minn. Stat. § 473.582, subd. 9 (2014).
28 Hastings, Minn., Code § 90.16.
29 Hastings, Minn., Code § 115.03.
30 Hastings, Minn., Code § 50.07.
31 Black’s Law Dictionary (2nd ed.) (“Permit”).
32 Minn. Stat. Ch. 462.
33 Minn. Stat. § 462.351.
38 Minn. Stat. § 473.121, subd. 2 (2014) (“the area over which the Metropolitan Council has jurisdiction, including only the counties of Anoka; Carver; Dakota excluding the city of Northfield; Hennepin excluding the cities of Hanover and Rockford; Ramsey; Scott excluding the city of New Prague; and Washington”).
41 Minn. Stat. § 473.852, subd. 7 (2014).
42 Minn. Stat. § 473.864, subd. 2 (2014).
APPENDIX A: OFF-STREET LOADING REQUIREMENTS

HASTINGS, MINN., CODE § 90.16
HASTINGS, MINN., CODE § 90.16
MINN. STAT. § 157.15, Subd. 9.
MINN. STAT. § 157.15, Subd. 12
HASTINGS, MINN., CODE § 155.07(A)(7).
HASTINGS, MINN., CODE § 155.07(A).
HASTINGS, MINN., CODE § 155.07(A)(1).
HASTINGS, MINN., CODE § 155.07(A)(4).
HASTINGS, MINN., CODE § 155.07(A)(2).
HASTINGS, MINN., CODE § 155.07(A)(5).
HASTINGS, MINN., CODE § 155.07(A)(6).
HASTINGS, MINN., CODE § 155.07(A)(7).
HASTINGS, MINN., CODE § 90.11.
MINN. STAT. §157.15, Subd. 12
HASTINGS, MINN., CODE § 155.02.
HASTINGS, MINN., CODE § 90.16.
HASTINGS, MINN., CODE § 90.16.
HASTINGS, MINN., CODE § 155.29.
HASTINGS, MINN., CODE § 51.05.
HASTINGS, MINN., CODE § 70.04.
HASTINGS, MINN., CODE ch. 153.
HASTINGS, MINN., CODE app.

MINN. RULES 1520 – 1555; MINN. RULES 4625.
MINN. RULES 4626.0020 1-201.10, subp. 36.
HASTINGS, MINN., CODE ch. 155.
League of Minnesota Cities, Information memo: Zoning Guides for Cities (2015),
MINN. STAT. § 157.15, Subd. 5; MINN. RULES 4626.0020 1-201.10, Subp. 5.
MINN. RULES 4626.0020 1-201.10, SUBP. 35A.
MINN. STAT. § 157.15, Subd. 5.
MINN. STAT. § 28A.02.
MINN. CONST., art. 13, § 7
MINN. CONST. art. 13, § 7
MINN. STAT. § 28A.151.
MINN. STAT. § 28A.151.
MINN. STAT. § 28A.151.
HASTINGS, MINN., CODE § 155.07.
HASTINGS, MINN., CODE § 155.07(A).
HASTINGS, MINN., CODE § 155.07(A)(7).
HASTINGS, MINN., CODE § 155.07(A).
HASTINGS, MINN., CODE § 155.07(A)(1).
HASTINGS, MINN., CODE § 155.07(A)(4).
HASTINGS, MINN., CODE § 155.07(A)(2).
HASTINGS, MINN., CODE § 155.07(A)(5).
HASTINGS, MINN., CODE § 155.07(A)(6).
HASTINGS, MINN., CODE § 155.07(A)(7).
HASTINGS, MINN., CODE § 90.11.
MINN. STAT. §157.15, Subd. 12
HASTINGS, MINN., CODE § 155.02.
HASTINGS, MINN., CODE § 90.16.
HASTINGS, MINN., CODE § 90.16.
HASTINGS, MINN., CODE § 155.29.
HASTINGS, MINN., CODE § 51.05.
HASTINGS, MINN., CODE § 70.04.
HASTINGS, MINN., CODE ch. 153.
HASTINGS, MINN., CODE app.

Hastings, Minnesota
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Hastings, Minnesota

Page 137 of 138

Hastings, Minnesota
HASTINGS, MINN., CODE, app. B.
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HASTINGS, MINN., CODE, app. B.
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HASTINGS, MINN., CODE § 155.05.
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