SOUTH SAINT PAUL

FOOD SYSTEMS POLICY ANALYSIS
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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 South St. Paul, current as of August 2015 that may directly or indirectly impact access to healthy food in South St. Paul. While this policy brief focuses primarily on South St. Paul’s 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.

The analysis divides the material into the following sections:

- growing,
- processing,
- distributing,
- getting,
- making, 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

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Each section is divided into subsections focused on key areas of interest. Within each subsection, relevant state law and municipal code definitions are provided (if a definition exists).

This policy brief addresses the following questions regarding each section and subsection:

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

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

Lastly, when appropriate, this policy brief 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:


In addition, information about some recent changes to Minnesota state law not included in these resources has been provided in Appendix F, 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 South St. Paul’s municipal code, available publicly at:


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 South St. Paul at the beginning of each section. For example, at the beginning of the Restaurants sub-section, the definitions for “Restaurant” and “Drive-in” 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 South St. Paul differentiates between fast food restaurants and general restaurants as follows:

- **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. For purposes of this section, restaurant does not include a food cart, a mobile food unit or a food stand.1

- **Drive-in:** Any use where products and/or services are provided to the customer under conditions where the customer does not have to leave the car or where service to the automobile or its occupants is also provided within a building. This shall include, but not be limited to, the following:
  - Car and truck wash;
  - Drive-in banking;
  - Restaurants where some or all customers may consume their food and/or beverages in an automobile;
  - Restaurants providing carryout or delivery service;
  - Service stations;
  - Parcel pickup; and
  - Other similar uses.2

It is important to note that many of the definitions established by the City of South St. Paul 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

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

- Appendix A: Search terms
- Appendix B: Accessory buildings and Structures
- Appendix C: Regulations that apply to a structure requiring a building permit
- Appendix D: Architectural Requirements
- Appendix E: Municipal Code Provisions – A compilation of relevant municipal code provisions
- Appendix F: 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 South St. Paul, 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.”3

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 South St. Paul’s regulation of different components of the food system. The Public Health Law Center used the Minnesota Food Charter to structure the analysis of South St. Paul’s municipal code. The Food Charter breaks the food system into seven parts: (1) grow, (2) process, (3) distribute, (4) get, (5) make, (6) eat, and (7) dispose. The Center uses the broad categories of growing, processing, distributing, getting, making, and disposing 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 F, 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.

<p>| TABLE 1 – OVERSIGHT OF FOOD SYSTEM BY MINNESOTA DEPARTMENTS OF HEALTH AND AGRICULTURE |
|-----------------------------------------------|-----------------------------------------------|</p>
<table>
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<tr>
<th>AGENCY</th>
<th>SOURCE OF FOOD</th>
<th>REGULATORY AUTHORITY</th>
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<tbody>
<tr>
<td>MDH</td>
<td>Cafes</td>
<td>Licenses and inspects food establishments(^\text{10})</td>
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<td></td>
<td>Restaurants</td>
<td>Enforces Minnesota Food Code(^\text{11})</td>
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<td></td>
<td>Bars</td>
<td>Provides food safety and food handling education and training(^\text{12})</td>
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<td></td>
<td>Hotels &amp; motels</td>
<td>Investigates outbreaks(^\text{13})</td>
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<td></td>
<td>Cafeterias</td>
<td>Tracks and monitors foodborne illness(^\text{14})</td>
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<td>Operates the Minnesota Foodborne Illness Hotline(^\text{15})</td>
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<td></td>
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<td>Releases reports and summaries of foodborne illness outbreaks in Minnesota(^\text{16})</td>
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<td></td>
<td></td>
<td>Coordinates response to foodborne illness outbreak with other state and local government agencies</td>
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<td></td>
<td>Grocery stores</td>
<td>Licenses and inspects certain food retailers, dairies, and meat processors</td>
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<td></td>
<td>Bakeries</td>
<td>Licenses and inspects food manufacturers, wholesalers, and retailers(^\text{17})</td>
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<td>Egg handlers</td>
<td>Enforces Minnesota Food Laws and the Minnesota Food Code(^\text{18})</td>
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<td>Dairy farms</td>
<td>Enforces state standards relating to food quality, labeling, and advertising(^\text{19})</td>
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<td>Delis</td>
<td>Investigates complaints regarding questionable food products or food sales practices(^\text{20})</td>
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<td>Food manufacturers</td>
<td>Cooperates in foodborne illness outbreak investigation when involving MDA-regulated facilities or food that is commercially distributed in Minnesota</td>
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<tr>
<td></td>
<td>Wholesale food dealers</td>
<td>Tests food products and environmental samples for the presence of pathogens or deleterious substances</td>
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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 specific municipality, 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 Agricultures 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 South St. Paul does not have delegated authority to regulate food safety practices within food establishments, retail establishments, or food facilities. As a result, this memorandum focuses on how South St. Paul 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:
Minneapolis 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.† Minnesota state law gives statutory cities§ explicit authority to regulate a wide range of areas, including:

- 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.”§ 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…” Local governments

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† 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.
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. 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.

South Saint Paul does not require general business licensing or registration for all businesses. However, South Saint Paul does require a license for restaurants, special events, mobile food units, food stands, and residential or commercial trash haulers.28 Additionally, South Saint Paul requires a license to keep chickens on residentially zoned property.29

Please see the City’s website, http://www.southstpaul.org/index.aspx?NID=130, for more information on licensing.

Permits

Permits are another policy tool used by local governments to regulate the food system and specifically 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.”30 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.

South Saint Paul uses permits in a variety of applications as found on its website at:
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. South St. Paul 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. South St. Paul’s municipal code states:

“Whenever in any zoning district a use is neither specifically permitted nor denied, the use shall be considered prohibited. In such case, the city council or the planning commission, on their own initiative or upon request, may conduct a study to determine if the use is acceptable, and if so, what zoning district would be most appropriate. The city council, planning commission, or property owner, upon receipt of the city staff study, shall, if appropriate, initiate an amendment to this chapter to provide for the particular use under consideration or find that the use is not compatible for development within the city.”

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. South St. Paul 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 South St. Paul’s comprehensive plan is outside the scope of this project. However, any effort to increase access to healthy food in South St. Paul 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 South St. Paul’s municipal code is essential to ensure the comprehensive plan reflects the broader needs of the community to have access to healthy, affordable food. South St. Paul’s current comprehensive plan that is under review is available on the city’s website at: http://www.southstpaul.org/index.aspx?NID=409.

**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. For more information on zoning, please see the League of Minnesota Cities informational memo Zoning Guide for Cities, available at: http://www.lmc.org/media/document/1/zoning_guide.pdf?inline=true.

The City of South Saint Paul defines “zoning district” as:
Zoning district: An area or areas within the city in which the regulations and requirements of this [zoning] chapter are uniform.

The City of South St. Paul declares the intent and purpose of its municipal zoning regulations as:

“To protect the public health, safety, and general welfare of the city and its people through the establishment of minimum regulations governing development and use of structures and land. [The zoning] chapter divides the city into use districts and establishes regulations in regard to location, erection, construction, reconstruction, alteration, and use of structures and land. These regulations are established to protect such use areas; to promote orderly development and redevelopment, to provide adequate light, air, and convenience of access to property, to prevent congestion in the public right-of-way, to prevent overcrowding of land and concentration of structures by regulating land, buildings, yards, and density of population, to provide for compatibility of different land uses, to provide for administration of this chapter, to provide for amendments, to prescribe penalties for violation of the regulations, and to define the powers and duties of the city staff, the planning commission, and the city council in relation to this chapter.”

Variance 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. South St. Paul provides additional clarification about variances and conditional uses as follows.
Municipal Definitions

★ **Variance.** Standards for granting of a variance. A variance may only be granted when: (1) The variance is in harmony with the general purpose and intent of the ordinance; (2) The terms of the variance are consistent with the comprehensive plan; and (3) The applicant for the variance establishes that there are practical difficulties in complying with the ordinance.48

★ **Use, conditional.** The city recognizes that there are certain uses that, because of their characteristics, limited number, or unique character, cannot be classified into any particular district or districts without providing extensive regulatory provisions. It is also recognized that certain uses, while generally not suitable in a particular zoning district, may, under some circumstances and conditions, be suitable.49

★ **Use, interim.** A temporary use of property until a particular date, until the occurrence of a particular event, or until zoning regulations no longer permit it.50

Additional information: Variances

See League of Minnesota Cities information memo Zoning Guide for Cities for more information on 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

See League of Minnesota Cities information memo, Land Use Conditional Use Permits.

http://www.lmc.org/media/document/1/conditionalusepermits.pdf?inline=true

Regulation of 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.” Permanent and temporary structures are required to meet minimal structural requirements, and permanent structures must meet additional requirements including snow load requirements. At the same time, agricultural buildings on agricultural lands are exempted from certain provisions of the state building code. The Minnesota Building Code also exempts certain small-sized, one-story accessory structures from permit requirements prior to being constructed, altered, or repaired.

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. 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. 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. South St. Paul has adopted the Minnesota Building Code, which governs “the construction, reconstruction, alteration, and repair of building and other structures to which the code is applicable.” In addition, South St. Paul has additional municipal ordinances governing structures, distinguishing principle use buildings and/or structures from accessory buildings and/or structures as follows.
Municipal Definitions

★ Accessory Building, Structure, or Use. A use incidental or subordinate to the principal use of the same land.⁵⁹

★ Principal structure or use. The use or structure that constitutes the predominant use as contrasted to accessory use or structure.⁶⁰

South Saint Paul requires a building permit to construct or modify structures larger than 120 square feet.⁶¹ Additionally, the City has established specific regulations for accessory structures and may also regulate other types of structures. See additional discussion, below. Please see Appendix B for more information regarding regulations governing accessory structures.

For more information:

- City specific information may be obtained from the city’s municipal building official
- More information on South St. Paul’s regulation of accessory buildings and structures is discussed in Appendix B, below.
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

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.
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

★ **Community garden.** Not defined by municipal code as of May 21, 2015.

★ **Market garden.** Not defined by municipal code as of May 21, 2015.

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

No, the City does not require a permit or license to operate a garden. The City utilizes an application process to participate in the city-operated community garden (see below for more information).

**What are the relevant regulations?**

The term "community garden" is only used within the code once - while discussing fence regulations. Specifically, fences around community gardens for wildlife management must meet the following criteria: the garden is larger than 5,000 square feet, the garden is used by more than six users, the garden is not located on the same property as a single-family residence, the fence surrounding the garden is not higher than eight feet, the fence is not electrified, and the fence surrounding the garden is made of material that complies with the fence regulations (and the use of plastic deer fencing is permitted for this type of use).62

Another municipal code provision is applicable to gardening more generally. There is an “hourly restriction” for certain domestic power equipment, including lawn mowers, power hedger clippers, mulchers, garden tilers, and edgers, such that these power tools can only be used between the hours of 7:00 a.m. and 10 p.m.63

The only zoning district to specifically permit “gardens” is the Floodway District (FW).64

**Additional Information**

The City’s Parks and Recreation Department sponsors a community garden program. This program is not codified within the municipal code. This program has set specific requirements

In order to participate in the South St. Paul Community Garden Program, the applicant must pay a fee and submit a garden plot application. Some of the requirements for participation include:

- Maintaining the plot;
- Refraining from using herbicides;
- Conserving water; and
- Refraining from tobacco and alcohol use while at the garden.65

**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, suburban, agricultural.** A noncommercial food-producing use primarily intended for the use of the residents, usually on less than ten contiguous acres. Suburban agricultural uses may include production of crops such as fruit trees, shrubs, plants, flowers, vegetables, and domestic pets.66

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

No.

**What are the relevant regulations?**

The municipal code only permits “general farming” in one district – the floodplain district.67 Additionally, “farm equipment” is permitted as a conditional use in the General Business 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

★Farm animals. Those animals commonly associated with a farm or performing work in an agricultural setting. Unless otherwise defined, such animals shall include members of the equestrian family (horses, mules), bovine family (cows, bulls), sheep, poultry (chicken, turkeys), fowl (ducks, geese), swine (including Vietnamese pot-bellied pigs), goats, bees, and other animals associated with a farm, ranch, or stable.69

★Animals, domestic farm. Cattle, hogs, horses, bees, sheep, goats, chickens, and other animals commonly kept for commercial food-producing purposes.70

★Chicken coop. Not defined by municipal code as of May 21, 2015.

Does the municipal code require a permit or license?

Prior to April 20, 2015, it was illegal for any person to own, possess, harbor, or offer for sale any farm animals (i.e., horses, mules, cows, sheep, poultry, fowl, swine, goats, bees) within the city limits. However, the City passed Ordinance No. 1297, which permits the raising of chickens on residential properties within the city.

Under Ordinance No. 1297, a license is required to keep chickens on a residential property. Interestingly, Ordinance No. 1297 only permits “a maximum of 20 licenses” to be issued. It is not clear if this maximum is per year or cumulative. Additionally, a license to keep chickens stays valid for a period of two years. After that, the licensee must renew the license at least 60 days prior to the license’s expiration.
What are the relevant regulations?

Ordinance No. 1297 contains several regulations that apply to the keeping of chickens. A person is only permitted to keep four hen chickens on residentially zoned property. Further, a person is not permitted to raise chickens for commercial purposes and cannot sell eggs on the premise. Additionally, the municipal code prohibits the slaughter of chickens on residentially used and zoned properties.71

Ordinance No. 1297 requires every person who owns and keeps chickens to provide a building to shelter the chickens. The ordinance permits only one shelter per residential house. Further, these shelters are not permitted in the front or side yards. Additionally, the ordinance establishes setback requirements, maximum structure height, among other specifications. The fencing around the enclosed outdoor space is recommended to be 6 feet in height to protect chickens from predators.72 Lastly, other accessory structure regulations may be applicable to these chicken coop structures.

While the municipal code has set limits to the number of animals permitted, the code also permits the City to grant special permits to allow for the keeping of additional animals.73 Additionally, the municipal code requires that any structure used to house the animals is kept clean and well maintained.74

A dove cote, dog kennel, rabbit warren, pigeon loft or other yard or establishment where small animals or fowl are kept must not be maintained closer than 50 feet from any apartment, hotel, restaurant, retail food store, building used for school, religious or hospital purposes, or residence other than occupied by the owner or occupant of the premises where the animals are kept.75

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.** A partition, structure, wall, or gate erected as a dividing marker, visual or physical barrier, or other enclosure not having a roof.76

Does the municipal code require a permit or license?

The City requires a permit to construct, enlarge, alter, repair, move, demolish, or change a fence.77 See Appendix C for municipal language governing the permit process. Notably, the plans for construction must be submitted to the city engineer.

What are the relevant regulation?

The municipal code has an entire provision dedicated to the regulation of fences and walls (Sec. 118-199). Fences “may be allowed” in all districts78 and are subject to a variety of regulations depending on what district the fence is in.79 Fences must be kept well maintained. The “finished” side (as opposed to the structural side) of the fence must face the abutting properties.80 Additionally, the City has established maximum height restrictions for fences built in certain zoning districts.81 For example, a fence may not exceed 42 inches in height in residentially zoned front yard areas and may not exceed 8 feet from the finished grade in industrial districts.82

The following materials are approved for fence construction: a. Wrought iron; b. Aluminum (wrought iron design); c. Wood; d. Vinyl/PVC, and composite fencing (i.e. Trex); and e. Chain-link with approved posts and cap.83 The following materials are not approved for fence construction: a. Farm fence of any kind, which includes, but is not limited to woven or welded wire, chicken wire, plastic deer fence, snow fence, steel bar fence, and similar type fencing, except as allowed for community gardens; b. T-posts and pipes; and c. Barbed wire (except for security fences around power substations and airports).84

In addition, the City has established some specific fence regulations for community gardens over 5,000 square feet. See discussion of gardens, above, for additional information.

Additional resources

Fence Checklist from the City of South St. Paul’s Permit & Inspection Department, [http://www.southstpaul.org/DocumentCenter/View/87](http://www.southstpaul.org/DocumentCenter/View/87).

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 vegetables 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.** An open shelter typically constructed of latticework or exposed boards and often meant to provide partial shade or support climbing plants.  

★ **Pergola.** A structure usually consisting of parallel colonnades supporting an open of girders and cross rafters.  

★ **Trellis.** A frame of latticework used as a screen or as a support for climbing plants.  

★ **Planting box.** Not defined by municipal code as of May 21, 2015.  

★ **Raised plant bed.** Not defined by municipal code as of May 21, 2015.

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

No.

**What are the relevant regulations?**

The City of South Saint Paul uses “setback” requirements within its residentially-zoned districts. A setback describes a distance that a house, building, structure, or fence must be removed from a defined street right of way, or other specified area. Notably, South Saint Paul has exempted arbors and trellises of a certain size from these setback requirements.

The code restricts planting boxes from being within a public right-of-way absent a conditional use permit. More generally, the code requires that all structures be reasonably maintained.
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 May 21, 2015.
★ **Hoop house.** Not defined by municipal code as of May 21, 2015.
★ **High tunnel.** Not defined by municipal code as of May 21, 2015.

Does the municipal code require a permit or license?

Greenhouses are only addressed specifically in the municipal code once. This reference concerns greenhouses as an accessory building and that they do not require a surfaced floor.92

The municipal code is silent concerning hoop houses.

Depending on the size, a resident or business owner may be required to obtain a building permit or conditional use permit to construct, enlarge, alter, repair, move, demolish or change a greenhouse or hoop house.93 While the municipal code does not specifically state this, a City pamphlet states: “A building permit is required if the [accessory] structure is over 120 square feet.”94
For hoop houses and greenhouses that are accessory to a primary building or structure, the accessory structure cannot be constructed, erected, or installed without approval of final site plans by the city, except in single-family residential zoning districts. 95

For greenhouses and hoop houses that are accessory to a principal structure, the City requires a Conditional Use permit if the structure is over 200 square feet. 96 There are fees associated with obtaining the building permit and the required plan review. 97

A permit may be required depending on the City zone and size of the greenhouse or hoop house.
What are the relevant regulations?

The term "greenhouse" is only mentioned one time in the municipal code. In that provision, the municipal code exempts greenhouses from the requirement that all accessory buildings must have a surfaced floor. It is unclear if this exemption would apply to hoop houses or not.

Depending on the type and size of hoop house or greenhouse, municipal provisions governing accessory structures are likely to apply. In addition, there may be some restrictions on the location of commercial greenhouses or hoop houses based on different zoning regulations.

Theaccessory structure regulations require that all accessory buildings have a surfaced floor, with the exception for greenhouses, noted above. The City’s regulations also include specific information regarding what material can be used for siding and roofing of wood frame accessory buildings or structures.

It is not clear if these siding and roofing requirements would apply to hoop houses. However, if these requirements do apply, it appears that these regulations would effectively prohibit the use of hoop houses.

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

For more information, contact the City Planner at 651-554-3217.

See this pamphlet form the City of South St. Paul Permit and Inspections Department: http://www.southstpaul.org/DocumentCenter/View/699.

Additional Information

- University of Minnesota’s Minnesota High Tunnel webpage, 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.minneapolisman.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 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

- **Tool Shed.** Not defined by municipal code as of May 21, 2015.
- **Shed.** Not defined by municipal code as of May 21, 2015.

Does the municipal code require a permit or license?

A permit is required to construct, enlarge, alter, repair, move, demolish, or change a shed of 120 square feet or larger.\(^{101}\)

What are the relevant regulations?

The municipal code specifically permits a shed as an accessory use in the mobile home district\(^{102}\) and as a conditional use in the floodplain district.\(^{103}\)

Regulations governing accessory structures are also likely to govern sheds. Please see Appendix B for more information.
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 June 1, 2015.

★ **Food processing plant.** Not defined by municipal code as of June 1, 2015.

Does the municipal code require a permit or license?

No.

What are the relevant regulations?

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

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


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 providing 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 South St. Paul 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

** 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.
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.\textsuperscript{110}

★ **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 operation that prepares, serves, or otherwise provides food or beverages, or both, for human consumption.\textsuperscript{111}

Municipal Code Definitions

★ **Food Establishment.** Not defined by municipal code as of October 12, 2015.

★ **Food and Beverage Service Establishment.** means 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 operation that prepares, serves, or otherwise provides food or beverages, or both, for human consumption.\textsuperscript{112}

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 South St. Paul 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.”\textsuperscript{113} 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 F, 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).
• A Guide to Regulations for Local Food Entrepreneurs (2015), MINNESOTA INSTITUTE FOR SUSTAINABLE AGRICULTURE, 

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.114 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

★ Roadside sales stand. Means a structure used only for the display and sale of products on a seasonal basis with no space for customers within the structure.115

Does the municipal code require a permit or license?

Unclear. South Saint Paul defines roadside food stands116 but then does not address their use anywhere else in the municipal code.

What are the relevant regulations?

See Transient Merchant and Farmers’ Market subsections.
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. \(^ {117}\)

★ 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. \(^ {118}\)

★ 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. \(^ {119}\)

Municipal Code Definitions

★ Farmers’ market. Not defined by municipal code as of May 21, 2015.

Does the municipal code require a permit or license?

The City does not require a permit or license. Rather, the City requires a farmers’ market to register with the city. \(^ {120}\) Only the “market” is required to register; the vendors are not required to register so long as the market has done so. \(^ {121}\) As part of the registration process, the registrant
must provide a signed affidavit attesting that the product intended for sale at the market must have been cultivated by the market or a vendor. Additionally, the registrant must receive verification from the city planner that the market is operating in accordance with the zoning regulations.

What are the relevant zoning regulations?

Farmers’ markets are currently only permitted in the following zoning district:

- C-1, Retail Business District as an interim use

While the municipal code only specifically permits farmers’ markets in one zoning district, the city may permit grocery stores to operate in other zoning districts through a variance or conditional use permitting process. As mentioned earlier, local governments that have enacted zoning ordinances also use variances and conditional use permits as a mechanism for interested parties to request a deviation from land use policies set forth.

The City regulates farmers’ markets through its registration process. Currently, there are no farmers’ market-specific regulations in the municipal code.

Additional Resources

The following resources provide additional information about state law impacting farmers’ markets:

- Starting a Food Business in Minnesota (2008), MINNESOTA DEPARTMENT OF AGRICULTURE,
  http://www.mda.state.mn.us/~/media/Files/food/business/startingfoodbiz.ashx.
- A Guide to Regulations for Local Food Entrepreneurs (2015), MINNESOTA INSTITUTE FOR SUSTAINABLE AGRICULTURE,

In addition, information about some recent changes to Minnesota state law not included in these resources has been provided in Appendix F, below.

Restaurant

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 and a mobile food truck. 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, South St. Paul does not have delegated authority from MDH. However, South St. Paul 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.124

Municipal Code Definitions

★ **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 operation that prepares, serves, or otherwise provides food or beverages, or both, for human consumption.125

★ **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. For purposes of this section, restaurant does not include a food cart, a mobile food unit or a food stand.126

★ **Fast food.** Not defined by municipal code as of May 21, 2015

★ **Drive-in.** Any use where products and/or services are provided to the customer under conditions where the customer does not have to leave the car or where service to the automobile or its occupants is also provided within a building. This shall include, but not be limited to, the following:

- Car and truck wash;
- Drive-in banking;
- Restaurants where some or all customers may consume their food and/or beverages in an automobile;
- Restaurants providing carryout or delivery service;
- Service stations;
• Parcel pickup; and
• Other similar uses.127

Does the municipal code require a permit or license?

The City requires a license to operate a restaurant128 and requires a license or permit to operate a mobile food unit or food stand.129 Further, the City requires a conditional use permit to construct or maintain a drive-in business, such as a drive-in food establishment.130

The City has also set a fee for these licenses.131 Please see restaurant license application form for more information: http://www.southstpaul.org/DocumentCenter/View/1095

What are the relevant regulations?

“Restaurants” are currently only permitted for the following uses in these zoning districts:

<table>
<thead>
<tr>
<th>C-1, Retail Business District</th>
<th>Permitted uses. No land or buildings within the C-1 district shall be used except for one or more of the following uses: (12) Café, cafeteria, or restaurant 132</th>
</tr>
</thead>
<tbody>
<tr>
<td>NCMU, North Concord mixed-use district</td>
<td>Permitted uses. Within the NCMU district, no structure less than 10,000 square feet in area or land may be used, except for one or more of the following uses: (10) Cafè, cafeteria, coffee shop, restaurant, or delicatessen, without drive-through facilities.133</td>
</tr>
<tr>
<td>I, Industrial district</td>
<td>Uses by conditional use permit or interim use permit. The following uses shall require a conditional use permit or an interim use permit, and all applications for such conditional use permits shall follow the review and procedural guidelines set forth in section 118-132 of this chapter, governing planned unit developments: (18) restaurants134</td>
</tr>
<tr>
<td>CGMU, Concord Gateway mixed-use district</td>
<td>Permitted uses. Within either the CGMU-1 or CGMU-2 subdistricts, no structure or land may be used except for one or more of the following uses, provided such use is less than 10,000 square feet in gross floor area: (10) Cafè, cafeteria, restaurant, or delicatessen, without drive-through facilities.135</td>
</tr>
</tbody>
</table>
| GB, general business district | (a) Permitted uses. Uses permitted in the general business (GB) district shall include and be limited to the following: All uses permitted in the C-1 retail business district.  
(b) Uses by conditional use permit. Within the GB district, the following uses may be allowed only by conditional use permit: (13) Drive-in business of all types.136 |
The municipal code also establishes off-street parking requirements, such that:

- Drive-in food establishments are required to have one space for each 15 square feet of gross floor space plus additional parking and stacking spaces may be required.
- Restaurants are required to have one space for each 2 ½ seats, based on maximum design capacity.  

Further, the municipal code has established special regulations for drive-in businesses, such as drive-in food establishments. For example, fencing or screening is required to be installed along the property line abutting a residential use district (but fencing or screening is not required for the front yard of the property). Additionally, the municipal code permits drive-in businesses to have outside seating for customers, and prohibits drive-in businesses within 200 feet of a public or parochial school, church, public recreation area, or residential district unless permitted by the conditional use permit.

The municipal code requires the restaurant to have sufficient garbage cans.

Lastly, the municipal code has set additional requirements for “menu board signs. A principal menu board sign cannot exceed 50 square feet and a secondary sign cannot exceed 15 square feet. Further, when directly abutting a residential district, the menu board sign must be set back at least 75 feet from the residential line. Illumination of the board sign is specially permitted.

**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 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.  

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

★ **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

★ **Food truck.** Not defined by municipal code as of May 21, 2015

†† 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.
★ **Mobile food unit.** A food and beverage service establishment that is a vehicle-mounted unit operating with the approval of the appropriate state regulatory authority.\(^{149}\)

★ **Food cart.** A food and beverage service establishment that is a nonmotorized vehicle self-propelled by the operator.\(^{150}\)

★ **Food stand.** Collectively, means the following:

- **Seasonal permanent food stand.** A food and beverage service establishment that is a permanent foodservice stand or building.\(^{151}\)

- **Seasonal temporary food stand.** A food and beverage service establishment that is a food stand that is disassembled and moved from location to location.\(^{152}\)

- **Special event food stand.** A food and beverage service establishment that is used in conjunction with celebrations and special events, and operates no more than three times annually for no more than ten total days.\(^{153}\)

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

The City requires a license or permit to operate a mobile food unit or food stand.\(^{154}\)

The City may require a permit to construct, reconstruct, repair, or alter one of these structures, specifically if the structure is accessory to a principal use. Please see Appendix B for more information about accessory structures.

**What are the relevant regulations?**

Any debris generated by the mobile food unit must be properly disposed.\(^{155}\) Debris located anywhere close to the unit will be presumed to have been to be a result of the unit.\(^{156}\)

**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](http://www.mda.state.mn.us/~/media/Files/food/business/startingfoodbiz.ashx).

- A Guide to Regulations for Local Food Entrepreneurs (2015), MINNESOTA INSTITUTE FOR SUSTAINABLE AGRICULTURE,  
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.¹⁵⁷

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 in any one location for more than 14 consecutive days.¹⁵⁸

Does the municipal code require a permit or license?

Yes the municipal code requires a license to act as a transient merchant in the city.¹⁵⁹ As part of the licensing process, proof of insurance is required.¹⁶⁰ The license is valid until May 31.¹⁶¹ There are two exemptions to the licensing scheme:

- A person selling product grown, produced, cultivated, or raised on any farm and
- A person selling goods at a special event on city property, such as a farmers’ market or organized fundraiser, as long as the person is a registered vendor for the event and has a vendor permit issued by the director of parks and recreation.¹⁶²

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‡‡ 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.
What are the relevant standards?

There are several municipal regulations that govern the licensing and operation of a transient merchant. Transient merchants are prohibited from obstructing the free flow of traffic, either vehicular or pedestrian, on any street, sidewalk, alleyway, or other public right-of-way. Additionally, the city has established hours of operation for transient merchants - 9:00 a.m. to 7:00 p.m. Monday through Friday and 10:00 a.m. to 3:00 p.m. Saturday and Sunday.

Grocery Store

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.”

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.

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,

§§ 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.
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 May 21, 2015.

Does the municipal code require a permit or license?

The City does not require a license or permit to operate a grocery store.

What are the relevant regulations?

Grocery stores are currently only permitted in the following zoning district:

- C-1, Retail Business District as an interim use
- NCMU, North Concord mixed-use district
- CGNU, Concord Gateway mixed-use district

Additional Resources

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

- Starting a Food Business in Minnesota (2008), MINNESOTA DEPARTMENT OF AGRICULTURE,  
  http://www.mda.state.mn.us/~/media/Files/food/business/startingfoodbiz.ashx.
- A Guide to Regulations for Local Food Entrepreneurs (2015), MINNESOTA INSTITUTE FOR SUSTAINABLE AGRICULTURE,  

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 structure, fixture, placard, announcement, declaration, device, demonstration, or insignia used for direction, information, identification, or to advertise or promote any business, product, goods, activity, services, ideas, or interests.\textsuperscript{170}

★ **Menu board sign.** A sign installed in a drive-through facility and intended for the drive-through customers that advertises the products that may be purchased at the facility.\textsuperscript{171}

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

Yes, a sign permit is required for temporary and permanent signs unless specifically exempted from permitting.\textsuperscript{172} A copy of the sign permit is available online at http://www.southstpaul.org/DocumentCenter/View/262.

A temporary sign permit is required for signs that are used in conjunction with a promotional item, special occasion, holiday or sale.\textsuperscript{173} These signs must be discontinued within 30 days after installation and cannot be displayed more than a total of 120 days per calendar year.\textsuperscript{174}

**What are the relevant regulations?***

There are extensive sign regulations set forth by the municipal code. This brief does not discuss all of the details, but summarizes key requirements. Please refer to the municipal provisions in the appendix for the extensive list of requirements.

All signs must follow the regulations set forth by the municipal code, which specify size restraints, illumination restrictions, and may vary depending on zoning district.\textsuperscript{175}

Further, the municipal code prohibits a person from affixing a sign at any of the city parks (absent written confirmation from the director of parks and recreation).\textsuperscript{176}

See also Sec. 118 – 262 in Section on Fencing regarding visual standards and building permits.

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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.
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, maintain 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

★ Parking. Not defined by municipal code as of May 21, 2015.

Does the municipal code require a permit or license?

No, the municipal code does not establish a permitting or licensing scheme for parking.

What are the relevant regulations?

The municipal code establishes parking requirements for certain establishments (i.e., for restaurants, drive-in food establishments, and offices) to ensure adequate amounts of off-street parking are available to patrons of those establishments. Additionally, the code establishes regulations governing loading and off-street parking, which could impact food establishments and their ability to re-supply their fresh food. Please review the code provisions for clarification on these requirements.

The city council may by resolution designate residential permit parking zones.
MAKING FOOD

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 licensed 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 June 2, 2015.

Does the municipal code require a permit or a 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 factors. Please consult with MDA and/or MDH for more information.
What are the relevant regulations?

No municipal regulations are 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 F.
DISPOSING FOOD

Subsections:

1. Composting
2. Recycling and 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 composites 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.”\textsuperscript{180}

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 likely 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)

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.

★ **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.

★ **Composting.** (State Definition) The controlled microbial degradation of organic waste to yield a humus like product.

★ **Operator.** (State Definition) The person or persons responsible for the operation of a facility.

★ **Owner or facility owner.** (State Definition) The person or persons who own a facility or part of a facility.

Municipal Code Definitions:

★ **Composting.** The controlled microbial degradation of source separated organic waste to yield a humus-like product or mulch to be used as a soil amendment.

★ **Source separated.** Organic waste that is separated from mixed municipal solid waste at the source by the waste generators for the purpose of composting in a container.

Does the municipal code require a permit or license?

No, the municipal code does not require a permit or license to compost.

What are the relevant regulations?

Composting is permitted in residential zones under the municipal code. The city has enacted composting regulations that govern composting in residentially zoned districts, including the size of the composting container, the location of the composting container on a lot, and what materials may be put into the composting container.
Additional Resources

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 and Waste Disposal

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

★ **Recycling.** Not defined by municipal code as of May 21, 2015.

★ **Mixed municipal solid waste.** Garbage, refuse and other solid waste from residential, commercial and community activities that the generator of the waste aggregates for collection.\(^{191}\)

Does the municipal code require a permit or license?

The municipal code does not require a permit or license to recycle or collect recycling.

A license is required for residential collection of trash.\(^ {192}\)

What are the relevant regulations?

In the CGMU and NCMU districts, recycling must be completely screened from eye-level view from public streets and adjacent properties.\(^ {193}\)
The City has several regulations governing solid waste. The City requires every resident and business to contract with a solid waste hauler.\textsuperscript{194} The City requires solid waste to be stored in a container, and for these containers to be screened from view during the days that there is no scheduled waste pick up.\textsuperscript{195} Additionally, the municipal code requires compliance with the state pollution control agency.\textsuperscript{196}
APPENDICES
**APPENDIX A: LIST OF SEARCH TERMS**

<table>
<thead>
<tr>
<th>Community garden</th>
<th>Farmers’ market</th>
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<tbody>
<tr>
<td>Garden</td>
<td>Restaurant</td>
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<tr>
<td>Farm</td>
<td>Food cart</td>
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<td>Animals</td>
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<td>Chicken</td>
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<td>Chicken coop</td>
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<td>Arbor</td>
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<td>Trellis</td>
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<td>Pergola</td>
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<td>Planting box</td>
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<tr>
<td>Greenhouse</td>
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<tr>
<td>Hoop house</td>
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<tr>
<td>Shed</td>
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<tr>
<td>Grocery store</td>
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</tbody>
</table>
APPENDIX B: ACCESSORY BUILDINGS AND STRUCTURES

The City regulates accessory structures via permitting and design standards.

A. Does the City or State require insurance, a permit, or license?

While the municipal code does not specifically state this, a City pamphlet states: “A building permit is required if the [accessory] structure is over 120 square feet.” This requirement is consistent with the Minnesota Building Code. A conditional use permit is required for structures over 200 square feet.

B. What are the relevant city and state regulations (including zoning) and “development standards”?

Municipal regulations govern the number, size, location, and appearance of all accessory structures in the city. These regulations vary depending on zoning district. For example, in areas zoned as single-family residential a lot with a dwelling is permitted to have one accessory structure in addition to a garage. In all other districts, a lot is permitted to have to have one accessory structure per principal structure. Further, the municipal code outlines height and setback restraints. In all zoning districts, accessory structures must be anchored by concrete slab or securely fastened.

All accessory buildings are required to have a surfaced floor. Additionally, wood frame accessory structures “wood frame accessory buildings or structures” must have one of the following types of sidings: Masonite, shakes, redwood, exterior plywood panel, hardboard, decorative steel, decorative aluminum, vinyl, hardie-board, decorative fiberglass and/or rough-cut exterior siding. Further, wood frame accessory buildings or structures must utilize one of the following roofing material: asphalt shingles, standing-seam metal roofing, or when the pitch of the roof is less than 5/12, decorative rolled roofing will be permitted.

Municipal Code of Ordinances

Chapter 106 – Buildings and Building Regulations

Sec. 106-23. - Adopted.

(a) Code adopted. The building code of the state, authorized by Minn. Stats. §§ 16B.59—16B.73, and embodied in the rules, regulations and amendments published by the commissioner of administration of the state through the building codes and standards division, is hereby adopted.
by reference, except for the optional chapters, unless specifically adopted herein, and is the building code of the city. It is a part of this Code as completely as if fully set forth herein. A copy of the state building code shall be kept available for public use in the office of the building official.

(b) Minnesota Rules adopted. The following optional chapters of Minnesota Rules are hereby adopted by reference:

(1) Chapter 1306, special fire protection systems;
(2) Chapter 1335, floodproofing regulations, parts 1335.0600 to 1335.1200;
(c) Extraterritorial limits. The Building Code shall be enforced within the extraterritorial limits permitted by Minn. Stat. § 16B.62, subd. 1.

Chapter 118 – Zoning

Sec. 118-208. - Accessory buildings and structures

The requirements and regulations specified in this chapter shall be subject to the following:

(a) Purpose. The purpose of this section is to regulate the number size, location and appearance of all buildings accessory to and detached from principal buildings on lots within the city. These regulations shall apply to all detached structures, including but not limited to garages, carports, storage buildings, gazebos, screen houses, play houses, and similar structures.

(b) Number.

(1) Single-family residential zoning districts:

a. One garage (attached or unattached) used as an accessory to the dwelling and located upon the same lot, intended or capable of providing for the storage of motor vehicles and in which no business, occupation or service for profit is in any way conducted.

b. One accessory building or structure in addition to the garage, the use of which is incidental to and located on the same lot as the dwelling.

(2) All other districts:

a. One per principal building.

(c) Location.

(1) All zoning districts:

a. No accessory building shall be located nearer the front lot line than the principal building on that lot.
b. The required setbacks shall apply to all types of corner lots and accessory buildings shall adhere to any front or side setbacks as may be applicable to any principal building on such lots from both streets.

c. The minimum distance between the principal building and a detached accessory building shall be determined by the Minnesota State Building Code.

d. No building shall be placed within ten feet of any dwelling unit on an adjacent lot.

e. No accessory buildings shall be located within utility and drainage easements. It is the owner’s responsibility to verify the location of the property lines.

(2) Single-family residential zoning districts:

a. Side yard setbacks:

i. Accessory buildings in a residential district must be located at least five feet from the side lot line in the front two-thirds of the lot and three feet in the rear one-third of the lot. Accessory buildings and projections (soffits or overhang) located less than five feet from the property line are subject to additional fire separation requirements from the Minnesota State Building Code.

ii. An accessory buildings must be located at least nine feet from the street side property line on a corner lot.

b. Rear yard setback:

i. A garage shall have a setback from the rear property line of not less than three feet unless the entrance faces an alley or street, then the garage shall be set back no less than eight feet from the rear property line. Buildings and projections (soffits or overhang) located less than five feet from a common property line are subject to additional fire separation requirements from the Minnesota State Building Code.

ii. All other accessory buildings shall be set back at least three feet from the rear property line. Buildings and projections (soffits or overhang) located less than five feet from a common property line are subject to additional fire separation requirements from the Minnesota State Building Code.

c. Setbacks for through lots:

i. The minimum setback from the rear street of a through lot shall be 30 feet.
(3) All other districts:

a. Accessory buildings in the business and industrial districts may be located to the rear of the principal building, subject to rear setbacks, the Minnesota State Building Code and any fire separation requirements.

b. No accessory building in the industrial district shall be located less than ten feet from a rear or side lot line unless otherwise provided for herein.

(d) Maximum height.

(1) Single-family residential zoning districts:

a. Garages or any accessory structure intended to or capable of storing vehicles:

   i. No detached garage shall exceed one story. As used in this subsection, the word "story" means the portion of the garage between the surface of the floor and the roof above.

   ii. In the case of a hip roof or gable roof, no part of the garage shall exceed a height of 16 feet measured from the garage floor to the highest point of the roof; in all other cases the highest point of the garage shall not exceed a height of 12 feet above the surface of the garage floor.

   iii. The exterior side walls of a garage shall not exceed ten feet in height.

b. All other accessory buildings:

   i. The height of a detached building shall not exceed 12 feet. If attached, the structure shall not exceed the height of the principal building.

(2) All other districts:

a. No accessory building in a business or industrial district shall exceed the height of the principal building except by conditional use permit.

(e) Maximum size.

(1) Single-family residential zoning districts:

a. Garages or any accessory structure intended to or capable of storing vehicles:

   i. The maximum size for a garage shall be 1,000 square feet.

b. All other accessory buildings:
i. Structures larger than 200 square feet shall require a conditional use permit.

c. The maximum allowable size for all accessory buildings combined (garages and other accessory buildings) is 1,200 square feet.

(2) All other districts:

   a. Accessory buildings shall not exceed the footprint to the principal building to which they are accessory.

   b. Accessory buildings larger than 200 square feet shall require a conditional use permit.

(f) Construction and finish.

   (1) All zoning districts:

      a. All accessory buildings shall require a surfaced floor, except greenhouses.

      b. Accessory buildings shall be anchored to a concrete slab, or otherwise securely fastened to the ground by other methods approved by the building inspection department.

      c. Exterior materials and finish must match or complement the exterior finish of the principal structure in material, color and texture. Exterior surfaces of all accessory buildings shall be maintained in new or like new condition, free from cracked and peeling paint, rusting and deteriorating materials.

   (2) Single-family residential zoning districts:

      a. If constructed of metal, the accessory structure shall have prefinished enamel siding and roof.

      b. No galvanized siding or roofing shall be used.

      c. Galvanized steel-covered pole buildings are prohibited.

   d. Wood frame accessory buildings or structures shall conform to the Minnesota State Building Code and shall have one of the following types of siding: Masonite, shakes, redwood, exterior plywood panel, hardboard, decorative steel, decorative aluminum, vinyl, hardie-board, decorative fiberglass and/or rough-cut exterior siding, and the roofing material shall consist of asphalt shingles, standing-seam metal roofing, or when the pitch of the roof is less than 5/12, decorative rolled roofing will be permitted.

   (3) All other districts:
a. In business and industrial districts, all accessory structures, screen walls, and exposed areas of retaining walls shall be of a similar type, quality, and appearance as the principal structure.

(g) Approvals.

(1) Except in single-family residential zoning districts, no accessory building shall be constructed, erected or installed without approval of final site plans and building plans by the city.

(2) No accessory building occupying an area greater than 200 square feet shall be constructed erected or installed without a building permit issued by the city.

(3) No accessory building or use shall be constructed or developed on a lot prior to construction of the principal building.

(4) Two-story accessory buildings are not permitted.

(5) No accessory building or structure shall be used for living purposes as a dwelling unit.

(h) Other structures.

(1) Freestanding tents and canopies for the purpose of housing motor or recreational vehicles or storage are prohibited, except for municipal purposes in an industrial district.

(2) Fish houses shall be stored as regulated herein by the exterior storage regulations in section 118-240.
Appendix C: Regulations that apply to a structure requiring a building permit

The City of South Saint Paul has established specific regulations governing work that is authorized by a building permit.

Sec. 106-56. - Permits; application.

An owner or an authorized agent of the owner who intends to erect, install, enlarge, alter, repair, remove, convert, or replace any gas, mechanical, electrical, plumbing system, or other equipment the installation of which is regulated by this chapter, or any person wishing to construct, enlarge, alter, repair, move, demolish, or change a building or structure, including, without limitation, new construction, garages, decks, sheds (120 square feet or larger), roof replacement, soffit, fascia, gutters, siding, windows, doors, interior remodeling, fences, concrete work, asphalt, sheetrock, stucco work, retaining walls more than four feet tall, or cause any such work to be done, shall first make application to the building official and obtain the required permit. The application shall be, on forms provided by the city, filed in the office of the city engineer and contain or be accompanied by the following information:

(1) Description. A description of the land on which the proposed work is to be done by lot, block, tract and house and street address or similar description that readily identifies and definitely locates the proposed building or work.

(2) Use. The proposed use or occupancy of all parts of the building.

(3) Plans and specifications. Two sets of plans and specifications. When authorized by the building official and building inspector, plans and specifications need not be submitted for work deemed small and unimportant by the city.

(4) Valuation. The valuation of the proposed work, and with the exception of an allowance for reasonable error, the full and true cost of the proposed work.

(5) Remodeling. An application for permit for a new building or an addition to an existing building which would alter the exterior dimensions of any building must be accompanied by a plat of the piece or parcel of land, lot, lots, block or parts or portions thereof, drawn to scale, showing the actual dimensions of the property, the size and location of all buildings, accessory buildings and structures located or to be located on said parcel, and the grade of the existing lot as well as the proposed finished grade of the lot and the floor elevation of all buildings to be located on the parcel. The plat must be certified by a registered land surveyor licensed by the state as a true plan of the piece or parcel, lot or lots, block or blocks, or portions thereof according to the registered or recorded plat of such land. All property corners of boundaries must be actually located on the site by the location of property irons that have been placed by a registered land surveyor licensed in the state. Construction of a new building or addition to an existing building may not be commenced until the building inspector has approved the actual location on the lot.
(6) Exceptions. Certification by a registered land surveyor of the plat of land required in this section need not be submitted for the following:

   a. Building construction of a building where, in the opinion of the building official, the building inspector, and the city planner, there is no possibility of violation of any setbacks or location requirements;

   b. Construction of city municipal airport property.

(7) Other information. Other information reasonably required by the building inspector or the city planner.

After the building inspector has reviewed the application and determined that the work will comply with state and city regulations, the building official may issue a building permit.

**City Pamphlet discussing Accessory Buildings:**

The following requirements apply to a structure requiring a building permit:

**Setback requirements:** “All structures, regardless of size, must meet the required setbacks. The below listed setbacks are for 40’ lots, if your lot is wider than 40’ or on a corner lot please call [the City’s Permit and Inspections Department] for setback information. Fire rated walls may be required for sheds less than 5’ from your property line.

- Rear 1/3 of Lot – 3 feet off of the rear and side property lines.
- Middle 1/3 of Lot – 5 feet off of side property line and cannot extend past front of house.

**Height:** The height cannot exceed 12 feet.

**Minimum Clearance:** The minimum distance between the principal building and a detached accessory building shall be 6 feet or more. 10 feet would be required to eliminate a fire wall requirement.

**Exterior color of structure must match existing house or be of earth tone colors.**

**Siding and roofing must be of an approved type.**

**All structures require a surfaced floor. [(Except greenhouses)\textsuperscript{207}]**

**Only one such structure per lot shall be permitted.**

**No accessory building or structure shall be used for living purposes or as a dwelling unit.**

**The minimum setback from the rear street of a through lot shall be 30 feet.**
The required setbacks shall apply to all types of corner lots and accessory buildings shall adhere to any front or side yard setbacks as may be applicable to any principal building on such lots from both streets."
Appendix D: Architectural Requirements

In all zoning districts, all principal buildings other than one- and two-family dwellings must be designed or approved by a registered architect or engineer.

Municipal Code of Ordinances

Chapter 118- Zoning

Sec. 118-9. - Architectural requirements

(a) General requirements. In all zoning districts, all principal buildings other than one- and two-family dwellings must be designed or approved by a registered architect or engineer. A building permit shall not be issued where the materials, scale, bulk or character of a structure, house or buildings is so [as] similar or dissimilar to other structures, houses or buildings in the vicinity as to result in depreciation of property values or the degradation of the environment in the area. However, a denial of such a building permit must be ratified by the city council.

(b) Residential structures. In addition to the requirements stated in each section of the Code relating to the specific zoning districts, for districts R-1, R-2, R-3, and R-4, the following standards shall apply for single-family detached dwellings:

(1) Minimum roof pitch: The pitch of the main roof shall be not less than two and one-half feet of rise for each 12 feet of horizontal run. This requirement may be waived for earth sheltered structures.

(2) Placement: Every single-family dwelling shall be placed so that the apparent entrance or front of the home faces or parallels the principal street frontage, except where the lot size exceeds one acre.

(3) Foundations: Every dwelling shall be placed on a permanent foundation in compliance with the Uniform Building Code as adopted by the city.

(c) Nonresidential structures.

(1) Purpose. The purpose of this subsection (c) is to establish minimum standards for exterior architecture of nonresidential structures. To ensure high quality development, redevelopment, and compatibility with evolving architectural or planning themes that contributes to the community's image of quality, visual aesthetics, permanence and stability are in the best interest of the citizens in the city. These standards are intended to prevent use of materials that are unsightly, rapidly deteriorate, contribute to depreciation of area property values, or cause urban blight. These standards are further intended to ensure coordinated design of building exteriors, additions and accessory structure exteriors in order to prevent visual disharmony, minimize adverse impacts on adjacent properties from buildings which are or may become unsightly, and buildings that detract from the character and appearance of the area. It is not the intent of this subsection to
unduly restrict design freedom when reviewing and approving project architecture in relationship to the proposed land use, site characteristics and interior building layout.

(2) Application of provisions. This subsection (c) applies to all nonresidential buildings, additions, exterior remodeling and accessory structures in the GB: General Business and I: Industrial zoning districts, unless different exterior materials are specifically approved as part of an overall planned unit development (PUD) that creates a theme or blends with other elements of approved plans.

(3) Minimum submission requirements. A building permit applicant must submit the following:

a. Elevations and dimensions of all sides of existing and proposed buildings, including roof mechanical equipment, vents, chimneys, or other projecting items above the roofline.

b. Elevations and dimensions of all existing or proposed solid waste and recycling containment areas.

c. Detailed exterior descriptions, including type and color of all exterior building materials, awnings, exterior lighting, mechanical screening material, fencing, metal flashing and the like.

d. In order to aid in evaluating the exterior design, the applicant must submit schematic floor plans showing, if applicable, window locations, doors, loading docks, projected interior layouts, seating, bar areas, waiting areas, vestibules, storage areas, food preparation areas, interior trash or recycling space and the like.

e. Heating, air conditioning and ventilating and electrical equipment heights, locations and screening materials.

f. Colored renderings, exterior building and finish material samples and color pallets.

g. Schematic attached sign package that meets the sign ordinance.

h. Other information as required.

(4) Exterior design standards. Exterior surface materials of buildings are subject to the following:

a. Classes of materials: For the purpose of this subsection, materials are divided into Class I, Class II, Class III, Class IV, and Class V categories as described below:

<table>
<thead>
<tr>
<th>Class I</th>
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<tbody>
<tr>
<td>Architectural metal panels which cover a wall—i.e., copper, aluminum composite metal panels (ACM)</td>
</tr>
<tr>
<td><strong>Brick (integrally colored); clay based masonry units</strong></td>
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<tr>
<td>--------------------------------------------------------</td>
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<tr>
<td><strong>Natural stone</strong></td>
</tr>
<tr>
<td><strong>Transparent glass/spandrel glass</strong></td>
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<tr>
<td><strong>Other comparable or superior materials (as approved by city council)</strong></td>
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</tbody>
</table>

**Class II**

- Architecturally precast textured concrete panels
- Concrete brick
- Masonry stucco
- Specialty concrete block such as textured, burnished block or rock faced block
- Manufactured stone provided it replicates the appearance of natural stone, not concrete block
- Tile (masonry, stone or clay)
- Other comparable or superior materials (as approved by city council)

**Class III**

- Cement based architectural products (e.g., Quik Brik and HardieBoard)
- Exterior insulation and finish systems (EIFS) (synthetic stucco)
- Opaque or mirror window panels
- Ornamental metal as an accent to the building
- Other comparable or superior materials (as approved by city council)
<table>
<thead>
<tr>
<th>Class IV</th>
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</thead>
<tbody>
<tr>
<td>Glass block</td>
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<tr>
<td>Industrial grade concrete precast panels</td>
</tr>
<tr>
<td>Smooth concrete block</td>
</tr>
<tr>
<td>Smooth scored concrete block</td>
</tr>
<tr>
<td>Smooth concrete tip up panels</td>
</tr>
<tr>
<td>Wood</td>
</tr>
<tr>
<td>Other comparable or superior materials (as approved by City Council)</td>
</tr>
</tbody>
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<table>
<thead>
<tr>
<th>Class V</th>
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</thead>
<tbody>
<tr>
<td>Steel, sheet or corrugated aluminum, or iron provided it is coated or anodized with a nonreflective, glare-free finish</td>
</tr>
<tr>
<td>Any other material not within the standards set forth in subsection (c)(4)a.</td>
</tr>
</tbody>
</table>

a. **Incorporation of materials:** Buildings must incorporate classes of materials in the following manner:

1. Office, commercial, and institutional buildings: Must use at least two different Class I materials and be composed of at least 60 percent, Class I materials, not more than 40 percent, Class II or III materials, and not more than ten percent of Class IV materials.
   
i. Buildings within the CGMU and NCMU, zoning districts shall comply with the standards as established in subsections 118-125(h) and 118-127(g).

2. Industrial and warehouse buildings: Must use at least two different Class I or II materials and be composed of at least 60 percent, Class I or Class II materials, not more than 40 percent, Class III or IV materials, and in no case shall Class IV materials exceed ten percent.
i. Industrial and warehouse buildings located South of Richmond Street and East of Schumacher Road: Must utilize at least 75 percent, Class I, Class II, or Class III materials. Buildings shall be constructed of a vertical finish made of noncombustible, nondegradable, and low maintenance construction material. No more than 25 percent of the finish of the exterior, exposed walls of any newly constructed building may be finished with Class IV and V materials.

   a. A fabric canopy structure of 10,000 square feet or less, which is a Class V exterior building material under this ordinance, may be permitted as the primary building material for an accessory building used exclusively for the storage of salt or sand. The structure shall require review through an interim use permit (IUP).

3. The exterior wall of any office, commercial, or institutional buildings visible from a highway, public street, park or public view from adjacent properties, or a residential use or district must be composed of at least 60 percent, Class I materials. Exterior walls with limited public exposure may use combinations of Class II, III, IV, or V materials, and in no case shall Class V materials exceed ten percent.

4. The exterior wall of any industrial or warehouse buildings visible from a highway, public street, park or public view from adjacent properties, or a residential use or district must be composed of at least 75 percent, Class I or II materials. Exterior walls with limited public exposure may use combinations of Class II, III, IV, or V materials, and in no case shall Class V materials exceed ten percent.

5. Buildings within the I zoning district which are within the boundaries of the South St. Paul Fleming Field Airport shall comply with the following:

   i. Such buildings may utilize Class V materials. Buildings shall be constructed of a vertical finish made of noncombustible, nondegradable, and low maintenance construction material.

   ii. At least one-third of any principal building facade that faces a public street (excluding alleys) shall be constructed of nonmetal material such as masonry, stone, brick, concrete, or wood. The remaining two-thirds of any building facade that faces a public street (excluding alleys) may be metal but shall at a minimum have a textured finish to resemble stucco or a similar surface.

   iii. Metal walls shall include ribbed or fluted metal panels and metal curtain walls meeting all requirements of the Uniform Building Code. Covered fasteners shall be used. The use of corrugated panels with a depth of less than three-quarter-inch or a thickness less than U.S. Standard 26-gauge are prohibited.
iv. Walls subject to damage from the outside by vehicles shall be protected by landscaped areas, curbs, stops, or other permanent barriers. The appearance of these barriers shall be coordinated with the building to maintain a unified and attractive overall appearance.

v. The materials and finishes of exposed roofs shall complement those used for the exterior walls. Exposed roofs shall be defined as that portion of a roof visible from ground level up to a maximum of 500 yards away. Exposed steel roofs shall be of aluminized steel, Galvalum, or other treatments considered equivalent in that industry. Any exposed roof fasteners shall be made of stainless steel.

vi. The use of unpainted metal panels, excluding panels made of copper or stainless steel, is prohibited. The color finish of metal panels shall have extended durability with high resistance to fade and chalk.

vii. The exposed walls and roofs shall be maintained in a clean, orderly, and attractive condition, free of cracks, dents, punctures, breakage, and other forms of visible marring. Materials that become excessively faded, chalked, or otherwise deteriorated shall be refinished or repainted. "Excessively faded" shall be defined as a color change exceeding seven delta (hunter) units under ASTM D2244. "Excessively chalked" shall be defined as a chalk in excess of ASTM D759 number six rating.

viii. Metal hangar buildings at the South St. Paul Fleming Field Airport shall meet the following performance standards:

a) Compliance with minimum architectural design standards as adopted by the council for the airport.

b) Soffits are required to be a minimum of twelve inches.

c) Gable overhangs are required to be a minimum of twelve inches.

d) Wainscot is required at the base of all hangar sides to a minimum of 42 inches in height and a maximum of 48 inches.

e) Colors are restricted to the following:
   - Roof—White
   - Building—Beige
   - Wainscot, soffit, fascia, overhangs and trim—Evergreen, vintage burgundy, or slate blue

6. Buildings in nonresidential zoning districts that are not office, commercial, institutional, industrial or warehouse uses must conform to the exterior finish materials and proportions of office, commercial, or institutional buildings unless otherwise approved by the city council.
7. The use of Class II, III, IV, or V materials must be distributed throughout the exterior of a building unless the city agrees that materials consolidated on more visible locations provide the most positive architectural appeal to the general public.

8. Expansion or enlargement of nonconforming buildings.
   i. For purpose of this subsection, the total square feet of the existing nonconforming building shall be determined as the total size of the existing building that existed on the effective date of this section. The total square feet or percentage of any and all expansions to an existing nonconforming building as of the effective date of this section shall be aggregated for purposes of calculating the size or percentage of the total expansion to the original building existing on that date.
   ii. Expansion or enlargement of nonconforming metal-sided buildings. In the event a building that is an existing nonconforming metal-sided building on the effective date of this ordinance is enlarged or expanded and the expansion is 10,000 square feet or less or 50 percent or less in size by total square feet of the existing nonconforming metal building, the expansion structure need not comply with the provisions of this subsection (c), but any exterior exposed side or surface of the expansion structure shall be constructed of identical material and color to the existing nonconforming building. In the event the expansion or enlargement is more than 10,000 square feet or 50 percent in size by total square feet of the existing nonconforming metal building, the expansion structure must comply with the provisions of this subsection (c).
   iii. Expansion or enlargement of other nonconforming buildings. In the event any existing nonconforming building is enlarged or expanded, and the expansion is 10,000 square feet or less or 50 percent or less in size by total square feet of the existing nonconforming building, the expansion to the existing nonconforming structure shall be constructed of compatible material and color to the existing nonconforming building. In the event the expansion or enlargement is more than 10,000 square feet or 50 percent in size by total square feet of the existing nonconforming building, the expansion must comply with the provisions of this subsection (c).

9. A distinctively different color of brick may be considered as a second Class I material. However, minor blended color variations must not be considered as a separate material.

10. To be counted as a primary material the product must comprise at least five percent of the exterior wall.

c. Use of primarily Class I material. Buildings may be constructed primarily of one specific Class I material, provided the design is obviously superior to the general
intent of this subsection, provides variation in detailing, footprint of the structure or
deviations in long wall sections to provide visual interest.

d. Garage doors, etc. Garage doors, window trim, flashing accent items and the like
do not constitute the required materials that make up the exterior of a building.

e. Exposed roof materials. Exposed roof materials must be similar to, or an
architectural equivalent of a 300-pound or better asphalt or fiberglass shingle,
wooden shingle, standing seam metal roof or better.

f. Bright accent colors. Bright accent colors (i.e., orange, bright yellow, or
fluorescent colors) for cloth or metal awnings, trim, banding, entries or any portion
of the building must not exceed five percent of each wall area.

g. Equipment screening. Equipment used for mechanical, processing, bulk storage
tanks, or equipment used for suppressing noise, odors and the like that protrudes
from a side of a building or is located on the ground adjacent to a building must be
screened from public view as much as practical with materials matching the design
of the building. Where miscellaneous exterior equipment cannot be fully screened
with matching building materials, landscaping may be used as additional screening.

h. Face brick. Face brick must be a fired clay brick material of at least three and
one-half-inch width, two and one-fourth-inch height, and 11 ½ inches long.

i. Decorative concrete block or brick. Any decorative concrete block or brick
material may be colored only by means of a pigment impregnated throughout the
entire block or brick (not including natural gray).

(5) Other requirements.

a. Building construction and design may be used to create a structure with equally
attractive sides, except for those instances specified in this subsection (c).

b. Primary building entrances may be clearly defined to promote visual interest and
architectural presence.

c. Large, uninterrupted expanses of a single material may not be permitted, unless
the design is obviously superior to the intent of this chapter as determined by the
city council.

d. No wall that faces a public right of way, parks, the public view from adjacent
properties or a residential use or district may have an uninterrupted length
exceeding 100 feet without including at least two of the following: change in plane,
change in texture or masonry pattern, windows, or an equivalent element that
subdivides the wall into human scale proportions.
Appendix E: Municipal Code of Ordinances

Gardening

Chapter 118 – Zoning

Sec. 118-119 – Fences and walls

Fences may be allowed in any district and are subject to the following:

(7) Fences may be permitted within required yards subject to the following:

  g. Fences around community gardens for wildlife management that meet the following criteria:

      1. The garden is larger than 5,000 square feet;
      2. The garden is used by more than six users;
      3. The garden is not located on the same property as a single-family residence;
      4. The fence is no higher than eight feet;
      5. The fence is not electrified;
      6. The fence is made of material that complies with this section, except that plastic deer
         fencing and welded/woven wire are considered permitted materials around a community
         garden.²¹⁰

Chapter 38 – Offenses and Miscellaneous Provisions

Sec. 38-80. - Hourly restriction on certain operations.

(b) Domestic power equipment. It is unlawful to 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. Snow removal
equipment is exempt from this provision.

Chapter 118 - Zoning

Sec. 118-133 – MH, mobile home district

(d) Design requirements. A mobile home park shall contain the following design features:

      (14) Landscaping. Each mobile home site shall be sodded in all areas not actually used
      for the mobile home or for patios, storage, parking, or gardening. There shall be at least
      one shade tree on each mobile home site. Each site shall have a sidewalk from the front
door to the driveway or from the front door to the sidewalk that abuts the street. Areas in the mobile home park, other than for mobile home sites, off-street parking areas, streets, and storage areas, shall be suitably landscaped so as to prevent erosion.

Section 118-171 - Floodway district (FW).

(1) Permitted uses.

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

   c. 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.

   d. Residential lawns, gardens, parking areas, and play areas.211

Farming

Chapter 118 – Zoning
Sec. 118-128. - GB, general business district.
(b) Uses by conditional use permit. Within the GB district, the following uses may be allowed only by conditional use permit:
   (5) Boat, marine, trailer, farm equipment, automobile, truck, and similar sales.

Sec. 118-171. - Floodplain districts
(d) Floodway district (FW)
   (1) Permitted uses
       a. General farming, pasture, grazing, outdoor plant nurseries, horticulture, truck farming, forestry, sod farming, and wild crop harvesting.

Farm Animals, Chickens, and Chicken Coops

Chapter 15 – Animals

Sec. 15-2 Nondomestic animals

It shall be illegal for any person to own, possess, harbor, or offer for sale, any farm animals within the city limits, except temporarily in the general business district east of Trunk Highway No. 56 in a stockyard or farm produce establishment awaiting slaughter or transportation, or
except as brought into the city as part of an operating zoo, veterinary clinic, scientific research laboratory, or a licensed show or exhibition.212

Sec. 15-3. - Farm animals

It shall be illegal for any person to own, possess, harbor, or offer for sale, any farm animals within the city limits, except temporarily in the general business district east of Trunk Highway No. 56 in a stockyard or farm produce establishment awaiting slaughter or transportation, or except as brought into the city as part of an operating zoo, veterinary clinic, scientific research laboratory, or a licensed show or exhibition, or as may be allowed under urban chicken regulations found in section 15-9.

Sec. 15-4. - Basic care.

All animals shall receive from their owners kind treatment, sufficient shelter, and sufficient food and water for their comfort.

(a) Proximity to certain uses. A dove cote, dog kennel, rabbit warren, pigeon loft or other yard or establishment where small animals or fowl are kept must not be maintained closer than 50 feet from any apartment, hotel, restaurant, retail food store, building used for school, religious or hospital purposes, or residence other than occupied by the owner or occupant of the premises where the animals are kept. Except as may be allowed under backyard chicken regulations found in section 15-9.

(b) Keeping at residence. A person may keep up to two rabbits, guinea pigs, dove, or pigeons that are more than four months old on any residential premises less than five acres within the city.

(c) Permit. The city council may grant a special animal permit for more than the number of animals allowed pursuant to subsection 15-4(b) if:

(1) The person undergoes an inspection of the premises by the animal control officer;

(2) The person provides the city clerk with the names and addresses of all property owners within 75 feet of applicant's property so that they may be sent notice of the hearing, or provides the city clerk with a signed acknowledgement of the property owners within 75 feet of the applicant's property stating that they have been informed of the council hearing date for such permit and that they have no objection to the granting of the special animal permit;

(3) After a hearing, the city council finds that no nuisance will be created and granting the special animal will not be detrimental to the health, safety and welfare of the public.

(d) Cleaning animal shelters. All structures, pens, or yards where animals or fowl are kept or permitted to be must be maintained in a clean and sanitary condition, devoid of all rodents and vermin, and free from objectionable odors and animal waste. The interior walls, ceiling, floors, partitions, appurtenances of all the structures must be properly maintained. The city, upon the
complaint of any individual, will inspect any structure or premises and issue any order as may be necessary to carry out the provisions of this section.

Sec. 15-9. Backyard Chicken Regulations.

a) Keeping of Chickens on Urban Residential Lots:

1) License Required: No person shall keep chickens on any residentially zoned property within the city without first obtaining a license from the city. The keeping of chickens on a residential property shall be limited to single family lots.

2) Application: An application for a license to keep chickens shall be made to the City Clerk on the form prescribed by the city. The applicant must provide all the information required on the form, including, but not limited to:

a. The name and address of the owner(s) where the chickens will be kept;

b. The number of chickens to be kept on the property;

c. A scaled site plan or property survey showing the proposed location of the building and enclosed outdoor area to house the chickens on the subject property along with the dimensions of the building and enclosure;

d. A drawing or picture of the proposed building to house the chickens along with a list of the exterior materials for the building;

e. The applicant must pay the fee for the license to keep chickens as set forth in the city fee schedule.

b) Consent from Surrounding Property Owners: The applicant shall be required to obtain consent from 75% of the abutting property owners on a form provided by the City Clerk.

c) Granting Issuance of License: The City Clerk may administratively grant a new or renewal license under this subsection provided all of the following have been met:

1) All required submittal information is submitted and complete.

2) Appropriate fee is paid.

3) The application filed demonstrates compliance with the requirements of this subsection and any other applicable regulations of this code.

4) At least 75% of the abutting property owners have consented in writing.

5) The applicant has had no more than two property maintenance violations within the preceding twelve month period.

6) A maximum of twenty (20) licenses may be issued.
e) Standards: Any person keeping chickens in residential areas of the city as noted in this section, shall comply with the following:

1) No person shall keep more than four (4) total hen chickens on the property.
2) No person shall keep roosters or adult male chickens on the property.
3) The slaughter of chickens on residentially used or zoned properties is prohibited.
4) The owner of the chickens shall live in the dwelling on the property.
5) The raising of chickens for breeding purposes is prohibited.
6) Chickens more than 4 months old shall not be kept inside the dwelling.
7) Raising of chickens shall not be for commercial purposes and there shall be no selling of eggs on the premises.

f) Shelter and Enclosure Requirements: Every person who owns, controls, keeps, maintains or harbors hen chickens must keep them confined on the premises at all times and provide them a building to shelter the chickens and an enclosed outdoor area. Buildings to house the chickens and enclosed outdoor areas for the chickens shall comply with the following standards:

1) Only one (1) building to house the chickens and one enclosed outdoor area shall be allowed per lot.
2) No building to house the chickens or enclosed outdoor area to contain the chickens shall be constructed on a lot prior to the time of occupancy of the principal structure.
3) Buildings to house the chickens and enclosed outdoor areas for the chickens shall not be located in the front or side yards and shall not be placed within any drainage and utility easements.
4) Any building to house chickens and enclosed outdoor area for the chickens shall be set back at least twenty-five feet (25’) from any principal structure on an adjacent lot and ten feet (10’) from all property lines.
5) Any buildings to house the chickens and enclosed outdoor areas must be consistent with applicable zoning codes.
   a. Exterior materials for the building to house the chickens shall be consistent with the requirements for Accessory Buildings; in particular they must have finished exterior surfaces (painted, stained, sealed, etc.)
   b. The maximum height for a building to house the chickens is 12 feet from ground to the peak of the roof.
   c. The maximum size for the building to house the chickens is 120 square feet.
d. A floor is not required for a building housing the chickens.

e. Fencing for the enclosed outdoor area for the chickens may utilize poultry netting fence. Fencing for the enclosed outdoor area should be six feet high to better protect the chickens from predators.

6) Chickens shall be provided a secure well ventilated roofed structure in compliance with applicable zoning codes.

7) The floors and walls of the roofed structure shall be kept clean, sanitary and in a healthy condition.

8) Chickens shall be contained within the building to house the chickens or the enclosed outdoor area for the chickens at all times.

9) The enclosed outdoor area shall be well drained so there is no accumulation of moisture.

10) If the license to have chickens is not renewed the building to house the chickens does not need to be removed provided the building meets the accessory building requirements (including the maximum number of accessory buildings)

g) License Modification: The license may be reasonably modified by animal control authority if necessary to respond to changed circumstances. Any modification shall be effective ten (10) days after the mailing of a written notice by certified mail to the license holder. The license holder may challenge the modification by contacting the City Clerk and requesting a hearing within ten (10) days after receipt of written notice. A hearing regarding the proposed modification shall be held before the City Council.

h) Duration of License: A license to keep chickens shall be issued for a period of two (2) years beginning January 1 and terminating on December 31. Applications for a renewal license must be made at least 60 days prior to its expiration.

i) Conditions / Maintenance and Inspections: No person who owns, controls, keeps, maintains or harbors chickens shall permit the premises where the chickens are kept to be or remain in an unhealthy, unsanitary or noxious condition or to permit the premises to be in such condition that noxious odors to be carried to adjacent public or private property. Any building to house chickens or enclosed outdoor area for the chickens authorized under this section may be inspected at any reasonable time by authorized city staff to inspect for compliance with this chapter and other relevant laws and regulations.

j) Revocation of License: A license may be revoked by the City Council for a violation of any condition of this section following notice and a hearing as provided for in this code.

k) Penalty: Violation of this section shall be addressed through the Administrative Citation process.

Sec. 15-35. - Nuisances.
(b) Damage to property. It shall be unlawful for any owner's animal to damage any lawn, garden, or other property of another, whether or not the owner has knowledge of the damage.

Chapter 118 – Zoning

Sec. 118-121, R-1, Single-Family District.

(2) Accessory Uses: h) Keeping of chickens as per the backyard chicken regulations found in Section 15-9

Sec. 118-253 - Environmental nuisances.

No odors, vibration, noise, air pollution, liquid or solid wastes, heat, glare, dust, or other sensory irritations or health hazards shall be permitted in any zoning district in excess of the minimum standards set forth in this section. Any violation of said standards is hereby declared to be a public nuisance. The minimum standards are as follows:

(5) Animals. Any building in which domestic farm animals are kept shall be a minimum distance of 100 feet from all lot lines. Notwithstanding anything contained herein to the contrary, the minimum standards of the state pollution control agency as to noise, air and water pollution, glare, and dust shall be minimum standards for the purpose of this section. Also see sections 118-167, 118-168, 118-169 and 118-206.

Fences

Chapter 118 – Zoning

Sec. 118-199 – Fences and walls

Fences may be allowed in any district and are subject to the following:

(1) All fences shall be kept in good repair, painted, and well maintained. In the event a front yard fence is adjacent to and parallel with the front lot line (or side lot line on the street side of a corner lot), such fence shall be set back at least one foot from the street right-of-way line.

(2) Solid walls in excess of four feet above adjacent ground grades are prohibited.

(3) The side of the fence considered to be the face (finished side as opposed to structural supports) shall face abutting property.

(4) No fences shall be permitted on public rights-of-way, except through an encroachment agreement.
(5) Fences in easement areas shall not impede the flow of water. If the city needs to utilize the easement, the fence will be removed and relocated at the expense of the property owner.

(6) Fences may be permitted along property lines subject to the following:

   a. Fences may be placed along property lines provided no physical damage of any kind results to abutting property. Property owners shall be responsible for verifying their property lines by locating their property irons. If the irons cannot be located, the property owners shall provide with City with either a notarized consent form signed by the adjacent property owner(s) agreeing to the location of the common property line(s) or a survey showing the location of the property line.

   b. Fences in industrial districts may be erected to a maximum height of eight feet above finished grade.

   c. Fences in residential districts may be located on any side or rear lot line to a height of six feet above finished grade.

   d. Fences alongside and rear interior lot lines beginning behind the front building line of the principal structure may be a maximum height of six feet in residential districts.

   e. Should the rear lot line of a lot be common with the side lot line of an abutting lot, that portion of the rear lot line equal to the required front yard setback of the abutting lot shall not be fenced to a height of more than 42 inches.

(7) Fences may be permitted within required yards subject to the following:

   a. Fences located within the side and rear yard non-buildable setback area beginning behind the front building line shall not exceed six feet in height from the finished grade in residential districts.

   b. In residential districts, fences along or within the front non-buildable setback area may be no more than 42 inches in height. On corner lots where the "front" of the house faces a side yard, fences in the side yard on that "front" side of the house may be no more than 42 inches in height.

   c. Fences located within the buildable area of a lot may be up to six feet in height.

   d. Fences in industrial districts located within non-buildable setback areas shall not exceed eight feet in height from finished grade.

   e. Fences used for backstops for ballfields at public parks and playgrounds shall be exempt from the fence height regulations mentioned above. Fences for tennis courts shall be in accordance with section 118-260.

   f. Fences required for enclosures around swimming pools shall be in accordance with section 118-255.
g. Fences around community gardens for wildlife management that meet the following criteria:

1. The garden is larger than 5,000 square feet;
2. The garden is used by more than six users;
3. The garden is not located on the same property as a single-family residence;
4. The fence is no higher than eight feet;
5. The fence is not electrified;
6. The fence is made of material that complies with this section, except that plastic deer fencing and welded/woven wire are considered permitted materials around a community garden.

h. Fences as required around an airport for security or wildlife control shall be in accordance with Federal Aviation Administration (FAA) regulations.

(8) Plans for the fence must be submitted to the city engineer for approval at the time of permit application prior to the beginning of construction. The plans shall include the location of the fence, type of material, method of anchoring, attaching and/or securing the fence and fencing material.

(9) Fences on corner lots located in the traffic visibility triangle area shall be in accordance with section 118-246(c).

(10) The following materials are approved for fence construction:

a. Wrought iron;
b. Aluminum (wrought iron design);
c. Wood;
d. Vinyl/PVC, and composite fencing (i.e. Trex); and
e. Chain-link with approved posts and cap.

(11) The following materials are not approved for fence construction:

a. Farm fence of any kind, which includes, but is not limited to woven or welded wire, chicken wire, plastic deer fence, snow fence, steel bar fence, and similar type fencing, except as allowed for community gardens.
b. T-posts and pipes.
c. Barbed wire (except for security fences around power substations and airports).
Sec. 118-244. - Reasonable maintenance required

In all districts, all structures, landscaping, and fences shall be reasonably maintained so as to avoid health or safety hazards and prevent a degradation in the value of property.

Sec. 118-262. - Visual standards and building permits.

(a) It is hereby affirmed as essential public policy that the appearance of the city is a proper matter for public concern, and that all open spaces, buildings, signs, plants, surfaces, and structures which may be seen from the public roads, public ways, and water bodies are subject to regulation and provisions of this chapter.

(b) Before construction may begin and before a permit is issued for any building, structure, or land use other than a single-family or two-family dwelling home, a complete set of plans (two copies required), including lot size, building location, drives, parking, loading areas, storage, utilities, fences, sidewalks, screening, drainage plan, landscaping, exterior elevation of the proposed building, and such other information as may be required or requested, shall be submitted to the city engineer.

Sec. 118-121. - R-1, single-family district.

(a) Permitted uses. Within the R-1 single-family district, no building, structure or land shall be used except for one or more of the following uses, unless otherwise provided in this chapter:

(2) Accessory uses. e. Fences, signs, and recreation equipment, as regulated herein.

Sec. 118-127. - NCMU, North Concord mixed-use district.

(c) Accessory uses. Within the NCMU district, the following uses shall be permitted accessory uses:

(3) Signs, fences, and decorative landscape features as regulated herein.

Sec. 118-126. - C-1, retail business district.

(d) Accessory uses. The following accessory uses shall be permitted:

(1) Off-street parking and loading, signs, fences, and decorative landscape features, as regulated herein.
Sec. 118-125. - CGMU, Concord Gateway mixed-use district.

Accessory uses. Within the CGMU-1 or CGMU-2 subdistricts, the following uses shall be permitted accessory uses:

(3) Signs, fences, and decorative landscape features as regulated herein.

Sec. 118-129. - I, industrial district.

(e) Accessory uses. (4) Off-street parking and loading, signs, fences and decorative landscape features as regulated herein.

Arbors, Trellises & Pergolas

Chapter 118 – Zoning

Section 118-273 – Exceptions to minimum requirements for all districts

(2) Permitted encroachments into required yards and setback areas.

(d) In residential zoning districts (R-1, R-2, R-3, and R-4):

5. Arbors and trellises. Arbors and trellises no larger than nine feet in height, six feet in width and three feet in depth may encroach ten feet into a required front setback, five feet into a required side setback, and 20 feet into a required rear setback, provided that a front setback of not less than 15 feet, a side setback of not less than five feet and a rear setback of not less then ten feet shall be maintained. Arbors larger than prescribed above and pergolas (which are typically larger structures than arbors) shall be required to comply with the applicable setbacks for the zoning district. A setback of not less than 15 feet shall be maintained from any public street. If unfinished wood components are used to construct the porch, the wood must be stained, painted, or sealed.\(^{214}\)

Sec. 118-244 – Reasonable maintenance required

In all districts, all structures, landscaping, and fences shall be reasonably maintained so as to avoid health or safety hazards and prevent a degradation in the value of property.\(^{215}\)

\(^{214}\) While this provision of the municipal code does not specifically address planting beds, the provision broadly encompasses all structures.
**Planting Boxes**

**Chapter 118 - Zoning**

Sec. 118-244 – Reasonable maintenance required

In all districts, all structures, landscaping, and fences shall be reasonably maintained so as to avoid health or safety hazards and prevent a degradation in the value of property.

Sec. 118-338 – General provisions applicable to all zoning districts

(h) Monument signs. The base of a monument sign shall be incorporated into a landscaping scheme or planter box. Monument signs may incorporate additional berming into its landscape design on a slope of three to one where the berming is incorporated into an overall landscaping design plan. The maximum height of the berm shall be three feet above the adjacent street grade. Landscaping shall be provided on the slopes of the berm in an interesting and varied appearance. Where a planter box is incorporated, the landscaping shall occur in and around the planter with a similar attractive design. The maximum number of supports per sign shall be two. All supports shall be vertical. No cable shall be used to support the sign. Any supporting sign structure shall comply with subsection 118-338(f).

Unless a more restrictive size is stated in each zoning district, monument signs, including both planter box and sign graphic, shall not exceed six feet in height and the gross area shall not exceed 100 square feet. When in conflict, the more restrictive size shall apply.

Sec. 118-263 – Quasipublic structures

No quasipublic structure shall be located within the public right-of-way except by conditional use permit. Such structures shall include trash containers, bicycle racks, benches, planting boxes, awnings, flagpoles, light standards, stairs, light wells, loading wells, church directional signs, bus stop shelters, newspaper racks and dispensers, unapproved roadway parking of vehicles, and similar uses (see also section 118-207).217

**Greenhouse**

**Chapter 118 - Zoning**

Sec. 118-208 – Accessory buildings and structures

The requirements and regulations specified in this chapter shall be subject to the following: Construction and finish. (1) All zoning districts:

   a. All accessory buildings shall require a surfaced floor, except greenhouses218

††† While this provision of the municipal code does not specifically address planting beds, the provision broadly encompasses all structures.
Shed

Chapter 106 – Buildings and Building Regulations

Section 106-56 – Permits; application

An owner or an authorized agent of the owner who intends to erect, install, enlarge, alter, repair, remove, convert, or replace any gas, mechanical, electrical, plumbing system, or other equipment the installation of which is regulated by this chapter, or any person wishing to construct, enlarge, alter, repair, move, demolish, or change a building or structure, including, without limitation, new construction, garages, decks, sheds (120 square feet or larger), roof replacement, soffit, fascia, gutters, siding, windows, doors, interior remodeling, fences, concrete work, asphalt, sheetrock, stucco work, retaining walls more than four feet tall, or cause any such work to be done, shall first make application to the building official and obtain the required permit. The application shall be, on forms provided by the city, filed in the office of the city engineer and contain or be accompanied by the following information:

(1) Description. A description of the land on which the proposed work is to be done by lot, block, tract and house and street address or similar description that readily identifies and definitely locates the proposed building or work.

(2) Use. The proposed use or occupancy of all parts of the building.

(3) Plans and specifications. Two sets of plans and specifications. When authorized by the building official and building inspector, plans and specifications need not be submitted for work deemed small and unimportant by the city.

(4) Valuation. The valuation of the proposed work, and with the exception of an allowance for reasonable error, the full and true cost of the proposed work.

(5) Remodeling. An application for permit for a new building or an addition to an existing building which would alter the exterior dimensions of any building must be accompanied by a plat of the piece or parcel of land, lot, lots, block or parts or portions thereof, drawn to scale, showing the actual dimensions of the property, the size and location of all buildings, accessory buildings and structures located or to be located on said parcel, and the grade of the existing lot as well as the proposed finished grade of the lot and the floor elevation of all buildings to be located on the parcel. The plat must be certified by a registered land surveyor licensed by the state as a true plan of the piece or parcel, lot or lots, block or blocks, or portions thereof according to the registered or recorded plat of such land. All property corners of boundaries must be actually located on the site by the location of property irons that have been placed by a registered land surveyor licensed in the state. Construction of a new building or addition to an existing building may not be commenced until the building inspector has approved the actual location on the lot.
(6) Exceptions. Certification by a registered land surveyor of the plat of land required in this section need not be submitted for the following:

a. Building construction of a building where, in the opinion of the building official, the building inspector, and the city planner, there is no possibility of violation of any setbacks or location requirements;

b. Construction of city municipal airport property.

(7) Other information. Other information reasonably required by the building inspector or the city planner.

After the building inspector has reviewed the application and determined that the work will comply with state and city regulations, the building official may issue a building permit.

Chapter 118 – Zoning

Sec. 118-133 – MH, mobile home district

(a) Permitted uses. Within the MH district, the following uses may be permitted:

(2) Accessory uses.

(a) (1) Sheds or storage-type structures not exceeding 150 square feet in area

(b) In no event shall there be more than one shed, storage-type facility or utility enclosure on the site. In no event shall there be more than one patio cover, cabana, screened porch, or expandable room on the site. In no event shall there be more than one garage or carport on the site.219

Sec. 118-171. - Floodplain districts.

(b) General provisions. (8) Definitions. For purposes of this section, the following definitions shall be used. Unless specifically defined below, words or phrases used in this section shall be interpreted so as to give them the same meaning as they have in common usage and so as to give this section its most reasonable application. (s) Structure means anything constructed or erected on the ground or attached to the ground or on-site utilities, including, but not limited to, buildings, factories, sheds, detached garages, cabins, manufactured homes, recreational vehicles not meeting the exemption criteria specified in subsection (h)(3)a. of this section and other similar items.

(c) Establishment of zoning districts. (2) Compliance. No new structure or land shall hereafter be used and no structure shall be constructed, located, extended, converted, or structurally altered without full compliance with the terms of this Ordinance and other applicable
regulations which apply to uses within the jurisdiction of this section. Within the Floodway and Flood Fringe districts, all uses not listed as permitted uses or conditional uses in subsections (d) and (e) that follow, respectively, shall be prohibited. In addition, a caution is provided here that:

b. Modifications, additions, structural alterations, normal maintenance and repair, or repair after damage to existing nonconforming structures and nonconforming uses of structures or land are regulated by the general provisions of this section and specifically subsection (j).

(d) Floodway district (FW).

(3) Conditional uses. a. Structures accessory to the uses listed in [subsection] (d)(1) above and the uses listed in [subsections] (d)(3)b. through (d)(3)h. below.

**Grocery Store**

Chapter 118 - Zoning

Sec. 118-126. - C-1, retail business district.

(a) Permitted uses. No land or buildings within the C-1 district shall be used except for one or more of the following uses:

(30) Grocery store

(61) Supermarket or grocery store

Sec. 118-127. - NCMU, North Concord mixed-use district.

(b) Permitted uses. Within the NCMU district, no structure less than 10,000 square feet in area or land may be used, except for one or more of the following uses:

(20) Grocery store

Sec. 118-125. - CGMU, Concord Gateway mixed-use district.

(b) Permitted uses. Within either the CGMU-1 or CGMU-2 subdistricts, no structure or land may be used except for one or more of the following uses, provided such use is less than 10,000 square feet in gross floor area:

(20) Grocery store
Food Establishments

Chapter 18 – Businesses, Article IX – Regulation of Food Establishments

Sec. 18-189. - Restaurants, food carts, mobile food units and food stands.

(b) License required. It is unlawful to keep or operate a restaurant in the city without a license.

(c) Proof of license or permit required. It is unlawful to operate a mobile food unit or food stand in the city without a license or permit from the appropriate state regulatory agency, if required.

(d) Fee. The annual license fee for a restaurant, which shall be paid to the city, shall be as established by chapter 26 of this Code.

(e) Conformance with rules. The restaurant licensee must conform with all state and local laws, rules and regulations, including, but not limited to, those concerning the sale and serving of food. A copy of the licensee's current state license or permit must be filed with the city clerk.

(f) Conditions for mobile food units and food stands. All mobile food units and food stands shall comply with the following conditions:

(1) Debris, including papers, wrappers, cans, and bottles, around or in close proximity to a mobile food unit or food stand, is presumed a result of the mobile food unit or food stand's business. The mobile food unit or food stand operator must leave the area free of any debris resulting from the sale of food. The debris must be placed in the appropriate receptacles.

(2) Upon request of the city clerk, park and recreation director or their designees, the operators of mobile food units or food stands shall provide a copy of their license or permit from the appropriate state regulatory authority.

(g) Penalty. Failure to comply with subsection (f)(1) of this section is considered a public nuisance and may result in a summary abatement action, pursuant to City Code section 34-20. The costs of abatement shall be collected pursuant to City Code section 34-24. Failure to comply with subsection (f)(2) of this section may result in the issuance of an administrative citation pursuant to City Code chapter 38 article IV.

Chapter 46 – Solid Waste

Sec. 46-41. - Care of garbage.

It is the duty of the tenant, lessee or occupant of a private dwelling house, the keeper of a hotel, restaurant, eating house, boardinghouse or other dwelling where meals are furnished, the owner of every furnished flat or apartment house, and other persons having garbage to provide, without expense to the city, and at all times to keep upon the lot on which the building is situated suitable and sufficient cans or receptacles with suitable bales or handles. Each must have a tightfitting
cover for receiving and holding, without leakage or escape of odors, and without being filled to within four inches of the top, garbage which would ordinarily accumulate on the premises in one week's time. The cans must be placed to be readily accessible for removing and emptying the garbage therefrom by the collectors and where they will not be a public nuisance or in any degree offensive. Garbage must be dry and wrapped in paper before being placed in the garbage can or receptacles. A can or receptacle for receiving garbage may not be placed on or in a street, alley, sidewalk, footpath or public place. The code enforcement officer or designee is the exclusive judge of the sufficiency of garbage cans and receptacles and the locations thereof.

Chapter 118 - Zoning

Restaurants are currently only permitted for the following uses in these zoning districts:

<table>
<thead>
<tr>
<th>Zoning District</th>
<th>Permitted Uses</th>
</tr>
</thead>
<tbody>
<tr>
<td>C-1, Retail Business District</td>
<td>Permitted uses. No land or buildings within the C-1 district shall be used except for one or more of the following uses: (12) Café, cafeteria, or restaurant. 220</td>
</tr>
<tr>
<td>NCMU, North Concord mixed-use district</td>
<td>Permitted uses. Within the NCMU district, no structure less than 10,000 square feet in area or land may be used, except for one or more of the following uses: (10) Café, cafeteria, coffee shop, restaurant, or delicatessen, without drive-through facilities. 221</td>
</tr>
<tr>
<td>I, Industrial district</td>
<td>Uses by conditional use permit or interim use permit. The following uses shall require a conditional use permit or an interim use permit, and all applications for such conditional use permits shall follow the review and procedural guidelines set forth in section 118-132 of this chapter, governing planned unit developments: (18) restaurants 222</td>
</tr>
<tr>
<td>CGMU, Concord Gateway mixed-use district</td>
<td>Permitted uses. Within either the CGMU-1 or CGMU-2 subdistricts, no structure or land may be used except for one or more of the following uses, provided such use is less than 10,000 square feet in gross floor area: (10) Café, cafeteria, restaurant, or delicatessen, without drive-through facilities. 223</td>
</tr>
<tr>
<td>GB, general business district</td>
<td>(a) Permitted uses. Uses permitted in the general business (GB) district shall include and be limited to the following: All uses permitted in the C-1 retail business district. (b) Uses by conditional use permit. Within the GB district, the following uses may be allowed only by conditional use permit: (13) Drive-in business of all types. 224</td>
</tr>
</tbody>
</table>

Sec. 118-354. - Off-street parking spaces required.
Off-street parking spaces required by land uses generating the need for parking shall be as follows:

(11) Drive-in food establishment: one space for each 15 square feet of gross floor space plus additional parking and stacking space as may be required by the city council.

(16) Restaurants, cafes, bars, taverns, clubs: one space for each 2½ seats, based on maximum design capacity.\textsuperscript{225}

Sec. 118-338. - General provisions applicable to all zoning districts

(g) Menu board signs. The city council finds that menu board signage for restaurants that have a drive-through present unique communication needs and concerns. Therefore, the following standards apply to menu boards:

(1) Number and dimensions:

a. Primary menu board. One primary menu board not to exceed a maximum of 50 square feet in area shall be allowed. The height of the sign, including the base shall not exceed six feet from grade to the top of the sign.

b. Secondary menu board. One secondary menu board not to exceed 15 square feet in sign area shall be allowed. The height of the sign, including the base shall not exceed six feet from grade to the top of the sign.

c. [Additional provisions.] Primary and secondary menu boards are allowed in addition to other permitted signs on site and shall not be used to calculate the maximum signage for the property. No additional signage may be attached to the primary and secondary menu boards that exceed the permitted area or height of the respective primary or secondary menu board. The primary and secondary menu boards must be located adjacent to the drive-through aisle and all portions of the signs must be located at least ten feet from the property line.

(2) Residential separation: When a site directly abuts a residential use, a menu board must be set back at least 75 feet from the residential property line.

(3) Illumination: Illumination is permitted.\textsuperscript{226}

Sec. 118-251 - Drive-in business (includes car and truck wash of any type).

Any drive-in business that provides services or merchandise to a customer in such a manner that it is not necessary for the customer to leave a motor vehicle and enter the principal building to receive such merchandise or service shall conform to the following standards and regulations:
(1) Drainage system. The entire area of any drive-in business shall have a drainage system as approved by the city engineer.

(2) Surfacing material. The entire area, other than that occupied by structures or landscaping, shall be surfaced with a material that will control dust and drainage as approved by the city engineer.

(3) Box curb. A box curb at least six inches above grade shall separate any public walk area from the lot, except at approved entrance or exit driveways.

(4) Fencing required. A fence or other screening of approved design not over six feet in height or less than four feet in height shall be installed along the property line abutting a residential use or district and such fence or screen shall be properly maintained. A fence shall not be required in any front yard.

(5) General.

a. No person shall construct, operate, or maintain a drive-in business without first obtaining a conditional use permit.

b. Any drive-in business serving food or beverages may also provide, in addition to vehicular service areas, indoor (within the principal building) food and beverage service, but parking and stacking space required for vehicles shall be equal to the sum total of needs for indoor and outdoor services.

c. The hours of operation shall be set forth as a condition of any drive-in conditional use permit.

d. Any drive-in business serving food may have outside seating for customers.

e. Each food or beverage drive-in business shall place refuse receptacles at all exits as well as one refuse receptacle per ten vehicle parking spaces within the parking areas.

(6) Locations.

a. No drive-in business shall be located within 200 hundred feet of a public or parochial school, church, public recreation area, or any residential district unless permitted by the conditional use permit.

b. No drive-in business shall be located on any street not designated a collector, arterial, or business service street in the comprehensive municipal plan or as may be approved by the city council.

(7) Site plan. Site plans shall be submitted and comply with the following regulations:

a. The site plan shall clearly indicate suitable storage containers for all waste materials. All commercial refuse containers shall be screened.
b. A landscaping plan shall be included and shall set forth complete specifications for plant materials and other features.

c. Adequate area shall be designated for snow storage such that clear visibility shall be maintained from the property to any public street or alley.

d. The design of any structure shall be compatible with other structures in the surrounding area.

Farmers Markets

Chapter 18 – Businesses

Sec. 18-416 – Registration

(a) All solicitors, farmer's markets and non-local non-profit organizations shall be required to register with the city prior to engaging in any activities. For solicitors, each person engaged in the activity must register. For farmer's markets and non-local non-profit organizations, one registration form may be submitted on behalf of all participants.

(b) Application. Registration shall be made on the same form required for a license application.

(c) Fee. No fee shall be required.

(d) Procedure. Upon receipt of a completed application form containing all the required information, the city clerk shall issue a certificate of registration as proof of the registration. Certificates of registration shall be non-transferrable.

(e) Term. Registrations shall be valid for the time stated on the certificate of registration. Unless otherwise stated on the certificate of registration, the effective date of the registration is the date of issuance.

(g) Farmer's markets. A person or sponsoring organization representing multiple vendors selling or attempting to sell, or taking orders or attempting to take orders for any product grown, produced, cultivated or raised on any farm occupied, rented or used by the person and cultivated by the person must register with the city and must also provide the following information:

(1) The address or specific location of the farms or gardens upon which the product was cultivated or obtained.

(2) A signed affidavit from the registrant that the product that will be sold was from property occupied, rented or used by the registrant and the product was cultivated by the registrant. For a sponsoring organization, the sponsor will attest that it has received documentation from the participating vendors affirming that they comply with this requirement.
(3) Written confirmation from the city planner that the property on which the product will
be sold complies with all zoning requirements and the registrant has obtained all
necessary permits.

(4) The address or specific location on which the product will be sold and written
acknowledgment from the property owner that includes written consent from the property
owner and a site map showing the location on the property that will be used for the sale
of the product. 227

Chapter 118 – Zoning

Sec. 118-126 – C-1, retail business district

(c) Interim uses. The following interim uses shall be permitted: (2) Farmers’ markets and
seasonal garden centers

Transient Merchant

Chapter 18 – Businesses, Article XV – Peddlers, Solicitors and Transient Merchants

Sec. 18-384. - Exceptions.

For the purpose of this chapter, the terms peddler, solicitor, and transient merchant shall not
apply to and no license or registration shall be required for the following, unless otherwise
stated below:

(1) Any person engaging in non-commercial door-to-door advocacy. However, if the non-
commercial advocacy is being conducted by professional fundraisers, or fundraisers who
receive a commission or a fee, then each person involved in the activity must obtain a
license pursuant to city code section 18-413

(2) Any person going from house-to-house, door-to-door, business-to-business, street-to-
street, or any other type of place-to-place movement for the primary purpose of
exercising that person’s state or federal constitutional rights (i.e. freedom of speech,
freedom of the press, freedom of religion). However, if the person’s exercise of
constitutional rights is merely incidental to what would properly be considered a
commercial activity, then each person involved in the activity must obtain a license
pursuant to city code section 18-413
(3) Any person selling or attempting to sell at wholesale any goods, wares, products, merchandise, or other personal property to a retail seller of the items being sold by the wholesaler.

(4) 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 or milk.

(5) Any person making deliveries of perishable food and dairy products to the customers on his or her established delivery route.

(6) Any person making deliveries of newspapers, newsletters, or other similar publications on an established customer delivery route, when attempting to establish a regular delivery route, or when publications are delivered to the community at large.

(7) Any person conducting the type of sale commonly known as garage sales, rummage sales, or estate sales.

(8) Any person participating in an organized multi-person bazaar or flea market.

(9) Any person conducting an auction as a properly licensed auctioneer.

(10) Any officer of the court conducting a court-ordered sale.

(11) Non-profit, charitable, religious organizations or public and private schools who are conducting sales or other similar fundraising activities shall not be required to obtain a license, but are subject to certain requirements as described below:

   a. Local non-profit organizations that have a direct connection to or are located within the city shall notify the city of the dates during which the activity will be conducted, the location where the activity will be conducted and the nature of the goods or services to be sold or offered for sale. While conducting the activity, all members of the organization shall wear clothing identifying the sponsoring organization or carry a form of identification from the sponsoring organization.

   b. Non-local non-profit organizations that have no local connection or who are not located within the city shall be required to register pursuant to city code section 18-416, however, one registration form may be submitted for the organization for each activity. While conducting the activity, all members of the
organization shall wear clothing identifying the sponsoring organization or carry a form of identification from the sponsoring organization.

Sec. 18-413. - Licensing.

(a) County license required. No person shall conduct business as a transient merchant within the city without first having obtained the appropriate license from the county and the city.

(b) City license required. Except as otherwise provided for by this article, no person shall conduct business within this jurisdiction as a peddler or a transient merchant without first obtaining a city license.

(c) Application. An application for a city license to conduct business as a peddler or transient merchant shall be made at least 30 days before the applicant desires to begin conducting a business operation within the city. Application for a license shall be made on a form that is available from the office of the city clerk. All applications shall be signed by the applicant. All applications shall include the following information:

1. The applicant's full legal name.
2. Any and all other names under which the applicant has or does conduct business, or to which the applicant will officially answer to.
3. A physical description of the applicant (hair color, eye color, height, weight, any distinguishing marks or features, and the like).
4. Full address of applicant’s permanent residence.
5. Telephone number of applicant.
6. Full legal name of any and all business operations owned, managed, or operated by applicant, or for which the applicant is an employee or an agent.
7. Full address of applicant’s regular place of business, if any exists.
8. Any and all business-related telephone numbers and e-mail addresses of the applicant, including cellular phones and facsimile (fax) machines.
9. The type of business or activity for which the applicant is applying.
10. The dates during which the applicant intends to conduct business.
11. Any and all addresses and telephone numbers where the applicant can be reached while conducting business within the city, including the location where a transient merchant intends to set up his or her business.
(12) A statement as to whether or not the applicant has been convicted with the last five years of any felony, gross misdemeanor or misdemeanor for violating any state or federal statute or any local ordinance, other than minor traffic offenses.

(13) A list of the three most recent locations where the applicant has conducted business.

(14) Proof of any required county license.

(15) Written permission of the property owner or the property owner’s agent for any location to be used by a transient merchant.

(16) A general description of the items to be sold or services to be provided.

(17) The applicant’s driver's license number or other acceptable form of identification.

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

(19) Any and all additional information as may be deemed necessary by the City Council.

(d) Fee. All applications for a license under this chapter shall be accompanied by the fees established in chapter 26.

(e) Investigation. A background investigation is required, pursuant to city code section 19-47.

(f) Insurance. Proof of insurance must be submitted with the application as required by city code section 18-24.

(g) Procedure. Licenses will be approved pursuant to city code section 18-25. The city council may approve a license with reasonable conditions, as deemed necessary.

(h) Term. Unless otherwise stated on the license, a license granted under this article shall be valid through May 31. Unless otherwise stated in the license, the effective date of the license is the date of issuance.

Sec. 18-414. - License denial, suspension or revocation.

(a) In addition to the grounds stated in city code section 18-31(a), the following shall be grounds for denying, suspending or revoking a peddler or transient merchant license:

(1) The failure of an applicant to obtain and demonstrate proof of having obtained any required county license.

(2) The failure of an applicant to sign the license application.

(3) The failure of an applicant to pay the required fee at the time of application.

(4) A conviction within the past five years of the date of application for any violation of any federal or state statute or regulation, or of any local ordinance, which adversely reflects upon
the person's ability to conduct the business for which the license is being sought in a professional, honest and legal manner. Such violations shall include, but are not limited to, burglary, theft, larceny, swindling, fraud, unlawful business practices, and any form of actual or threatened physical harm against another person.

(5) The revocation within the past five years of any license issued to an applicant for the purpose of conducting business as a peddler, solicitor, or transient merchant.

(6) After completing the background investigation, the police chief recommends that it is not in the best interest of the city to grant the license.

(7) Evidence of a bad business reputation, which shall include, but is not limited to, the existence of more than three complaints against an applicant with the Better Business Bureau, the Office of the Minnesota Attorney General or other state attorney general's office, or other similar business or consumer rights office or agency, with the preceding 12 months, or three complaints filed with the city against an applicant within the preceding five years.

(b) Multiple persons under one license. The suspension or revocation of any license that authorized 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; public hearing. Except as provided in city code section 18-31(c) for a temporary suspension, prior to revoking or suspending any license issued under this chapter, the city shall provide notice and a public hearing pursuant to city code section 18-31(b).

Sec. 18-415. - License transferability.

No license issued under this chapter shall be transferred to any person other than the person to whom the license was issued.

Sec. 18-417. - Prohibited activities.

No peddler, solicitor, transient merchant, non-commercial door-to-door advocate, or other person engaged in other similar activities shall conduct business in any of the following manner:

(1) Calling attention to his or her business or the 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.

(2) Obstructing the free flow of traffic, either vehicular or pedestrian, on any street, sidewalk, alleyway, or other public right-of-way.
Section 18-418. - Exclusion by placard.

Unless specifically invited by the property owner or tenant, no peddler, solicitor, transient merchant, non-commercial door-to-door advocate, or other person engaged in other similar activities shall enter onto the property of another for the purpose of conducting business as a peddler, solicitor, transient merchant, non-commercial door-to-door advocate, or similar activity when the property is marked with a sign or placard stating: "No peddlers, solicitors or transient merchants," "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.

Chapter 19 – Personnel, Article II – License Background Investigations

Section 19-47. - Criminal history license background investigations.

(a) Background investigation required. The South St. Paul Police Department is hereby required, as the exclusive entity within the city, to do a criminal history background investigation on the applicants for the following licenses within the city:

(1) Intoxicating liquor;

(2) Massage therapy;
(3) Pawnbrokers and precious metal dealers;
(4) Peddlers and transient merchants;
(5) Sexually oriented businesses;
(6) Taxicabs;
(7) Tattooing and body piercing.

(b) BCA data. In conducting the criminal history background investigation in order to screen license applicants, the police department is authorized to access BCA data in accordance with BCA policy. Any BCA data that is accessed and acquired shall be maintained at the police department under the care and custody of the police chief or his or her designee. A summary of the results of the BCA data may be released by the police department to the licensing authority, including the city council, the city clerk or other city staff involved in the license approval process.

(c) Written authorization. Before the investigation is undertaken, the applicant must authorize the police department by written consent to undertake the investigation. The written consent must fully comply with the provisions of Minn. Stat. Ch. 13, regarding the collection, maintenance and use of the information. Except for the positions set forth in Minn. Stat. § 364.09, the city will not reject an applicant for a license on the basis of the applicant's prior conviction unless the crime is directly related to the license sought and the conviction is for a felony, gross misdemeanor, or misdemeanor punishable by jail. If the city rejects the applicant’s request on this basis, the city shall notify the applicant in writing of the following:

(1) The grounds and reasons for the denial.
(2) The complaint and grievance procedure set forth in Minn. Stat. § 364.06.
(3) The earliest date the applicant may reapply for the license.
(4) That all competent evidence of rehabilitation will be considered upon reapplication.

Signage

Chapter 118 – Zoning

Sec. 118-332. - Purpose and intent.

This article shall coordinate the type, placement, and scale of signs within the different land use zones; encourage the innovative use of design; promote both renovation and proper maintenance; and guarantee equal treatment under the law. This article is not intended to favor commercial over noncommercial speech. These purposes shall be accomplished by regulation of
the erection, use, and maintenance of signs within the City of South St. Paul. The use of signs is regulated by district to establish a comprehensive system of sign control that accommodates the need for a well-maintained, safe, and attractive community, and the need for effective communications including, but not limited to, business identification. The purpose of this article is to promote the health, safety, general welfare, aesthetics, and image of the community by regulating signs that are intended to communicate to the public. Signs are subject to the following regulations and to all other applicable requirements of the South St. Paul City Code.

Sec. 118-334. - Permits.

(a) All signs must be constructed in accordance with all applicable city code provisions, including permits and fees.

(b) If the sign requires electricity, it must be installed in accordance with the current electrical code and a separate permit from the building official may be necessary prior to placement.

Sec. 118-336. - Exceptions.

The following signs shall be permissible in all zoning districts. These exceptions shall not be construed so as to excuse the installer of the sign, or the owner of the property upon which the sign is located, from conforming with any other provisions of the City Code.

(a) Address signs.

(b) Building markers.

(c) Directional signs, which shall not exceed six square feet in gross area and five feet in height.

(d) Noncommercial flags.

(e) Official or public notices issued by a court or governmental agency; including city entry signs and identification signage for public parks, trails, and recreation facilities.

(f) Signs on ballfield fences no larger than 32 square feet and occupying no more than 70 percent of the fence.

(g) Temporary signs, provided when they are used in conjunction with a promotional item, special occasion, holiday or sale, they are discontinued within 30 days after installation and are not displayed more than a total of 120 days per calendar year. Temporary signs except as stated below, require a temporary sign permit.
(1) Construction signs up to 96 square feet may be allowed to remain longer than 30 days, provided that they are removed upon completion. Only one construction sign is permitted per lot.

(2) Real estate signs, provided they are removed within seven days following the lease or sale of the property or premises, there are no more than three signs per property, and they comply with the following size restrictions:

   i. In the R-1 and R-2 districts, signs shall not exceed nine square feet in gross area.

   ii. In the R-3 and R-4 districts, signs shall not exceed 18 square feet in gross area.

   iii. In the CGMU-1, CGMU-2 and NCMU districts, signs shall not exceed 24 square feet in gross area.

   iv. In the C-1, GB and I districts, signs shall not exceed 32 square feet in gross area.

(3) Community event signs provided they are displayed no more than 30 days prior to the event and are removed no more than two days after the event.

(4) Sandwich board signs may be used in the C-1, CGMU-1, CGMU-2, and NCMU zoning districts provided they comply with the following:

   i. There shall be no more than one sandwich board sign per property.

   ii. The sandwich board sign is made of durable, exterior-grade materials that are weather-resistant.

   iii. The sandwich board sign is located on the street frontage directly in front of the building which the sandwich board sign is for.

   iv. The sandwich board sign must be located behind the curb and in such a manner as to prevent obstructing access to vehicles using on street parking.

   v. The sandwich board sign must not obstruct a driveway or public sidewalk, trail, road, or other public right-of-way.

   vi. The sandwich board sign is no larger than eight square feet and no greater than four feet in height.

   vii. The sandwich board sign must be removed at the close of business and stored inside a building when the business is closed. The sandwich board signs must not be permanently attached to the ground, building, or any other surface.

   viii. Sandwich board signs are exempt from obtaining a permit.
Sec. 118-337. - Prohibited signs.

The following signs are prohibited in all zoning districts:

(a) Abandoned signs.
(b) Balloon signs.
(c) Flags other than noncommercial flags.
(d) Illegal signs.
(e) Off-premises signs, except sandwich board signs as permitted in subsection 118-336(g).
(f) Permanent banners or pennants, except those permitted by Minn. Stats. § 412.221, Subd. 34.
(g) Permanent sale signs.
(h) Portable (trailer) signs.
(i) Pylon signs.
(j) Roof signs.
(k) Revolving or rotating signs.
(l) Search lights or strobe lights.
(m) Signs containing audio speakers or any form of pyrotechnics, except menu board signs (subject to the requirements of subsection 118-338(g)) which may have audio speaker systems.
(n) Signs that obstruct windows, doors, fire escapes or an opening intended to provide ingress or egress to any structure or building.
(o) Signs painted onto buildings or walls, or signs painted, attached, or in any other manner affixed to fences, trees, rocks, or other similar natural surfaces, or attached to public utility poles, bridges, towers, or similar public structures.
(p) Signs that appear in color or design to resemble a traffic sign or signal or that make use of words, symbols, or characters in such a manner as to interfere with, mislead, or confuse pedestrian or vehicular traffic.
(q) Signs that are affixed to vehicles or trailers that are not in use (or are parked in such a fashion as to serve as additional freestanding signs). Permanent signs on operable commercial
vehicles or trailers (that are used as part of the everyday operation of the business) are not prohibited by this section and are allowed.

(r) Unsafe signs.

(s) Video display signs.

Sec. 118-338. - General provisions applicable to all zoning districts.

(a) Legally established nonconforming signs. A sign that is legally established upon the effective date of this article may be continued at the size and in the manner of operation existing upon such date except as specified below:

(1) A legally established nonconforming sign may be continued through repair, replacement, restoration, maintenance or improvement, but may not be expanded, moved, or relocated.

(2) If a sign or its structure is declared unsafe by the building official, this article shall not prohibit the sign or its structure from being made safe.

(3) Whenever a legally established nonconforming sign shall have been damaged by fire, flood, explosion, earthquake, war, riot, or act of God, it may be reconstructed and used as before if it is reconstructed within one year after such calamity unless the damage to the sign is 50 percent or more of its fair market value. If the damage is 50 percent or more of its fair market value, and no building permit has been applied for within 180 days from when the sign was damaged, any subsequent use or reconstruction of the sign shall be for a use in accordance with the provisions of this article. The city council shall grant a permit request under this section provided that the applicant demonstrates that the sign complies with all other requirements of this article.

(4) Whenever the use of a legally established nonconforming sign is discontinued for a period of more than one year, any future use of such sign shall be in conformity with the provisions of this article.

(b) Repairs and removal.

(1) Abandoned signs. Any abandoned sign shall be removed or otherwise properly brought into compliance by the property owner upon receipt of notice to do so given by the city.

(2) Illegal signs. Any fixed sign constructed, placed, or maintained in violation of this article shall be removed by the property owner upon receipt of notice to do so given by the city.
(3) Unsafe signs. Any unsafe sign shall be removed or otherwise properly secured by the property owner upon receipt of notice to do so given by the city.

(c) Signs constituting a public nuisance. Any abandoned, illegal, or unsafe sign is hereby declared to be a danger to the health, safety, and welfare of the citizens of South St. Paul and is declared to be a public nuisance subject to abatement and assessment, except that legally established nonconforming signs shall not be abated until they have been abandoned for more than one year.

(d) [Distance from lot lines.] Except for projecting signs, signs in all zoning districts shall be located at least five feet from all lot lines.

(e) [Freestanding signs.] Except for area identification signs, no more than one freestanding sign shall be located on any single property. Properties that have more than one frontage on a public street may have one additional sign for each street frontage. Freestanding signs shall be at least 100 feet from any other freestanding sign on a different street frontage on the same property. The total gross area of all the signs on the property cannot exceed the maximum of aggregate signage for the property.

(f) Supporting sign structure design criteria.

(1) Monument signs: All freestanding signs must be mounted on or incorporated into a supporting sign structure whose exterior construction materials are comprised of brick, stone, stucco, synthetic stucco or concrete masonry units (CMU) that are textured, burnished or decorative. Exterior construction materials must be maintenance-free and colored only by means of a pigment integral to the material, not applied to the surface and must be compatible with the building(s) on the lot. The term "compatible" shall include, but is not limited to materials that are consistent with the principal architectural features and colors of the building identified by the sign.

(2) Pylon signs: The maximum number of supports per sign shall be two. All supports shall be vertical. No cable shall be used to support the sign.

(g) Menu board signs. The city council finds that menu board signage for restaurants that have a drive-through present unique communication needs and concerns. Therefore, the following standards apply to menu boards:

(1) Number and dimensions:

   a. Primary menu board. One primary menu board not to exceed a maximum of 50 square feet in area shall be allowed. The height of the sign, including the base shall not exceed six feet from grade to the top of the sign.

   b. Secondary menu board. One secondary menu board not to exceed 15 square feet in sign area shall be allowed. The height of the sign, including the base shall not exceed six feet from grade to the top of the sign.
c. [Additional provisions.] Primary and secondary menu boards are allowed in addition to other permitted signs on site and shall not be used to calculate the maximum signage for the property. No additional signage may be attached to the primary and secondary menu boards that exceed the permitted area or height of the respective primary or secondary menu board. The primary and secondary menu boards must be located adjacent to the drive-through aisle and all portions of the signs must be located at least ten feet from the property line.

(2) Residential separation: When a site directly abuts a residential use, a menu board must be set back at least 75 feet from the residential property line.

(3) Illumination: Illumination is permitted.

(h) Monument signs. The base of a monument sign shall be incorporated into a landscaping scheme or planter box. Monument signs may incorporate additional berming into its landscape design on a slope of three to one where the berming is incorporated into an overall landscaping design plan. The maximum height of the berm shall be three feet above the adjacent street grade. Landscaping shall be provided on the slopes of the berm in an interesting and varied appearance. Where a planter box is incorporated, the landscaping shall occur in and around the planter with a similar attractive design. The maximum number of supports per sign shall be two. All supports shall be vertical. No cable shall be used to support the sign. Any supporting sign structure shall comply with subsection 118-338(f).

Unless a more restrictive size is stated in each zoning district, monument signs, including both planter box and sign graphic, shall not exceed six feet in height and the gross area shall not exceed 100 square feet. When in conflict, the more restrictive size shall apply.

(i) Pylon signs. Pylon signs are prohibited in all zoning districts except for freeway signs which are only allowed by a conditional use permit in the general business (GB) and industrial (I) zoning districts. Unless a more restrictive size is stated in each zoning district, freeway signs, shall not exceed 15 feet above the height of the interstate roadway surface at the point thereof nearest the proposed sign. The gross area of the individual sign shall not exceed 200 square feet. When in conflict, the more restrictive size shall apply.

(j) Wall signs.

(1) The total gross area in square feet of any wall sign shall not exceed ten percent of the total area of the wall on which the sign is located or 100 square feet, whichever is less.

(2) Wall signs may be either:

a. Attached. Flat and parallel to the surface of the building and project no more than 12 inches; or

b. Projecting. Perpendicular to the surface of the building and no more than 12 inches in thickness. Projecting wall signs must also comply with subsection 118-338(i).
(3) Attached wall signs must be located within a horizontal band that is no more than three feet in height and at least ten feet but not more than 15 feet above the ground.

(4) Each tenant in a multitenant building is allowed one wall sign, however, the total cumulative square footage for all signs may not exceed the maximum gross area of signage allowed for the property.

(k) Window signs. Window signs may be placed within a building, however the window coverage shall not exceed 30 percent of each window. There shall be no more than a maximum area of 80 square feet per street frontage for window signs.

(l) Projecting signs.

(1) Projecting signs may project no more than four feet from the front of the edge of the building and be no more than ten square feet in gross area.

(2) Projecting signs may not extend over a right-of-way or public property except by a conditional use permit.

(3) Projecting signs may not extend over a designated parking space or loading area.

(m) Illuminated signs. All illuminated signs shall have a shielded light source. Two-sided illuminated signs adjacent to a right-of-way must have an interior light source.

Illuminated canopy and awning signs shall comply with the following requirements:

(1) On nonresidential buildings in residential districts, the direct source of light shall not be visible from the public right-of-way or adjacent residential use or district.

(2) For signs or illuminated areas less than three feet in height, the degree of illumination or candlepower of illuminated canopies and awnings shall be limited to a single lamp exterior fluorescent fixture, running the entire length of the illuminated area.

(3) For signs or illuminated areas three to five feet in height, the degree of illumination or candlepower shall be limited to double lamp fixtures.

(4) In no event shall the power of the fixture exceed ten watts per foot for single lamp fixtures and 20 watts per foot for double lamp fixtures.

(n) [Nonilluminated canopy and awning signs.] Nonilluminated canopy and awning signs shall comply with the following requirements:

(1) They shall be limited to single-story buildings or to the first level only of multistory buildings.

(2) They shall have a minimum clearance of eight feet above grade unless projecting over a sidewalk, in which case clearance shall be 14 feet above grade.

(3) The maximum height of an awning or canopy shall be five feet.
(4) Wall hangers shall not be visible.

(5) Signage on awnings or canopies may be substituted for allowed wall signage but is limited to 25 percent of the awning or canopy area.229

Sec. 118-339. - Permitted signs by district. Modified

See Figure A-1 detailing permissible signs by district

Figure A-1

<table>
<thead>
<tr>
<th></th>
<th>R-1</th>
<th>R-2</th>
<th>R-3</th>
<th>CGMU-1</th>
<th>CGMU-2</th>
<th>NCMU</th>
<th>C-1</th>
<th>GB</th>
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*See special conditions within each zoning district

(a) Within residential zoning districts (R-1 through R-3) signs must comply with the following regulations:

(1) Aggregate property signage: The maximum gross signage for a property shall not exceed six square feet in gross area unless otherwise excepted below.

(2) Individual signs: The maximum gross area per sign shall not exceed six square feet in gross area and six feet in height, or as otherwise excepted below.

(3) The following types of signs are permissible:

   a. Area identification signs.

   b. Nonilluminated awning signs and nonilluminated canopy signs.

   c. In the case of a residential business office as allowed pursuant to a conditional use permit for a home occupation, the city council may permit a nonilluminated business sign, not to exceed six square feet in an approved location. In the single-family residence (R-1) district, no home occupation signage is allowed.

(4) The following types of signs require a conditional use permit:

   a. Monument signs for institutional uses such as a church or recreational facility only, which shall be allowed one monument sign per lot. No such sign shall exceed a gross area of 12 square feet.

   b. Illuminated canopy and awning signs on nonresidential buildings.

   c. Projecting signs.
South St. Paul, Minnesota

d. Nonelectronic changeable copy signs.
e. Wall signs.
f. Box or cabinet signs for nonresidential uses.

(5) The following types of signs are prohibited:

a. Dynamic display signs.
b. Electronic changeable copy signs.
c. Electronic graphic display signs.
d. Freeway signs.
e. Menu board signs.

(b) Within multifamily residential zoning districts (R-4) signs must comply with the following regulations:

(1) Aggregate property signage: The maximum gross signage for a property shall not exceed 24 square feet in gross area.

(2) Individual signs: The maximum gross area per sign shall not exceed 24 square feet in gross area and six feet in height.

(3) The following types of signs are permissible:

a. Area identification signs.
b. Illuminated canopy and awning signs.
c. Monument signs.
d. Nonelectronic changeable copy signs.
e. Nonilluminated awning signs and nonilluminated canopy signs.
f. Projecting signs.
g. Wall signs.
h. Box or cabinet signs.

(4) The following types of signs are prohibited:
a. Dynamic display signs.

b. Electronic changeable copy signs.

c. Electronic graphic display signs.

d. Freeway signs.

e. Menu board signs.

(c) Within the CGMU-1: Concord Gateway Mixed Use Zoning Sub-district 1. Signs must comply with the following regulations:

(1) Aggregate property signage: The maximum gross signage for a property shall not exceed 150 square feet in gross area.

(2) Individual signs: The maximum gross area per sign shall not exceed 100 square feet in gross area and six feet in height.

(3) The following types of signs are permissible:

a. Area identification signs.

b. Nonilluminated awning and canopy signs.

c. Projecting signs.

d. Attached wall signs, provided they consist of individual letters mounted to the building and comply with subsection 118-338(h).

(4) The following types of signs require a conditional use permit:

a. Illuminated canopy and awning signs.

b. Box or cabinet wall signs that only include the logo of the business represented on the sign.

c. Monument signs may only be allowed for properties having frontage on Concord Street. The Monument sign shall be located on the Concord Street side of the property and shall not be allowed within 75 feet of the Concord Exchange right-of-way. As part of a monument sign the following types of signs may also be incorporated:

1. Dynamic display, electronic changeable copy, and electronic graphic display signs, subject to the following requirements:
(i) **Display hold time:** No part of the display shall change more than once every eight seconds; and

(ii) **Number of signs and distance to other electronic signs:** There shall be no more than one electronic sign per property and each sign must be located at least 60 feet from any other electronic sign on any other property as measured in a straight line from the base of the sign to the base of any other electronic sign.

(iii) **Distance to residential uses:** Each sign shall be located at least 60 feet from a residential use, as measured in a straight line from the base of the sign to the nearest lot line of the residential use. In the case of a mixed-use development that includes residential uses a sign may be located less than 60 feet from a residential use within that same development provided that the residential use(s) are located at a significantly higher elevation or similar means of reducing the impact of the brightness and impact of the sign to equate to the straight line distance of 60 feet.

(iv) **Transitions:** Display transitions shall be limited to one second. Transitions such as slideshow and fade/dissolve may be used.

(v) **Illumination limits.** The difference between the off and solid-message measurements using the electronic sign measurement criteria (listed in the table below) shall not exceed 0.3 footcandles at night.

(vi) **Illumination measurement criteria.** The illuminance of the sign shall be measured with an illuminance meter set to measure footcandles accurate to at least two decimals. Illuminance shall be measured with the electronic sign off, and again with the sign displaying a white image for a full color-capable sign or a solid message for a single-color sign. All measurements shall be taken perpendicular to the face of the sign at the distance determined by the total square foot age of the sign as set forth in the accompanying sign area versus measurement distance table.

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Chapter 42 – Parks and recreation

Sec. 42-53. - Advertising.

*It is unlawful without first obtaining written authorization from the director of parks and recreation to post, paste, or affix any placard, notice or sign within any park. Entertainment or exhibition for the purpose of advertising goods, wares, merchandise or services may not be given.*
within any park. It is unlawful for any person to distribute any circulars, cards, or written matter to any person not willing to accept same.

Parking

Chapter 58 – Traffic & Vehicles

Sec. 58-93. - Parking restrictions.

A person may not stop, stand or park a vehicle, except when necessary to avoid conflict with other traffic or in compliance with the directions of a police officer or traffic control device, in the following places:

(1) On a sidewalk or boulevard;

(2) In front of or within five feet of either side of any public alley or public or private driveway, measured from the sides of the alley or driveway extended, or in such a manner as to block access to or from a public alley or public or private driveway;

(3) Within an intersection;

(4) Within ten feet of a fire hydrant;

(5) On a crosswalk;

(6) Within 20 feet of a crosswalk at an intersection;

(7) Within 30 feet upon the approach to any flashing beacon, stop sign, or traffic-control signal located at the side of a roadway;

(8) Between a safety zone and the adjacent curb or within 30 feet of points on the curb immediately opposite the ends of a safety zone, unless a different length is indicated by signs or markings;

(9) Within 50 feet of the nearest rail of a railroad crossing;

(10) 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 said entrance when the proper sign is posted;

(11) Alongside or opposite any street excavation or obstruction when such stopping, standing, or parking would obstruct traffic;
(12) On the roadway side of any vehicle stopping or parked at the edge or curb of a street;

(13) Upon any bridge or other elevated structure upon a highway, except as otherwise provided by this Code; or

(14) At any place where official signs prohibit stopping.

(Code 1992, § 1305.03)

Sec. 58-103. - Residence parking permit.

Not included for brevity

Sec. 58-102. - Truck parking restricted.

(a) General rule. A person may not park a truck upon the public streets adjacent to any residence or any property zoned dwelling district or multiple dwelling district except for the purpose of loading or unloading, or transacting business at such residence or any residence in proximity thereto and then only for such period of time as is necessary to load or unload or to transact such business. As used in this section, the term "truck" means a truck, a tractor, a truck-tractor, a trailer, a semitrailer and a bus as those respective terms are defined in Minn. Stat. ch. 168. The term "truck" does not mean a trailer coach as defined in Minn. Stat. § 327.14(2), and does not mean a single unit truck with an unenclosed box (generally referred to as a pickup truck) having a gross weight not exceeding 10,000 pounds. As used in this section, the term "residence" means a building or structure used or occupied as a single-family dwelling, a two-family dwelling, or a multiple dwelling, and the land used in connection therewith.

(b) Curb and street. A person may not park a tractor, truck-tractor, or semitrailer between the curb, or curbline in case there is no curb, and the street right-of-way line in any dwelling or commercial district, except for the purpose of loading or unloading and then for only such reasonable time as is necessary to load or unload.

ARTICLE VII. - OFF-STREET PARKING AND LOADING

Sec. 118-351. - Applicability.

The off-street parking, loading and unloading requirements shall apply to all buildings, structures, and land uses hereinafter established or authorized. Regulations and requirements are as provided in this article.
Sec. 118-352. - General provisions.

Not included for brevity

Sec. 118-353. - Design and maintenance of off-street parking areas.

Not included for brevity

Sec. 118-354. - Off-street parking spaces required.

*Off-street parking spaces required by land uses generating the need for parking shall be as follows:*

1. **One-family and two-family residences:** two spaces per dwelling unit, but not to exceed four per dwelling unit.

2. **Multiple dwellings:** two spaces per dwelling unit.

3. **Elderly (senior citizen) housing:** reservation of parking space adequate for one space per dwelling unit. Initial development, however, shall require only one-half space per dwelling unit with additional spaces provided if and when needed as determined by the city council.

4. **Churches, theaters, auditoriums, funeral homes, and other places of assembly:** one space for each three seats or for each five feet of pew length based upon maximum design capacity.

5. **Offices:** one space for each 300 square feet of gross floor space.

6. **Hotel/motel:** one space per dwelling unit plus one space per employee, plus one space for each three persons who may be accommodated in a bar, restaurant, meeting room, swimming pool, convention facility, or similar place of public assembly based upon maximum design capacity.

7. **Schools, elementary and junior high:** three spaces for each classroom plus one space for each three persons who may be accommodated or seated at special meetings, athletic events, and similar occasions.

8. **Schools, high school through college:** one space for each four students based on design capacity plus three additional spaces for each classroom. In addition, one space shall be provided for each three persons who may attend a special occasion, athletic event, or similar assembly.

9. **Hospital/clinic:** one space for each three hospital beds, plus one space for each three employees, other than doctors, plus one space for each resident and regular staff doctor. Bassinets shall not be counted as beds. In no instance, however, shall the amount of parking
provided for a medical facility be less than the sum total of patients to be served at any one time plus one space for each three employees.

(10) Sanitarium, convalescent home, rest homes, or institution: one space for each six beds, for which accommodations are offered, plus one space for each three employees.

(11) Drive-in food establishment: one space for each 15 square feet of gross floor space plus additional parking and stacking space as may be required by the city council.

(12) Bowling alley: six spaces for each bowling lane plus additional spaces as may be required for related uses such as a bar or restaurant.

(13) Motor fuel (service) station: three spaces for each enclosed bay or service stall, plus one space for each employee.

(14) Retail sales and service establishments: one space for each 150 square feet of gross floor area.

(15) Medical and dental clinic: six spaces for each doctor and four spaces for each dentist.

(16) Restaurants, cafes, bars, taverns, clubs: one space for each 2½ seats, based on maximum design capacity.

(17) Undertaking or funeral establishments: one space for each funeral vehicle maintained on the premises plus one space for each three seats provided based upon maximum design capacity. Parking space shall be provided for making up a funeral procession if required by the city council.

(18) Furniture store, wholesale use, automobile and truck sales, repair shops: one space for each 400 square feet of gross floor space plus one space for each two employees.

(19) Industrial, warehouse, storage, handling of bulk goods: one space for each two employees on maximum shift or one space for each 2,000 square feet of gross floor space, whichever is the greater requirement. Parking spaces shall also be provided for visitors and salespersons if need is anticipated.

(20) Uses not specifically noted: Where a use is not specifically listed herein, the required minimum off-street parking spaces shall be as determined by the city engineer using this section as a guide.

(21) Planned unit developments and conditional uses: spaces shall be provided in amounts and locations as per approved site development and use plans and conditions, as may be determined by the city council.
(22) Automobile repair, bus terminal, taxi terminal, boat and marine sales and repair, bottling company, shop for a trade employing six or less people, garden supply store, building material sales within a building: eight spaces plus one additional space for each 800 square feet of floor area over 1,000 square feet.

(23) Skating rink, dance hall, or public auction house: 20 spaces plus one additional space for each 200 square feet of floor space over 2,000 square feet or one space for each three persons to be accommodated on the premises, whichever parking requirement is greater.

(24) Commercial recreation: one space per each two employees plus one space for each three persons that may be accommodated at any one time based upon maximum design capacity.

(25) Community centers, libraries, clubs and lodges, art galleries: ten spaces plus one for each 150 square feet in excess of 2,000 square feet of floor area in the building.

(26) Animal hospitals and professional service offices: one space for each employee plus three spaces for each doctor or professional person providing a service to the public.

(27) Business service establishment: one parking space for each employee plus one space for each 200 square feet of floor area.

(28) Financial institutions: Banks and other financial institutions shall have at least six stacking spaces per drive-in window and one off-street parking space for each 100 square feet of customer floor area.

(29) Carwash and other drive-in businesses: Stacking space shall be provided as determined necessary by the city engineer.

(30) Outdoor sales lots: There shall be one space for each 800 square feet of display area or one space for each ten vehicles for sale where cars and trucks are displayed.

(31) Automobile and truck sales: one space for each 400 square feet of gross floor space plus one space for each two employees.

Sec. 118-355. - Off-street loading and unloading areas.

Not included for brevity
Composting

Sec. 46-17. - Composting regulations

Composting is permitted in residential zoned districts provided the following regulations are complied with:

1. Composting shall be conducted within an enclosed container(s), not to exceed a total of 100 cubic feet in volume for city lots of 10,000 square feet or less and 150 cubic feet for lots of greater area than 10,000 square feet. The containers shall be constructed of durable material such as wood, plastic, fiberglass, or metal fencing material. Plastic bags or paper bags are not allowed.

2. Only organic waste, including food and yard waste, wood, ash, straw, and commercially available compost ingredients to accelerate composting may be placed in the compost container(s).

3. The following materials shall not be placed in a composting container: meat, bones, whole eggs, dairy products, unshredded branches or logs, weeds heavily loaded with seeds, plastic, synthetic fiber, human or pet wastes, diseased plants and any other mixed municipal solid waste.

4. Composting shall be properly managed to minimize odor generation and promote effective decomposition of the material.

5. The compost container shall be located in the rear yard and placed no closer than 30 feet to any habitable building and 20 feet from the street on a corner lot and at least five feet from the side and rear yard lines.\textsuperscript{230}

Recycling

Chapter 118 – Zoning

Sec. 118-125. - CGMU, Concord Gateway mixed-use district.

(h) Building and architectural provisions.

11. All trash, recyclable materials, and equipment for handling them, including compactors, shall be totally screened from eye-level view from public streets and adjacent properties, whether in the front, side or rear, either by being stored within the principal structure or stored within an accessory structure enclosed by a roof and readily served through swinging doors or an overhead door on tracks.
Sec. 118-127. - NCMU, North Concord mixed-use district.

(g) Building and architectural provisions.

(11) All trash, recyclable materials, and equipment for handling them, including compactors, shall be totally screened from eye-level view from public streets and adjacent properties, whether in the front, side or rear, either by being stored within the principal structure, totally screened from view by the principal building, or stored within an accessory structure enclosed by a roof and readily served through swinging doors or an overhead door on tracks.

Solid Waste

Chapter 118 - Zoning

Sec. 118-240. - Exterior storage.

(g) All solid waste material, debris, refuse, garbage, junk or similar material shall be kept within tightly closed containers designed for such purpose. The containers shall be stored within a building or dumpster enclosure, or otherwise screened from view between days of scheduled pickup; except for one-family or two-family residences for which containers may be stored within four feet the front line of the principal structure between days of scheduled pickup.

Sec. 118-241. - Environmental pollution.

All uses, buildings and structures shall conform to the regulations of the state pollution control agency or other state or federal agency having jurisdiction relating to air, water, noise, and solid waste.

Sec. 118-169. - Shorelands zoning.

(d) Standards for development within the shorelands districts.

(2) In addition to the criteria and standards for site plan approval, site plans for development in the shorelands district are also subject to the following standards. No site plan that fails to satisfy these additional standards shall be approved by the city council.

   d. Sewage disposal. Public sewage disposal and commercial, agricultural, solid waste, and industrial disposal shall be subject to the standards, criteria, rules, and regulations of the state pollution control agency and department of health.
Chapter 46 – Solid Waste

Sec. 46-1. - Collection contracts required.

(a) Every residential household and business within the city must have a contract for solid waste collection service in force at all times. The city council may exempt a residential household or business from the requirement of this section if the household or business ensures to the satisfaction of the city council that an environmentally sound alternative is used.

(b) In addition to any abatement process as described in section 46-45, the cost of enforcement of this section shall be imposed upon each residential household and business found to be in violation of this section.
APPENDIX F: 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 South St. Paul 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.”; and
(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.235

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

4 MINN. STAT. §§ 326B.101, 326B.41.
5 MINN. CONST., art. 13, § 7.
6 MINN. STAT. §§ 157.16, 28A.04; MINN. R. CH. 4626.
7 MINN. RULES CH. 4626.
10 MINN. STAT. § 28A.04.
11 MINN. RULES CH. 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.
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).
29 SOUTH ST. PAUL, MINN. CODE § 15-9(a)(1).
30 Black’s Law Dictionary (2nd ed.) (“Permit”).
31 MINN. STAT. CH. 462.
32 MINN. STAT. § 462.351.
33 SOUTH ST. PAUL, MINN., CODE § 118-8.
34 MINN. STAT. § 462.351 et seq. (2014).
35 MINN. STAT. § 462.351 (2014).
36 MINN. STAT. § 473.851 (2014).
37 MINN. STAT. § 473.861 (2014).
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”).
39 MINN. STAT. § 473.123, subd. 1 (2014).
41 Minn. Stat. § 473.852, subd. 7 (2014).
42 Minn. Stat. § 473.864, subd. 2 (2014).
43 League of Minnesota Cities, Information memo: Zoning Guides for Cities (2015),
http://www.southstpaul.org/DocumentCenter/View/670
44 SOUTH ST. PAUL, MINN., CODE § 118-8.
45 SOUTH ST. PAUL, MINN., CODE § 118-8.
46 Minn. Stat. § 462.357, subd. 6.(2015)
48 SOUTH ST. PAUL, MINN., CODE § 118.39.
49 SOUTH ST. PAUL, MINN., CODE § 118.40.
50 SOUTH ST. PAUL, MINN., CODE § 118.41.
52 Minn. Stat. § 326B, et seq; Minn. Rules Ch. 1303.
53 Minn. Stat. § 326B.121, Minn. Rules 1300.0030 Subp. 2; 1300.0120 Subp. 4.
54 Minn. Rules 1300.0120, subpart 4.
55 Memorandum from Scott McLennan, Minn. Dept. of Labor & Industry, to Division code staff (Sept. 24, 2013),
56 Memorandum from Scott McLennan, Minn. Dept. of Labor & Industry, to Division code staff (Sept. 24, 2013),
57 SOUTH ST. PAUL, MINN., CODE § 106-23.
58 MINNESOTA BUILDING CODE, § 326B.101.
59 SOUTH ST. PAUL, MINN., CODE § 118-8.
60 SOUTH ST. PAUL, MINN., CODE § 118-8.
62 SOUTH ST. PAUL, MINN., CODE § 118-119.
63 SOUTH ST. PAUL, MINN. CODE § 118-133.
64 SOUTH ST. PAUL, MINN. CODE § 118-171.
65 2014 Community Garden Rental Agreement/Conduct Code,
66 SOUTH ST. PAUL, MINN., CODE § 118.8.
67 SOUTH ST. PAUL, MINN. CODE § 118-171.
68 SOUTH ST. PAUL, MINN. CODE § 118-128.
69 SOUTH ST. PAUL, MINN., CODE § 15.1.
70 SOUTH ST. PAUL, MINN., CODE § 118-8.
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74 SOUTH ST. PAUL, MINN. CODE § 15-4.
75 SOUTH ST. PAUL, MINN. CODE § 15-9.
76 SOUTH ST. PAUL, MINN., CODE § 118-8.
77 SOUTH ST. PAUL, MINN., CODE § 106-56.
78 SOUTH ST. PAUL, MINN., CODE § 118-199.
79 SOUTH ST. PAUL, MINN., CODE § 118-199.
80 SOUTH ST. PAUL, MINN., CODE § 118-199(3).
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82 SOUTH ST. PAUL, MINN., CODE § 118-199(7).
83 SOUTH ST. PAUL, MINN., CODE § 118-199(10).
84 SOUTH ST. PAUL, MINN., CODE, § 118-119.
85 SOUTH ST. PAUL, MINN., CODE § 118-8.
86 SOUTH ST. PAUL, MINN., CODE § 118-8.
87 SOUTH ST. PAUL, MINN., CODE, § 118-8.
88 SOUTH ST. PAUL, MINN., CODE § 118-8.
South St. Paul, Minn., Code § 118-273(2)

South St. Paul, Minn., Code § 118-263.

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South St. Paul, Minn., Code § 118-208(g)(1).


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Minneapolis, Minn., Code Title 20 § 520.160.

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Minn. Stat. §157.15, Subd. 12

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