WEST ST. PAUL, MN
FOOD SYSTEM 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 West St. Paul, current as of August 2015, that may directly or indirectly impact access to healthy food in West St. Paul. While this policy brief focuses primarily on West 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.

This analysis divides the material into the following sections:

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

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

¹ A copy of the Minnesota Food Charter is available online at http://mnfoodcharter.com/wp-content/uploads/2014/10/MNFoodCharterSNGLFINAL.pdf. Please see page 17 of the charter for a graphic of the food system.
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 C.

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, cultural, 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 reviewed. The Summary Guide walks through 15 different issues and compares how each of the municipalities researched for this project governs a particular issue.

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

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

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

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

In addition, information about some recent changes to Minnesota state law not included in these resources has been provided in Appendix 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 is included in Appendix A.) Researchers used the online edition of West St. Paul’s municipal code, available publicly. An online edition of West Saint Paul’s municipal code is available at http://wspmn.gov/137/City-Ordinances. The “Zoning Ordinance,” a compilation of zoning regulations, is available at http://wspmn.gov/410/Zoning-Ordinances.

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

Use of Definitions

The growing, processing, and selling of food encompasses a wide range of farming, agricultural, and business practices that may occur within a municipality. This brief presents the applicable definitions established by the City of West St. Paul at the beginning of each section. For example, at the beginning of the Displaying Signs section, the definitions for “Sign,” “Temporary Sign,” “Illuminated Sign,” and “Illegal Sign” 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.

The City of West Saint Paul differentiates between the following terms: “Sign,” “Temporary Sign,” “Illuminated Sign,” and “Illegal Sign.”

- **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.¹

- **Temporary Sign:** Any sign, banner, pennant, valance, or advertising display constructed of cloth, canvas, light fabric, cardboard, wall board, or other light materials, with or without frames, intended to be displayed for a short period of time.²

- **Illuminated Sign:** Any Sign that contains an element designed to emanate artificial light internally or externally.³
**Illegal Sign:** A Sign is Illegal if it is Erected without first complying with all City Ordinances and regulations in effect at the time of its construction and Erection or use, including but not limited to City Code Section 415 and Zoning Ordinance Section 37.0. Abandoned Signs, Unsafe Signs, and Signs attached to vacant Buildings are also Illegal Signs.4

It is important to note that many of the definitions established by the City of West 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 under a general business definition. At the same time, a municipality may choose not to specifically define a certain term to allow for greater flexibility in municipal governance. The decision to specifically define or regulate a certain area of the food system is dependent on the specific needs and community characteristics of an individual municipality.

Appendices

This policy brief has 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: Regulations governing accessory buildings and structures
- Appendix C: Municipal Code and Zoning Ordinance provisions (by topic)
- Appendix D: State Exemptions from State Food Handlers Licensing Requirements
GENERAL INFORMATION

Before analyzing specific activities or structures, this memo briefly discusses some general concepts providing context regarding and impacting access to healthy food in West 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.”

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 West 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 West 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.
State Laws Impacting the Food System

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

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

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


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

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

Minnesota State Agency Oversight of Food System

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

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

Please note, there are a number of areas that MDA is involved in responding to foodborne illness beyond those mentioned in this resource. Please see http://www.mda.state.mn.us/ 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 establish food safety requirements (this authority is referred to as “delegated authority,” because the Minnesota Department of Agriculture or Minnesota Department of Health must delegate powers to the specific municipality). Municipal governments also have the authority to establish zoning and permitting requirements through their municipal code to impact different aspects of the food system.

At this time, the City of West 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 West 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:
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:26

- 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.”27 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…”28 Local governments generally have power to license through state law giving local governments the power to exercise police powers to protect and promote the public welfare. "When a city official proposes local licensing of any activity or occupation, the city must determine whether the state already licenses that activity and, if so, whether the law forbids or allows that local license. . .

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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.
Cities have adequate legislative authority for any licensing ordinance, as long as it is constitutional, reasonable, and not pre-empted by state regulation."\(^{29}\)

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.

West Saint Paul does not require general business licensing or registration for all businesses. However, West Saint Paul has established business-licensing requirements for carnivals, peddler, solicitors, transient merchants, and special events.\(^{30}\)

For more information on business licensing, please visit the City’s website: http://wspmn.gov/130/Business-License.

**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."\(^{31}\) 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.

West Saint Paul uses permits in a variety of applications as found on its website at: http://wspmn.gov/356/Permits and http://wspmn.gov/343/Special-Permits).

**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.\textsuperscript{32} This includes the authority to prepare, adopt and amend a comprehensive municipal plan as well as to enact the official controls to implement that plan. West St. Paul has the authority to conduct planning and enact zoning ordinances.\textsuperscript{33}

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. This type of “restrictive” language was not identified in West St. Paul’s municipal code.

**Comprehensive Planning**

In Minnesota, the Municipal Planning Act (“MPA”) of 1965 is the basis of the authority requiring municipalities in the metropolitan area to complete comprehensive planning.\textsuperscript{34} 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.\textsuperscript{35}

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.”\textsuperscript{36} Townships in Dakota County may choose to prepare comprehensive plans for their jurisdictions or delegate their planning authority to the county by agreement.\textsuperscript{37}

In the metropolitan development region, state law has placed most of the seven-county “metropolitan area”\textsuperscript{38} under the jurisdiction of the Metropolitan Council, a “public corporation and political subdivision of the state.”\textsuperscript{39} 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.\textsuperscript{40}

The Metropolitan Land Planning Act requires local governments – counties, cities, and towns\textsuperscript{41} – in the “metropolitan area” to develop a comprehensive plan, and to systematically review it every ten years.\textsuperscript{42} This “decennial review” is a multilayered process, and begins several years before the actual deadline; the next review is due in 2018. West 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 West St.
Paul’s comprehensive plan is outside the scope of this project. However, any effort to increase access to healthy food in West 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 West 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. West St. Paul’s current comprehensive plan that is under review is available on the city’s website at: [http://wspmn.gov/228/Comprehensive-Plan-Update](http://wspmn.gov/228/Comprehensive-Plan-Update).

### 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](http://www.lmc.org/media/document/1/zoning_guide.pdf?inline=true).

West Saint Paul has established the following zoning districts:

<table>
<thead>
<tr>
<th>“R” Residence Districts</th>
<th>“B” Business Districts</th>
<th>“I” Industrial Districts</th>
<th>“C” Conservancy District</th>
<th>“PD” Planned Development Districts</th>
</tr>
</thead>
<tbody>
<tr>
<td>&quot;R-1A&quot; One Family Residential District</td>
<td>&quot;B-1&quot; Limited Business District</td>
<td>&quot;I-1&quot; Industrial District</td>
<td>&quot;I-2&quot; General Industrial District</td>
<td>&quot;PRD&quot; Planned Residential Development District</td>
</tr>
<tr>
<td>&quot;R-1B&quot; One Family Residential District</td>
<td>&quot;B-2&quot; Neighborhood Business District</td>
<td>&quot;I-3&quot; General Business District</td>
<td>&quot;I-4&quot; General Industrial District</td>
<td>&quot;PMD&quot; Planned Multi-Use Development District</td>
</tr>
<tr>
<td>&quot;R-1C&quot; One Family Residential District</td>
<td>&quot;B-3&quot; General Business District</td>
<td>&quot;B-4&quot; Shopping Center District</td>
<td>&quot;B-5&quot; Gateway North Mixed Use District</td>
<td>&quot;B-6&quot; Town Center Mixed Use District</td>
</tr>
<tr>
<td>&quot;R-2&quot; Two Family Residential District</td>
<td>&quot;B-6&quot; Multiple Family 3-16 Unit Residential District</td>
<td>&quot;I-6&quot; General Industrial District</td>
<td>&quot;I-7&quot; General Industrial District</td>
<td>&quot;PMD&quot; Planned Multi-Use Development District</td>
</tr>
<tr>
<td>&quot;R-3&quot; Townhouse 3-8 Unit Residential District</td>
<td>&quot;R-4&quot; Multiple Family 3-16 Unit Residential District</td>
<td>&quot;I-8&quot; General Industrial District</td>
<td>&quot;I-9&quot; General Industrial District</td>
<td>&quot;PRD&quot; Planned Residential Development District</td>
</tr>
</tbody>
</table>

### Variances and Conditional Use Permits

Local governments that have enacted zoning ordinances also use variances and conditional use permits as mechanisms for property owners to request deviations from land use policies. Under
Minnesota statute, a variance can be used when the use would be a departure from the standard created by ordinance.\textsuperscript{45} 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.\textsuperscript{46} West St. Paul provides additional clarification about variances and conditional uses as follows.

**Municipal Definitions**

- **Variance.** A legally permitted deviation from the literal requirements of this Ordinance.\textsuperscript{47}

- **Use.** The purpose or activity for which the land or Building thereon is designated, arranged, or intended, or for which it is occupied or maintained, and shall include any manner of performance of such activity with respect to the Performance Standards of this Ordinance.\textsuperscript{48}

- **Use, conditional.** A land Use that is generally compatible with all other Uses in the district within which it is located but should not be permitted as a matter of right in every area within the district because of special circumstances that the Use or location may present. Such Uses shall be judged on the basis of standards and criteria specified in this Ordinance. The City may impose appropriate conditions and restrictions to a Conditional Use Permit.\textsuperscript{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.\textsuperscript{50}

- **Use, permitted.** A Use which may be lawfully established in a particular district or districts, provided it conforms with all requirements, regulations, and Performance Standards (if any of such district).\textsuperscript{51}

**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
Regulating Structures

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

West 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, West 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 Building, Structure or Use subordinate to and serving the Principal Building, Structure or Use on the same Lot and customarily incidental thereto.  

★ **Use, Principal.** The main Use of land or Buildings as distinguished from subordinate or Accessory Uses. A Principal Use may be either Permitted or Conditional.

West Saint Paul requires a building permit to construct or modify structures larger than 120 square feet.
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

★ Garden. Not defined by municipal code as of June 15, 2015.
★ Garden. No defined by municipal code as June 15, 2015.

Does the municipal code require a permit or license?

No.

What are the relevant regulations?

There are very few code provisions that address gardening. The Zoning Ordinance specifically permits “gardening and other horticultural uses where no sale of products is conducted on the premise” in the following district:

- R-1A, 63
- R-1B, 64
- R-1C, 65
- R-2, 66
- R-3, 67 and
- R-4, 68

Farming

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

★ **Farm.** Not defined by municipal code as of June 15, 2015.

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

No, the city does not require a permit or license specifically to farm.

**What are the relevant regulations?**

There are very few provisions that address or reference “farming” or “farmland.” For example, the Zoning Ordinance only references farming once. The Zoning Ordinance specifically permits “farm crops” and “educational farms” in the Conservancy District.69

The municipal code permits “farmers” to bring and process manure and other animal refuse on their premises; whereas, the municipal code prohibits non-farmers from doing this between the dates May 1 and September 1 (except for the purpose of immediate application to the soil of the premise).70

**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**

★ **Chicken coop.** Not defined by municipal code as of June 15, 2015.

★ **Animal.** Not defined by municipal code as of June 15, 2015.

★ **Animal, Domestic Pet.** Dogs, cats, birds and similar animals commonly kept in a residence.71
Does the municipal code require a permit or license?

A special permit is required to allow for a person to raise animals for “bearing purposes” on property that is less than 5 acres.\(^{72}\)

Residential properties with less than 5 acres may only keep up to 2 chickens (or ducks, geese, or other specified animals) and must notify neighboring properties.\(^{73}\) Notably, roosters are not specifically prohibited by municipal code.\(^{74}\)

The municipal code does not establish a permitting or licensing scheme as a pre-requisite to keeping bees.

A building permit is required for all accessory buildings or structures that exceed 120 square feet.\(^{75}\) Therefore, a resident may need a building permit to construct or modify a chicken coop.

What are the relevant regulations?

The Zoning Ordinance does not specify where farm animals or domestic pets are permitted.

Bees:

- Neither the municipal code nor the Zoning Ordinance address “bees.”**

Horses, mules, cows, donkeys, goats:

- A person cannot raise animals for “bearing purposes” on property that is less than 5 acres absent a special permit.\(^{76}\)

Chicken coops:

- The City has also established regulations governing chicken coops – coops must be clean and painted annually (or as the City directs).\(^{77}\) The coops must be 100 feet from certain buildings, including schools, retail food stores, hospitals, and hotels.\(^{78}\)

Additionally, the municipal code regulates accessory structures, which likely governs chicken coops. Please see Appendix B: Accessory Buildings and Structures for more information.

\(^{*}\) It appears that at one time beekeeping may have been specifically permitted under the municipal code. In August 2013, a law student working with the Bee Lab at the University of Minnesota compiled a list of municipal ordinances on bee keeping. This list has West St. Paul listed as a city that permits beekeeping specifically within its code. The lists indicates the only requirement for beekeepers in West St. Paul is that hives must be at least 100 feet from neighboring houses. The list cites to Section 905.15 subd. 3 as the source of the information, however that provision no longer references hives or bees. The list is available online at [http://beelab.umn.edu/prod/groups/cfans/@pub/@cfans/@bees/documents/asset/cfans_asset_466925.pdf](http://beelab.umn.edu/prod/groups/cfans/@pub/@cfans/@bees/documents/asset/cfans_asset_466925.pdf).
The Zoning Ordinance permits animals under several circumstances:

- The keeping of farm, domestic and native-to-Minnesota wild animals for education purposes is permitted in the following district:
  - Conservancy District, so long as any accessory building used for housing the animals is located at least 100 feet from the nearest lot line

- The keeping of domestic animals for non-commercial purposes is permitted in the following districts:
  - R-1A One Family Residential District, R-1B One Family Residential District, R-1C One Family Residential District, R-2 Two Family Residential District, R-3 Townhouse 3-8 Unit Residential District, and R-4 Multiple Family 3-16 Unit Residential District, so long as the accessory building used to house the animals is located at least 30 feet from the nearest residence

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. Any Structure located along the boundary or within the required Lot Area intended for protection, enclosure or privacy, which is constructed of wood, iron or other material and including backstops, but excluding parts of a Building. See section 33.8 of this Ordinance.

Does the municipal code require a permit or license?

Yes, the City Zoning Ordinance requires a building permit to construct or erect a fence.

What are the relevant regulations?

There are several regulations governing fences in the City of West St. Paul. Fences must be well-maintained and comply with zone- and location-specific height restrictions. Additionally, fences cannot contain pictures or lettering and must be painted in a uniform color. The Zoning
Ordinance prohibits the use of the following materials: barbed wire, sharp-pointed wire, sheet metal, and electrical materials.\textsuperscript{86} Lastly, the Zoning Ordinance permits deviations from these requirements via a variance.\textsuperscript{87}

There are several zone-specific requirements for fences. Please consult with the Zoning Ordinance to determine if any additional requirements apply.\textsuperscript{88}

**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**

\begin{itemize}
\item **Arbor.** Not defined by municipal code as of June 15, 2015.
\item **Trellis.** Not defined by municipal code as of June 15, 2015.
\item **Pergola.** Not defined by municipal code as of June 15, 2015.
\item **Plant bed.** Not defined by municipal code as of June 15, 2015.
\end{itemize}

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

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

**What are the relevant regulations?**

There are no municipal regulations that specifically govern arbors, trellises, pergolas, or raised plant beds.
Greenhouses and Hoop Houses

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

Municipal Code Definitions

★ **Greenhouse.** Not defined by municipal code as of June 15, 2015.

★ **Hoop house.** Not defined by municipal code as of July 21, 2015.

★ **High tunnel.** Not defined by municipal code as of July 21, 2015.

Does the municipal code require a permit or license?

It depends. A building permit may be required depending on the size of the greenhouse or hoop house. A building permit is required for all accessory buildings or structures that exceed 120 square feet. 89

What are the relevant regulations?

Commercial greenhouses are allowed as a conditional use in the R-1A One Family Residential District, 90 and as a permitted use in the B-3 General Business District 91 and the Conservancy District. 92 Additionally, commercial greenhouses are not required to comply with certain exterior material and finish requirements for accessory buildings. 93

The Zoning Ordinance, in the section governing accessory structures, prohibits the “use of framing for hoop houses or other hoop designed apparatus.” 94
Depending on the type and size of greenhouse or hoop house, municipal provisions governing accessory structures may apply.

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

**Additional Resources:**

- University of Minnesota’s Minnesota High Tunnel webpage, [http://hightunnels.cfans.umn.edu/](http://hightunnels.cfans.umn.edu/)

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

**Shed**

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

**Municipal Code Definitions**

- **Shed.** Not defined by municipal code as of June 15, 2015.

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

A building permit is required for all accessory buildings or structures that exceed 120 square feet. Therefore, sheds that are 120 square feet or larger require a building permit.

**What are the relevant regulations?**

Depending on the type and size of sheds constructed municipal provisions governing accessory structures may apply.
Please see Appendix B for more information regarding regulations governing accessory structures.
PROCESSING FOOD

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

Wholesale food processors are generally governed by Minnesota state law and regulated by the Minnesota Department of Agriculture.\(^97\) The Minnesota Department of Agriculture has issued rules governing a wide range of food processing activities.\(^98\) 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.\(^99\)

Municipal Code Definitions

* **Food processor.** Not defined by municipal code as of July 21, 2015.

Does the municipal code require a permit or license?

No.

What are the relevant regulations?

While West St. Paul does not have any regulations specifically targeting food processing facilities, a food processing facility would likely fall into one of West St. Paul’s zoning districts, such as West St. Paul’s commercial or industrial zoning districts.\(^100\)

Additional Resources

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


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 West 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 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.†³

**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.104

Municipal Code Definitions

★ Food Establishment. Not defined by municipal code as of June 15, 2015.

★ Food and Beverage Service Establishment. Not defined by municipal code as of June 15, 2015.

For many communities, policies at the local level can help increase access to healthy, affordable food. For example, cities can change zoning and licensing laws to make it easier to establish and operate new grocery stores and farmers’ 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 West 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.”105 Specifically, any person that engages in the business of manufacturing, processing, selling, handling, or storing of food must obtain a license, unless Minnesota law specifically exempts that person or activity from the general licensing requirement.

Additional Resources

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

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

- 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.106 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

★ **Open sales lot.** Land devoted to the display of goods for sale, rent, lease or trade where such goods are not enclosed within a Building. See section 33.5 of this Ordinance.107

Does the municipal code require a permit or license?

No. While the city does not require a permit or license, the City requires a person falling under this exception to register with the city.108

Additionally, the municipal code requires a person to obtain a conditional use permit for an open sales lot.109

What are the relevant regulations?

Unless the person (registered with the city) owns the property on which the product will be sold, no structure, tent, table, shelter, or canopy can be placed outside more than one hour from the beginning and end of the allotted hours of operation or can be left out overnight.110 The Zoning Ordinance specifically permits “stands for the sale of agricultural products provided said products are raised on the premises” in the Conservancy District.111

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.)\(^{112}\)

★ **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.\(^{113}\)

★ **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.)\(^{114}\)

**Municipal Code Definitions**

★ **Farmers’ market.** Not defined by municipal code as of June 15, 2015.

★ **Transient Merchant.** A person who meets the following criteria:

- Has a place where business is conducted from a building, structure, covering, tent, table, pavilion, vehicle or lot, either in one location or in multiple locations;
- Carries the wares, goods, products, merchandise, or personal property being offered for sale;
- Sells the wares, goods, products, merchandise, or personal property at the time of offer;
- Delivers the wares, goods, products, merchandise, or other personal property immediately upon sale and the exchange of consideration;
- Makes sales only to consumers and not to dealers.\(^{115}\)

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

Market:

Unclear. The municipal code states:
One interim use permit may be obtained on behalf of all vendors for a farmer’s market in one location.\textsuperscript{116}

However, the municipal code does not specifically state that an interim use permit is required to operate a farmers’ market.

Vendor:

It depends on the products the vendor is selling. A vendor falling under the licensing scheme for transient merchants is required to obtain a license from the city and county (please see the section on Transient Merchants for more information, below).\textsuperscript{117} Notably, the city has established several exemptions to the transient merchant licensing requirements, including for:

- Any person selling or attempting to sell any products of a farm or garden occupied, rented or used by the person and cultivated by the person (however, the person must register with the city pursuant to City Code Section 1140.09);\textsuperscript{118} and

- Non-Profit, Charitable, Religious Organizations, or public and Private Schools that have a direct connection to or are located within the City (however, required to complete notification form).\textsuperscript{119}

Therefore, even if a vendor is exempt from the transient merchant licensing requirements, it may still be required to register with the city.

What are the relevant regulations?

The Zoning Ordinance allows farmers’ markets for the sale of agricultural and horticultural products in the following zoning districts:

- R-1A One Family Residential District;\textsuperscript{120}
- R-1B One Family Residential District;\textsuperscript{121}
- R-1C One Family Residential District;\textsuperscript{122}
- R-2 Two Family Residential District;\textsuperscript{123}
- R-3 Townhouse 3-8 Unit Residential District;\textsuperscript{124}
- R-4 Multiple Family 3-16 Unit Residential District;\textsuperscript{125}
- B-1 Limited Business District as an interim use;\textsuperscript{126}
- B-2 Neighborhood Business District as an interim use;\textsuperscript{127} and
- B-3 General Business District as an interim use provided the stands meet several set back and off-street parking requirements;\textsuperscript{128}
- B-4 Shopping Center District as an interim use provided food stands meet the requirements above (same requirements as within the B-3 General Business District);\textsuperscript{129}
- B-5 Gateway North Mixed Use District provided the food stands meet the requirements above;\textsuperscript{130} and
- B-6 Town Center Mixed Use District provided the food stands meet the requirements above.\textsuperscript{131}
Additional Resources

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


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 as 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, West St. Paul does not have delegated authority from MDH. However, West 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.\(^\text{132}\)

Municipal Code Definitions

★ **Restaurant.** Not defined by municipal code as of June 15, 2015.
★ **Drive in.** A business offering food or drinks in containers to be served and/or consumed in automobiles for which parking facilities are furnished on the site. The term does not include establishments offering food or drinks to be taken out, but packaged in a container designed primarily to be consumed off the site.133

★ **Food.** Any raw, cooked, or processed substance, beverage, water, ice or other ingredient used or intended for use in whole or in part for human consumption.134

★ **Food seller.** Any person who operates any building, room, stand, enclosure, vehicle, space or area or other place where food is offered for retail sale with self-service, limited food preparation, or both. A microwave oven may be provided to heat purchased food. This section may be applied, but is not limited, to the following: gas stations, convenience stores, drug stores, bakers, butcher shops, candy shops / confectionaries, mobile food manufacturing or vending vehicle, grocery stores, and health food stores.135

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

No, the City does not require a license for restaurants.136

A conditional use permit is required for drive-through lanes in the following zoning districts:

- B-2 Neighborhood Business District;137
- B-3 General Business District;138 and
- B-4 Shopping Center District.139

**What are the relevant regulations?**

The Zoning Ordinance permits restaurants in the following zoning districts:

- B-2 Neighborhood Business District;140
- B-3 General Business District;141
- B-4 Shopping Center District;142
- B-5 Gateway North Mixed Use District (without drive-through);143
- B-6 Town Center Mixed Use District.144

Additionally, the Zoning Ordinance establishes parking requirements for restaurants:

- Restaurant: 1 space per 125 square feet;
- Carry-out establishments: 1 space/225 square feet; and
- Fast food establishments: 1 space/110 square feet.145

Drive-through lanes (located in the zoning districts discussed above) must comply with the following requirements:

- Electronic speaker devices must not be audible beyond property line and must not operate between 10 pm and 7 am;
- Screen for automobile headlights must be provided; and
- A by-pass land must be provided.146
Lastly, the Zoning Ordinance permits motor fuel stations to operate a restaurant in conjunction with its service.¹⁴⁷

**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.¹⁴⁸

★ **Food cart** means a food and beverage service establishment that is a nonmotorized vehicle self-propelled by the operator.¹⁴⁹

★ **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.¹⁵⁰

★ **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,

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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.
West St. Paul, Minnesota

part 4626.0020, subpart 70, that has jurisdiction over the seasonal temporary food stand.151

★ **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.152


★ **Food.** Any raw, cooked, or processed substance, beverage, water, ice or other ingredient used or intended for use in whole or in part for human consumption.153

★ **Food seller.** Any person who operates any building, room, stand, enclosure, vehicle, space or area or other place where food is offered for retail sale with self-service, limited food preparation, or both. A microwave oven may be provided to heat purchased food. This section may be applied, but is not limited, to the following: gas stations, convenience stores, drug stores, bakers, butcher shops, candy shops / confectionaries, mobile food manufacturing or vending vehicle, grocery stores, and health food stores.154

★ **Mobile market.** Not defined by municipal code as of June 15, 2015.

★ **Food truck.** Not defined by municipal code as of June 15, 2015.

Does the municipal code require a permit or license?

No, the City does not require a permit or license.155

The City requires a building permit to construct, reconstruct, repair, or alter one of these structures, specifically if the structure is 120 square feet or larger.156 Please see Appendix B for more information about accessory structures.

What are the relevant regulations?

The Municipal Code establishes regulations governing “mobile food manufacturing” and “vending vehicles,” including:

- Food Vendors may sell only prepackaged, nonperishable, or self-limiting packaged food.
- Food Vendors must park the vehicle at least 30 feet from an intersection and must park the vehicle in such a manner so as to avoid creating a traffic hazard. All vehicles must be parked within 1 foot of the curb. Sales must be made on the curbside only.
- Food Vendors must provide a covered garbage receptacle for customer use.
- Hours of operation are allowed from 7 a.m. until 10 p.m.
- Food Vendors must comply with all applicable city ordinances relating to noise control and vehicle identification with regard to their mobile food manufacturing vehicles.157
Additiona
tional 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:


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.158

Municipal Code Definitions

★ **Peddler.** A person who meets the following criteria:

a. Has no fixed place of business but goes from house-to-house, door-to-door, business-to-business, street-to-street, or place-to-place to conduct their activity;

§§ 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.
b. Carries the wares, goods, products, merchandise, personal property or tools with which to perform services being offered for sale;

c. Sells the wares, goods, products, merchandise, personal property or services at the time of offer;

d. Delivers the wares, goods, products, merchandise, or other personal property or performs the services immediately upon sale and the exchange of consideration;

e. Makes sales only to consumers and not to dealers.159

★ Solicitor. A person who meets the following criteria:

a. Goes from house-to-house, door-to-door, business-to-business, street-to-street, or place-to-place to conduct the activity;

b. May carry the wares, goods, products, merchandise, personal property being offered for sale as samples;

c. Takes orders for sales of the wares, goods, products, merchandise, personal property or services to be delivered at a future date;

d. Delivers or has delivered.160

★ Transient Merchant. A person who meet the following criteria:

a. Has a place where business is conducted from a building, structure, covering, tent, table, pavilion, vehicle or lot, either in one location or in multiple locations;

b. Carries the wares, goods, products, merchandise, or personal property being offered for sale;

c. Sells the wares, goods, products, merchandise, or personal property at the time of offer;

d. Delivers the wares, goods, products, merchandise, or other personal property immediately upon sale and the exchange of consideration;

e. Makes sales only to consumers and not to dealers.161

Does the municipal code require a permit or license?

Yes, the municipal code requires a license for certain commercial and service activities, including for peddlers, solicitors, and transient merchants.162 As part of the licensing process, the municipal code requires that applicants for a transient merchant license obtain a background investigation check.163 Under the municipal code, a transient merchant must obtain a license from the County as well as from the City.164 The term of the city license begins on the date it is
approved by the City Council and terminates on the first of the following: a. 180 days thereafter; b. on the expiration stated in the application; or c. on December 31 of that same year. 165

What are the relevant regulations?

There are several requirements for those licensed as transient merchants, including:

- Either a certificate of insurance or a bond or letter of credit payable to the city in the amount of $3000; 166
- The license and a photo identification card must be on display; 167
- A submission of required fees; 168
- Licensees cannot obstruct the free flow of either vehicular or pedestrian traffic on any street, alley, sidewalk, or right-of-way; 169 and
- Licensees cannot make false or misleading statements about the product being sold. 170

Further, the term of the license terminates on the first of the following: 180 days; on the expiration date of the application; or December 31 of the same year. 171 It is a gross misdemeanor to engage in business as a transient merchant without first obtaining a license. 172

There are several requirements for those exempt from licensing requirements but still required to register with the city, including submitting a fee and displaying the certificate of registration and a photo identification card. 173

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. 174 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\textsuperscript{175}

A. “Food Establishment” means an operation that:

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

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

Municipal Code Definitions

★ Grocery store. Not defined by municipal code as of June 15, 2015.

Does the municipal code require a permit or license?

No. West St. Paul does not require a license to operate a grocery store.\textsuperscript{176}

What are the relevant regulations?

Grocery stores are specifically permitted in the following zoning districts:

- B-2 Neighborhood Business District\textsuperscript{177}
- B-3 General Business District\textsuperscript{178}
- B-4 Shopping Center District\textsuperscript{179}
- B-5 Gateway North Mixed Use District\textsuperscript{180}
- B-6 Town Center Mixed Use District\textsuperscript{181}

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*** 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.
Additional Resources

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


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.\(^\text{182}\)

★ **Temporary Sign.** Any sign, banner, pennant, valance, or advertising display constructed of cloth, canvas, light fabric, cardboard, wall board, or other light materials, with or without frames, intended to be displayed for a short period of time.\(^\text{183}\)

★ **Illuminated Sign.** Any Sign that contains an element designed to emanate artificial light internally or externally.\(^\text{184}\)

★ **Illega Sign.** A Sign is Illegal if it is Erected without first complying with all City Ordinances and regulations in effect at the time of its construction and Erection or use, including but not limited to City Code Section 415 and Zoning Ordinance Section 37.0. Abandoned Signs, Unsafe Signs, and Signs attached to vacant Buildings are also Illegal Signs.\(^\text{185}\)

To see the full list of definitions associated with the City’s sign regulations, please see the Zoning Ordinance, Section 37.
Does the municipal code require a permit or license?

Yes, a permit is required to erect, alter, reconstruct, or move a sign in the City unless specifically exempted by municipal ordinance.\(^{186}\) If the sign requires electricity, it must installed in accordance with the Electrical Code and a separate permit must be obtained prior to placement.\(^{187}\)

What are the relevant regulations?\(^{†††}\)

The Zoning Ordinance establishes extensive regulations governing signs within the city (Section 37 – Permissible Signs by District). Several types of signs are prohibited within the city, including: abandoned signs, permanent sale signs, roof signs, and rotating signs.\(^{188}\) The Zoning Ordinance identifies the types of signs permitted within each zoning district.\(^{189}\) For example, in residential districts, signs cannot exceed 32 square feet in gross area and 6 feet in height. Also, illuminated signs are not permitted in residential districts.\(^{190}\)

Section 37 - Permissible Signs by District

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<tr>
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<td>700/50</td>
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\(^{†††}\) In 2015, the United States Supreme Court held, in Reed v. Town of Gilbert, 135 S.Ct. 2218 (2015), that the Town of Gilbert, Arizona’s comprehensive sign code that exempted 23 categories of temporary signs resulted in constitutionally prohibited content-based restrictions that favor some temporary signs over other types of temporary signs. Analyzing this case is outside of the scope of this review, however, this case may have relevance to local sign regulations within Dakota County and local municipalities.
The Municipal Code of Ordinances has several provisions that establish complimentary regulations to Section 37 of the Zoning Ordinance. The municipal provisions include additional requirements for temporary signs. For example, a temporary sign at a new business is permitted for up to 45 days. Interestingly, temporary commercial speech signs may only be located on the permittee’s property.

The municipal code also prohibits signage on any post or pole on any street.

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 June 15, 2015.

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

No.

**What are the relevant regulations?**

Under the Commercial Properties Code (part of the Municipal Code of Ordinances), all parking areas must be well maintained and marked with painted stripes to delineate the parking spaces and driving areas. Municipal Code Section 1310 establishes parking regulations, such as rules governing snow emergencies; congested parking areas; and parking over 48 hours. Section 1310 does not establish parking regulations for specific businesses, such as grocery stores and food establishments.

While many of the zoning provisions address parking requirements, Zoning Ordinance Section 33 includes the most extensive series of parking regulations. This section sets the required parking for food establishments and other types of establishments throughout the city. This also establishes zone-specific requirements.
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 commercial kitchen.

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

Municipal Code Definitions

★ Kitchen. Not defined by municipal code as of May 15, 2015.

Does the municipal code require a permit or license?

No. The municipal code does not address commercial kitchens. 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, etc. 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.
The municipal code established minimum standards for facilities under its Housing Code. Specifically, every dwelling must contain a kitchen sink in good working condition and properly connected to a water supply approved by the Building Inspector.

**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:

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

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

Subsections:

1. Composting
2. Recycling 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 (such as by permitting backyard composts in residential areas). Additionally, local governments can encourage composting and recycling by maintaining composting and recycling centers and by providing areas throughout the community to compost or recycle. Local governments can also support local gardening efforts by providing free or reduced cost compost.

Composting

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

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

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

Compost is regulated in part, by the Minnesota Pollution Control Agency. State regulations govern:

- Odors
- Design requirements
West St. Paul, Minnesota

- 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.

- **Food Waste.** Vegetable, fruit and other organic waste resulting from the handling, preparing, cooking and consumption of food, except for meat, bones, whole eggs and dairy products.

- **Organic Waste.** Yard Waste and Food Waste. It also includes commercially available compost ingredients.

- **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.

- **Yard Waste.** Garden wastes, leaves, lawn cuttings, sawdust, weeds, as well as non-woody shrub and tree prunings and twigs no larger than ¼ inch diameter.

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

No, neither the City nor State require a permit or license for “backyard composting.”
What are the relevant regulations?

The municipal code permits composting in residentially zoned districts so long as the composting is confined in a container, which does not to exceed 100 cubic feet. Further, the code prohibits certain materials from the composting container, such as meat, bones, weeds, and pet waste. The compost must be in the rear yard and more than 30 feet from a habitable building, 20 feet from a street on a corner lot, and 5 feet from the side or rear yard lines.

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 & 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

★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.
Does the municipal code require a permit or license?

The municipal code requires a “Residential Rubbish Hauling License” to haul, collect, or transport rubbish from residences, other than the person’s own residence. The municipal code states that the City will issue no more than 6 residential hauler licenses at any time.

The municipal code requires a “Commercial Rubbish Hauling License” to haul, collect, or transport rubbish or refuse from any multiple family residence, business, or industry, other than the person’s own.

Recyclers are specifically exempt from the Pawnbrokers and Precious Metal Dealers licensing scheme.

What are the relevant regulations?

The Council may impose conditions to the Residential and Commercial Rubbish Hauling Licensees at any time.

The municipal code requires that every residential dwelling and business in the city have a solid waste collection at least once a month, unless the residential dwelling or business can establish to the City Council’s satisfaction evidence of another disposal method.

The municipal code prohibits refuse haulers and recycling collection between the hours of 10 p.m. and 7 a.m. on any weekday and between the hours of 9 p.m. and 9 a.m. on any weekend or holiday if within a residential zoning district or in a commercial or industrial zoning district within 500 feet of a residential zoning district.

Generally, the municipal code prohibits disposal and dumping unless it is in containers, recycling bags, or another lawful form of waste disposal. Permitted, conditional, and accessory uses must store solid waste fenced from public view. Additionally, the municipal code prohibits the “trucks used to haul garbage or rubbish” to be kept or stored on residential property without the written consent of the immediate adjacent residential property owner. In no cases can a “truck used to haul garbage or rubbish” be kept within 100 feet of a residential dwelling of another person.
# Appendix A: Search Terms

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<td>Shed</td>
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<td>Community garden</td>
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APPENDIX B: REGULATIONS GOVERNING ACCESSORY BUILDINGS AND STRUCTURES

*Accessory Building, Structure, or Use:* A Building, Structure or Use subordinate to and serving the Principal Building, Structure or Use on the same Lot and customarily incidental thereto.\(^{230}\)

The City has set special requirements for accessory buildings and structures that exceed 120 square feet in size.\(^{231}\) For additional information regarding accessory buildings and structures, please see the City’s handout on accessory buildings and structures: [http://wspmn.gov/DocumentCenter/View/214](http://wspmn.gov/DocumentCenter/View/214).

Accessory buildings and structures (“AB/S”) are regulated by the municipal code, and even more substantially by the Zoning Ordinance. The Zoning Ordinance sets the following requirements:

- AB/S cannot exceed the height of principal building and cannot exceed 15 feet in height;
- AB/S used for plant growing or storage (other than a garage) can only be located in the rear yard;
- AB/S must be at least 5 feet from a side or rear property line in the following districts: R—1A, R-1B, R2, R3, B-5;
- AB/S must be at least 10 feet from a side or rear property line in R-1C;
- AB/S must be at least 4 feet from a side or rear property line in R-4;
- Exterior materials and finish must match or compliment the principal;
- Exterior walls must be covered with siding;
- The following materials are prohibited: cloth, fabric, canvas, plastic sheets, tarps, tar paper, and installation;
- Framing for hoop houses is prohibited; and
- In the R-1, R-2, and B-5 districts, no more than 1 accessory structure (in addition to 1 detached garage) is permitted and the AB/S must be securely affixed to the ground.\(^{232}\)

Additionally, the municipal code requires that AB/S on residential or commercial properties to be watertight and rodent-proof.

**Zoning Ordinance**

Section 33.7 Accessory Buildings or Structures.

1. No Accessory Buildings or Structures shall be constructed on any Lot prior to the time of construction of the Principal Building to which it is accessory.

2. No Accessory Buildings or Structures shall exceed the height of the Principal Building, and in no case, shall such Accessory Buildings exceed 15 feet in height as defined in the definition for Building Height in Section 3.2 in the "R" Districts.
3. No Accessory Buildings or Structures for Uses such as plant growing, storage or play, other than a Garage attached or unattached to the Principal Building, shall be located within any Yard other than the Rear Yard. No detached Garage shall be located nearer the Front Lot Line than the Principal Building on the Lot. Gazebos may be located in a Side Yard provided Setbacks and other zoning requirements are met.

4. Accessory Buildings or Structures shall be located not less than 5 feet from a side or rear property line in "R-1A", "R-1B", "R-2", "R-3" and "B-5" Districts, 10 feet from a side or rear property line in "R-1C" Districts, and 4 feet from a side or rear property line in "R-4" Districts.

5. Exterior materials and finish of Accessory buildings must match or complement the exterior finish of the principal structure in material, color, and texture. Exterior walls of Accessory Structures must be covered only with siding (e.g. wood, vinyl, aluminum or metal horizontal lap), stucco, brick, glass or other comparable material as approved by the Zoning Administrator. Prohibited materials include but are not limited to cloth, fabric, canvas, plastic sheets, tarps, tar paper and insulation. The placement or use of framing for hoop houses or other hoop designed apparatus, tent garages and other similar apparatus is also prohibited.

a. Exceptions. The following are excluded from the requirements of 33.7(5):

   • Accessory Structures less than 120 square feet made of sheet metal, corrugated metal or shaped metal.

   i. Commercial greenhouses.

   ii. Playgrounds.

6. All Accessory Buildings or Structures in "R-1" "R-2" and "B-5" Districts shall additionally conform to the following requirements.

   a. There shall be no more than 1 detached garage on a lot.

   b. In addition to 1 detached Garage, there shall be no more than 1 Accessory Building or Structure on a Lot. Exception: Schools located in an R-1 or R-2 district shall be allowed up to 4 Accessory Buildings or Structures without a Conditional Use Permit, provided that there is no more than 1 detached Garage and all Accessory Buildings or Structures comply with the remaining requirements of this section. Schools shall obtain a Conditional Use Permit for more than 4 Accessory Buildings or Structures.

   c. No detached Garage may exceed 624 square feet in area, except on Lots of 75 feet width or greater, in which case the maximum size of a detached Garage may not exceed 800 square feet in area. Other Accessory Buildings may not exceed 200 square feet in area. The maximum size of either the detached Garage or an Accessory Building, but not both, may be increased by 10 square feet of Building area for every 2,000 square feet of
Lot Area in excess of the required minimum Lot Area, provided, however, that no detached Garage shall exceed 1,000 square feet in area and no Accessory Building shall exceed 250 square feet in area. For each twenty square feet increase in the allowable Building size, the required side and Rear Yard Setbacks shall be increased 1 foot.

d. All Accessory Buildings or Structures shall be securely affixed to the ground in a manner that will resist movement from storms or vandalism.

**Municipal Code**

Chapter 4: Building, Housing, & Construction Regulations

Section 403: Commercial Properties Code

403.01. Application.

*Every portion of a structure occupied or intended to be occupied for commercial or industrial purposes and its premises must comply with this section, regardless of when the building was constructed, altered or repaired. Any alterations or changes of use that may be caused directly or indirectly by the enforcement of this code must be done according to applicable sections of the Building Code, City Code and Zoning Ordinance. 403.03. Inspection of Buildings and Premises.*


**Subd. 1. General Rule.** *No person will occupy as owner-occupant or let to another for occupancy any building covered by this Section, for the purpose of operating a business that does not comply with the requirements of this Section.*

**Subd. 2. Foundations, Walls, Windows, Exterior Doors and Roofs.** Foundations, exterior walls, windows, exterior doors, floors and roofs must be watertight, rodent-proof, and must be kept in sound condition and repair. Missing or broken windows must be repaired or replaced within a reasonable time. Boarding up missing or broken windows will not be considered adequate repair or replacement. The foundation must adequately support the building at all points. Exterior walls must be maintained and kept free from dilapidation by cracks, tears, breaks, holes, loose or rotting boards or timbers and any other conditions that might admit dampness to the interior portions of the wall or to the interior spaces of structures. All surfaces other than decay-resistant woods, brick, or rock must be protected from the elements and decay by paint that is not lead-based paint or by other protective covering and treatment. The protective surface on exterior walls of a building above ground must be maintained in good repair and provide sufficient covering and protection against deterioration or the structural surface underneath. A protective surface on exterior walls will be deemed to be out of repair if:*

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West St. Paul, Minnesota
• More than 10% of the paint on the surface area of the plane or wall is blistering, cracking, peeling or no longer adhering.
• More than 10% of the finish coat of a stucco wall is worn through or chipped away.
• Loose, broken and missing roofing and siding materials must be repaired or replaced according to manufacturer's recommendations. All repairs must match the original color, style and application as closely as possible or as approved by the Building Inspector.

Section 425: Housing Code


Subd. 1. Foundations, Floors, Walls, Windows, Exterior Doors and Roofs. Foundations, exterior walls, windows, exterior doors, floors and roofs must be watertight, rodent-proof, and kept in sound condition and repair. The foundation must adequately support the building at all points. Exterior walls must be maintained and kept free from dilapidation by cracks, tears, breaks, holes, loose or rotting boards or timbers and any other conditions that might admit dampness to the interior portions of the wall or to the interior spaces of structures. All exterior surfaces other than decay-resistant woods, brick or rock must be protected from the elements and decay by paint that is not lead-based paint, or by other protective covering or treatment. The protective surface on exterior walls of a building above ground must be maintained in good repair so as to provide sufficient covering and protection against deterioration of the structural surface underneath. A protective surface on exterior walls will be deemed to be out of repair if:

  a. More than 25% of the paint on the surface area of the plane or wall is blistering, cracking, peeling or no longer adhering. This surface area includes window trim, cornice members, porch railings and other areas. If the paint is covering a weather-resistant surface such as brick, plaster or metal, instead of repainting the entire surface area, the paint may be removed in its entirety.

  b. More than 10% of the brick or stone in a chimney is loose or deteriorating.

  c. More than 25% of the brick or stone in a wall is loose or deteriorating.

  d. More than 25% of the finish coat of a stucco wall is worn through or chipped away.

  e. If an exterior surface is required to be repaired under this section, the entire exterior surface area must be repaired or replaced.

Subd. 8. Accessory Structure Maintenance. Accessory structures on the premises of a dwelling must be structurally sound and maintained in good repair and appearance. Exterior walls of accessory structures must be maintained according to the standards set forth for principal structures pursuant to City Code Section 425.19 subd. 1.
Appendix C: Municipal Code & Zoning Ordinance Provisions (By Topic)

Gardening

Chapter 700 – Sewer & Water System

Section 715 – Lawn Sprinkling Ban

715.01. Mayor's Authority to Ban. The Mayor is authorized to ban the watering of lawns by emergency proclamation. Such proclamation may specify a particular portion of the city or specific hours of the day. The proclamation will be effective until the next regular City Council meeting when the ban may be extended or rescinded by the City Council. Unless otherwise specified in the proclamation, no person may water a lawn from a public water supply during such a ban.

715.03. Exceptions. An emergency ban by proclamation does not restrict watering of young trees, shrubs, flower and vegetable gardens, or new sod.

715.05. Effective Date. An emergency ban is effective upon publication in the city's legal newspaper.

715.07. Violation. A violation of this section is a petty misdemeanor punishable by a fine not to exceed $100.

Zoning Ordinance

Section 7 – R-1A One Family Residential District

7.3 Permitted Accessory Uses. Within any "R-1A" One Family Use District, the following Uses shall be permitted accessory Uses:

(5) Gardening and other horticultural uses where no sale of products is conducted on the premises.

Section 8 – R-1B One Family Residential District

8.3 Permitted Accessory Uses. Within any "R-1B" One Family Use District, the following Uses shall be permitted Accessory Uses:

1. Any Permitted Accessory Use regulated in the "R-1A" District, section 7.3 of this Ordinance.
Section 9 – R-1C One Family Residential District

9.3 Permitted Accessory Uses. Within any "R-1C" One Family Residential District, the following Uses shall be permitted Accessory Uses:

1. Any Permitted Accessory Use regulated in the "R-1A" District, section 7.3 of this Ordinance.

Section 10 – R-2 Two Family Residential District

10.3 Permitted Accessory Uses. Within the "R-2" Two Family Residential District, the following Uses shall be permitted Accessory Uses:

1. Any Permitted Accessory Use regulated in the "R-1A" District, section 7.3 of this Ordinance.

Section 11 – R-3 Townhouse 3-8 Unit Residential District

11.3 Permitted Accessory Uses. Within the "R-3" Townhouse Residential District, the following Uses shall be permitted Accessory Uses:

1. Any Permitted Accessory Use regulated in the "R-1A" District, section 7.3 of this Ordinance.

Section 12 – R-4 Multiple Family 3-16 Unit Residential District

12.3 Permitted Accessory Uses. Within the "R-4" Multiple Family District, the following Uses shall be permitted Accessory Uses:

1. Any Permitted Accessory Use regulated in the "R-1A" District, section 7.3 of this Ordinance.

Farming

Municipal Code

Chapter 6: Public Utilities

Section 600 – General Health Provisions

600.07. Animal Manure. No person may bring or process any manure or other animal refuse matter upon any premises within in the city from May 1 to September 1, except for the purpose of immediate application to the soil of those premises. This section does not apply to farmers.
Zoning Ordinance

Section 30 - C Conservancy District

30.1 Permitted Uses. Within the "C" Conservancy District, no Structure or land shall be used except for 1 or more of the following Uses:

(2) Horticulture, nurseries, and farm crops.

30.2 Conditional Uses. Within the "C" Conservancy District, no Structure or land shall be used for the following Uses except by Conditional Use permit:

(2) Educational Farm

(7) Open Storage of farm equipment and machinery, provided such storage shall not be within 300 feet of a public Street.

(8) Agriculture Uses including barns, animal stables, or other Structures with such limitations established by the City Council as are consistent with a Nature Preserve or an educational farm.

The Keeping of Animals and the Use of Chicken Coops

Municipal Code

Chapter 10: Licenses, Permits, and Procedures

Section 1005 – Licensing Procedures

1005.03. Trades, Professions, Businesses and Privileges Requiring Licenses.

Subd. 1. The following trades, professions, businesses and privileges in the city require licenses:

b. Animals

1. Cats
2. Dogs
3. Dangerous Dogs
4. Exceeding Number of Animals Permit
5. Exotic Animals Permit

Chapter 9: Public Safety

905.15. Permit to Keep Certain Animals.
Subd. 1. General Rule. A person must not keep any horse, mule, donkey or pony, cow, goat, sheep, Vietnamese pot-bellied pig or any animal raised for fur bearing purposes, within the city except on a tract of not less than 5 acres where there are not more than 3 residences, other than those occupied by the owner or occupant of the premises upon which the animals are kept, within a distance of 300 feet of the structure housing or enclosing the animals, unless a special permit is issued by the Council pursuant to Section 905.07 Subd. 2.

Subd. 3. Small Animal Shelters.

Proximity to Certain Uses. A chicken coop, dove cote, dog kennel facility (which is a facility designed to contain more than 3 dogs, rabbit warren, or other yard or establishment where small animals or fowls are kept, must not be maintained closer than 100 feet from any apartment, hotel, restaurant, boarding house, 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 creatures are kept.

Keeping at Residence. A person must not keep more than 2 rabbits, guinea pigs, ducks, chickens, pigeons or geese, more than 4 months old on any residential premises less than 5 acres within the city, except by special written permit issued by the Council after an inspection of the premises and a finding of fact to the effect that no nuisance will be created by their existence. The applicant must provide the city with the names and addresses of all persons residing within 75 feet of applicant's property; together with payment of a fee set by City Council Resolution. If the applicant provides the city with a signed acknowledgement of surrounding residents stating that they have been informed of the Council hearing date for such permit and that they have no objection, then notice does not need to be given by the city clerk and no fee needs to be paid by the applicant.

Subd. 4. Cleaning Animal Shelters. All structures, pens, coops or yards where animals or fowls 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. The interior walls, ceiling, floors, partitions, appurtenances of all the structures must be whitewashed or painted annually or as often as the city directs. 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.

Subd. 5. Animals at Large. The owner, caretaker or custodian of any animal will be responsible for the effective restraint of the animal and must not permit it to be at large within the city. Any animal will be deemed to be at large when it is off the premises owned or rented by its owner and unaccompanied by the owner or an agent or employee of the owner. A person must not ride, lead or permit a horse, mule, donkey or pony on a public walk or boulevard in the city. A person must not ride a horse, mule, donkey or pony upon public highways in the city.
Zoning Ordinance

Section 30 - C Conservancy District

30.3 Permitted Accessory Uses. Within the "C" Conservancy District, the following Uses are permitted Accessory Uses

(7) The keeping of farm, Domestic and native-to-Minnesota wild animals for educational purposes, provided that any Accessory Building used for housing such animals shall be located not less than 100 feet from the nearest Lot Line.

Section 7 – R-1A One Family Residential District

7.3 Permitted Accessory Uses. Within any "R-1A" One Family Use District, the following Uses shall be permitted accessory Uses:

(7) The keeping of Domestic Animals for non-commercial purposes for Use of the occupants of the premises, provided that any Accessory Building used for housing such animals shall be located not less than 30 feet from the nearest residence, and provided further that the keeping of such animals shall be subject to requirements of the City Code.

Fences

Municipal Code

Chapter 4: Building, Housing, & Construction Regulations

Section 403 – Commercial Properties Code


Subd. 5. Vegetation and Landscaping. Vegetation must be installed according to Zoning Ordinance Section 5.7 and 5.8, the Site and Building Plan Approval process. Installation and maintenance of all landscape materials must comply with the following standards:

Any tree, brush, or shrub that grows against any building or fence that represents a hazard to the structural integrity of the building or fence, must be removed or trimmed to prevent damage. Any trees, tree limbs, brush, or shrubs that are dead, damaged and hazardous will be deemed a public nuisance pursuant to City Code Section 2010 and may be abated.

Subd. 9. Fence Maintenance. Fences must be maintained in good condition both in appearance and in structure. Wood material, other than decay resistance varieties, must be protected against decay by use of paint or other preservatives.

Zoning Ordinance

Section 4 – General Provisions

4.4 Required Yards and Open Space.

3. The following shall not be considered to be encroachments on Yard requirements

c. Fences, terraces, steps, uncovered porches, stoops or similar Structures, which do not extend above the height of the ground floor level of the Principal Building and extend to a distance of less than two feet from any Lot Line.

Section 30 – C Conservancy District

30.3 Permitted Accessory Uses. Within the "C" Conservancy District, the following Uses are permitted Accessory Uses:

8. Fences not to exceed 9 feet in height and shall also meet all Setback requirements.

Section 33 – Off Street Parking & Loading Spaces / Special Fences

33.8 Fences.

1. Building Permit Requirements. No person, firm, or corporation shall construct or erect a Fence without first obtaining a Building permit. Application for the Building Permit shall be in writing and made to the Building Inspector. The application shall specify proposed height, materials, and type of Fence to be constructed. permit fees, payable to the City, shall be in accord with the Uniform Building Code, as adopted by the City of West St. Paul.

2. Construction and Maintenance. Fence construction shall be of good workmanship, with material reasonably suited for its intended purpose. Fences shall be maintained on both sides in a condition of good repair and shall not be in or remain in the condition of disrepair, including, but not limited to, leaning or sagging. A Fence that is in disrepair is a public nuisance and abatement of that nuisance shall be undertaken by the Zoning Administrator. Barbed wire, sharp-pointed wire, sheet metal, or electrical Fences are not allowed. A tight Fence which blocks or obstructs more than 75% of light or ventilation in front of the front Building line is not allowed. Wire Fences shall be of the chain link, woven-type of material, at least 12 gauge. The material requirements of this section shall not apply to school athletic fields.
3. Appearance and Location. Fences shall not contain pictures or lettering and shall be a uniform color. Fences shall be located inside of property lines and maintained subject to the provisions of this Ordinance. Structural supports of the Fence shall be on the interior side of the Fence.

4. Height: All Districts. In all zoned districts within the City, Fences shall meet the following height requirements:

   a. Fences from the front Building line to the Front Lot or parcel line of that Lot or any adjoining Lot shall not exceed 4 feet.

   b. Fences along the front of the property or adjacent to any Street shall not exceed 4 feet.

   c. Fences from the front Building line to the rear property line shall not exceed 6 feet in height. Fences along the side yard property line shall be located at least 5 feet from any principal structure located on either side of the property line. If a fence is located closer than 5 feet from a principal structure located on either side of the property line, the fence shall not exceed 4 feet.

   d. On a Corner Lot, Fences along the Side Yard abutting the Street shall not exceed 6 feet.

   e. On a Corner Lot, Fences along the Rear Yard shall not exceed 4 feet in height from the front Building Line of the abutting Lot to the front Lot Line or parcel line of the abutting Lot.

5. Height: Commercial and Industrial Zones. Fences with a security arm for barbed wire may be erected to a height of 8 feet, if a Conditional Use permit is obtained or if modified and approved as part of the Site Plan Approval process under Section 5.8. The security arm shall only extend over the property of the property owner. Such security fencing shall not be located along a property line abutting a residential Use.

6. Height: Abutting Public Ways. No Fence, thicket, hedge, or landscaping shall be erected, kept or maintained in excess of 4 feet in height on a Corner Lot within twenty-five feet of the intersection of a public right of way.

8. Special Fences. Fences for special purpose or differing in material, height, construction, or location may be permitted in any district by Variance.

Greenhouses
Zoning Ordinance

Section 30 - C Conservancy District

30.1 Permitted Uses. Within the "C" Conservancy District, no Structure or land shall be used except for 1 or more of the following Uses:

(3) Greenhouses, or similar horticultural structures (historic, scenic, educational, etc.).

Hoop House

Zoning Ordinance

Section 33.7 Accessory Buildings or Structures.

(5) Exterior materials and finish of Accessory buildings must match or complement the exterior finish of the principal structure in material, color, and texture. Exterior walls of Accessory Structures must be covered only with siding (e.g. wood, vinyl, aluminum or metal horizontal lap), stucco, brick, glass or other comparable material as approved by the Zoning Administrator. Prohibited materials include but are not limited to cloth, fabric, canvas, plastic sheets, tarps, tar paper and insulation. The placement or use of framing for hoop houses or other hoop designed apparatus, tent garages and other similar apparatus is also prohibited.

Selling Products of a Farm or Garden

Municipal Code

Chapter 11: Business and Trade Regulations

Section 1140 – Peddlers & Transient Merchants

1140.05. Exceptions. For the purpose of this section, the terms "Peddler," "Solicitor" and "Transient Merchant" shall not apply and no license or registration shall be required for the following, however, registration pursuant to Section 1140.09 may be required as indicated below:

Subd. 5. Farmer’s Produce or Product. Any person selling or attempting to sell any products of a farm or garden occupied, rented or used by the person and cultivated by the person; however, the person must register with the city pursuant to City Code Section 1140.09 and in addition to the information required therein, the person must obtain and provide the following information.
a. The address or specific location of the farms or gardens upon which the product was cultivated or obtained.

b. 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.

c. A conditional use permit for an open sales lot

d. The address or specific location on which the product will be sold and a written acknowledgement from the property owner that includes the following:

   1. Consent from the property owner to use the property for the sale of the product;

   2. A site map showing the location on the property that will be used for the sale of the product;

e. A written acknowledgment from the registrant that the registrant has been provided with a copy of and will adhere to the following conditions:

   1. Unless the registrant owns the property on which the product will be sold, no structure (permanent or semi-permanent), table, tent, canopy, pavilion, shelter or other covering used for the business activity shall be placed on the property where the business activity is to be conducted more than one hour prior to the hours of operation and shall be removed within one hour after the hours of operation have ceased. No structure, table, tent, canopy, shelter or other covering shall be allowed to remain on the property over night.

   2. The registrant shall not interfere with or obstruct the free-flow of vehicular or pedestrian traffic or any right-of-way in order to conduct the business activity, including loading and unloading the product.

   3. All structures, tables, tents, canopies, pavilions, shelters or other coverings and areas, including the property used for the business activity, shall be maintained in a neat and professional manner during the hours of operation.

   4. All vehicles used to assist with the business activity shall be properly licensed and operable and maintained in a neat and professional manner.

   5. The property used for conducting the business activity shall be maintained in a neat and clean condition and no evidence of the business activity shall remain on the property upon removal of the business activity each day.

   6. No door-to-door sales shall be permitted.

   7. The conditions of 1140.09 Subd. 6.
1140.09. Registration Requirements.

Subd. 1. Registration Required. All persons excepted from the licensing requirements of this section pursuant to City Code Section 1140.05 but who are required to register with the city must complete a registration application and submit it to the city clerk at least 21 business days before the person desires to begin its activity. Except as provided in Section 1140.05 Subd. 9b for non-local non-profit organizations, or farmers' markets with a sponsoring organization, each person who desires to conduct the activity must complete a separate application and obtain a separate Certificate of Registration even if more than one person represents the same individual, firm, organization or corporation. Upon receiving a completed application, the city clerk will issue a Certificate of Registration.

Subd. 2. Photo Identification Card. The registrant must obtain a photo identification card from the city. No photo identification card shall be required for individual vendors in a farmers market if there is a sponsoring organization, however, a list of vendors must be provided to the city and updated every week during the time when the activity is being conducted.

Subd. 3. Fees. The registration fee and photo identification card fee are established by City Council Resolution.

Subd. 4. Registration Term. The term of the registration begins on the date that a completed Registration form is approved by the city clerk and terminates on the First of the Following:

a. 180 days thereafter; or
b. On the expiration date stated in the application; or
c. On December 31 of that same year.

Subd. 5. Conditions of Certificate of Registration.

a. Every registrant shall clearly display the Certificate of Registration and photo identification card on his or her person, basket, cart or vehicle in a conspicuous place and shall produce them upon request.

b. Transient Merchants shall be required to comply with the requirements of the Zoning Ordinance. One interim use permit may be obtained on behalf of all vendors for a farmer’s market in one location.

c. No registrant shall conduct business in any of the following manners:

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

2. Obstructing the free flow of either vehicular or pedestrian traffic on any street, alley, sidewalk or other public right-of-way.
3. In such a way so as to create a threat to the health, safety and welfare of any individual or the public.

4. For Peddlers and Solicitors, they shall not go door-to-door before 10 a.m. or after one half hour after sundown or after 7 p.m. whichever occurs first, Monday through Saturday and before 10 a.m. or after 3 p.m. on Sunday.

5. Failing to provide proof of registration or identification, when requested.

6. Using the registration of another person.

7. Making any false or misleading statements about the product or service being sold, including untrue statements of endorsement. No registrant shall claim to have the endorsement of the city solely based on the city having issued a Certificate of Registration.

8. Remaining on the property of another when requested to leave, or to otherwise conduct business in a manner a reasonable person would find obscene, threatening, intimidating, or abusive.

d. Exclusion By Placard. Unless invited to do so by the property owner or tenant, no registrant shall enter the property of another when the property is marked with a sign or placard stating “No Peddlers, Solicitors, or Transient Merchants,” or “Peddlers, Solicitors, and Transient Merchants Prohibited,” or other comparable statement. No person other than the property owner or tenant shall remove, deface or otherwise tamper with any sign or placard pursuant to this section.

Subd. 7. Violations. Any person who engages in any business who is required to register with the city and fails to do so or who violates any provisions of this section, is guilty of a misdemeanor.

Zoning Ordinance

Section 30 - C Conservancy District

30.1 Permitted Uses. Within the "C" Conservancy District, no Structure or land shall be used except for 1 or more of the following Uses:

(4) Essential Service Structures, including but not limited to Buildings such as a maple syrup Building, agricultural aviary, corncribs, vegetable cellar.

(7) Stands for the sale of agricultural products provided said products are raised on the premises.
Grocery Stores

Zoning Ordinance

Section 22 – B-2 Neighborhood Business District

22.1 Permitted Uses. Within the "B-2" Neighborhood Business District, no Structure or land shall be used except for 1 or more of the following Uses, or Uses deemed similar by the City Council.

(2) The following neighborhood retail sales and service businesses supplying commodities or performing a service primarily for residents of the surrounding neighborhood:

   (q) Grocery store

Section 23 – B-3 General Business District

23.1 Permitted Uses. Within the "B-3" General Business District, no Structure or land shall be used except for 1 or more of the following Uses, or Uses deemed similar by the City Council.

(1) Any Permitted Use regulated in the "B-2" District section 22.1, but not limited in scale to serving residents of the surrounding area

Section 25 – B-5 Gateway North Mixed Use District

25.1 Permitted Uses. Within the “B-5” Gateway North Mixed Use District, no Structure or land shall be used except for 1 or more of the following Uses, or Uses deemed similar by the City Council.

   (17) Grocery store

Farmers’ Market

Municipal code

Chapter 11: Business and Trade Regulations

Section 1140 – Peddlers & Transient Merchants

1140.05. Exceptions.
For the purpose of this section, the terms "Peddler," "Solicitor" and "Transient Merchant" shall not apply and no license or registration shall be required for the following, however, registration pursuant to Section 1140.09 may be required as indicated below:

Subd. 5. Farmer’s Produce or Product. Any person selling or attempting to sell any products of a farm or garden occupied, rented or used by the person and cultivated by the person; however, the person must register with the city pursuant to City Code Section 1140.09 and in addition to the information required therein, the person must obtain and provide the following information.

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

b. 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.

c. A conditional use permit for an open sales lot

d. The address or specific location on which the product will be sold and a written acknowledgement from the property owner that includes the following:

1. Consent from the property owner to use the property for the sale of the product;

2. A site map showing the location on the property that will be used for the sale of the product;

e. A written acknowledgment from the registrant that the registrant has been provided with a copy of and will adhere to the following conditions:

1. Unless the registrant owns the property on which the product will be sold, no structure (permanent or semi-permanent), table, tent, canopy, pavilion, shelter or other covering used for the business activity shall be placed on the property where the business activity is to be conducted more than one hour prior to the hours of operation and shall be removed within one hour after the hours of operation have ceased. No structure, table, tent, canopy, shelter or other covering shall be allowed to remain on the property over night.

2. The registrant shall not interfere with or obstruct the free-flow of vehicular or pedestrian traffic or any right-of-way in order to conduct the business activity, including loading and unloading the product.

3. All structures, tables, tents, canopies, pavilions, shelters or other coverings and areas, including the property used for the business activity, shall be maintained in a neat and professional manner during the hours of operation.

4. All vehicles used to assist with the business activity shall be properly licensed and operable and maintained in a neat and professional manner.
5. The property used for conducting the business activity shall be maintained in a neat and clean condition and no evidence of the business activity shall remain on the property upon removal of the business activity each day.

6. No door-to-door sales shall be permitted.

7. The conditions of 1140.09 Subd. 6. (repealed)

1140.07. License Requirements.

Subd. 1. County License. No person may conduct business as a Transient Merchant within the city without obtaining a license from Dakota County, as required by Minnesota Statutes, Chapter 329, or as amended.

Subd. 2. City License and Application. Unless otherwise excepted, no person may conduct business as a Peddler, solicitor or Transient Merchant in the city without a city license pursuant to City Code Section 1005. Each person who desires to conduct the activity must complete an application and obtain a separate license even if more than one person represents the same individual, firm or corporation. The application shall be submitted at least 21 business days before the applicant desires to conduct business.

Subd. 3. Investigation. An investigation is required pursuant to City Code Section 1005.05 Subd. 5.

Subd. 4. Bond or Letter of Credit Requirement in Lieu of Insurance. In lieu of a Certificate of Insurance, the applicant shall provide a bond or letter of credit payable to the city in the amount of $3,000, which shall be approved by the Finance Director.

Subd. 5. Photo Identification Card for Peddlers and Transient Merchants. Once a city license has been issued, the licensee must obtain a photo identification card from the city.

Subd. 6. Fees. The license fee, investigation fee and photo identification card fee are established by City Council Resolution.

Subd. 7. License Term. The term of the license begins on the date it is approved by the City Council and terminates on the first of the following:

   a. 180 days thereafter; or

   b. On the expiration date stated in the application; or

   c. On December 31 of that same year.

Subd. 8. Grounds for Denial. In addition to the grounds for denial stated in City Code Section 1005.25 Subd. 1, the City Council may deny an application if it finds that the applicant:
a. Has been permanently or temporarily enjoined by any court of competent jurisdiction from engaging in or continuing any conduct or practice involving any aspect of the business activity;

b. Fails the background investigation pursuant to a recommendation by the Police Chief;

c. Has had an application rejected by the city or other governmental agency within three years prior to the date of application.

Subd. 9. Conditions of License. In addition to the requirements and conditions in City Code Section 1005, every licensee shall comply with the following conditions:

a. Every licensee shall clearly display the license and photo identification card on his or her person, basket, cart or vehicle in a conspicuous place. Every licensee shall produce and show the license number and photo identification card upon request.

b. All Transient Merchants who require a license, shall comply with the requirements of the Zoning Ordinance.

c. No licensee shall conduct business in any of the following manners:

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

2. Obstructing the free flow of either vehicular or pedestrian traffic on any street, alley, sidewalk or other public right-of-way.

3. In such a way so as to create a threat to the health, safety and welfare of any individual or the public.

4. For Peddlers and Solicitors, they shall not go door-to-door before 10 a.m. or after one half hour after sundown or after 7 p.m. whichever occurs first, Monday through Saturday and before 10 a.m. or after 3 p.m. on Sunday.

5. Failing to provide proof of license or identification, when requested.

6. Making any false or misleading statements about the product or service being sold, including untrue statements of endorsement. No licensee shall claim to have the endorsement of the city solely based on the city having issued a license.

7. Remaining on the property of another when requested to leave, or to otherwise conduct business in a manner a reasonable person would find obscene, threatening, intimidating, or abusive.

d. Exclusion By Placard. Unless invited to do so by the property owner or tenant, no licensee shall enter the property of another when the property is marked with a sign or placard stating “No Peddlers, Solicitors or Transient Merchants,” or “Peddlers, Solicitors and Transient Merchants Prohibited,” or other comparable statement. No
person other than the property owner or tenant shall remove, deface or otherwise tamper with any sign or placard pursuant to this section.

Subd. 10. Violations.

a. Gross Misdemeanors. Any person who engages in any business as a Transient Merchant without first obtaining a license or who violates any provision of this section or Minn. Stat. 329, is guilty of a gross misdemeanor.

b. Misdemeanor. Any person who engages in the business as a Peddler or Solicitor without first obtaining a license or who violates any provision of this section is guilty or a misdemeanor.

Zoning Ordinance

Section 7 – R-1A One Family Residential District

7.1 Permitted Uses. Within any "R-1A" One Family Residential District, no Structure or land shall be used except for 1 or more of the following Uses:

(15) Farmers Market for the sale of agricultural and horticultural products.

Section 11 - R-3 Townhouse 3-8 Unit Residential District

11.1 Permitted Uses. Within any "R-3" Townhouse Residential District, no Structure or land shall be used except for of the following Use:

(2) Farmers Market for the sale of agricultural and horticultural products.

Section 12 - R-4 Multiple Family 3-16 Unit Residential District

12.1 Permitted Uses. Within the "R-4" Multiple Family District, no Structure or land shall be used except for the following Use:

(2) Farmers Market for the sale of agricultural and horticultural products.

Section 21 - B-1 Limited Business District

21.5 Interim Uses. Within the “B-1” Limited Business District, the following Uses shall be Interim Uses:

(1) Farmers market for the sale of agricultural and horticultural products.
Restaurants

Zoning Ordinance

Section 3 - Rules & Definitions

3.2 Definitions - The following words and terms, wherever they occur in this Ordinance, are defined as follows:

(108) Motor Fuel Station. A retail place of business engaged primarily in the sale of motor fuels, but also may be engaged in supplying goods and services generally required in the operation and maintenance of motor vehicles. It may include the sale of petroleum products and the sale and servicing of tires, batteries, automotive accessories, replacement items, lubrication services, and the performance of minor automotive maintenance and repair. See section 33.9(3 of this Ordinance. The following uses may accompany a Motor Fuel Station:

a. Motor Fuel Station Convenience Stores which are operated in conjunction with a Motor Fuel Station for the purpose of offering for sale goods not essential for the operation of motor vehicles.

b. Car Washes, as an accessory use.

c. Restaurants with a maximum seating capacity of 20 persons.

Section 22 - B-2 Neighborhood Business District

22.1 Permitted Uses. Within the "B-2" Neighborhood Business District, no Structure or land shall be used except for 1 or more of the following Uses, or Uses deemed similar by the City Council.

(2) The following neighborhood retail sales and service businesses supplying commodities or performing a service primarily for residents of the surrounding neighborhood:

(dd) Restaurant, cafe, tea room.

Section 25 - B-5 Gateway North Mixed Use District

25.1 Permitted Uses. Within the “B-5” Gateway North Mixed Use District, no Structure or land shall be used except for 1 or more of the following Uses, or Uses deemed similar by the City Council.

(49) Restaurant, café, tea room without a drive-through
Section 33 - Off Street Parking & Loading Spaces / Special Fences

33.2 Off-street Parking and Loading Spaces. Regulation of off-street parking and loading spaces in the Zoning Ordinance is to alleviate or prevent congestion of the public right-of-way and to promote the safety and general welfare of the public by establishing minimum requirements for off-street parking, loading and unloading of motor vehicles in accordance with the utilization of various parcels of land and Structures. All applications for an occupancy permit in all districts shall be accompanied by a site plan drawn to scale and dimensioned indicating the location of off-street parking and loading spaces in compliance with the following requirements:

(4) Number of Required Off-Street Parking Spaces. Unless modified and approved as part of a Site and Building Plan Approval process, the number of required off-street parking spaces shall be as follows:

(t) Food and Beverage Establishments.

<table>
<thead>
<tr>
<th>Use</th>
<th>Parking Requirement*</th>
</tr>
</thead>
<tbody>
<tr>
<td>Coffee Shop, tea house</td>
<td>1 space per 175 sq. ft. Floor Area</td>
</tr>
<tr>
<td>Restaurant with or without on-sale wine, strong beer, or</td>
<td>1 space per 125 sq. ft. Floor Area</td>
</tr>
<tr>
<td>nonintoxicating malt liquor</td>
<td></td>
</tr>
<tr>
<td>Establishment with on-sale intoxicating liquor</td>
<td>1 space per 100 sq. ft. Floor Area</td>
</tr>
<tr>
<td>Establishment with on-sale intoxicating liquor &amp;</td>
<td>1 space per 75 sq. ft. Floor Area</td>
</tr>
<tr>
<td>entertainment</td>
<td></td>
</tr>
<tr>
<td>Restaurant, carry-out</td>
<td>1 space per 225 sq. ft. Floor Area</td>
</tr>
<tr>
<td>Restaurant, fast food</td>
<td>1 space per 110 sq. ft. Floor Area</td>
</tr>
</tbody>
</table>

22.2 Conditional Uses.

Section 22.2(1) – Ordinance 99-03. Section 22.2(14) - Ordinance 10-04. Within the "B-2" Neighborhood Business District no Structure or land shall be used for the following Uses except by Conditional Use permit:

1. Any Conditional Use regulated in the "B-1" District, section 21.2 of this Ordinance.

2. Accessory Structures other than Private Garages.

3. Mixed Use Residential / Commercial..

4. Drive-through lanes, subject to the following provisions:
   a. They are not permitted in a front yard or within the setback area.
b. Adequate stacking distance must be provided, as determined by the city, which does not interfere with other driving areas, parking spaces or sidewalks.

c. Electronic speaker devices must not be audible beyond the property line and must not be operated between 10 p.m. and 7 a.m.

d. Screening of automobile headlights must be provided. Screening must be at least 3 feet in height and fully opaque, consisting of a wall, fence, dense vegetation, berm or grade change or similar screening as determined by the city.

e. A by-pass lane must be provided, allowing autos to exit the drive-through lane from the stacking area.

Mobile Food Manufacturing and Vending Vehicles

Chapter 6: Public Utilities

Section 600 – General Health Provisions

Section 605 - Food Vending

605.01. Definitions. For purposes of this section, the terms defined have the following meanings:

Subd. 1. "Food" means any raw, cooked, or processed substance, beverage, water, ice or other ingredient used or intended for use in whole or in part for human consumption.

Subd. 2. "Food Seller" means any person who operates any building, room, stand, enclosure, vehicle, space or area or other place where food is offered for retail sale with self-service, limited food preparation, or both. A microwave oven may be provided to heat purchased food. This section may be applied, but is not limited, to the following: gas stations, convenience stores, drug stores, bakers, butcher shops, candy shops / confectionaries, mobile food manufacturing or vending vehicle, grocery stores, and health food stores.

Subd. 3. Special Conditions Applicable to Food Sellers Operating Mobile Food Manufacturing or Vending Vehicles. The following conditions only apply to Food Sellers operating mobile food manufacturing or vending vehicles:

- Food Vendors may sell only prepackaged, nonperishable, or self-limiting packaged food.
- Food Vendors must park the vehicle at least 30 feet from an intersection and must park the vehicle in such a manner so as to avoid creating a traffic hazard. All vehicles must be parked within 1 foot of the curb. Sales must be made on the curbside only.
- Food Vendors must provide a covered garbage receptacle for customer use.
- Hours of operation are allowed from 7 a.m. until 10 p.m.
- Food Vendors must comply with all applicable city ordinances relating to noise control and vehicle identification with regard to their mobile food manufacturing vehicles.

**Transient Merchant**

**Municipal Code**

Section 1003 – Background Investigations

1003.05. Criminal History License Background Investigations.

*Subd. 1. Background Investigation Required. The West St. Paul Police Department is hereby required, as the exclusive entity within the city, to do a background investigation on the applicants for the following licenses within the city:*

*(9) Peddlers, Solicitors, and Transient Merchants*

Section 1140 – Peddlers & Transient Merchants

1140.01. Purpose. *The city has the authority under its police power to prevent public nuisances and public safety hazards created by certain business practices. It is the purpose and intent of this section to establish regulations relating to Peddlers, Solicitors, and Transient Merchants as specifically authorized by Minnesota Statutes, Sections 329.15, 412.221 Subd. 19 and 437.02.*

1140.03. Definitions. [Removed for brevity]

1140.05. Exceptions. For the purpose of this section, the terms "Peddler," "Solicitor" and "Transient Merchant" shall not apply and no license or registration shall be required for the following, however, registration pursuant to Section 1140.09 may be required as indicated below:

*Subd. 1. Auctions. Any persons conducting an auction with a licensed auctioneer.*

*Subd. 2. Government Sales. Any government agency conducting a sale, including a court-ordered sale, a sheriff’s sale or the sale of the government agency’s surplus property shall not be required to obtain license or to register with the city.*

*Subd. 3. Customer Route Sales. 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, frozen goods and milk, nor shall they apply to any person making deliveries of perishable food and dairy products to the customers on*
Subd. 4. Exercise of Constitutional Rights. Any person going from house-to-house, door-to-door, business-to-business, street-to-street, or other type of place-to-place when that activity is for the primary purpose of exercising that person’s State or Federal Constitutional rights (i.e., freedom of speech, press, religion, etc.), shall not be required to obtain license or to register with the city. However, if the exercise of Constitutional rights is merely incidental to the primary purpose of a commercial activity or if professional fundraisers, or fundraisers who receive a commission or a fee are working on behalf of an otherwise exempt person or group, then each person involved in the activity must obtain a license pursuant to Section 1140.07.

Subd. 5. Farmer’s Produce or Product. [See municipal code provisions regarding “Selling products of a farm or garden”]

Subd. 6. Flea Markets. [Removed for brevity]

Subd. 7. Garage Sales. [Removed for brevity]

Subd. 8. Isolated Sales. Any isolated or singular sale of property.

Subd. 9. 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 follows.

a. Local Organizations. All local non-profit, charitable, religious organizations or public and private schools that have a direct connection to or are located within the city shall be required to complete a notification form provided by the city containing:

1. Except for schools, written verification of the non-profit status of the organization;

2. 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;

3. A written acknowledgment that the activity will be conducted in such a manner so as to comply with the conditions of Section 1140.09 Subd. 6.

b. Non-Local Organizations. If the organization has no local connection or is not located within the city, then the organization shall be required to submit one registration application per activity, but otherwise shall comply with all the conditions of Section 1140.09.

For all organizations, 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.
Subd. 10. Parade Vendors. Sales conducted by Peddlers or Transient Merchants in conjunction with and as part of a city-sponsored community event or parade.

Subd. 11. Sales to Dealers. Transient Merchants making direct sales to dealers.

Subd. 12. Solicitors Engaged in Interstate Commerce. [Removed for brevity]

1140.07. License Requirements.

Subd. 1. County License. No person may conduct business as a Transient Merchant within the city without obtaining a license from Dakota County, as required by Minnesota Statutes, Chapter 329, or as amended.

Subd. 2. City License and Application. Unless otherwise excepted, no person may conduct business as a Peddler, solicitor or Transient Merchant in the city without a city license pursuant to City Code Section 1005. Each person who desires to conduct the activity must complete an application and obtain a separate license even if more than one person represents the same individual, firm or corporation. The application shall be submitted at least 21 business days before the applicant desires to conduct business.

Subd. 3. Investigation. An investigation is required pursuant to City Code Section 1005.05 Subd. 5.

Subd. 4. Bond or Letter of Credit Requirement in Lieu of Insurance. In lieu of a Certificate of Insurance, the applicant shall provide a bond or letter of credit payable to the city in the amount of $3,000, which shall be approved by the Finance Director.

Subd. 5. Photo Identification Card for Peddlers and Transient Merchants. Once a city license has been issued, the licensee must obtain a photo identification card from the city.

Subd. 6. Fees. The license fee, investigation fee and photo identification card fee are established by City Council Resolution.

Subd. 7. License Term. The term of the license begins on the date it is approved by the City Council and terminates on the first of the following:

a. 180 days thereafter; or

b. On the expiration date stated in the application; or

c. On December 31 of that same year.

Subd. 8. Grounds for Denial. In addition to the grounds for denial stated in City Code Section 1005.25 Subd. 1, the City Council may deny an application if it finds that the applicant:
a. Has been permanently or temporarily enjoined by any court of competent jurisdiction from engaging in or continuing any conduct or practice involving any aspect of the business activity;

b. Fails the background investigation pursuant to a recommendation by the Police Chief;

c. Has had an application rejected by the city or other governmental agency within three years prior to the date of application.

Subd. 9. Conditions of License. In addition to the requirements and conditions in City Code Section 1005, every licensee shall comply with the following conditions:

a. Every licensee shall clearly display the license and photo identification card on his or her person, basket, cart or vehicle in a conspicuous place. Every licensee shall produce and show the license number and photo identification card upon request.

b. All Transient Merchants who require a license, shall comply with the requirements of the Zoning Ordinance.

c. No licensee shall conduct business in any of the following manners:

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

2. Obstructing the free flow of either vehicular or pedestrian traffic on any street, alley, sidewalk or other public right-of-way.

3. In such a way so as to create a threat to the health, safety and welfare of any individual or the public.

4. For Peddlers and Solicitors, they shall not go door-to-door before 10 a.m. or after one half hour after sundown or after 7 p.m. whichever occurs first, Monday through Saturday and before 10 a.m. or after 3 p.m. on Sunday.

5. Failing to provide proof of license or identification, when requested.

6. Making any false or misleading statements about the product or service being sold, including untrue statements of endorsement. No licensee shall claim to have the endorsement of the city solely based on the city having issued a license.

7. Remaining on the property of another when requested to leave, or to otherwise conduct business in a manner a reasonable person would find obscene, threatening, intimidating, or abusive.

d. Exclusion By Placard. Unless invited to do so by the property owner or tenant, no licensee shall enter the property of another when the property is marked with a sign or placard stating...
“No Peddlers, Solicitors or Transient Merchants,” or “Peddlers, Solicitors and Transient Merchants Prohibited,” or other comparable statement. No person other than the property owner or tenant shall remove, deface or otherwise tamper with any sign or placard pursuant to this section.

Subd. 10. Violations.

a. Gross Misdemeanors. Any person who engages in any business as a Transient Merchant without first obtaining a license or who violates any provision of this section or Minn. Stat. 329, is guilty of a gross misdemeanor.

b. Misdemeanor. Any person who engages in the business as a Peddler or Solicitor without first obtaining a license or who violates any provision of this section is guilty of a misdemeanor.

1140.09. Registration Requirements. [See municipal code provisions regarding “Selling products of a farm or garden”]

Displaying Signs

Municipal Code

Chapter 4: Building, Housing, & Construction

Section 400 – Building Code

Section 415 - Signs

415.01. Policy: Relation to Zoning Ordinance.

Subd. 1. Purpose. The purpose of this section is to regulate the construction and erection of signs in the city.

Subd. 2. Zoning Ordinance: Comprehensive Regulations. The provisions of this section will be applied to complement the provisions of Zoning Ordinance Section 37.0.

Subd. 3. Definitions. The terms used in this Section have the meanings given them by Section 37 of the Zoning Ordinance.

Subd. 4. Conflicting Definitions. When doubt exists as to the meaning of a term in this Section or the proper interpretation of the provisions of this section in conjunction with the relevant provisions of the the Zoning Ordinance, the question will be resolved by the Planning Commission acting as the Committee of Adjustments under Section 5.1(3) of the Zoning Ordinance.
415.03. Required Permits. No person shall erect, alter, reconstruct or move any sign within the city without first obtaining a permit issued by the Building Official pursuant to City Code Section 1015.

Subd. 1. Application for Permit. In addition to the information required in City Code Section 1015, any application for a sign-related permit must contain the following information:

Location of the building, structure, or lot to which or upon which the sign is to be attached or erected.

Position of the sign and sign structure in relation to nearby buildings or structures.

Two blueprints or ink drawings of the plans and specifications and method of construction and attachment of the sign and any sign structure to the building or ground.

One copy of stress sheets and calculations signed by a structural engineer showing that the structure is designed for dead load and wind pressure in any direction in the amount required by the Building Code.

Name of the person erecting the sign structure.

Whether an electrical permit is required for the sign.

Any other information the Building Official may require to ensure the sign fully complies with the requirements of this section of the code. The Building Official may waive items (c) and (d) above.

Subd. 2. Illuminated Signs. The application for a permit for the erection or alteration of a sign in which electrical wiring and connections are to be used must be submitted to the Electrical Inspector. The Electrical Inspector shall examine the plans and specifications regarding all wiring and connections to determine if the proposed sign complies with the Minnesota State Building Code, and will approve the permit if the plans and specifications comply with the Building Code, or deny the application if the plans and specifications do not comply with the Building Code. This action of the Electrical Inspector must be taken prior to submission of the application to the Building Official for final approval or denial of the permit.

415.07. Exceptions. No permit is required for the erection, alteration, reconstruction, maintenance or movement of the following signs. The signs must still comply with the remaining provisions of this Section.

a. Building Markers

Non-Commercial Flags.

Official or public notices issued by a court or governmental agency.
Signs 6 square feet or less in Gross Area located on property used as a residential use and located in an "R" District.

Directional Signs, defined as a sign which serves primarily to direct traffic to the location of a place, area, or activity, such as "enter" and "exit" signs, provided such signs have a maximum height of no more than 6 feet, utilize a majority of the sign area for the directional message, and are no more than 6 square feet in size.

Signs on bus shelters.

415.09. Unsafe Signs. If the Building Official or Zoning Administrator finds that any Sign is an Unsafe Sign, as defined in Zoning Ordinance Section 37.2 (33), the Sign shall be removed. If the owner fails to remove the Sign, it shall be declared a Public Nuisance and is subject to abatement and assessment as provided in City Code Section 2010.

415.11. Conditions of Permit.

Subd. 1. Maintenance of Signs. The owner of any sign must have the sign and all parts and supports of the sign properly maintained at all times.

Subd. 2. Wind Pressure and Dead Load. All signs must be designed and constructed to meet the current Building Code with respect to wind pressure and dead loads.

Subd. 3. Obstruction of Doors, Windows or Fire Escapes. No sign shall be erected, altered, reconstructed, maintained or moved in such a manner as to prevent free ingress to or egress from any door, window, or fire escape. No sign of any kind shall be attached to a standpipe or fire escape.

Subd. 4. Traffic Hazards. No sign shall be erected at the intersection of any street or right-of-way or within 20 feet of an intersection that obstructs free and clear vision of any pedestrian or motorist; or at any location where, by reason of its position, shape, or color, it may interfere with, obstruct the view of, mislead, or confuse pedestrian or vehicular traffic.

Subd. 5. Surface of Signs. All signs that are constructed adjacent to or within 10 feet of a street, must have a smooth surface and no nails, tacks or wires are permitted to protrude from the sign, except electrical reflectors and devices that may extend over the top and in front of the sign structure canopy or monument signs, provided that the reflectors are adjusted to concentrate the illumination upon the face of the sign to prevent glare upon the street or adjacent property.

Subd. 7. Spotlights and Floodlights. No sign that is wholly or partially illuminated by floodlights or spotlights may extend over public property. Monument signs may be lighted by spotlights or floodlights directed at the sign face, but spotlights or floodlights directed away from the sign face are prohibited.

Subd. 8. Obscene Matter. A person may not display any obscene material upon any sign or sign structure.
415.13. Temporary Signs

Subd. 1. Temporary Commercial Speech Signs.

a. Temporary Commercial Speech Signs must be located on the permittee’s property and must refer only to the business, industry, or pursuit conducted on or within the premises on which the sign is erected or maintained or a non-commercial message.

b. Every Temporary Commercial Speech sign must be safely and securely anchored and supported.

c. Temporary Commercial Speech Sign permits may be issued up to the maximum length of time as follows

i. For an existing business, a maximum of two (2) temporary Commercial Speech Sign permits may be issued to each business establishment each calendar year for up to thirty (30) days each.

ii. For a new business or for the re-opening of an existing business, a Temporary Commercial Speech Sign permit may be issued for up to forty-five (45) days. Thereafter, a second permit may be issued for up to an additional 30 days.

iii. For purposes of this section, the following definitions shall apply:

1) “existing business” means a business that is not a new business;

2) “new business” means a business that has been in existence at the location requested for 12 months or less;

3) “re-opening of an existing business” means a business that has been under new ownership for 12 months or less.

d. The maximum area of a Temporary Commercial Speech Sign shall be forty-eight (48) square feet and the maximum height of a Temporary Commercial Speech Sign shall be eight (8) feet.

e. No more than two (2) Temporary Commercial Speech signs may be located on any one lot or premises for the same topic, location, event, or matter.

f. A Temporary Commercial Speech Sign must be removed within twenty-four (24) hours after the expiration of the permit.

Subd. 2. Temporary Real Estate and Leasing Signs in Business and Industrial Districts

---Removed for brevity---

Subd. 3. Optional Signs.
a. As used in this Section, optional signs are signs petitioned by area residents for installation along streets or alleys and include all notice and warning signs. Optional signs do not include signs deemed necessary or required by the City for traffic regulations, control, and public notice.

b. All optional signs requested by area residents, but not deemed necessary or required by the Public Works Director, will be installed upon order of the City Council and upon payment in an amount established by City Council Resolution.

SECTION 2. SUMMARY PUBLICATION. Pursuant to Minnesota Statutes Section 412.191, in the case of a lengthy ordinance, a summary may be published. While a copy of the entire ordinance is available without cost at the office of the City Clerk, the following summary is approved by the City Council and shall be published in lieu of publishing the entire ordinance:

The main focus of the sign ordinance amendment is to modify the size of “for sale” and “for lease” signs for commercial properties. For new construction, a free standing or wall-mounted sign is allowed at a size of up to 32 sq. ft. After one year, however, the size must be reduced to the allowable size for existing buildings. For existing buildings, the following options are available: The sign may be incorporated into an existing monument sign at a size of 15-25 sq. ft., the sign may be freestanding at a size of 12-18 sq. ft., with certain restrictions on location and height, or the sign may be mounted to the building at a size of 12-18 sq. ft.

SECTION 3. EFFECTIVE DATE. This ordinance shall be in full force and effect on June 1, 2014.

415.15. Violations. A violation of this Section is deemed a Public Nuisance and may be abated and assessed pursuant to City Code Section 2010.

Chapter 20: Misdemeanors


Subd. 1. General Rule. No person may attach any bill, card, advertisement, poster, picture, or printed or illustrated paper or painted sign upon any post or pole in any street whether or not the person has the permission of the owner of the post or pole.

Subd. 2. Removal. The owner of any post or pole standing in any street may not grant permission to any person to attach any bill, card, advertisement, poster, or picture or printed or illustrated paper or painted sign of any description from the post or pole, and the owner will cause to be removed all such articles from the post or pole.
Zoning Ordinance

Section 37 – Regulating Signs

37.0 Signs.

37.1 Purpose. This Ordinance 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 Ordinance is not intended to favor commercial over non-commercial speech. These purposes shall be accomplished by regulation of the Erection, use, and maintenance of Signs within the City of West 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 Ordinance 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 the requirements of the West St. Paul City Code.

37.3 Permits.

No Sign, unless exempted by this Ordinance, shall be Erected, altered, reconstructed, or moved in the City without first securing a permit from the City as provided in City Code Section 415. The content of the Sign shall not be reviewed or considered in determining whether to approve or deny a Sign permit.

If the Sign requires electricity, it must be installed in accordance with the current Electrical Code and a separate permit from the Building Official must be obtained prior to placement.

37.4 Violations. Violation of this Section is a misdemeanor. Each day that the violation continues is a separate offense.

37.5 Exceptions. The following Signs shall not be required to obtain a license or permit for the installation of the Sign pursuant to City Code Section 415 and 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 to the other provisions of this Ordinance, the Zoning Ordinance, or the City Code.

- Building Markers.
- Non-Commercial Flags.
- Official or public notices issued by a court or governmental agency.
- Signs 6 square feet or less in Gross Area located on property used as a residential use and located in an "R" District.
- Directional Signs 6 square feet or less.
- Signs on bus shelters.
37.6 Prohibited Signs. The following Signs are prohibited in all Zoning Districts:

- Abandoned Signs.
- Balloon Signs.
- Flags other than Non-Commercial Flags as defined herein.
- Illegal Signs.
- Permanent Banners or Pennants, except those permitted by Minn. Stat. SS 412.221, Subd. 34.
- Permanent Sale Signs.
- Portable (trailer) Signs unless approved under City Code Section 415.
- Projecting Signs other than Awning Signs or Canopy Signs that extend or project over the sidewalk, street right-of-way, or highway right-of-way.
- Roof Signs.
- Rotating Signs.
- Search lights or strobe lights unless approved as a temporary sign under City Code Chapter 415.
- Signs containing audio speakers or any form of pyrotechnics.
- Signs painted, attached, or in any other manner affixed to fences, roofs, other than integral roof signs, trees, rocks, or other similar natural surfaces, or attached to public utility poles, bridges, towers, or similar public structures.
- 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.
- Signs that are affixed to inoperable vehicles or trailers or signs that are affixed to vehicles parked on a property and not intended to be moved for a period of 48 hours or more. At all times, vehicles containing advertising and/or signage shall not be parked along the property frontage or Robert Street.
- Temporary signs, except as allowed by permit pursuant to City Code Section 415.
- Unsafe Signs.
- Video Display Signs

37.7 General Provisions.

Legally Established Nonconforming Signs.

A Sign that is legally established upon the effective date of this Ordinance may be continued at the size and in the manner of operation existing upon such date except as specified in this Section.

A Legally Established Nonconforming Sign may be continued through repair, replacement, restoration, maintenance or improvement, but may not be expanded, moved, or relocated.

Sign copy and Sign faces may be changed on Legally Established Nonconforming Signs when there is no change in Use of the site or when only a portion of a multiple tenant Sign is being changed.
If a Sign or its structure is declared Unsafe by the Building Inspector, this Ordinance shall not prohibit the Sign or its structure from being made safe.

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 1 year after such calamity unless the damage to the Sign is 50% 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 Ordinance. 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 Ordinance.

Whenever the use of a Legally Established Nonconforming Sign is discontinued for a period of more than 1 year, any future use of such Sign shall be in conformity with the provisions of this Ordinance.

Repairs and Removal.

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 Zoning Administrator.

Illegal Signs. Any fixed, permanent Sign constructed, placed, or maintained in violation of this Ordinance shall be removed by the property owner upon receipt of notice to do so given by the Zoning Administrator.

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 Zoning Administrator. No Unsafe Sign shall be repaired or rebuilt except in accordance with the provisions of this Section and upon a permit issued by the City.

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 West St. Paul and is declared to be a Public Nuisance subject to abatement and assessment as provided in City Code Section 2010, except that Legally Established Nonconforming Signs shall not be abated until they have been abandoned for more than 1 year.

Signs in all Districts shall be located at least 10 feet from all Lot Lines.

Except as otherwise stated, no more than 1 Freestanding Sign shall be located on any single lot.

Supporting Sign Structure Design Criteria. 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 unites (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 be compatible with the Building(s) on the lot.

Window Coverage. Window signs may be placed within a building in Commercial and Industrial Zoning Districts, however the window coverage shall not exceed 30% of each window. There shall be no more than a maximum area of 80 square feet per street frontage for window signs.

Electronic Changeable Copy Sign, Electronic Graphic Display Sign and Dynamic Display Sign Requirement.

a. Mode of Operation. Electronic Changeable Copy Signs, Electronic Graphic Display Signs and Dynamic Display Signs shall only be allowed to operate in static mode. Animation, motion or video displays are prohibited. Any change from 1 static display to another must be instantaneous and shall not include any distracting effects, such as dissolving, spinning or fading.

b. Minimum Display Time. The minimum display time for Electronic Changeable Copy Signs, Electronic Graphic Display Signs and Dynamic Display Signs shall be 8 seconds.

c. Color. Electronic Changeable Copy Signs, Electronic Graphic Display Signs and Dynamic Display Signs may use multiple colors within the display but the use of color shall not create a distraction or a hazard to the public health, safety or welfare. No portion of the display may change in color or color intensity in any manner. Each line of text in any direction shall be uniform in color.

Distance Between Signs. Electronic Changeable Copy Signs and Electronic Graphic Display signs must be located at least 75 feet from any other Electronic Changeable Copy Sign, Electronic Graphic Display Sign or Dynamic Display Sign as measured in a straight line from the base of the Sign to the base of any other Electronic Changeable Copy Sign, Electronic Graphic Display Sign or Dynamic Display Sign. Dynamic Display signs must be located at least 800 feet from any other Dynamic Display Sign as measured in a straight line from the base of the Sign to the base of any other Dynamic Display Sign.

Application to Existing Signs. The Electronic Changeable Copy Sign, Electronic Graphic Display Sign and Dynamic Display Sign standards shall apply to all existing and future Electronic Changeable Copy Signs and Electronic Graphic Display Signs, unless otherwise determined by the City that an existing sign qualifies as a non-conforming use under state statute or City Code.

37.8 Permitted Signs by District. See Figure A-1 detailing permissible Signs by District.

Within the “R” Districts Signs must comply with the following regulations:

- Signs shall not exceed 32 square feet in Gross Area and 6 feet in Height.

The following types of Signs are permissible:

- Monument Signs.
- Non-Illuminated Awning Signs and Non-Illuminated Canopy Signs provided they comply with the following requirements:
  - They shall be limited to single-story Buildings or to the first level only of multi-story Buildings.
  - They shall have a minimum clearance of 8 feet above Grade unless projecting over a sidewalk, in which case clearance shall be 14 feet above Grade.
  - They shall not be located closer than 2 feet from any street right-of-way or highway right-of-way, and shall not extend above the top of the Wall of a Building.

Figure: Permissible Signs by District.

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<tr>
<th></th>
<th>R</th>
<th>B1</th>
<th>B2</th>
<th>B3</th>
<th>B5</th>
<th>B6</th>
<th>B4</th>
<th>I1</th>
<th>I2</th>
<th>C</th>
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<tbody>
<tr>
<td><strong>Gross Area (Square Feet)</strong></td>
<td>32</td>
<td>50</td>
<td>50</td>
<td>50</td>
<td>50</td>
<td>200/50</td>
<td>50</td>
<td>700/50</td>
<td>32</td>
<td></td>
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<tr>
<td><strong>Height (feet)</strong></td>
<td>6</td>
<td>10</td>
<td>10</td>
<td>10</td>
<td>10</td>
<td>20/10</td>
<td>10</td>
<td>80/10</td>
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<td>Electronic Changeable Copy Signs</td>
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<td>Electronic Graphic Display Signs</td>
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<td>Illuminated Canopy and Awning Signs</td>
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<td>Integral Roof Signs</td>
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<td>Non-Electronic Changeable Copy Signs</td>
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<td>Non-Illuminated Awning and Canopy Signs</td>
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<td>Wall Signs</td>
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<td>Dynamic Display Signs</td>
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<td>Pylon Signs</td>
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<td>Off-Premises Signs</td>
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</table>

The maximum Height of an Awning or Canopy shall be 5 feet.

Wall hangers shall not be visible.

Signage on Awnings or Canopies may be substituted for allowed Wall signage but is limited to 25% of the Awning or Canopy area.

The following types of Signs are prohibited:

i. Electronic Changeable Copy Signs.
ii. Electronic Graphic Display Signs.
iii. Integral Roof Signs.
iv. Non-Electronic Changeable Copy Signs.
v. Wall Signs
vi. Dynamic Display Signs
vii. Pylon Signs
viii. Off-Premises Signs

Within the “B-1” Districts Signs must comply with the following regulations:
Signs shall not exceed 50 square feet in Gross Area and 10 feet in Height.

The following types of Signs are permissible:

- Illuminated or Non-Illuminated Awning Signs and Canopy Signs provided they comply with the requirements of Section 37.8 (1)(b)(i)-(6) and the following requirements:
  - For Signs or Illuminated areas less than 3 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.
  - For Signs or Illuminated areas 3 to 5 feet in Height, the degree of illumination or candlepower shall be limited to double lamp fixtures.
  - In no event shall the power of the fixture exceed 10 watts per foot for single lamp fixtures and 20 watts per foot for double lamp fixtures
- Integral Roof Signs.
- Monument Signs.
- Non-Electronic Changeable Copy Signs.
- Wall Signs.
- Each tenant in a multi-tenant Building is allowed 1 Wall Sign. The aggregate Gross Area of all Wall Signs shall not exceed 10 percent of the area of the Wall to which they are attached.

The following types of Signs require a Conditional Use Permit:

- Electronic Changeable Copy Signs as provided in 37.7(8).

The following types of Signs are prohibited:

- Electronic Graphic Display Signs.
- Dynamic Display Signs
- Pylon Signs
- Off-Premises Signs

Within the “B-2” Districts Signs must comply with the following regulations:

- Signs shall not exceed 50 square feet in Gross Area and 10 feet in Height.

The following types of Signs are permissible:

- Any Sign permissible in the “B-1” District.
- Electronic Changeable Copy Signs, as regulated in 37.7(8).

The following types of Signs are prohibited:

- Electronic Graphic Display Signs.
• Dynamic Display Signs
• Pylon Signs
• Off-Premises Signs

Within the “B-3”, "B-5" and "B-6" Districts Signs must comply with the following regulations:

• Signs shall not exceed 50 square feet in Gross Area and 10 feet in Height.

The following types of Signs are permissible:

• Any Sign permissible in the “B-2” District.

The following types of Signs require a Conditional Use Permit:

• Electronic Graphic Display Signs, as regulated in 37.7(8).

The following types of signs are prohibited:

• Dynamic Display Signs
• Pylon Signs
• Off-Premises Signs

Within the “B-4” Districts Signs must comply with the following regulations:

• Signs shall not exceed 200 square feet in Gross Area and 20 feet in Height.

No more than 1 Monument Sign shall be located on any single lot. The aggregate Gross Area of all Monument Signs in any single B-4 District shall not exceed a total of 200 square feet.

Exception. In any B-4 District where, as of the date of the enactment of this Ordinance, there exists a Legally Established Non-Conforming Sign or an existing Sign that complies with the size requirements for a Sign in a B-4 District, then, in addition to the Legally Established Non-Conforming Sign or existing Sign, a Sign may be erected on any separate lot within the same B-4 District, however, it must comply with the size requirements for Signs in a B-3 District.

The following types of Signs are permissible:

• Any Sign permissible in the “B-3” District.

The following types of Signs require a Conditional Use Permit:

• Electronic Graphic Display Signs, as regulated in 37.7(8).

The following types of Signs are prohibited:

• Dynamic display Signs
•  Pylon Signs
•  Off-Premises Signs

Within the “I-1” District Signs must comply with the following regulations:

•  Signs shall not exceed 50 square feet in Gross Area and 10 feet in Height.

The following types of Signs are permissible:

•  Any Sign permissible in the “B-2” District.

The following types of Signs require a Conditional Use Permit:

•  Electronic Graphic Display Signs, as regulated in 37.7(8).

The following types of Signs are prohibited:

•  Dynamic Display Signs
•  Pylon Signs
•  Off-Premises Signs

Within the “I-2” Districts Signs must comply with the following regulations:

•  Monument Signs shall not exceed 50 square feet in Gross Area and 10 feet in Height.

The following types of Signs are permissible:

•  Any Sign permissible in the “I-1” District.

The following types of Signs require a Conditional Use Permit:

•  Electronic Graphic Display Signs, as regulated in 37.7(8).
•  Dynamic Display Signs, as regulated in 37.7(8).
•  Pylon Signs provided:
  •  Each sign is a maximum of 700 square feet in size,
  •  Each sign is a maximum of 80 feet in total height,
  •  Each Sign is located at least 800 feet from any other Pylon Sign as measured in a straight line from the base of the Sign to the base of any other Pylon Sign.
•  Off-Premises Signs provided; 1 each Sign is located at least 800 feet from any other Off-Premises Sign as measured in a straight line from the base of the Sign to the base of any other Off-Premises Sign.
•  More than 1 freestanding sign on any single lot.

Within the “C” District Signs must comply with the following regulations:

•  Signs shall not exceed 32 square feet in Gross Area and 6 feet in Height.
The following types of Signs are permissible:

- Awning Signs and Canopy Signs provided they comply with the requirements for Awning Signs and Canopy Signs in the “R” District.
- Monument Signs.
- Wall Signs.

The following types of Signs are prohibited:

- Electronic Changeable Copy Signs.
- Electronic Graphic Display Signs.
- Integral Roof Signs.
- Non-Electronic Changeable Copy Signs.
- Dynamic Display Signs
- Pylon Signs
- Off-Premises Signs

37.9 Message Substitution. The owner of any Sign that is otherwise allowed by this Ordinance may substitute Non-Commercial copy or message in lieu of any other Commercial or Non-Commercial Sign copy or message without additional approval or permitting subject to the operational standards set forth in this Ordinance. The purpose of this provision is to prevent any inadvertent favoring of Commercial Speech or message over Non-Commercial Speech or message.

37.10 Non-Commercial Speech. Notwithstanding any other provisions of this Ordinance, all Signs of any size containing Non-Commercial Speech may be posted from 46 days before the state primary in any general election year until 10 days following the general election and 13 weeks prior to any special election until 10 days following the special election.

37.11 Severability. If any Section, subsection, sentence, clause, or phrase of this Ordinance is for any reason held to be invalid, such decision shall not affect the validity of the remaining portions of this Ordinance. The City Council hereby declares that it would have adopted the Ordinance in each Section, subsection, sentence, or phrase thereof, irrespective of the fact that any 1 or more Sections, subsections, sentences, clause, or phrase be declared invalid.

Parking

Municipal Code of Ordinances

Section 403 – Commercial Properties Code

403.11. Premises.
Subd. 1. Parking and Driveway Areas. All parking and driveway areas must be maintained free of dirt, sand, glass, trash, and debris, including shopping carts and other storage or carrying devices. December 1 through April 15 of each year, sand or other abrasive materials may be applied to paved surfaces to aid traction. However, all materials must be removed by April 15th of each year. Parking areas must be marked with painted stripes to delineate the parking spaces and driving areas, and the paint must be maintained in good condition.

Section 1310 - Parking Regulations

1310.02. Parking Over 48 hours. No vehicle shall be parked continuously upon any street or alley at a place not contiguous or adjacent to the residence of its owner for more than 48 hours.

1310.03. Parking Restrictions: Congested District.

Subd. 1. District Designated. The congested district of the city includes the following streets:

South Robert Street between Annapolis and Haskell;

Smith Avenue between Annapolis and Mina.

Subd. 2. Congested District: No Truck Parking. The City Council may, by resolution, establish "No Truck Parking" zones in the congested district and will mark by appropriate signs any zone so established. "No Truck Parking" zones may be established in the congested district where heavy traffic by commercial vehicles or other traffic congestion makes parking by commercial vehicles a hazard to the safety of vehicles or pedestrians. No person may park a commercial vehicle of more than one ton capacity between 8 a.m. and 6 p.m. on any weekday upon any street in a "No Truck Parking" zone, but parking of such vehicles for a period of not more than 30 minutes will be permitted in such zone for the purpose of having access to abutting property when access cannot conveniently be secured from an alley or side street where truck parking is not so restricted.

Subd. 3. Congested District: Loading Zones. The City Council may, by resolution, establish in each block in the congested district one or more loading zones and will mark by appropriate signs any zone so established. Such zones may be located at places most convenient for the use of the public and with regard to traffic conditions in the block. No person may park any vehicle in any loading zone between 8 a.m. and 6 p.m. of any weekday, except for the purpose of receiving or discharging passengers or freight and then only for a period no longer than is necessary for the discharge or receipt of such passengers or freight.

Subd. 4. Congested District: U-Turns. No person may turn a vehicle on any street in the congested district so as to reverse its direction.

1310.05. Parking Restrictions: Street Sweeping. No vehicle may be parked or left unattended in a street or alley designated for street sweeping by posted sign. The street will be posted for street
sweeping at least 24 hours prior to being swept. Unless further restricted by posted sign, parking may be resumed on such streets immediately after they have been swept.

1310.07. General Parking Restrictions.

o Subd. 1. No Parking, Stopping, Standing, or Bus Stop Zones. The City Council may, by resolution, designate certain streets or portions of streets as "no parking," "no stopping," "no standing," or "bus stop" zones and may limit the hours in which the restrictions apply. Except when necessary to avoid conflict with other traffic or in compliance with the directions of a police officer or a traffic control device, no person may stop or park a vehicle in an established no stopping, standing or bus stop zone. No vehicle may be parked in a no-parking zone during hours when parking is prohibited. No vehicle except a bus may be parked or standing in a bus stop zone.

o Subd. 2. Time Limit Parking Zones. The Council may, by resolution, designate certain areas where the right to park is limited during specified hours. No person may park a vehicle in any limited parking zone for a longer period than so specified on a posted sign.

o Subd. 3. Prima Facie Violation. The presence of any motor vehicle on any street when standing or parked in violation of this section is prima facie evidence that the registered owner of the vehicle committed or authorized the commission of the violation.

o Subd. 4. Parking Trucks Over 9,000 pounds G.V.W. and Petroleum Trucks. No truck or commercial vehicle with a capacity over 9,000 pounds Gross Vehicle Weight ("G.V.W."), and no truck used to transport gasoline or fuel oil, may be parked on any street or alley in the city for a period longer than 90 minutes or the time necessary to load or unload such truck if such truck is in the process of making a delivery. No truck or commercial vehicle of any type over 9,000 pounds G.V.W., and no truck used to transport gasoline or fuel oil may be parked or stored on private property in the city for a period longer than 90 minutes unless permission to do so is granted in writing by the Fire Chief with the approval of the Council. The permit must be renewed semi-annually after its issue. For purposes of this section, "gross vehicle weight" means the greater of the unloaded weight of a vehicle or the unloaded weight of a truck-tractor and semitrailer combination, plus the weight of the load, or the value as specified by the manufacturer as the maximum gross weight or gross vehicle weight rating.

Zoning Ordinance

Section 33 - Off Street Parking & Loading Spaces / Special Fences

33.2 Off-street Parking and Loading Spaces. Regulation of off-street parking and loading spaces in the Zoning Ordinance is to alleviate or prevent congestion of the public right-of-way and to promote the safety and general welfare of the public by establishing minimum requirements for off-street parking, loading and unloading of motor vehicles in accordance with the utilization of various parcels of land and Structures. All applications for an occupancy permit in all districts shall be accompanied by a site plan drawn to scale and dimensioned...
indicating the location of off-street parking and loading spaces in compliance with the following requirements:

The regulations and requirements as set forth in section 33.2 shall apply to the required and non-required off-street parking facilities in all Use districts.

General Provisions.

Reduction of Existing Off-Street Parking Space. Off-street parking spaces and loading spaces existing upon the Effective Date of this Ordinance shall not be reduced in number unless said number exceeds the requirements set forth herein for a similar new Use.

Gross Leasable Area. The term "gross leasable area" is the total Floor Area designed for tenant occupancy, including both owned and leased areas, and excluding common space and utility space.

Benches in Places of Public Assembly. In stadiums, Churches and other places of public assembly in which patrons or spectators occupy benches, pews or other similar seating Facilities, each 22 inches of such seating Facility shall be counted as 1 seat for the purpose of determining required parking.

Use of Parking Facilities. Off-street parking facilities accessory to residential Use shall be utilized solely for the parking of passenger vehicles, except that for each Dwelling Unit 1 truck less than 3,000 pounds rated capacity may be parked by the occupant if it is parked within a Structure. Under no circumstances shall parking Facilities Accessory to residential Structures be used for Open Storage of commercial vehicles nor for open air parking of vehicles belonging to employees, owner, tenant or customers of business or manufacturing establishments.

Location of Parking Facilities. Required off-street parking in the "R" Districts shall be on the same Lot as the Principal Building. Within all Districts, all vehicles normally owned or kept by the occupants on the premises must be parked in a Private Garage, stall, parking space or driveway on the Lot. All parking areas and driveways must comply with Section 33.2(3)(d), requiring concrete-type or asphalt surface. In addition:

In an "R" District no parking shall be permitted in a Front Yard, unless the vehicle is located in a driveway.

Parking may be located in a Rear Yard.

In an "R" District, no more than 30% of the Front or Rear Yard may be used for parking or driveway purposes

Joint Parking Facilities. Off-street parking facilities for a combination of 1 or more Uses may be provided collectively in any district except the "R-1" and "R-2" Districts, provided the total number of spaces provided shall equal the sum of the separate requirements for each Use.
**Control of Off-Street Parking Facilities.** When required accessory off-street parking Facilities are provided elsewhere than on the Lot on which the Principal Use served is located, written authority for using such property for off-street parking shall be filed with the City so as to maintain the required number of off-street parking spaces during the existence of said Principal Use. No such parking Facility at its closest point shall be located more than 100 feet from the premises.

**Use of Parking Area.** Required off-street parking space in all districts shall not be utilized for open storage of goods or for the storage of vehicles that are inoperable, for lease, rent or sale.

**Proof of Parking.** All required parking must be shown on the Final Site and Building Plan, however, if approved by the City Council, a portion of required parking may be provided by showing proof of parking availability.

**Design and Maintenance of Off-Street Parking Areas.**

**Access and Location.** Parking areas shall be designed so as to provide an adequate means of access to a public Alley or Street. Said driveway access shall not exceed 24 feet in width at the public walk centerline and shall be so located as to cause the least interference with traffic movement.

**Calculating Space.** When the calculation of the number of required off-street parking spaces results in a fraction, each fraction of 1-half or more shall constitute another space.

**Signs.** Signs located in any parking area necessary for orderly operation of traffic movement shall not be included as a part of the permitted display space.

**Surfacing.** All of the area used for parking and driveways in all districts shall be of concrete-type or asphalt surface to control dust and drainage.

**Lighting.** If lighting is provided it shall be accomplished in such a manner as to have no direct source of light visible from the public right-of-way or adjacent land in an "R" District.

**Maintenance of Off-Street Parking Space.** The operator of the Principal Use, Uses or Structures shall maintain in a neat and adequate manner the parking spaces, access ways, landscaping and required curbs and Fences. Snow shall be removed from parking areas within 24 hours of significant snow accumulations.

**Driveways / Aisles.** The following regulations shall apply to all driveways and aisles in parking lots:

- **i.** The minimum distance between curbs of driveways at the right-of-way line shall be twenty feet.
- **ii.** No driveway shall be less than 50 feet from any right-of-way line of a street intersection.
iii. The minimum driveway angle from a 2-way access street shall be 60 degrees, from a 1-way street, it shall be 30 degrees.

iv. Minimum parking space and aisle dimensions:

<table>
<thead>
<tr>
<th>Angle</th>
<th>Width</th>
<th>Stall Depth</th>
<th>1 Way Aisle Width*</th>
<th>2 Way Aisle Width</th>
</tr>
</thead>
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<td>23'</td>
<td>15’</td>
<td>22’</td>
</tr>
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<td>22’</td>
</tr>
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<td>21'10”</td>
<td>18’</td>
<td>22’</td>
</tr>
<tr>
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<td>9'</td>
<td>20’</td>
<td>20’</td>
<td>22’</td>
</tr>
</tbody>
</table>

*One-way aisle widths for Multiple-family Residential, Commercial and Industrial development to be determined through Site Plan Approval process.

Setbacks. [Not included for brevity]

Number of Required Off-Street Parking Spaces. Unless modified and approved as part of a Site and Building Plan Approval process, the number of required off-street parking spaces shall be as follows:

Single Family Dwelling. At least 1 enclosed parking space for each Dwelling Unit except that 2 spaces shall be required for Dwelling Units in the "R-1C" District. A Private Garage shall constitute a parking space. One Private Garage per Dwelling Unit in the "R-1C" District shall be provided as part of the overall parking space required. No person in any district shall convert a Private Garage to living space unless other acceptable provisions are made to provide the required parking space.

Two Family Dwelling. [Not included for brevity].

Townhouses / Single Family Attached Housing. [Not included for brevity]

Athletic Fields. [Not included for brevity] Bingo Halls. [Not included for brevity]

Bowling Alley. [Not included for brevity]

Churches, Theaters, Auditoriums, and Mortuaries. [Not included for brevity]

Day Care Centers. [Not included for brevity]

Golf Courses, Tennis Clubs, and Public Swimming Pools. [Not included for brevity]

Hospitals. [Not included for brevity]

Manufacturing, Fabrication or Processing of a Product or Material. At least 4 off-street parking spaces, plus 1 additional space for each 800 square feet of Building. One additional off-
street parking space shall be provided for every 2,500 square feet or fraction thereof of land devoted to outside storage.

Motel, Motor Hotel or Hotel. [Not included for brevity]

Motor Fuel Stations [Not included for brevity]

Food and Beverage Establishments. [see Restaurant)]

Retail Sales and Service Establishments. [Not included for brevity]

Schools: High School through Post-Secondary. [Not included for brevity]

Application of Off-Street Loading and Unloading Regulations. The regulations and requirements set forth in section 33.2 shall apply to the required and non-required loading and unloading Facilities in all districts. If, in the application of the requirements of this section, a fractional number is obtained, 1 loading space shall be provided for a fraction of 1-half or more, and no loading space shall be required for a fraction of less than 1-half.

Location. All loading berths shall be 25 feet or more from the intersection of 2 Street right-of-ways. Loading berths shall not occupy the Front Yard or a side yard adjacent to a street.

Size. Unless otherwise specified the first berth required shall not be less than 12 feet in width and 50 feet in length. Additional berths shall be not less than 12 feet in width and 25 feet in length. All loading berths shall maintain a height of 14 feet or more.

Access. Each loading berth shall be located with appropriate means of access to a public Street or Alley in a manner that will least interfere with traffic.

Surfacing. All loading berths and access ways shall be improved with a durable, dust-free material.

Accessory Uses. Any area allocated as a required loading berth or access drive so as to comply with the terms of this Ordinance shall not be used for the storage of goods, inoperable vehicles nor be included as a part of the area necessary to meet the off-street parking area.

Screening. Loading berths must be completely screened from eye level view of streets and open spaces by means of landscaping that is at least 75% opaque within 2 years or by a screen wall of the same materials and color as the principal building.

Number of Required Loading Berths.

Auditorium, convention hall, public Buildings, hospitals, schools, Hotels, sports arena. At least 1 loading berth 25 feet in length for each Building having 1,000 to 10,000 square feet of Floor Area. For those Buildings having 10,001 square feet of floor space to 100,000 square feet of Floor Area or fraction thereof, 1 additional loading berth 50 feet in length.
Manufacturing, fabrication, processing and warehousing. At least 1 loading berth 25 feet in length for each Building having 3,000 square feet or fraction thereof plus 1 loading berth 50 feet in length for each 25,000 square feet of Floor Area up to 100,000 square feet plus 1 loading berth for each 50,000 square feet of Floor Area over the first 100,000 square feet of Floor Area. The operator of the business shall have the option to declare the length of the berths required for Buildings above 100,000 square feet of Floor Area except that half or more of the total number of berths required shall be 50 feet in length.

Retail sales and service stores, offices. At least 1 loading berth 25 feet in length for each Building having 6,000 square feet of Floor Area or more plus 1 additional loading berth 50 feet in length for each 25,000 square feet of Floor Area up to 100,000 square feet.

Underground Parking in "R-4" Multiple Family Districts. [Not included for brevity]

33.3 Motor Fuel Stations - Repealed

33.4 Car Washes - Repealed

33.5 Temporary or Seasonal Open Sales Lots - Repealed

Kitchens

Municipal Code of Ordinances

Section 425 – Housing Code


Subd. 1. Sinks. Every dwelling unit must contain a kitchen sink in good working condition and properly connected to a water supply system approved by the Building Inspector that must provide at all times an adequate supply of heated and unheated running water, under pressure and connected to a water and sewer system approved by the Building Inspector. Every occupant of a dwelling unit must keep all plumbing fixtures in a clean and sanitary condition and must be responsible for the exercise of reasonable care in their proper use and operation.

Composting

Chapter 6: Public Utilities

Section 600 – General Health Provisions

600.15. Composting.
Subd. 2. Composting Regulations. Composting is permitted in Residential Zoned Districts, provided the following regulations are complied with:

a. Composting must be conducted within an enclosed container, 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 must be constructed of durable material such as wood, plastic, fiberglass, or metal fencing material. Plastic bags or paper bags are not allowed.

b. 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.

c. Prohibited Materials. The following materials must 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.

d. Compost must be properly managed to minimize odor generation and promote effective decomposition of the material.

e. The compost container must be located in the rear yard and placed no closer than 30 feet from any habitable building, 20 feet from the street on a corner lot and at least 5 feet from the side and rear yard lines.

Recycling and Solid Waste Disposal

Municipal Code of Ordinances

Section 600 – General Health Provisions

600.03. Garbage and Rubbish.

Subd. 1. Dumping or Leaving Rubbish. It is unlawful for any person to deposit, unload, dump, discharge, throw out, place, or maintain any rubbish, garbage, refuse, noxious matter, or waste upon any public street, sidewalk, or property.

Subd. 2. Exceptions. When awaiting collection, garbage and rubbish may be stored in the front yard or public boulevard as follows:

a. Up to 4 hours in closed plastic or waterproof bags; or
b. Up to 18 hours in rigid covered, plastic or metal containers.

c. Other than as provided above, garbage and rubbish must be stored in rear yards, in accessory buildings or garages or screened from view from any public street.

Subd. 3. Dumping on Property. It is unlawful for any person to dump or permit the dumping of garbage, refuse, rubbish, discarded articles, and other debris upon any property without a permit pursuant to City Code Section 1015.

Subd. 4. Rubbish Hauling License.

a. Residential License. No person may haul, collect, or transport rubbish from residences, other than the person's own residence, within the city without a residential hauler's license pursuant to City Code Section 1005. The Council may impose conditions to the license at any time for cause or violations of any of the conditions of this section. The city will issue no more than 6 residential hauler's licenses at any time.

b. Commercial License. No person may collect, haul, or transport rubbish or refuse from any multiple family residence, business, or industry, other than the person's own, or collect, haul, or transport discarded construction materials or similar rubbish or refuse from any site, other than the person's own, without a commercial refuse hauler's license, pursuant to City Code Section 1005. The Council may impose conditions to the license at any time for cause or violations of any of the conditions of this section.

600.05. Required Collection.

Subd. 1. Collection. Every residential household, multiple residential dwelling, and business in the city must have a solid waste collection at least on a monthly basis with a rubbish collection firm properly licensed by the city.

Subd. 2. Exceptions. The Council may exempt a residential household, multiple dwelling, or business from the requirement of Subdivision 1, if that household, multiple family residential dwelling, or business can establish to the Council's satisfaction that an environmentally sound method of waste disposal has been provided.

Subd. 3. Accumulation of Rubbish. Accumulation of rubbish in violation of this Subsection constitutes a public nuisance. The public nuisance may be abated and assessed pursuant to City Code Section 2010.

Subd. 4. Parking of Rubbish Hauling Trucks. No truck used to haul garbage or rubbish may be kept, maintained, or stored on residential property without the written consent of the immediate adjacent residential property owner, but in no case may the truck be kept within 100 feet of a residential dwelling of another.
700.25 Storm Water Illicit Discharge and Illicit Connection.

Subd. 5. Illegal Disposal and Dumping.

No Person shall throw, deposit, place, leave, maintain, or keep any substance upon any street, alley, sidewalk, storm drain, inlet, catch basin conduit or drainage structure, business place, or upon any public or private land, so that the same might be or become a pollutant, unless the substance is in containers, recycling bags, or any other lawfully established waste disposal device.

Section 1173 – Pawnbrokers & Precious Metal Dealers

1173.07. Exemptions.

Subd. 2. The following Persons shall be exempt from the licensing requirements for Pawnbrokers:

c. Recyclers, including but not limited to motor oil, aluminum, iron, scrap metal, glass, plastic and paper recyclers

Section 2000 – General Provisions (for Criminal or Prohibited Acts)

2005.02 Unnecessary Noise.

Subd. 6. Refuse Hauling and Recycling Collection. Between the hours of 10 p.m. and 7 a.m. on any weekday, and between the hours of 9 p.m. and 9 a.m. on any weekend or holiday, no person shall collect or remove garbage or recyclables in a residential zoning district or any commercial or industrial district that is located within 500 feet of a residential zoning district.
APPENDIX D: 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 West 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.”;

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.237

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.
event. For purposes of this subdivision, "small portion" means a portion that is no more than three ounces of food or beverage.

(d) "Food product demonstration" means cooking or preparing food products to distribute to individuals at a farmers' market or community event for promotional or educational purposes.

Subd. 2. Food sampling and demonstration.

The licensing provisions of [the Minnesota Consolidated Food Licensing Law] shall not apply to persons engaged in food product sampling or food product demonstrations.

Subd. 3. Food required to be provided at no cost.

Food provided through food product sampling or food product demonstrations must be provided at no cost to the individual.

Subd. 4. Regulatory authority oversight.

Any person conducting food product sampling or food product demonstrations shall provide to the regulatory authority upon request the following information related to the food product sampling or food product demonstration conducted by the person:

(1) the source of the food used in the sampling or demonstration and whether or not the food was produced at the person's farm or garden;

(2) the type and volume of food to be served, held, prepared, packaged, or otherwise provided for human consumption;

(3) the equipment used to serve, hold, prepare, package, or otherwise provide food for human consumption;

(4) the time period and location of the food product sampling or food product demonstration;

(5) the availability of facilities for hand washing by persons conducting the food product sampling or food product demonstrations;

(6) information on facilities available for ware washing of multiuse utensils and equipment;

(7) the available source of water; and

(8) methods of liquid and solid waste disposal.

Subd. 5. Food safety and equipment standards.

Any person conducting food product sampling or food product demonstrations shall meet the same food safety and equipment standards that are required of a special event food stand in Minnesota Rules, parts 4626.1855, items B to O, Q, and R; and 4626.0330.
Subd. 6. Definition exception.

The definition of farmers' market in subdivision 1, paragraph (b), does not prohibit a farmers' market association from establishing a definition of farmers' market that applies to its membership that is more restrictive than the definition in subdivision 1, paragraph (b).
ENDNOTES

1. West Saint Paul, Minn., Zoning § 37.2 (32).
2. West Saint Paul, Minn., Zoning § 37.2 (33).
3. West Saint Paul, Minn., Zoning § 37.2 (20).
8. Minn. Stat. §§ 157.16, 28A.04; Minn. R. Ch. 4626.
9. Minn. R. Ch. 4626.
13. Minn. R. 4626.
15. Minn. R. 4626.0017; Minn. Stat. § 144.05.
16. Minn. R. 4626.0017; Minn. Stat. § 144.05.
19. Minn. R. 4626.1785.
22. See generally Food, Dairy, Meat & Eggs, Minn. Dep’t of Agric., http://www.mda.state.mn.us/licensing/inspections.aspx (last visited May 19, 2015);
23. See also, Food & Feed Quality Complaint Form, Minn. Dep’t of Agric., http://www.mda.state.mn.us/en/food/safety/foodcomplaint.aspx (providing an example of the different types of food products that MDA regulates) (last visited Aug. 3, 2015).
25. Minn. Stat. § 462.352, subd. 15 (2014); see also Minn. Stat. § 394.22, subd. 6 (2014); Minn. Stat. § 473.582, subd. 9 (2014).
30. West Saint Paul, Minn., Code § 1005.03.
38. Minn. Stat. § 473.121, Subd. 14 (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”).

West Saint Paul, Minn., Zoning § 326B.101.

West Saint Paul, Minn., Zoning § 326B.121, §§ 1300.0030 Subp. 2; Minn. Rules 1300.0120 Subp. 4.

Memorandum from Scott McLennan, Minn. Dept. of Labor & Industry, to Division code staff (Sept. 24, 2013), http://www.dli.mn.gov/ccll/OpinionStaffAgriculture.asp.

Memorandum from Scott McLennan, Minn. Dept. of Labor & Industry, to Division code staff (Sept. 24, 2013), http://www.dli.mn.gov/ccll/OpinionStaffAgriculture.asp.

West Saint Paul, Minn., Code § 400.01.


West Saint Paul, Minn., Zoning § 3.2 (1).

West Saint Paul, Minn., Zoning § 3.2 (167).


West Saint Paul, Minn., Zoning § 7.3.

West Saint Paul, Minn., Zoning § 8.3.

West Saint Paul, Minn., Zoning § 9.3.

West Saint Paul, Minn., Zoning § 10.3.

West Saint Paul, Minn., Zoning § 11.3.

West Saint Paul, Minn., Zoning § 12.3.

West Saint Paul, Minn., Zoning § 30.

West Saint Paul, Minn., Code § 600.07.

West Saint Paul, Minn., Zoning § 3.

West Saint Paul, Minn., Code § 905.15

West Saint Paul, Minn., Code § 905.15 Subd. 3.

West Saint Paul, Minn., Code § 905.15


West Saint Paul, Minn., Code § 905.15

West Saint Paul, Minn., Code § 905.15 Subd. 5.

West Saint Paul, Minn., Code § 905.15

West Saint Paul, Minn., Zoning § 30.3.

West Saint Paul, Minn., Zoning § 7.3

West Saint Paul, Minn., Zoning § 3.2.

West Saint Paul, Minn., Zoning § 33.8.

West Saint Paul, Minn., Code § 425.19.

West Saint Paul, Minn., Zoning § 33.8.

West Saint Paul, Minn., Zoning § 33.8.

West Saint Paul, Minn., Zoning § 33.8.

West Saint Paul, Minn., Zoning § 33.8 (8).

West Saint Paul, Minn., Zoning § 33.8.


West Saint Paul, Minn., Zoning § 7.2.

West Saint Paul, Minn., Zoning § 23.1(12).

West Saint Paul, Minn., Zoning § 30.1(3).

West Saint Paul, Minn., Zoning § 3-7(5)(a)(i).

West Saint Paul, Minn., Code § 33.7.
Minn. Rules 7035.2836.

Minn. Rules 7035.2836.


M.A.R. 7035.0300 Definitions. Subp. 73.


West Saint Paul, Minn., Code § 600.15.

West Saint Paul, Minn., Code § 600.15.

West Saint Paul, Minn., Code § 600.15.

West Saint Paul, Minn., Code § 600.15.

West Saint Paul, Minn., Code § 600.03, Subd. 4(b).

West Saint Paul, Minn., Code § 600.03, Subd. 4.

West Saint Paul, Minn., Code § 600.03, Subd. 4.

West Saint Paul, Minn., Code § 1173.07.

West Saint Paul, Minn., Code § 600.03, Subd. 4.

West Saint Paul, Minn., Code § 600.05.


West Saint Paul, Minn., Code § 700.25, Subd. 5.

West Saint Paul, Minn., Zoning § 32.0 (7).

West Saint Paul, Minn., Code § 600.05, Subd. 4.

West Saint Paul, Minn., Code § 600.05, Subd. 4.

West Saint Paul, Minn., Zoning § 3.2 (1).

West Saint Paul, Minn., Zoning § 33.7.


“Egg Sales,” Minnesota Institute of Sustainable Agriculture, http://www.misa.umn.edu/FarmFoodResources/LocalFood/EggSales/.

