

HOW TO ADOPT THE MINNESOTA LIVABLE CITY CODE OF ORDINANCES (LCC)

INTRODUCTION TO THE LCC

Easy Adoption: *This guide will make adoption of the LCC easy.* The Minnesota Livable City Code of Ordinances (LCC) is designed to be your City's comprehensive ordinance book. the LCC is current with all federal, state law and case law. The LCC can greatly simplify the work of both city staff and city council in ensuring the safety, welfare and prosperity of the City. This *LCC guide* contains detailed information about how to both adopt and use the LCC.

ADOPTION OF THE LCC

Easily Adopted: Adopting the LCC is a simple process. This process is detailed here in this user's guide.

STEP ONE - DECIDE WHAT TO DO WITH THE CITY'S OLD ORDINANCES

Adoption of the LCC, using the LCC Model Adopting Ordinance, *is designed to repeal and replace all previous ordinances of your City.* The LCC offers a fresh start with ordinances that are up-to-date under current state and federal law.

What's Covered: Review the Table of Contents and compare to the city's current ordinance book to determine:

- 1) Which old city ordinances cover the same subjects found in the LCC (for example, your old city ordinances will likely cover a process to abate public nuisances - and so does the LCC).
- 2) Which old city ordinances cover subjects not found in the LCC (for example, many older city ordinances contain provisions related to hitching horses in business districts - the LCC contains no ordinance on this subject.)

Subjects Covered Both in the LCC and the Current City Ordinances:

Adoption of the LCC will automatically repeal ordinances that are covered in both the LCC and the old City ordinance. Adoption of the LCC provision over older ordinance provisions is recommended and preferable because:

- LCC ordinances are current with applicable state, federal regulation and law and applicable case law. In contrast, older city ordinances may be out-of-date or archaic. As a result, they may create legal liability for the city or be ruled unenforceable by a court of law, because they do not comply with current legal standards.
- LCC ordinances are designed to be user friendly and easily enforceable. Older ordinances may be poorly drafted or use overly formal legalese that can be difficult to understand and enforce.

Subjects Not Covered in the LCC that are in the Current City Ordinances:

Remaining ordinances covering subjects not in the LCC should be seriously considered by council for repeal. It is most likely that these provisions are no longer needed by the city (for example, an ordinance regulating the hitching of horses in the city business district). It is also possible that these provisions are outdated or archaic. ***The adoption of the LCC will also automatically repeal these ordinances.*** If the city wishes to retain these ordinances it must act to preserve these ordinances when adopting the LCC. ***These ordinances must be listed in Section 3 of the LCC Model Adopting Ordinance.*** All ordinances that are retained should be reviewed by the City Attorney.

STEP TWO

USE THE LCC MODEL ADOPTION ORDINANCE TO ADOPT THE LCC

The LCC, and any supplement to it, must be adopted by ordinance before it is effective. A model Ordinance Adopting the Minnesota Livable City Code of Ordinances for Statutory Cities can be found in Appendix III. The model ordinance is designed for use by statutory cities. Home rule charters may have different provisions for the adoption of the LCC by reference, and the attorney for a home rule charter city should draft the ordinance adopting the LCC for that city.

The LCC Model Adopting Ordinance must be adopted at a meeting of the City Council by a majority vote of the whole council. In general, no public hearing is required (except as noted below or as required by City Charter) prior to adoption of the LCC.

In addition, state law requires the city to take additional steps to adopt ordinances on specific subjects:

- **Garbage and Rubbish Adoption: LCC Chapter 50**
Cities who have never previously regulated organized garbage collection (under the LCC or a previous city ordinance) must comply with the requirements of M.S. § 115A.94. Before implementing an ordinance, franchise, license, contract, or other means of organizing collection, the city must adopt a resolution establishing an organized collection options committee pursuant to M. S. § 115A.94 subd. 4a, to

identify, examine, and evaluate various methods of organized collection. The governing body shall appoint the committee members. The organized collection options committee shall issue a report on the committee's research, findings, and any recommendations to the governing body of the city.

- **Liquor Licensing and Regulation Ordinance Adoption: LCC Chapter 112**
If the city has *never* before licensed liquor, the city should confirm that it is a "wet" city under M.S. § 340A.416. Adoption of the LCC alone will not convert a "dry" city into a "wet" city. If the city is "dry," residents of the city may have to vote on the issue in what is known as a local option election to authorize the city to issue intoxicating liquor licenses.

STEP THREE

PUBLICATION REQUIREMENTS AFTER ADOPTING THE LCC

Once the City Council has voted to adopt the LCC by adoption of the Model LCC Adoption Ordinance, all normal publication requirements under M.S. § 412.191 must be met. ***The entire LCC is not published, only the ordinance adopting the LCC.*** The Model Adoption LCC Ordinance must be published within 45 days of passage. The LCC will become effective upon publication in statutory cities. Home rule charter cities may have a different effective date in their charter and should consult their City Attorney on this issue.

STEP FOUR

ADOPT THE LCC FEE SCHEDULE ORDINANCE

The LCC establishes fees and charges for permits and licenses. These can be amended by ordinance unless a specific amount is required by law. A city adopting the LCC must therefore adopt an Ordinance Establishing Fees and Charges. A model LCC Ordinance Establishing Fees and Charges is found at Appendix IV of this User's Guide. Until the model ordinance is adopted, the LCC provides that any fees and charges established by ordinances or resolution that are in effect when the LCC is adopted remain in effect.

The Ordinance Establishing Fees and Charges should be adopted at the same time as the ordinance adopting the LCC.

In addition, state law requires the city to take additional steps to adopt or increase fees on specific subjects:

- **Liquor Licensing Fees.**
The Ordinance Establishing Fees and Charges sets various liquor licensing fees. When *increasing* liquor licensing fees, M.S. § 340A.408 requires the city to hold a hearing and send mailed notice of the hearing to all effected liquor licensees. Notice must be sent at least 30 days before the date set for the hearing. If no increase in the fee occurs upon adoption of the Ordinance Establishing Fees and Charges, no notice need be sent.
- **Land Use Fees, Including Zoning and Subdivision Permit Fees.**
If a city collects a cumulative total in excess of \$5,000, notice and public hearing is required pursuant to M.S. § 462.353.

General Violation

Violation provisions have been given a section number ending in .99. A general penalty has been provided at § 10.99. This general violation will apply when no other violation has been specifically provided for in another provision of this code.

Cross-references

“Cross-references” direct the user to subject matter related to certain Livable City Code of Ordinances provisions contained within another section or chapter of the Livable City Code of Ordinances.

Headers

The Minnesota Livable City Code of Ordinances includes headers on each page. Headers on even-numbered pages will indicate the name of the title being consulted. Example: “Minnesota Livable City Code of Ordinances - Traffic Code.” Headers on odd-numbered pages will indicate the name of the Chapter being consulted. Example: “Parking Regulations.”

Title and Chapter Analysis

A Table of Contents, giving the name of each chapter within the title and the respective chapter numbers, can be located on the first page of each title. A Chapter Analysis, giving section headings and the respective section numbers, can be located on the first page of each Chapter. Thus, if a user wants to search for a specific regulation regarding overnight parking, the user could bypass the general index and go directly to the Table of Contents at the beginning of Title VII. A quick scan down the Title's Table of Contents would identify Chapter 71 as "Parking Regulations." The user could then go directly to Chapter 71 and scan the Chapter Analysis for the appropriate section heading.

References

The table entitled "References to Minnesota Statutes" and the "Table of Authorities" enables a user to trace those citations to Minnesota Statutes (cited as M.S. in the LCC) which appear throughout the LCC. These features enable a user to quickly and accurately determine if a statute is adopted by reference or otherwise cited in the LCC.

The table entitled "References to Minnesota Rules" and the "Table of Authorities" enable a user to locate all citations to Minnesota Rules (cited as Minn. Rules in the LCC) which appear throughout the LCC. These features enable a user to quickly and accurately determine if a rule is adopted by reference or otherwise cited in the LCC.

Copies of the statutes and rules referred to in the LCC should be kept in the City Clerk's office in order for the adoption by reference of them to be meaningful.

Index

The Index contains references to all Livable City Code of Ordinances provisions currently in effect. Index references cite section numbers.

Adopting Additional Ordinance

Future ordinances that the city wishes to adopt after adoption of the LCC, on subjects not covered by the LCC, should be codified as part of Title XVII. The League of Minnesota Cities provides sample ordinances from other jurisdictions as well as model ordinances on a variety of subjects as a free service to its members. The League's codification attorney is also available for a fee to review, for legality and content, a city's ordinances or amendments. Before an ordinance is codified in Title XVII of the LCC, it should be reviewed by the League or by the city's own attorney. The city may also consider purchasing and adopting the Minnesota Basic Code of Ordinances which may contain additional provisions the city desires in place of local ordinances.

Questions and Suggestions

Questions about the Minnesota Livable City Code of Ordinances and its contents can be sent to Amber Eisenschenk, Staff Attorney, League of Minnesota Cities, 145 University Ave. W., St. Paul, MN 55103-2044. She can be reached at (800) 925-1122 or at aeisenschenk@lmc.org. Corrections or suggestions for improvement are solicited, along with suggestions for model ordinances which should be included in future supplements and editions.

Appendix I MODEL ORDINANCE ADOPTING THE MINNESOTA LIVABLE CITY CODE OF ORDINANCES

This model ordinance is provided as a general guide in drafting an ordinance for statutory cities adopting the Minnesota Livable City Code of Ordinances. This adopting ordinance is for sample purposes and your city attorney should tailor this sample ordinance to conform to any specific local requirements related to ordinance adoption. (An electronic version of this ordinance can be found on the League’s website or by contacting American Legal Publishing.)

THE LCC AND ANY SUPPLEMENT TO IT MUST BE ADOPTED BY ORDINANCE BEFORE IT IS EFFECTIVE.

*An ordinance adopting the city code must be adopted at a meeting of the City Council in the same manner as an ordinance on a specific subject is adopted. All publication requirements must be met. **THE ENTIRE LCC IS NOT PUBLISHED, ONLY THE ORDINANCE ADOPTING THE LCC***

Published notice is not required for statutory cities to adopt the LCC. Some city charters, city by-laws or rules of procedure will require notice of the hearing to be published.

Once the ordinance adopting the code has been passed, it must be published in the manner required by law for statutory cities and by the city charter if a charter city. The ordinance, for statutory cities, takes effect on the date of publication.

**ORDINANCE NO. ____
CITY OF _____
COUNTY OF _____
STATE OF MINNESOTA**

**AN ORDINANCE ENACTING THE CODE OF ORDINANCES FOR THE CITY OF _____ MINNESOTA,
ADOPTING THE MINNESOTA LIVABLE CITY CODE OF ORDINANCES, 2016 EDITION, RESTATING, REVISING, UPDATING, CODIFYING AND COMPILING CERTAIN ORDINANCES OF THE CITY DEALING WITH THE SUBJECTS EMBRACED IN THE CODE OF ORDINANCES, AND PROVIDING PENALTIES FOR THE VIOLATION OF THE CODE OF ORDINANCES.**

WHEREAS Minnesota Statutes Section 471.62 authorizes the city to adopt the Minnesota Livable City Code of Ordinances by reference, and Sections 415.02 and 415.021 authorize the city to cause its ordinances to be codified and printed in a book,

NOW THEREFORE the City Council of the City of _____, Minnesota, ordains:

Section 1. The Minnesota Livable City Code of Ordinances, 2016 Edition, together with amendments and supplements contained therein, is hereby adopted and shall constitute the “Code of Ordinances of the City of _____.” This Code of Ordinances also adopts by reference certain statutes and administrative rules of the State of Minnesota as named in the Code of Ordinances. It is the intention of the City Council that, when adopting the Minnesota Livable City Code of Ordinances, all future amendments and supplements are hereby adopted as if they had been in existence at the time this Ordinance was enacted, unless there is clear intention expressed in the Code to the contrary.

Section 2. The Code of Ordinances as adopted in Section 1 shall consist of the following titles and those existing city ordinances also listed in Section 3. *(The city may choose not to adopt some sections of the LCC by crossing them off or omitting them from the list below. However, please note that the decision to exclude LCC sections should be made only with the advice of the City Attorney. Certain LCC sections contain provisions mandated for cities by state law. These sections are marked with an (*) below and should not be crossed off or omitted from the list below. Other provisions are not mandated by state law, but are highly recommended for promoting the public health and welfare within the city. These highly recommended provisions are marked by a (** below.)*

TITLE I: GENERAL PROVISIONS

10. General Provisions (*)

TITLE III: ADMINISTRATION

30. General Provisions (*)
31. Reserved
32. Emergency Management (*)

TITLE V: PUBLIC WORKS

50. Garbage and Rubbish
51. Reserved
52. Reserved
53. Storm Water Drainage Utility

TITLE VII: TRAFFIC CODE

70. Traffic Regulations
71. Parking Regulations
72. Snowmobiles
73. Recreational Vehicles
74. Bicycles, Roller Blades, Roller Skates,
Roller Skis and Skateboards

TITLE IX: GENERAL REGULATIONS

- 90. Reserved
- 91. Animals (*)
- 92. Health and Safety; Nuisances (**)
- 93. Streets and Sidewalks (*)

TITLE XI: BUSINESS REGULATIONS

- 110. General Licensing Provisions
- 111. Commercial Amusements
- 112. Liquor Regulations
- 113. Peddlers and Solicitors
- 114. Reserved
- 115. Reserved
- 116. Regulating Lawful Gambling
- 117. Garage and Rummage Sales
- 118. Regulation of Public Dances and Special Events
- 119. Sexually Oriented Businesses (**)

TITLE XIII: GENERAL OFFENSES

- 130. General Offenses

TITLE XV: LAND USAGE

- 150. General Provisions (**)
- 151. Reserved
- 152. Reserved
- 153. Anti-Blight Regulations (**)

Section 3. The City Council wishes to adopt the provisions of Minnesota Livable City Code of Ordinances § 10.98, establishing a procedure for requesting the voluntary payment of administrative penalties for certain violations of the code. Tthe provisions of Minnesota Livable City Code of Ordinances § 10.98 authorize the City Council to identify administrative offenses and establish penalties for these offenses. The City Council hereby adopts the provisions of Minnesota Livable City Code of Ordinances § 10.98 and adopts the following administrative penalties:

<i>Offense</i>	<i>Code Section</i>	<i>Amount of Administrative Penalty</i>
All offenses for which an administrative penalty may be established under this code, other than those specified below:		\$75.00

Section 4. Because of its small size, the city lacks the resources to investigate and research the impact sexually oriented businesses would have on the character of the city's neighborhoods. The city intends to rely on the *Report of the Attorney General's Working Group on the Regulation of Sexually Oriented Businesses*, dated June 6, 1989, as a basis for regulating sexually oriented businesses in this city; and

Therefore, the City Council accepts the recommendations and conclusions of this Report and adopts the recommendations and conclusions by reference of the *Report of the Attorney General's Working Group on the Regulation of Sexually Oriented Businesses*, dated June 6, 1989; and by passage of this ordinance implements the provisions of Minnesota Basic Code of Ordinances Chapters 119 and 153.

Section 5. These are the prior ordinances that shall remain in effect:

(List ordinances here).

Section 6. This ordinance adopting the Code of Ordinances shall be a sufficient publication of any ordinance included in it and not previously published in the city's official newspaper. The Clerk of the city shall cause a substantial quantity of the Code of Ordinances to be printed for general distribution to the public at actual cost and shall furnish a copy of the Code of Ordinances to the County Law Library or its designated depository. The official copy of this Code of Ordinances shall be marked and kept in the office of the City Clerk.

Section 7. It is the intention of the City Council that, when adopting the Minnesota Livable City Code of Ordinances and any supplements or additions to it, that all existing and future amendments to any state or federal rules and statutes adopted by reference or referenced in the Minnesota Livable City Code of Ordinances and any supplements or additions to it are hereby adopted by reference or referenced as if they had been in existence at the time the Minnesota Livable City Code of Ordinances and any supplements or additions to it was, are or may be in the future adopted, unless there is clear intention expressed in the Code to the contrary.

Section 8. It is the intention of the City Council that, when adopting the Minnesota Livable City Code of Ordinances, all future supplements are hereby adopted as if they had been in existence at the time this code was enacted, unless there is clear intention expressed in the code to the contrary.

Section 9. The Code of Ordinances is declared to be prima facie evidence of the law of the city and shall be received in evidence as provided by Minnesota Statutes by the Courts of the State of Minnesota. A copy of the Code of Ordinances marked "Official Copy" shall be filed as part of the official records of the city in the office of City Clerk. The City Clerk shall provide a copy of the Code of Ordinances to any person who requests a copy and shall charge that person the cost to the city of the copy of the Code of Ordinances.

Section 10. Fees and Charges:

- (A) All fees and charges in effect as of the date of the adoption of the city code for the city shall remain in effect unless otherwise modified by the provisions of this ordinance. All citations below are to various sections of the city code unless otherwise indicated.
- (B) The following are the fees and charges for the permits, licenses and services listed below which are referenced to the section of the city code which authorizes their establishment:
 1. The fee for making service connections, pursuant to § 51.064(D), shall be _____
 2. The sewer service rates and charges to users of the wastewater treatment facility pursuant to §§ 51.113 and 51.114 shall be as established by ordinance or resolution prior to the adoption of this code. If there is no pre-existing ordinance or resolution and the treatment works is primarily flow dependent and the biochemical oxygen demand (BOD), suspended solids, and other pollutant concentrations discharged by all users are approximately equal, then user charges are developed on the following volume basis: A users' charge for Operation and Maintenance per unit of time (CU) equals the total Operation and Maintenance Costs per unit of time (CT), divided by the total volume contribution from all users per unit of time (VT) times the volume contribution from a user per unit of time (VU) which can be expressed in the formula: $CU = CT / [VT (VU)]$. This volume basis formula can only be used if there are no quantity discounts to large volume users. If the volume contributed is not measured in this city and the water charge is based on a constant cost per unit of consumption, then the sewer user charge can be established based on a percentage of the charge for water usage. Sewer rates and charges may be changed by amendment to this ordinance from time to time pursuant to §§ 51.113(D) and 51.114.
 3. The connection fee pursuant to §§ 51.113 and 51.114 shall be _____
 4. The charge for not connecting to the municipal water system when it becomes available pursuant to § 52.06(B) shall be _____
 5. The fee for a permit for the installation of an air conditioning system to the public water system pursuant to § 52.07(B) shall be _____
 6. The rental charge for each day for use of a fire hydrant pursuant to § 52.08(A)(4) shall be _____
The fee for each 1,000 gallons of water used from a fire hydrant pursuant to § 52.08(A)(4) shall be _____
 7. The fee which must be paid before water service may be turned on pursuant to § 52.27(D) shall be _____
 8. The fee for the disconnection permit pursuant to § 52.29 shall be _____
 9. The fee for the permit to connect to the existing water service leads pursuant to § 52.33(B)(1) shall be _____
 10. The connection charge to contribute to the payment of the costs of the Public Water System Facilities pursuant to § 52.33(B)(3) shall be _____

11. The fee to be collected before service is recommenced pursuant to § 52.33(B)(4) shall be _____
12. The charge to a person who desires to connect to the water system and service a parcel that has not been assessed for the cost of water main and lateral construction pursuant to § 52.33(B)(5) shall be the amount that could have been assessed against the persons property at the time the prior assessments were made.
13. The charge for water meters pursuant to § 52.35(A)(1) shall be _____
14. The charge for testing a water meter pursuant to § 52.35(A)(4) shall be _____
15. The schedule of rates, fees and charges for permits or services pursuant to § 52.51 shall be _____
16. The rate due and payable for each user for water taken from the water system pursuant to § 52.53(A) shall be _____
17. The minimum rate pursuant to § 52.53(D), which shall begin to accrue after connection of the service pipe with the curb stop box, shall be _____
18. The fee for license for a person, firm or corporation to engage in the business of altering, repairing, installing or constructing municipal water connections within the city who is not a master plumber pursuant to § 52.70(C) shall be _____
19. The storm water drainage rate pursuant to § 53.03(B) shall be _____
20. The monthly charge for the collection, removal and disposal of garbage and trash from residences and businesses within the corporate limits of the city pursuant to § 54.01 shall be _____
21. The monthly charge for water pursuant to § 54.01 shall be _____
22. The monthly charge for sewer services pursuant to § 54.01 shall be _____
23. The charge for reinstating utility service and the turn-on charge pursuant to § 54.03(C), shall be _____
24. The charge for sewer access charge pursuant to § 51.113(H) shall be _____
25. The fee for a heavy load permit pursuant to § 70.02(E) shall be _____
26. The parade permit fee pursuant to § 70.22(D) shall be _____
27. The annual permit fee for motorized golf carts or mini trucks pursuant to § 73.08 shall be _____
28. The fee for a “release permit” pursuant to § 91.01 shall be _____
29. The fee for dog licenses pursuant to § 91.02(B)(1) and (2) shall be _____
30. The fee for duplicate dog tags pursuant to § 91.02(B)(3) shall be _____
31. The fee for dog licenses for a potentially dangerous dog pursuant to 91.11(D)(1)(b) shall be _____
32. The fee for dog licenses for a dangerous dog pursuant to § 91.11(D)(2)(b) shall be _____

33. The fee for a release pursuant to § 91.05(C) shall be _____
34. The fee for an open burning permit pursuant to § 92.64(B) shall be _____
35. The fee for a delay penalty pursuant to § 93.22(C) shall be _____
36. The fee for a permit application pursuant to § 93.23(B)(1) shall be _____
37. The fee for a franchise fee pursuant to § 93.23(B)(4) shall be _____
38. The fee for an excavation permit pursuant to § 93.25(A) shall be _____
39. The fee for an obstruction permit pursuant to § 93.25(B) shall be _____
40. The fee for a degradation fee pursuant to § 93.26(F) shall be _____
41. The fee for an annual license for bowling, billiards and pool pursuant to § 111.01 shall be _____
42. The fee for a license for circuses, carnivals, shows and other entertainment pursuant to § 111.02(A) shall be _____
43. The fee for a license to operate mechanical amusement devices pursuant to § 111.03 shall be _____
44. The fee for a license for public entertainment or exhibitions pursuant to § 111.05 shall be _____
45. The fee for liquor licenses pursuant to § 112.23(B) shall be (list here the various licenses the city ordinance permits for city issuance and the fees, i.e. 3.2 on-sale, culinary class license, etc.)
46. The fee for a license as a peddler or a transient merchant pursuant to § 113.03(D) shall be _____
47. The penalty for minors in possession of tobacco products pursuant to § 115.99(B)(3) shall be _____
48. The fee for a permit for a public dance pursuant to § 118.03 shall be _____
49. The fee for an investigation prior to the issuance of a license to operate a sexually oriented business pursuant to § 119.09(A) shall be _____
50. The fee for a special events permit pursuant to § 118.22 shall be _____
51. The fee for a license to operate a sexually oriented business pursuant to § 119.09(B) shall be _____
52. Fees sufficient to defray the costs incurred in reviewing, investigating, and administering applications for an amendment to the zoning code pursuant to § 151.63 shall be _____
53. The fee for costs incurred in reviewing, investigating and administering applications for a preliminary or final plat pursuant to § 152.13 shall be _____
54. The fee for park dedication pursuant to § 152.105(J) for R-1 Residential Districts shall be _____
55. The fee for park dedication pursuant to § 152.105(J) for R-2 Residential Districts shall be _____

- 56. The fee for park dedication pursuant to § 152.105(J) for C-1 Business Commercial Districts shall be _____
- 57. The fee for park dedication pursuant to § 152.105(J) for C-2 Business Commercial Districts shall be _____
- 58. The fee for park dedication pursuant to § 152.105(J) for Industrial Districts shall be _____
- 59. The fee for park dedication pursuant to § 152.105(J) for Rural Residential and Agriculture shall be _____

Section 11. This ordinance adopting the Code of Ordinances, and the Code itself, shall take effect upon publication of this ordinance in the city’s official newspaper.

Section 12. Any amendments to a statute or rule adopted in this Code or any former code or ordinance which continues to be in effect, shall be included by reference as if the amended statute or rule had been in existence at the time the Code or ordinance was adopted.

PASSED BY THE CITY COUNCIL OF THE CITY OF _____, MINNESOTA
THIS ____ DAY OF _____.

APPROVED:

_____MAYOR

ATTEST:

_____CITY CLERK