

ORDINANCE NO. 196, 2ND SERIES

AN ORDINANCE OF THE CITY OF WINDOM, MINNESOTA, AMENDING SPECIFIC SECTIONS IN CITY CODE CHAPTER 150, ENTITLED "BUILDING REGULATIONS; CONSTRUCTION"; CITY CODE CHAPTER 151, ENTITLED "SUBDIVISIONS"; AND CITY CODE CHAPTER 152, ENTITLED "ZONING".

THE CITY COUNCIL OF THE CITY OF WINDOM ORDAINS:

WHEREAS, land usage in the City of Windom is governed by City Code Sections 150, 151, 152, and 153 ("Floodplain Management"); and

WHEREAS, Sections in Chapter 150 of the Windom City Code, entitled "Building Regulations; Construction", were last amended in 2020; Sections in Chapter 151 of the Windom City Code, entitled "Subdivisions", were last amended in 2005; and the majority of the Sections in Chapter 152, entitled "Zoning", were adopted in 2003 with some subsequent amendments. Chapter 153, entitled "Floodplain Management", was updated in 2021; and

WHEREAS, it was necessary to conduct a review of Chapters 150, 151, and 152 of City Code concerning changes that have occurred in land usage, to compare the existing Code with Zoning Code from other cities, and to verify that the Code is in conformity with Minnesota Statutes; and

WHEREAS, upon the recommendation of the Windom Planning Commission, the City Council approved retaining land consultants employed by Bolton & Menk to assist City Staff and the Planning Commission with review of these chapters; and

WHEREAS, after review of existing City Code Chapters 150, 151, and 152 and review of proposed amendments to these City Code Chapters, on May 9, 2023, the Planning Commission made a recommendation to the City Council to hold a public hearing on the proposed amendments; and

WHEREAS, the City Council held a public hearing on these proposed amendments on June 6, 2023, and the Planning Commission held a subsequent meeting on June 27, 2023, to review comments from the City Council Meeting and Staff recommendations; and

WHEREAS, on June 27, 2023, the Planning Commission approved, by consensus, a recommendation that the City Council review and approve a proposed ordinance incorporating the proposed amendments to City Code Chapters 150, 151, and 152 which are incorporated by reference herein; and

WHEREAS, it is in the best interests of the citizens of Windom that City Code Chapters 150, 151, and 152 be amended as set forth in the proposed amendments referenced herein.

NOW, THEREFORE, THE CITY OF WINDOM, MINNESOTA, HEREBY AMENDS THE CITY CODE OF THE CITY OF WINDOM BY ADOPTING REVISIONS TO THE FOLLOWING CODE SECTIONS AS SET FORTH IN THE ACCOMPANYING DOCUMENT ENTITLED "ATTACHMENT TO ORDINANCE NO. 196, 2ND SERIES, AMENDMENTS TO WINDOM CITY CODE CHAPTERS 150, 151, AND 152".

1. Section 150.01: To amend Minnesota Statutes' citation;
2. Section 150.04: To add additional activities which require zoning permits;
3. Section 151.02: To amend application proceedings concerning subdivisions;
4. Section 151.04: To amend restrictions on filing and recording conveyances;

5. Section 151.07: To amend specific definitions in the "Subdivisions" Chapter;
6. Section 151.08: To amend the section concerning variances;
7. Section 151.09: To amend provisions concerning minor subdivisions;
8. Sections 151.25, 151.26, and 151.27: To amend provisions concerning preliminary plats;
9. Sections 151.41 and 151.42: To amend provisions concerning final plats;
10. Sections 151.58 and 151.60: To amend provisions concerning community assets and public sites and open spaces in final plats;
11. Sections 151.61, 151.62, 151.63, 151.64, and 151.65: To amend provisions concerning streets, lots, utilities, drainage, and other requirements in platting of new subdivisions;
12. Table of Contents for Chapter 152: To amend the section numbers and titles where required;
13. Sections 152.002 and 152.003(A)(1) and (A)(5): To amend definitions and minor wording changes regarding zoning districts;
14. Section 152.010: To add this new section on "Site plan requirements";
15. Sections 152.036, 152.037, and 152.038: To amend permitted uses, conditional uses, and formatting of yard and lot requirements in the A-O (Agricultural-Open Space District);
16. Section 152.039: To delete this section on accessory uses and buildings as it has been incorporated in Section 152.036;
17. Sections 152.051, 152.052, and 152.053: To amend permitted uses, conditional uses, and formatting of yard and lot requirements in the R-1 (Single-Family Residential District);
18. Section 152.054: To delete this section on accessory uses and buildings as it has been incorporated in Section 152.051;
19. Sections 152.066, 152.067, and 152.068: To amend permitted uses, conditional uses, and formatting of yard and lot requirements in the R-2 (Urban Residential District);
20. Section 152.069: To delete this section on accessory uses and buildings as it has been incorporated in Section 152.066;
21. Sections 152.081, 152.082, and 152.083: To amend permitted uses, conditional uses, and formatting of yard and lot requirements in the R-3 (Multi-Family Residential District);
22. Sections 152.084 and 152.085: To delete the existing Section 152.084 on accessory uses and buildings as it has been incorporated in Section 152.081 and to renumber existing Section 152.085 on usable open space as Section 152.084;
23. Sections 152.096, 152.097, and 152.098: To amend permitted uses, conditional uses, and formatting of yard and lot requirements in the B-1 (Neighborhood Business District);
24. Section 152.099: To delete this section on accessory uses and structures as it has been incorporated in Section 152.096;
25. Sections 152.111, 152.112, and 152.113: To amend permitted uses, conditional uses, and formatting of yard and lot requirements in the B-2 (Highway Business District);
26. Sections 152.114 and 152.115: To delete the existing Section 152.114 on accessory uses and structures as it has been incorporated in Section 152.111; to renumber existing Section 152.115 on special district provisions as Section 152.114; and to amend Section 152.114(A)(4) and (B) concerning cross access and screening;
27. Sections 152.131, 152.132, and 152.133: To amend permitted uses, conditional uses, and formatting of yard and lot requirements in the B-3 (Central Business District);
28. Sections 152.134 and 152.135: To delete the existing Section 152.134 on accessory uses and structures as it has been incorporated in Section 152.131 and to renumber existing Section 152.135 on special district provisions as Section 152.134;

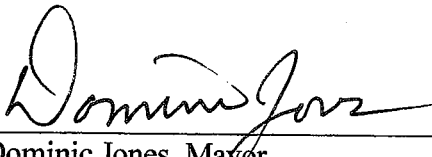
29. Renumbered Section 152.134(A): To amend this subsection concerning displays;
30. Sections 152.151, 152.152, and 152.153: To amend permitted uses, conditional uses, and formatting of yard and lot requirements in the I-1 (Light Industrial District);
31. Sections 152.154 and 152.155: To delete the existing Section 152.154 on accessory uses and buildings as it has been incorporated in Section 152.151 and to renumber existing Section 152.155 on special district provisions as Section 152.154;
32. Renumbered Section 152.154(A): To amend this subsection concerning landscaping;
33. Sections 152.171, 152.172, and 152.173: To amend permitted uses, conditional uses, and formatting of yard and lot requirements in the I-2 (Heavy Industrial District);
34. Sections 152.174 and 152.175: To delete the existing Section 152.174 on accessory uses and structures as it has been incorporated in Section 152.171 and to renumber existing Section 152.175 on special district provisions as Section 152.174;
35. Sections 152.190 and 152.191: To amend provisions concerning purpose, general requirements, and standards for PUD (Planned Unit Developments);
36. Sections 152.192 and 152.193: To add new sections on Residential PUD and Mixed Use PUD as Sections 152.192 and 152.193, respectively, and renumber existing Sections 152.192 and 152.193 as 152.194 and 152.195;
37. New Subsection 152.193(H): To correct the reference to sections on fencing.
38. Renumbered Section 152.194: To amend provisions concerning submission requirements for PUDs;
39. Renumbered Section 152.195: To amend Section 152.195(D)(2)(c) regarding approval of a PUD's final plan by ordinance;
40. Sections 152.265, 152.266, and 152.267: To renumber these Sections as 152.264, 152.265, and 152.266;
41. Section 152.267: To add a new section on open space requirements for multiple-family dwelling;
42. Section 152.270: To amend provisions concerning dwelling on any lot of record;
43. Section 152.366: To correct Minnesota Statutes' citation concerning manufactured home parks;
44. Section 152.385: To amend zoning districts where wind energy conversion systems are allowed as a conditional use and required code compliance;
45. Section 152.391: To amend this Section to move definitions for the Solar Systems' Section to Section 152.002;
46. Sections 152.401, 152.402, 152.403, and 152.404: To amend provisions concerning non-conforming lots of record, non-conforming uses of land, non-conforming structures, and non-conforming uses of structures and land in combination;
47. Sections 152.410 through 152.415: To add new sections on small wireless facility which were previously adopted by the City Council as policies;
48. Sections 152.424 and 152.427: To amend the sections concerning residential district fences and traffic visibility, respectively;
49. Sections 152.441 through 152.462: To amend the sections concerning signs;
50. Section 152.475: To amend this section to rename motor fuel stations to vehicle service stations;
51. Sections 152.478 and 152.479: To add new sections concerning mixed use structure;
52. Sections 152.491 and 152.492: To amend general provisions regarding off-street parking;
53. Section 152.493: To amend the schedule of off-street parking requirements;
54. Section 152.495: To amend the design standards for off-street parking.

THE CITY COUNCIL OF THE CITY OF WINDOM, MINNESOTA, FURTHER ORDAINS that all other existing provisions set forth in City Code Chapters 150, 151, and 152 shall remain in full force and effect.

THE CITY COUNCIL OF THE CITY OF WINDOM, MINNESOTA, FURTHER ORDAINS:

This ordinance, or an approved Title and Summary of this ordinance, shall be published in the COTTONWOOD COUNTY CITIZEN and this ordinance shall be effective immediately upon publication.

ADOPTED AND PASSED by the City Council of the City of Windom, Minnesota, this 1st day of August, 2023.



Dominic Jones, Mayor

ATTEST:



Steven Nasby, City Administrator

1st Reading: July 5, 2023
2nd Reading: August 1, 2023
Adoption: August 1, 2023
Published: August 9, 2023

ORDINANCE NO. 197, 2ND SERIES

AN ORDINANCE OF THE CITY OF WINDOM, MINNESOTA, AMENDING CERTAIN EXISTING CITY CODE SECTIONS AND ADDING NEW SECTIONS

THE CITY COUNCIL OF THE CITY OF WINDOM, MINNESOTA, ORDAINS:

WHEREAS, City Code Section 10.99, entitled "General penalty and enforcement", needs to be amended to add language concerning recovery of costs for actions taken by the City to remediate or abate a Code violation; and

WHEREAS, it has come to the attention of City Staff that specific Sections of City Code Chapter 54, entitled "Water", and Chapter 55, entitled "Sewers", should be amended to clarify responsibility for repairs to water and wastewater infrastructure on private property; and

WHEREAS, it has also come to the attention of City Staff that Chapter 56, entitled "Individual Sewage Treatment Systems", is not in accordance with current Minnesota Statutes and regulations of Minnesota State Agencies and should be amended; and

WHEREAS, the Windom Utility Commission has reviewed the proposed revisions to City Code Chapters 54, 55, and 56 and recommended that the City Council approve those revisions; and

WHEREAS, on August 1, 2023, the Windom City Council adopted Ordinance No. 196, 2nd Series amending specific Sections in the Windom City Code including Chapter 150, entitled "Building Regulations; Construction", Sections in Chapter 151, entitled "Subdivisions", and Sections in Chapter 152, entitled "Zoning"; and

WHEREAS, since that time, Staff has discovered that certain Sections in the prior Code, which were to remain, were not included in the version of the City Code used for the City Code review and should be added back into those Code Sections; and

WHEREAS, after review of the Sections that had been inadvertently omitted, the Planning Commission made a recommendation to the City Council to approve the following proposed amendments to City Code Chapters 150 and 152; and

WHEREAS, the City Attorney has reviewed and approved the proposed amendments; and

WHEREAS, it is in the best interests of the citizens of Windom that the City Code be amended as set forth in the proposed amendments referenced herein.

NOW, THEREFORE, THE CITY OF WINDOM, MINNESOTA, HEREBY AMENDS THE CITY CODE OF THE CITY OF WINDOM BY ADOPTING REVISIONS TO THE FOLLOWING CODE SECTIONS:

1. City Code Section 10.99, entitled "General penalty and enforcement", is amended to add the following language as a new Subsection:

(F) *Recovery of costs.*

(1) *Personal liability.* The owner(s) of the real estate on which a violation of City Code has occurred shall be personally liable for all costs the City has incurred concerning administrative actions regarding the violation and/or to remediate or abate the violation including, but not limited to, costs (labor and equipment) for remediation of the violation or for removal of nuisance items by city departments and/or contractors, landfill costs, impounding fees, disposal costs, sheriff's service fees, court costs, attorney's fees, and the City's administrative fees. As soon as the work has been completed and the costs determined, the City shall prepare an invoice for the costs and mail it to the owner(s). Thereupon the amount shall immediately be due and payable at the Office of the City Clerk.

(2) *Assessment.* If the owner(s) of the real estate fail(s) to pay the fees and costs incurred by the City, as set forth in §10.99(F)(1), the City shall provide notice to the property owner(s) and hold a public hearing as provided by M.S. § 429.061, as it may be amended from time to time. After said hearing and adoption of the proposed assessments by City Council resolution, the City Administrator shall, on or before December 31st next following City actions concerning the City Code violation, transmit to the County Auditor a list of the assessments to be collected with the real estate taxes levied against the applicable parcel(s). The special assessments levied under this chapter shall be payable in installment(s) as the City Council may determine.

2. **City Code Section 54.02**, in the Chapter entitled "Water", is amended to read as follows:

§ 54.02 REPAIR OF LEAKS

It is the responsibility of the property owner to maintain the service pipe from the curb stop into the house or any other building. In case of failure upon the part of the property owner to repair any leak occurring in his or her service pipe within 24 hours after oral or written notice has been given the property owner, the water may be shut off and will not be turned on until a reconnection charge has been paid and the water service has been repaired. When the waste of water is great or when damage is likely to result from the leak, the water will be turned off if the repair is not proceeded with immediately.

3. **City Code Section 55.04**, in the Chapter entitled "Sewers", is amended to add new Subsections to read as follows:

§ 55.04 REPAIR OF LEAKS AND/OR BLOCKAGES

(A) *General.* It is the responsibility of the property owner to maintain the sewer service line from the house, or any other building, to the City Sewer Main, including the connection to the main.

(B) *Blockages.* In the case of a blockage of the service line, the property owner shall be responsible for all costs to remove the blockage or replace the service line, including street and/or boulevard restoration.

(C) *Leaks.* In any case when the City discovers a leak in the sewer service line, written

notice shall be sent to the property owner requiring the repair of the sewer service line and all costs for the repair shall be the responsibility of the property owner. Repairs shall be made within 30 days from the date of the written notice unless less time is stated in the notice due to the severity of the leak. Failure of the property owner to make repairs within the time established in the written notice may result in the City shutting off the water service to the building or premises. The water service will not be turned on until a reconnection charge has been paid and the sewer service line has been repaired.

4. Existing City Code Section 55.04, entitled “**Unlawful Acts and Costs of Damage**”, shall be re-numbered as **City Code Section 55.05**.

5. Existing City Code Chapter 56, entitled “**Individual Sewage Treatment Systems**”, is hereby deleted in its entirety and replaced with the following new **Chapter 56**:

CHAPTER 56: INDIVIDUAL SEWAGE TREATMENT SYSTEMS

Section

- 56.01 Intent
- 56.02 Scope
- 56.03 Limitations for approval
- 56.04 Permits required
- 56.05 Non-conforming uses
- 56.06 Administration
- 56.07 Inspection
- 56.08 Future sewer hookup provisions

- 56.99 Penalty

§ 56.01 INTENT.

The objectives of this chapter are to provide all areas of the city with adequate and safe means of sewage disposal. In certain areas where the City of Windom wastewater disposal system is not available to a property, individual sewage treatment systems may be allowed under the specific requirements of this chapter.

§ 56.02 SCOPE.

Where differences in requirements of this chapter and other federal, state, county or city code provisions or regulations exist, the most restrictive requirements shall apply.

§ 56.03 LIMITATIONS FOR APPROVAL

(A) *General.* Prior to approval from the City, the following conditions must be met.

(1) *New systems.*

(a) The property must be located in an area that is more than 500 feet from any

City wastewater system or if the property owner can show that there are practical difficulties or natural features that make it infeasible to connect to the City wastewater system.

(b) There must be sufficient land to accommodate a compliant individual system without the need for a variance.

(2) *Annexed land.*

(a) Individual systems that are located on properties annexed into the City shall be allowed to remain as long as the conditions in (A)(1) above are met, in which case all provisions in § 56.07 will apply.

(3) *Existing Systems.*

(a) All existing systems, within six months of written notice from the City, shall be taken out of service unless the property owner submits a written request to the City according to § 56.04. When reviewing the request, the City must find that the conditions of (A)(1) above are met, in which case all provisions of § 56.07 will apply.

§ 56.04 PERMITS REQUIRED.

(A) It is unlawful for any person to install any individual sewage treatment system in the City without first obtaining permission from the City Utility Commission and the City Council, or the City Council's authorized representative. Property owners shall submit a written request to the City Wastewater Superintendent. The written request shall include the property address and reason for requesting an individual system as opposed to connecting to the city system.

(B) After the property owners have received permission from the City to install an individual sewage treatment system, a permit for the construction of the individual system shall be obtained from Cottonwood County. All forms, fees and submittal information shall be submitted to the County according to their requirements.

(C) Property owners shall provide the City Wastewater Superintendent with copies of all approved permits and construction drawings.

(D) All systems shall be subject to inspections and requirements set forth in § 56.07.

§ 56.05 NON-CONFORMING USES.

Any individual sewage treatment system or pertinent part thereof, irrespective of the date of original installation, which is not located, constructed or installed in accordance with the state or County's current regulations shall not be relocated or reconstructed without meeting all provisions of this chapter.

§ 56.06 ADMINISTRATION.

The City Wastewater Superintendent shall be responsible for the administration and enforcement of this chapter.

§ 56.07 INSPECTION.

(A) *General.*

(1) Property owners shall have all individual systems inspected according to State and County guidelines and requirements. Costs of inspections shall be the responsibility of the property owners.

(2) All existing systems shall be inspected prior to the City's approval allowing the system to remain in service.

(3) All new systems shall be inspected after installation and prior to being put into service.

(B) *Periodic Inspections.*

(1) All systems, whether new or existing, shall be inspected at least once every three years to determine that the system is still functioning properly and in compliance with all applicable regulations.

(2) Property owners are responsible for hiring a qualified inspector, at their cost, and submitting the inspection report to the County for review.

(3) The County shall submit copies of the inspection report and their review to the City Wastewater Superintendent.

(C) *Substandard systems.*

(1) If an inspection of a new system reveals any deficiency, the property owners shall be responsible for the correction of all defects. The property owners shall then request another inspection to verify that all defects have been corrected and that the system is in compliance with all requirements.

(a) No system shall be put into service until it has passed inspection and the County has approved the installation.

(2) If an inspection reveals any deficiency, the system shall be taken out of service. The property owners shall then be required to connect to the City wastewater system unless the property owners submit a written request and the procedures set forth in §56.04 are met and follow-up inspections determine that the system is compliant.

§ 56.08 FUTURE SEWER HOOKUP PROVISIONS.

In all new construction, provision must be made for possible future hookup to the City wastewater system when required by the Utility Commission or City Council.

§ 56.99 PENALTY.

Every person who violates a section, division, paragraph or provision of this chapter when he or she performs an act thereby prohibited or declared unlawful, or fails to act when the failure is thereby prohibited or declared unlawful, or performs an act prohibited or declared unlawful or fails to act when the failure is prohibited or declared unlawful by a code adopted by reference by this chapter and, upon conviction thereof, shall be punished as for a misdemeanor, except as otherwise stated in the specific provisions hereof.

6. Amend **City Code Section 150.16(A)**, in the City Code version adopted on August 1, 2023, to read as stated in the previous version of the City Code:

§ 150.16 PERMIT REQUIRED AND APPLICATION.

(A) It is unlawful for any person to move a building on any street without a moving permit issued by the City EXCEPT that if a manufactured home/structure permit, building permit, or zoning permit has been issued for the building, no moving permit will be required.

7. Amend **City Code Section 150.18(B)**, in the City Code version adopted on August 1, 2023, to read as stated in the previous version of the City Code:

(B) It is unlawful for any person to move a building without a permit required by the terms of this subchapter unless the exception listed in § 150.16(A) is applicable.

8. Amend **City Code Section 152.325**, in the City Code version adopted on August 1, 2023, to include language stated in the previous version of the City Code including Subsection 152.325(A) and language provided in new Subsection 152.325(B); re-letter subsequent Subsections after new Subsection 152.325(B); and amend the citation for re-lettered Subsection 152.325(D) made in several other subsections; and amend the re-lettered Subsection 152.325(H) to read as stated in the previous version of the City Code, all as follows:

ACCESSORY STRUCTURES IN RESIDENTIAL DISTRICTS

§ 152.325 GENERAL REQUIREMENTS

(A) Each residential lot on which a principal dwelling has been constructed shall be allowed an accessory building(s) pursuant to the provisions set forth herein. All accessory buildings shall require a permit from the city.

(B) Accessory structures are to be used exclusively for the storage of household, yard, and related supplies and equipment.

(C) All accessory buildings shall be constructed of new materials and shall comply with all the requirements of the following section. Prior to the construction or installation of an accessory building or any structure listed in division (D) below, the property owner shall contact Gopher State One Call to determine the location of underground utilities.

(D) Buildings such as gazebos, outdoor living rooms, pool enclosures and similar buildings are not included in the calculation of total accessory floor area, but are subject to the ground coverage and setback requirements in the following section.

(E) No more than two detached accessory buildings and one structure listed in division (D) above shall be constructed or installed on any lot without a variance.

(F) Accessory buildings shall not occupy over 30% of the area of the rear yard.

(G) All structures on a lot, including the dwelling, any accessory building(s), and any structure listed in division (D) above, shall not occupy over 35% of the total lot area in R-1 Districts and shall not occupy over 40% of the total lot area in R-2 and R-3 Districts.

(H) No accessory building or structure, other than a fence or temporary construction, may be constructed prior to the time of construction of the principal building or structure on the lot except if the provisions set forth in Section 152.329 are applicable.

(I) No commercial business shall be conducted in a garage or accessory building on a residential lot except as permitted under § 152.350 et seq.

(J) No accessory building, other than a new building, may be moved into the city without a prior inspection of the building by the Windom Building Official. No accessory building may be relocated from one lot to another lot in the city without a prior inspection of the building by the Windom Building Official.

THE CITY COUNCIL OF THE CITY OF WINDOM, MINNESOTA, FURTHER ORDAINS that all other existing provisions set forth in City Code Chapters 10, 54, 55, 150, and 152 shall remain in full force and effect.

THE CITY COUNCIL OF THE CITY OF WINDOM, MINNESOTA, FURTHER ORDAINS:

This ordinance, or an approved Title and Summary of this ordinance, shall be published in the COTTONWOOD COUNTY CITIZEN and this ordinance shall be effective immediately upon publication.

ADOPTED AND PASSED by the City Council of the City of Windom, Minnesota, this
2nd day of January, 2024.



Dominic Jones, Mayor

ATTEST:



Steven Nasby, City Administrator

1st Reading: December 19, 2023
2nd Reading: January 2, 2024
Adoption: January 2, 2024
Published: January 10, 2024

ORDINANCE NO. 198, 2ND SERIES

AN ORDINANCE OF THE CITY OF WINDOM, MINNESOTA, ADDING NEW LANGUAGE AND DELETING CERTAIN EXISTING CITY CODE SUBSECTIONS

THE CITY COUNCIL OF THE CITY OF WINDOM, MINNESOTA, ORDAINS:

WHEREAS, the Rental Housing Ordinance was adopted in 2017. Following implementation of the Ordinance, City Staff recommends that language be added to clarify a definition and that certain relicensing provisions be deleted.

NOW, THEREFORE, THE CITY OF WINDOM, MINNESOTA, HEREBY AMENDS THE CITY CODE OF THE CITY OF WINDOM BY ADOPTING REVISIONS TO THE FOLLOWING CODE SECTIONS:

City Code Sections 150.50 through 150.99 set forth the City's Rental Housing ordinance.

1. **City Code Section 150.52** is amended by adding the following clarification of "institutional occupancies" to the definition of "*Rental Unit or Rental Housing Unit*":

RENTAL UNIT or RENTAL HOUSING UNIT. Any dwelling unit rented or offered for rent by any person or entity to any other person or persons for use for residential purposes. ***RENTAL UNIT*** does not include rooms or units in rest homes, convalescent homes, nursing homes, hotels, motels, dormitories or facilities licensed by the State of Minnesota as institutional occupancies, such as jails, penitentiaries, reformatories, or detention facilities.

2. **City Code Section 150.56**, entitled "**Inspections**", is amended by deleting Subsection 150.56(I)(1) and Subsection 150.56(I)(4) in their entirety.

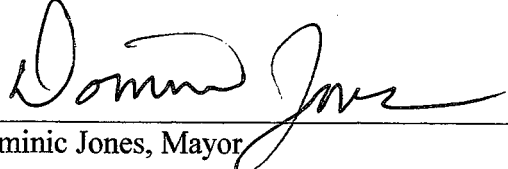
3. **City Code Section 150.57**, entitled "**License and Inspection Fees**", is amended by deleting Subsection 150.57(D) in its entirety.

THE CITY COUNCIL OF THE CITY OF WINDOM, MINNESOTA, FURTHER ORDAINS that all other existing provisions set forth in City Code Sections 150.50 through 150.99 shall remain in full force and effect.

THE CITY COUNCIL OF THE CITY OF WINDOM, MINNESOTA, FURTHER ORDAINS:

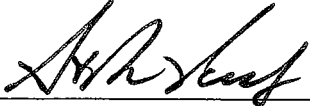
This ordinance, or an approved Title and Summary of this ordinance, shall be published in the COTTONWOOD COUNTY CITIZEN and this ordinance shall be effective immediately upon publication.

ADOPTED AND PASSED by the City Council of the City of Windom, Minnesota, this
2nd day of April, 2024.



Dominic Jones, Mayor

ATTEST:



Steven Nasby, City Administrator

1st Reading: March 19, 2024
2nd Reading: April 2, 2024
Adoption: April 2, 2024
Published: April 10, 2024

ORDINANCE NO. 199, 2ND SERIES

AN ORDINANCE OF THE CITY OF WINDOM, MINNESOTA, ADDING
NEW LANGUAGE AND SUBSECTIONS

THE CITY COUNCIL OF THE CITY OF WINDOM, MINNESOTA, ORDAINS:

WHEREAS, City Code Section 90.02, entitled "Public Nuisances Affecting Health", needs to be amended to add language concerning spills of hazardous substances and remediation; and

WHEREAS, requests for use of residential properties as short-term rental properties and requests for zoning approval for these properties have been received by the City and language needs to be added to the City Code to address this type of rental use.

NOW, THEREFORE, THE CITY OF WINDOM, MINNESOTA, HEREBY AMENDS THE CITY CODE OF THE CITY OF WINDOM BY ADOPTING REVISIONS TO THE FOLLOWING CODE SECTIONS:

City Code Section 90.02, entitled "**Public Nuisances Affecting Health**", outlines "acts, commissions, places, conditions and things" that are "specifically declared to be public health nuisances".

1. **City Code Section 90.02** is amended to add the following language as a new Subsection:

(H)(1) The dumping or spillage of grease, gasoline, diesel, oil, or other fluids used in vehicles, recreational equipment, and landscape equipment or similar equipment; petroleum products; asphalt emulsion (sealcoating, etc.); cooking oils; animal fats, oils and grease; paints, varnishes, lacquers, glues, polishes, solvents, or similar products; or any other hazardous substances on private or public property;

(2) The failure to clean up, remove, and properly dispose of the dumped/spilled hazardous substances set forth in Subsection (H)(1) and/or the failure to clean up the area contaminated by the dumping or spillage of such substances including, but not limited to, the removal and proper disposal of contaminated soil. Proper cleanup and disposal shall be as determined by the Minnesota Pollution Control Agency and other agencies/authorities regulating the remediation of spills of hazardous substances.

2. **City Code Section 90.02** is amended by re-lettering the existing Subsection (H) as Subsection (I) and re-lettering the subsequent existing subsections in Section 90.02.

3. **City Code Section 152.002 "Definitions"** is amended to add a new definition for "*Short-Term Rental Property*" as follows:

"SHORT-TERM RENTAL PROPERTY: A single-family dwelling that is rented or offered for rent by the property owner(s) to any other person or persons for use for residential purposes for a period of fourteen consecutive days or less and which may be advertised on websites such as Airbnb, VRBO, HomeAway, etc. or otherwise advertised, promoted, or offered for such use."

4. **Section 152.355:** To add this new section covering “Short-Term Rental Properties”:

§ 152.355 SHORT-TERM RENTAL PROPERTIES.

(A) *District application.* Short-term rental properties are allowed within any residential district of the city subject to the approval of a conditional use permit.

(B) *Conditions of approval.* A short-term rental property (also referred to in this Subsection as “dwelling unit”) may be allowed provided that:

(1) The dwelling unit shall be inspected and licensed by the state agency contracted by Cottonwood County for inspections and licensing of lodging facilities or the Minnesota Department of Health;

(2) The dwelling unit shall comply with Building and Fire Codes, City ordinances, and state and federal laws and regulations;

(3) Only single-family homes shall be eligible for use as short-term rental properties. The single-family home shall be located on a residential lot owned by the property owner offering it for such use. No units in any multi-family building including, but not limited to, duplexes, four-plexes, or apartment buildings shall be eligible to be used as short-term rental properties. No condominiums, townhouses, or travel trailers or other movable structures shall be eligible to be used as short-term rental properties;

(4) Two off-street parking spaces shall be provided for the dwelling unit;

(5) An agent shall be designated as the party responsible while the dwelling unit is being rented and will be able to respond to issues 24 hours a day. The agent may, but is not required to be, the owner of the property and must live and work within 50 miles of the dwelling unit. The City shall be notified in writing of any change of agent prior to such change;

(6) The property owner(s) and agent shall provide the City with a primary and secondary phone number as well as a current address. The agent shall be available 24 hours a day at one of these phone numbers during all times that the property is being rented to respond immediately to complaints or issues relating to the dwelling unit;

(7) The agent shall maintain a list of all occupants authorized to use the dwelling unit during any given rental period. The agent shall make the list of occupants available to City staff and/or law enforcement upon request;

(8) The following information shall be posted in a conspicuous place within the dwelling unit:

(a) Name and contact information for the agent in charge of monitoring the property while renters are present and a list of emergency contacts;

(b) Street address of the dwelling unit;

- (c) A list of rental rules and regulations for the dwelling unit;
- (d) Floor plan indicating fire exits and escape routes;
- (9) The short-term rental property shall be used exclusively by the renters while they are renting the dwelling unit;
- (10) The renters of the dwelling unit shall comply with local ordinances;
- (11) No signage, other than an address number, shall be placed on the short-term rental property; and
- (12) Adequate lighting shall be provided between the principal structure and the parking area for safety purposes. Any additional external lighting is prohibited.

(C) *Violations.*

(1) Public nuisance violations or violations of the terms of the conditional use permit may result in action by the City Council to revoke the conditional use permit for short-term rentals of the dwelling unit;

(2) If a short-term rental property generates a call to the Police Department resulting in criminal charges being filed for disorderly conduct, unreasonably loud parties or music, illegal alcohol sales and/or consumption, illegal controlled substance sales and/or possession, or animals running at large, the City shall notify the agent and property owner(s) in writing and direct the agent and property owner(s) to take actions to prevent further violations;

(a) If a second such incident occurs within 12 months of the first incident, the conditional use permit may be suspended pending review by the City Council;

(b) If a third such incident occurs within 18 months of the first incident, the matter will be brought to the City Council for possible revocation of the conditional use permit for use of the dwelling unit as a short-term rental property.

(3) Violations of the provisions of this Section are subject to the provisions of Section 152.999 and other relevant sections of City Code.

5. To add the following new Subsections incorporating "Short-term Rental Properties" as a conditional use in all residential districts:

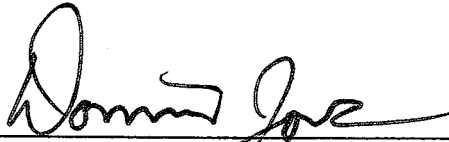
§ 152.037: (N) Short-term rental properties per § 152.355;
§ 152.052: (O) Short-term rental properties per § 152.355;
§ 152.067: (U) Short-term rental properties per § 152.355;
§ 152.082: (R) Short-term rental properties per § 152.355;
§ 152.097: (T) Short-term rental properties per § 152.355;
§ 152.132: (O) Short-term rental properties per § 152.355 and to renumber existing Subsection 152.132(O) as 152.132(P).

THE CITY COUNCIL OF THE CITY OF WINDOM, MINNESOTA, FURTHER ORDAINS that all other existing provisions set forth in City Code Chapters 90 and 152 shall remain in full force and effect.

THE CITY COUNCIL OF THE CITY OF WINDOM, MINNESOTA, FURTHER ORDAINS:

This ordinance, or an approved Title and Summary of this ordinance, shall be published in the COTTONWOOD COUNTY CITIZEN and this ordinance shall be effective immediately upon publication.

ADOPTED AND PASSED by the City Council of the City of Windom, Minnesota, this 18th day of June, 2024.



Dominic Jones, Mayor

ATTEST:



Steven Nasby, City Administrator

1st Reading: June 4, 2024
2nd Reading: June 18, 2024
Adoption: June 18, 2024
Published: June 26, 2024

ORDINANCE NO. 200, 2ND SERIES

AN ORDINANCE OF THE CITY OF WINDOM, MINNESOTA,
ADDING NEW SECTIONS TO THE CITY CODE

THE CITY COUNCIL OF THE CITY OF WINDOM, MINNESOTA, ORDAINS:

WHEREAS, the Minnesota State Legislature adopted Chapter 342 "Cannabis" to Minnesota Statutes and created the Office of Cannabis Management to make rules, establish policy, and exercise its regulatory authority over the cannabis industry and hemp consumer industry; and

WHEREAS, local units of government may adopt reasonable restrictions on the time, place, and manner of the operation of a cannabis business provided that such restrictions do not prohibit the establishment or operation of cannabis businesses; and

WHEREAS, the Office of Cannabis Management will issues licenses for these businesses; and

WHEREAS, Cottonwood County shall be responsible for issuing local registrations for these businesses, conducting required preliminary compliance checks and compliance inspections, conducting enforcement actions concerning violations, and issuing permits for temporary cannabis events pursuant to Cottonwood County Ordinance No. 43; and

WHEREAS, it is necessary that the City of Windom, Minnesota, adopt an ordinance designating zoning districts for such businesses, hours of operation for retail businesses, requirements concerning temporary cannabis events, and additional provisions to promote the safety and general welfare of the public.

NOW, THEREFORE, THE CITY OF WINDOM, MINNESOTA, HEREBY AMENDS THE CITY CODE OF THE CITY OF WINDOM BY ADOPTING THE FOLLOWING NEW CODE SECTIONS:

CANNABIS AND HEMP BUSINESSES

§ 120.01 PURPOSE.

The purpose of the regulations for cannabis and hemp businesses is to promote the safety and general welfare of the public and to place restrictions, as allowed by Minnesota Statutes, on the location of said businesses and the time of operations. The purpose of the regulations for temporary cannabis events is to promote the safety and general welfare of the public.

§ 120.02 DEVELOPMENT AND LAND USE.

Development and land use by cannabis and hemp businesses shall be regulated by Minnesota Statutes Chapter 342 and rules promulgated thereunder including, but not limited to, by the Minnesota Office of Cannabis Management, Cottonwood County Ordinance No. 43, and the Windom Municipal Code.

§ 120.03 CITY ZONING DISTRICTS AND TYPE OF USE.

The definitions of the following businesses shall be as set forth in Cottonwood County Ordinance No. 43, Minnesota Statutes Chapter 342, and as established by the Minnesota Office of Cannabis Management.

Notwithstanding anything in this Ordinance to the contrary, the following businesses shall be allowed in the City Zoning Districts as the types of uses set forth herein:

- (A) Cannabis Cultivator: Only in City Zoning District A-O as a conditional use;
- (B) Cannabis Delivery: Only in City Zoning Districts B-2, B-3, and I-1 as a permitted use;
- (C) Cannabis Manufacturer: Only in City Zoning District I-2 as a conditional use;
- (D) Cannabis Retailer: Only in City Zoning Districts B-2 and B-3 as a conditional use;
- (E) Cannabis Transportation/Transporter: Only in City Zoning District I-1 as a permitted use;
- (F) Cannabis Wholesale: Only in City Zoning District I-1 as a conditional use;
- (G) Lower-Potency Hemp Edibles Manufacturer: Only in City Zoning District I-2 as a conditional use.

Businesses listed in Subsections (C), (D), (F), and (G) shall be conducted in an indoor facility.

§ 120.04 ADDITIONAL CONDITIONS.

(A) Any Cannabis Cultivator, as defined in Minnesota Statutes Chapter 342 and by the Minnesota Office of Cannabis Management, located 500 feet or less from a residence shall conduct its operations, including cultivation of plants, in an indoor facility. The indoor facility shall comply with the performance standards set forth in Minnesota Statutes Chapter 342 and other requirements established by state administrative rules.

(B) The City Council may place additional conditions on a conditional use permit, issued pursuant to this Chapter, as deemed appropriate and as permitted by State Statute and state administrative rules.

§ 120.05 PERFORMANCE STANDARDS.

(A) All cannabis businesses shall comply with the performance standards set forth in Minnesota Statutes Chapter 342 and other requirements established by state administrative rules.

(B) These performance standards shall include, but are not limited to, security, fencing, lighting, light pollution control, odor control, ventilation and filtration systems for odor control and dust control, plans for wastewater and waste disposal, and plans for electricity, water, and other utilities necessary for the normal operation of the facility, ventilation and filtration systems. These plans shall be submitted to the City and as required by Minnesota Statutes Chapter 342 and state administrative rules.

§ 120.06 REGISTRATION, INSPECTIONS AND ENFORCEMENT.

Registration of cannabis and hemp businesses that have been licensed by the State of Minnesota shall be the responsibility of Cottonwood County, Minnesota, pursuant to Cottonwood County Ordinance No. 43. Cottonwood County, Minnesota, shall also be responsible for preliminary compliance checks, compliance inspections, enforcement actions concerning violations, and permits for temporary cannabis events pursuant to Cottonwood County Ordinance No. 43.

§ 120.07 LOCATION AND HOURS OF OPERATION.

(A) *Location:* A cannabis business shall be prohibited from operation within 500 feet of a school, daycare, or residential treatment facility. All measurements shall be made from the business building to the property line of the school, daycare, or residential treatment facility. A cannabis business shall also be prohibited from operation within 500 feet of an attraction within a public park that is regularly used by minors including, but not limited to, a playground, swimming pool, or athletic field. All measurements shall be made from the business building to the attraction.

(B) *Hours of Operation:* Cannabis businesses are limited to retail sale of cannabis, cannabis flower, cannabis products, lower-potency hemp edibles, or hemp-derived consumer products between the hours of 10 a.m. and 9 p.m. Sunday through Saturday.

§ 120.08 PROHIBITION OF CANNABIS USE ON PUBLIC PROPERTY

(A) *Public property.* For purposes of this section, “public property” means real property and improvements (such as buildings, etc.) located within the City of Windom that are owned, managed or controlled by any government entity within the City of Windom including, but not limited to, City parks, except as provided in Section 120.09 herein, City Hall, Arena, Emergency Services Facility, River Bend Liquor Store, all other City buildings, County Courthouse, Law Enforcement Center, all other County buildings, County fairgrounds, State offices such as Department of Natural Resources, Minnesota Department of Transportation, and Federal offices such as the U.S. Fish and Wildlife properties, and the property and parking lots for these buildings and facilities, and shall also include any personal property owned by these entities, such as motor vehicles and equipment.

(B) *Prohibition.* No person shall use cannabis flower, cannabis products, lower-potency hemp

edibles, or hemp-derived consumer products, as defined in Minnesota Statutes Chapter 342, on the public property described above.

§ 120.09 TEMPORARY CANNABIS EVENT.

(A) *Permit Required.* Any person or organization desiring to hold a temporary cannabis event in the City must first obtain a license from the Office of Cannabis Management and a temporary cannabis event permit from Cottonwood County pursuant to the requirements of Cottonwood County Ordinance No. 43.

(B) *Amplification Permit Required.* The event organizer shall also obtain an Amplification Permit from the City. This Permit must be approved by the City Council and the applicant shall submit the application to the City at least thirty (30) days prior to the date of the proposed event.

(C) *Insurance.* The Applicant shall provide the Cottonwood County Auditor's Office and City of Windom with proof of current commercial liability insurance coverage for the event with a minimum coverage of at least \$1,000,000 or as determined by the County/City.

(D) *Event Location, Age Restriction, Duration and Hours:* In the City of Windom, temporary cannabis events shall only be allowed in Mayflower Park. Access to the area is restricted to persons 21 years of age or older. A temporary cannabis event shall not last more than four (4) consecutive days. The event may only be held between the hours of 10:00 a.m. and 9:00 p.m. The park closes at 10:30 p.m. No overnight camping is allowed in the park. The park property shall be restored to its condition prior to the day's event and the park shall be vacated by 10:30 p.m. each day of the event.

(E) *Emergency Access and Security.* The event organizer shall ensure that emergency access to the site shall be maintained for the duration of the event. The event organizer shall ensure that security is provided at the temporary cannabis event.

(F) *Compliance with State Statutes.* All temporary cannabis events shall comply with the requirements of Minnesota Statutes § 342.01, et seq.

(G) *No Consumption of Alcohol or Tobacco.* The sale or consumption of alcohol or tobacco is not allowed at the location of the temporary cannabis event.

§ 120.20 PENALTY.

Every person who violates a section, division, paragraph or provision of this chapter when he or she performs an act thereby prohibited or declared unlawful, or fails to act when the failure is thereby prohibited or declared unlawful and, upon conviction thereof, shall be punished as for a misdemeanor and shall be fined as required by law and additional costs levied for the cost of prosecution.

**THE CITY COUNCIL OF THE CITY OF WINDOM, MINNESOTA, FURTHER
ORDAINS** that all other existing provisions set forth in City Code shall remain in full force
and effect.

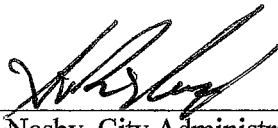
**THE CITY COUNCIL OF THE CITY OF WINDOM, MINNESOTA, FURTHER
ORDAINS:**

**This ordinance, or an approved Title and Summary of this ordinance, shall be published in
the COTTONWOOD COUNTY CITIZEN and this ordinance shall be effective immediately
upon publication.**

ADOPTED AND PASSED by the City Council of the City of Windom, Minnesota, this
1st day of April, 2025.

Hilary Mathis, Mayor

ATTEST:



Steven Nasby, City Administrator

1st Reading: March 18, 2025
2nd Reading: April 1, 2025
Adoption: April 1, 2025
Published: April 9, 2025