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CITY OF CHANHASSEN
CARVER AND HENNEPIN COUNTIES, MINNESOTA

ORDINANCE NO. 709

AN ORDINANCE AMENDING CHAPTER 7, BUILDINGS AND BUILDING REGULATIONS, CHAPTER 12, MOTOR VEHICLES AND TRAFFIC, CHAPTER 13, NUISANCES, CHAPTER 17, STREETS AND SIDEWALKS, AND CHAPTER 19, WATER, SEWERS, AND SEWAGE DISPOSAL OF THE CHANHASSEN CITY CODE

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

Section 1. Section 7-32 of the Chanhassen City Code is amended to read as follows:

Sec 7-32 Permit Required

Except as otherwise provided in this article, it shall be unlawful for anyone to work the earth without having first obtained a written permit from the city authorizing the same in accordance with this article. Active earthwork operations that predate this article that do not have a permit shall cease operations or obtain an earthwork permit within six months after the adoption of this article. Current permit holders shall come into compliance with the terms of this article no later than the renewal date of such permit holder's earthwork permit. Excavating, mining, filling and grading permits for more than 5,000 square feet of disturbance or more than 50 cubic yards, but less than 1,000 cubic yards of material in a 12-month period may be processed administratively. Excavating, mining, filling, and grading of 1,000 cubic yards of material or more in a 12-month period shall be processed in the same manner as an interim use permit. Violations of any written permit condition shall constitute a misdemeanor violation of this chapter.

Section 2. Section 7-45(b) of the Chanhassen City Code is amended to read as follows:

(b) Earthwork shall be performed during only those times established by the city council as part of the permit. If earthwork activities do not require city council approval, earthwork activities shall only be performed in accordance with Sec. 13-52(d).

Section 3. Section 7-45(d) of the Chanhassen City Code is amended to read as follows:

(d) Operators shall comply with all applicable city, county, state, and federal regulations for the protection of water quality, including the Minnesota Pollution Control Agency and Federal Environmental Protection Agency regulations for the management of erosion and sediment control. No waste products or process residue shall be deposited in any lake, stream, or natural drainage system. All surface water shall pass through a sediment control BMP before discharging offsite.

Section 4. Section 7-45(f) of the Chanhassen City Code is amended to read as follows:

(f) Operators shall comply with all requirements of the watershed management organization/watershed district where the property is located.

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Section 5. Section 12-6 of the Chanhassen City Code is amended to read as follows:

Sec 12-6 Commercial Vehicles On Certain Streets

The city council by resolution may designate streets on which travel by commercial vehicles in excess of a specific number of pounds gross weight is prohibited. The city's public works department shall erect appropriate signs on such streets. No person shall operate a commercial vehicle on such posted streets in violation of the restrictions stated.

Section 6. Section 12-7(b)(6) of the Chanhassen City Code is amended to read as follows:

(6) Trucks employed in the removal of rubbish, trash or garbage, recycling, or in the pumping of private sewage disposal systems;

Section 7. Section 12-16 of the Chanhassen City Code is amended to read as follows:

Sec 12-16 Winter Parking Regulations

On-street parking is prohibited between November 1 and April 1 between the hours of 1:00 a.m. and 7:00 a.m. On-street parking is also prohibited when there is either two inches or more of snow on a street, the street is not plowed across its full width, or if the city's Public Works Director determines the street is not safely passable by maintenance and/or emergency vehicles or equipment. Representatives of the Carver County Sheriff's Department, Minnesota State Patrol, and Code Enforcement Specialist shall have the authority to impound vehicles in violation of this section.

Section 8. Section 13-52 of the Chanhassen City Code is amended to read as follows:

Sec 13-52 Hourly Restriction On Certain Operations

(a) *Recreational vehicles and snowmobiles*. No person shall, between the hours of 10:00 p.m. and 7:00 a.m., drive or operate any snowmobile or other recreational vehicle not licensed for travel on public highways.

(b) *Domestic power equipment*. No person shall operate a power lawn mower, power hedge clipper, chain saw, mulcher, garden tiller, edger, leaf blower/vacuum, drill or other similar domestic power maintenance equipment except between the hours of 7:00 a.m. and 9:00 p.m.

(c) *Construction, maintenance and repair activities*. No person shall engage in or permit construction, maintenance or repair activities creating noise, including, but not limited to, the use of any kind of electric, diesel, pneumatic, or gas-powered machine or other power equipment except between the hours of 7:00 a.m. and 9:00 p.m. on any weekday or between the hours of 9:00 a.m. and 9:00 p.m. on Saturday, and no such activity is permitted on Sundays or on the following public holidays: New Year's Day, Memorial Day, Independence Day, Labor Day, Thanksgiving Day, Christmas Eve Day, and Christmas Day.

(d) *Construction activities in conjunction with new developments and city improvement projects*. Including but not limited to grading, utility installation, and street paving, requiring the use

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of heavy equipment shall be permitted between the hours of 7:00 a.m. and 6:00 p.m. on any weekday and 9:00 a.m. and 5:00 p.m. on Saturdays. No such activity is permitted on Sundays or public holidays. Under emergency conditions, this limitation may be waived by the written consent of the City Engineer.

(e) *Residential construction, repairs, or maintenance, including lawn maintenance, conducted by the homeowner or occupant*. These activities shall be permitted between the hours of 8:00 a.m. and 7:00 p.m. on Sundays and public holidays. The use of electronic insect deterrents (aka, "bug zappers") is limited to use between the hours of 9:00 a.m. and 9:00 p.m. during the seven days of the week.

(f) *Exceptions*. The following uses and activities are exempt from this section as specified below:

(1) Snow removal motor vehicles, equipment and operations are exempt from subsections 13-52(b) and (c).
(2) Outdoor recreational uses are exempt from subsections 13-52(b) and (c).
(3) Parking lot sweeping/cleaning vehicles, equipment, and operations are exempted from subsection 13-52(c).

Section 9. Section 17-71 of the Chanhassen City Code is amended to read as follows:

Sec 17-71 Findings, Purpose, and Election To Manage The Public Rights-Of-Way

(a) To provide for the health, safety, and welfare of its citizens and to ensure the integrity of its streets and the appropriate use of the rights-of-way, the city strives to keep its rights-of-way in a state of good repair and free from unnecessary encumbrances.

(b) To create a transportation system which permits safe, efficient, and effective movement of people and goods, the city shall limit access to collector streets, minor arterials, intermediate arterials, and principal arterials.

(c) Accordingly, the city hereby enacts this new article of this Code relating to right-of-way permits and administration. This article imposes reasonable regulation on the placement and maintenance of facilities and equipment currently within its rights-of-way or to be placed therein at some future time. It is intended to complement the regulatory roles of state and federal agencies. Under this article, persons excavating and obstructing the rights-of-way will bear financial responsibility for their work. Finally, this article provides for recovery of out-of-pocket and projected costs from persons using the public rights-of-way.

(d) This article shall be interpreted consistently with 1997 Session Laws, Chapter 123, substantially codified in M.S. §§ 237.16, 237.162, 237.163, 237.79, 237.81, and 238.086 (the "Act"), and 2017 Session Laws, Chapter 94, and subsequent legislative amendments to the Act, and the other laws governing applicable rights of the city and users of the right-of-way, as amended. This article shall also be interpreted consistent with Minnesota Rules 7819.0050—7819.9950 and Minnesota Rules Chapter 7560 and subsequent amendments thereto where possible. Those laws and rules are hereby adopted by reference, and to the extent any provision of this article cannot be interpreted consistently with the Act or Minnesota Rules, that interpretation most consistent with applicable statutory and case law is

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intended. This article shall not be interpreted to limit the regulatory and police powers of the city to adopt and enforce general ordinances necessary to protect the health, safety, and welfare of the public.

(e) Pursuant to the authority granted to the city under state and federal statutory, administrative, and common law, the city hereby elects to manage rights-of-way within its jurisdiction.

Section 10. Section 19-17 of the Chanhassen City Code is amended to read as follows:

Sec 19-17 Access To Premises

The owner or occupant of premises served by the water supply system shall give city personnel access to the premises at reasonable times for the purpose of making inspections and/or performing maintenance in connection with the enforcement of this article.

Section 11. Section 19-18(b) of the Chanhassen City Code is amended to read as follows:

(b) It is unlawful for any person, firm, or corporation to turn on or off any water control valve installed on the city water supply system on city property, right-of-way, or easement. This includes but is not limited to, all fire hydrants, water main control valves, water service control valves for industrial and commercial properties and curb stops for residential water services. The following are exempted by this prohibition:

(1) City employees that are authorized to maintain the city water distribution system or who have administrative approval.
(2) Emergency personnel affiliated with the city for use in emergency situations. This includes the fire department.
(3) Plumbers may turn on water service control valves and curb stops located on private property after the water meter is installed.

Section 12. Section 19-20(b) of the Chanhassen City Code is amended to read as follows:

(b) The applicant shall pay a lateral connection fee that is just and equitable in an amount established pursuant to the ordinance adopting fees.

Section 13. Section 19-25 of the Chanhassen City Code is amended to read as follows:

Sec 19-25 Service Lines

It shall be the responsibility of the property owner to maintain the service line from the curb stop to the structure being served. In case of failure on the part of any consumer or owner to repair any leak occurring in the service line from the curb stop to the structure being served within 24 hours after oral or written notice has been given such individual, the water shall be shut off until the line is repaired. The owner shall be responsible for ensuring that the curb box is straight and keyable at all times so that sections of the city system do not have to shut down for private system repairs.

Section 14. Section 19-28(a) of the Chanhassen City Code is amended to read as follows:

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(a) Use of the city water supply system for lawn and garden sprinkling, irrigation, car washing or other nonpotable uses shall be limited to an odd-even schedule corresponding to property address, effective each year from May 1 to September 30. Furthermore, the use of the city water supply system for lawn and garden sprinkling and/or irrigation shall be prohibited between the hours of 10:00 a.m. and 5:00 p.m. Whenever the city council or, on a temporary basis, the public works director and/or the city manager or city manager's designee, shall determine that a shortage of the water supply threatens the city, they may further limit the days and hours during which water may be used from the city water supply system. Special permit consideration will be given for those property owners with new seed or sod if, in the opinion of the public works director, sufficient water for such permits is available.

Section 15. Section 19-52 of the Chanhassen City Code is amended to read as follows:

Sec 19-52 Service Lines

It shall be the responsibility of the property owner to maintain the service line from the property line to the structure being served. In the case where the service line is connected to the public sanitary main located in a public drainage and utility easement, the property owner shall maintain the service line from the public drainage and utility easement line to the structure being served. In case of failure on the part of any owner to repair any leak occurring in the service line within 24 hours after oral or written notice has been given, the city may repair the leak and bill the property owner for the work and time incurred on the repair.

Section 16. This ordinance shall be effective immediately upon its passage and publication.

PASSED AND ADOPTED this 22nd day of May, 2023 by the City Council of the City of Chanhassen, Minnesota.

DocuSigned by:
Kim T. Meuwissen
27A7BEAB6267418...
Kim Meuwissen, City Clerk

DocuSigned by:
Elise Ryan
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Elise Ryan, Mayor

(Summary Ordinance 703 published in the Chanhassen *Villager* on June 1, 2023)