

CHAPTER 12: GENERAL, DEFINITIONS & PENALTIES

SECTION 1200. GENERAL PROVISIONS.

SECTION 1205. DEFINITIONS AND RULES OF CONSTRUCTION.

SECTION 1210. PENALTIES.

SECTION 1215. ORDINANCES.

SECTION 1200. GENERAL PROVISIONS.

1200.00. Title.

This codification of the ordinances of the City of Greenwood is known as “The 2010 Greenwood Ordinance Code” or “the city code.” It also may be referred to within this codification as “this code,” or “the code,” or “the ordinance code.”

1200.10. Interpretation.

1. This code must be construed liberally to carry out its purposes. State rules of statutory construction apply to the interpretation of this code.
2. Use of the words “chapter” or “section” are a clear reference to all the sections, including paragraphs and subparagraphs, that have the same number appearing before the decimal point. Use of the words “chapter” or “section” do not expand the meaning of the citation unless the meaning clearly refers to more than one chapter or section.
3. All headings used in divisions of this code are not part of the subject matter of the code and are intended for convenience only.
4. Grammatical errors do not negate an ordinance. A transposition of words and clauses may be used when a sentence is without meaning as written. Words and phrases that may be necessary for the proper interpretation of an ordinance may be added if they do not conflict with its obvious intent and do not affect its scope and operation.
5. The singular includes the plural, and all pronouns include the masculine, feminine and neuter.

1200.15. Adoption By Reference.

Various state laws and rules and certain codes are adopted by reference into this code. At least one copy of the adopted item will be kept or accessed at www.revisor.leg.state.mn.us/pubs for public review by the city clerk or the clerk’s designee. Adoption of a state law or rule includes any subsequent amendments.

1200.20. Relation to State Law.

When this code imposes a more stringent rule or standard of conduct than contained in similar provisions in state laws or rules, the provisions of this code will prevail to the extent permitted by law.

1200.25. Inconsistent Provisions.

The regulatory provisions of this code are minimum requirements. If the provisions in one section of this code differ from those in any other section, the provisions that are more restrictive or that impose the higher standard will prevail.

1200.30. Separability.

Every section, subdivision, paragraph, and subparagraph of this code is separable from every other code provision. If a provision of the code is held invalid, it will not affect any other code provision.

Section 1200.35. History Notes.

The history notes appearing after sections of this code are not intended to have any legal effect, but are merely intended to indicate the source of matter contained in the section.

Section 1200.40. References and Editor's Notes.

References and editor's notes following certain sections of this code are inserted as an aid and guide to the reader and are not controlling nor meant to have any legal effect.

Section 1200.45. Code Does Not Affect Prior Offenses, Penalties, and Rights.

Nothing in this code or the ordinance adopting this code shall affect any offense or act committed or done, or any penalty or forfeiture incurred, or any contract or right established or accruing before the effective date of this code.

Section 1200.50. Effect of Repeals.

The repeal of an ordinance or portion of this code shall not revive any ordinance or portion of this code in force before or at the time the provision repealed took effect. The repeal of an ordinance or a portion of this code shall not affect any punishment or penalty incurred before the repeal took effect, nor any suit, prosecution, or proceeding pending at the time of the repeal, for an offense committed under the provision repealed.

Section 1200.55. Certain Ordinances Not Affected By Code.

Nothing in this code or the ordinance adopting this code shall be construed to repeal or otherwise affect the validity of any of the following when not inconsistent with this code:

- (a) Any offense or act committed or done or any penalty or forfeiture incurred before the effective date of this code.
- (b) Any ordinance or resolution promising or guaranteeing the payment of money for the city, or authorizing the issue of any bonds of the city, or any evidence of the city's indebtedness, or any contract, right, agreement, lease, deed, or other instrument or obligation assumed by the city.
- (c) Any administrative ordinances of the city not in conflict or inconsistent with the provisions of this code.
- (d) Any right or franchise granted by any ordinance.
- (e) Any ordinance or resolution dedicating, naming, establishing, locating, relocating, opening, paving, widening, repairing, vacating, etc., any street or public way in the city.
- (f) Any appropriation ordinance.
- (g) Any ordinance levying or imposing taxes.
- (h) Any ordinance prescribing fees, fines, charges, rates, or other specific monetary values.
- (i) Any ordinance annexing territory, or excluding territory, or any ordinance extending the boundaries of the city.
- (j) Any ordinance establishing traffic or parking regulations on any street or public way, including traffic schedules.
- (k) Any ordinance regarding salaries or compensation of city officers or employees.
- (l) Any zoning ordinance or zoning map amendment.
- (m) Any temporary or special ordinances.

All such ordinances are recognized as continuing in full force and effect to the same extent as if set out at length in this code. All ordinances are on file in the city offices.

SECTION 1205. DEFINITIONS AND RULES OF CONSTRUCTION.**1205.00. Definitions and Rules of Construction.**

Unless the context clearly indicates otherwise, the following definitions and rules of construction shall be observed for the purpose of this code. Definitions that are specific to zoning are found at the beginning of chapter 11.

Abandoned means that to which the owner(s) has relinquished all right, title, claim and possession with intention of never again resuming operation as heretofore known. (LAKE PROTECTION 1035)

Abandoned Vehicle means a vehicle, that has remained for a period of more than 24 hours on public property illegally or lacking vital component parts, or has remained for a period of more than 48 hours on private property without the consent of the person in control of such property or in an inoperable condition such that it has no substantial potential

further use consistent with its usual functions unless it is kept in an enclosed garage or storage building. It also shall mean a motor vehicle voluntarily surrendered by its owner to and accepted by the city or its agent. A classic car or pioneer car as defined in Minnesota statutes, shall not be considered an abandoned motor vehicle. (UNCLAIMED / ABANDONED 1015)

Administrator means the Greenwood city administrator.

Advertisement Tubes, Mailing Tubes means any device designed as a roadside receptacle or depository for the delivery and/or distribution of advertising circulars, coupons, solicitations, or other printed material; provided, however, that this license requirement shall not apply to containers used exclusively for a receptacle of regularly scheduled newspaper publications. (AD TUBES 490)

Affiliate of a Declarant means any person who controls, is controlled by or is under common control with a declarant. A person "controls" a declarant if the person (i) is a general partner, officer, director, or employee of the declarant or (ii) directly or indirectly or acting in concert with one or more other persons, or through one or more subsidiaries, owns, controls, holds with power to vote, or holds proxies representing more than 20% of the voting interests of the declarant, or (iii) controls in any manner the election of a majority of the directors of the person, or (iv) has contributed more than 20% of the capital of the declarant. (CONDOS 345)

Alarm System means an assembly of equipment and devices (or a single device such as a solid state unit) arranged to signal an event requiring a police and/or fire response. For the purposes of this ordinance, the alarm, when triggered, must be directly connected to a central monitoring agency which then notifies the police and/or fire departments of an emergency to which public safety personnel must respond, or may emit an audible signal which will require urgent attention and to which public safety personnel are expected to respond. (POLICE 455, FIRE 460)

Alarm User means the person, firm, partnership, association, corporation, company or organization of any kind on whose premises an alarm system is maintained. "Alarm user" shall include persons occupying dwelling units for residential purposes. "Alarm user" shall not include persons maintaining alarm systems in automobiles. (POLICE 455, FIRE 460)

Animal Control Authority means an agency of the state, county, municipality or other governmental subdivision of the state which is responsible for animal control operations in its jurisdiction. (ANIMAL 445)

Animal, Domesticated (Domestic) means such animals as dogs, cats, caged birds, gerbils, hamsters, guinea pigs, domesticated rabbits, fish, non-poisonous, non-venomous and non-constricting reptiles or amphibians, and other similar domesticated animals. (ANIMAL 445)

Animal, Non-Domesticated (Non-Domestic) means animals which are naturally wild and not naturally trained or domesticated, or which are inherently dangerous to the health, safety, and welfare of people. Unless otherwise defined, such animals shall include:

- (a) Any member of the cat family (family felidae) including lions, tigers, cougars, bobcats, leopards and jaguars, but excluding commonly accepted domesticated house cats;
- (b) Any naturally wild member of the canine family (family canidae) including wolves, foxes, coyotes, dingoes, and jackals, but excluding commonly accepted domesticated dogs;
- (c) Any member or relative of the rodent family including any skunk (whether or not de-scented), raccoon, or squirrel, but excluding those members otherwise defined or commonly accepted as domesticated pets;
- (d) Any poisonous, venomous, constricting, or inherently dangerous member of the reptile or amphibian families including rattlesnakes, boa constrictors, pit vipers, crocodiles and alligators; and
- (e) Any other animal which is not explicitly listed above but which can be reasonably defined by the terms of this subsection including, but not limited to, bears, deer, monkeys and other species non-indigenous to Minnesota.
- (f) Any animal defined as livestock by Minnesota Department of Agriculture Rule 1515.3100. (ANIMAL 445)

Animal Enforcement Officer means the person, firm or corporation charged by the council of the city with enforcement of animal ordinances. (ANIMAL 445)

Animal Shelter means any premises designated by the city council or the SLMPD for the purpose of impounding and caring for animals held under the authority of this ordinance. (ANIMAL 445)

Animal Waste Device means a device for sanitary removal of animal feces. (ANIMAL 445)

Applicant means any person who wishes to obtain a permit, license, zoning or subdivision approval.

At Large means any animal when it is off the premises of the person, firm, corporation, organization, or department possessing, harboring, keeping, having an interest in, or having care, custody, or control of the animal, and the animal is not under restraint. (ANIMAL 445)

Authorized Enforcement Agency means employees or designees of the city of Greenwood or the Minnesota Pollution Control Agency as designated to enforce this ordinance. (STORMWATER 311)

Auto Repair Shop includes all business operations that provide on-site labor toward the maintenance of motor vehicles. (GAS / REPAIR 420)

Barking. The phrase “to bark excessively, continuously, or untimely” includes, but is not limited to, barking, whining, howling, baying, crying, or making other noise excessively, such that the creation of the noise by any single or combination of dogs can be heard by any person, including a law enforcement officer or animal control officer, from a location outside of the building or premises where the dog is being kept and which noise occurs repeatedly over at least a five minute period of time with one minute or less lapse of time between each animal noise during the five minute period. “Untimely” includes, but is not limited to, the noise which occurs repeatedly over a two-minute period of time with one-minute or less lapse of time between each animal noise during the two-minute period, between 10pm and 7am. (ANIMAL 445)

Best Management Practices (BMPs) - Illicit Discharge means schedules of activities, prohibitions of practices, general good housekeeping practices, pollution prevention and educational practices, maintenance procedures, and other management practices to prevent or reduce the discharge of pollutants directly or indirectly into stormwater, receiving waters, or stormwater conveyance systems. BMPs also include treatment practices, operating procedures, and practices to control site runoff, spillage or leaks, sludge or water disposal, or drainage from raw materials storage. (STORMWATER 311)

Biochemical Oxygen Demand (BOD) means the quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure in 5 days at 20° centigrade, expressed in milligrams per liter. (SEWERS 310)

Block means a parcel of land containing 1 or more lots and bounded on 1 or more sides by a street. (SUBDIVISIONS 600)

Boat means any contrivance used or designed for navigation on water except non-motorized contrivances 10 feet or less in length. In the case of the shoreland management district regulations (sec 1176 et seq.) the maximum length is limited to 40 feet. (NOTE: THIS DEFINITION APPEARS IN CHAPTERS 11 & 12, AMENDED APR 2021 ORD 309)

Boat Dock See definition of “dock.”

Boating Season means the period from May 15 to October 15 of a given year in regard to all docks and shore spaces owned, operated, or controlled by the city. (CITY MARINA 425)

Bodily Harm means physical pain or injury, illness, or any impairment of physical condition. (ANIMAL 445)

Bodily Harm, Substantial means bodily injury which involves a temporary but substantial disfigurement, or which causes a temporary but substantial loss or impairment of the function of any bodily member or organ, or which causes a fracture of any bodily member. (ANIMAL 445)

Bodily Harm, Great means bodily injury which creates a high probability of death, or which causes serious permanent disfigurement, or which causes a permanent or protracted loss or impairment of the function of any bodily member or organ or other serious bodily harm. (ANIMAL 445)

Building Drain means that part of the lowest piping of a drainage system which receives the discharge from soil, waste, and other drainage pipes inside the walls of the building and conveys it to a building sewer and which extends 5 feet beyond the outside of building footings. (SEWERS 310)

Building Sewer means the extension from the outer end of the building drain to the public sewer or other place of disposal. (SEWERS 310)

Burning Permit means a permit issued by the city authorizing fires exempted from the general provisions and setting conditions. (GARBAGE / BURNING 475)

Canvasser means a person: (a) who goes from door to door or place to place to sell merchandise or other personal property, real estate or any interest therein, or any property whatsoever, or personal services; and (b) who sells the same by soliciting, taking or attempting to take orders, or by entering into or attempting to enter into contracts, whereby possession or delivery of, or transfer of title to, any such property, or performance of any such personal

services, is or must take place in the future; and (c) whether or not samples are in the possession of such person, or whether or not partial or full payment is made when such order is taken or contract made. (PEDDLERS 465)

Cause means any behavior, act or course of conduct on the part of any person, which may or is likely to result in a disturbance of the peace. (PENAL 900)

City means the city of Greenwood, located in Hennepin County, Minnesota, including all territory lying within its boundaries and shall extend to and include its several officers, agents, and employees.

City Plan includes all plans of the city council or planning commission for land use, transportation facilities, and community facilities.

Clean Water Act means the federal Water Pollution Control Act (33 U.S.C. § 1251 et seq.), and any subsequent amendments thereto. (STORMWATER 311)

Clerk means the Greenwood city clerk.

City Council and Council mean the city council of Greenwood, Minnesota.

City Engineer means the person or persons, individual or corporate designated from time to time by the city council as the city engineer.

Collector Street means a street that carries traffic from minor streets to thoroughfares. It includes the principal entrance streets of a residential development and principal streets for circulation within such development. (SUBDIVISIONS 600)

Collocate or Collocation means to install, mount, maintain, modify, operate, or replace a small wireless facility on, under, within, or adjacent to an existing wireless support structure or utility pole that is owned privately, or by the city or other governmental unit. (NOTE: MINN. STAT. § 237.162, SUBD. 10; GREENWOOD ROW SECTION 630)

Commercial Kennel means a kennel used for boarding and breeding or selling dogs for a profit. (ANIMAL 445)

Community Health Board includes all authorized officers and deputies of the Hennepin County Community Health Board or other health board established pursuant to Minnesota statutes responsible for health compliance in the city.

Compliance Checks means the system the city uses to investigate and ensure that those authorized to sell tobacco products and tobacco-related devices are following and complying with the requirements of the city. Compliance checks involve the use of people under the age of 21. Compliance checks also shall mean the use of people under the age of 21 who attempt to purchase tobacco, tobacco products, or tobacco-related devices for educational, research and training purposes as authorized by state and federal laws. Compliance checks also may be conducted by other units of government for the purpose of enforcing appropriate federal, state, or local laws and regulations relating to tobacco, tobacco products, and tobacco-related devices. (TOBACCO 415)

Computation of Time. The time, where the performance or doing of any act, duty, matter, payment, or thing is ordered or directed and the period of time or duration for its performance or doing is prescribed and fixed by law or ordinance, shall be computed so as to exclude the first and include the last day of the prescribed period or duration of time. When the last day of the period falls on a Saturday, Sunday, or legal holiday, that day shall be omitted from the computation.

Condominium means real estate, portions of which are designated for separate ownership and the remainder of which is designated for common ownership solely by the owners of the separate ownership portions. Real estate is not a condominium unless the undivided interests in the common elements are vested in the units' owners. (CONDOS 345)

Construction Activity - Illicit Discharge means activities subject to NPDES construction permits. These include construction projects resulting in land disturbance of 1 acre or more and projects that disturb less than 1 acre if they are part of a larger common plan of development. Such activities include but are not limited to clearing and grubbing, grading, excavating, and demolition. (STORMWATER 311)

Conversion Condominium means a condominium containing a building that at any time before the recording of the declaration creating a condominium under Minnesota statutes contained residential rental units. (CONDOS 345)

County means the Hennepin County, Minnesota.

Cul-de-sac means a minor street with only one outlet. (SUBDIVISIONS 600)

Dangerous Animal means an animal, including dangerous dogs, as defined in Minnesota statutes section 347.50, as amended, which states:

(a) Without provocation, inflicted substantial bodily harm on a human being on public or private property; or

- (b) Killed a domestic animal without provocation while off the owner's property; or
- (c) Been found to be potentially dangerous and, after the owner has received notice that the animal is potentially dangerous, the animal aggressively bites, attacks, or endangers the safety of humans or domestic animals.

(ANIMAL 445)

Dealer, Animal means a public or private agency, person, society, or corporation that sells or transfers dogs or cats to corporations, institutions or to other dealers who sell or transfer to corporations or institutions. (ANIMAL 445)

Derelict means that which the owner(s) has either forsaken by leaving in a state of disrepair and exposed to the elements, or deserted without evidence of physical maintenance for a period of 1 year. (LAKE PROTECTION 1010)

Deteriorate. To decay, corrode, disintegrate, fracture, or weather severely. (LAKE PROTECTION 1010)

Disaster means a situation which creates an immediate and serious impairment to the health and safety of any person, or a situation which has resulted in or is likely to result in major loss to property, and for which traditional sources of relief and assistance within the affected area are unable to repair or prevent the injury or loss. (CIVIL DEFENSE 210)

Declarant means (a) If the condominium has been created, any person who has executed a declaration other than persons holding interests in the real estate solely as security for an obligation, persons whose interests in real estate will not be conveyed to unit owners, or, in the case of a leasehold condominium, a lessor who is not an affiliate of a declarant; or (b) If the condominium has not yet been created, any person who offers to dispose of his interest in a unit not previously disposed of. (CONDOS 345)

Dock means a platform extending waterward from the shoreline, floating or otherwise, intended for ingress and egress from watercraft or to provide access to deeper water for swimming, fishing, or other water-oriented recreational activities. For purposes of this code, all docks are accessory structures subject to interior side yard setbacks set forth at section 1176.05. (NOTE: THIS DEFINITION APPEARS IN CHAPTERS 11 & 12)

Easement means a grant by an owner of land for the specific use of said land by the public generally, or to a person or persons. (SUBDIVISIONS 600)

Electric Bicycles Electric bicycles, which are commonly referred to as e-bikes, include Class 1 electric-assisted bicycles, Class 2 electric-assisted bicycles, and Class 3 electric-assisted bicycles as defined in Minnesota Statute 169.011 Subd. 15a, 15b, and 15c. (ADDED BY ORD 341)

Emergency means an unforeseen combination of circumstances, which calls for immediate action to respond, or prevent from developing or occurring. (CIVIL DEFENSE 210)

Emergency Management means the preparation for and the carrying out of all emergency functions to prevent, repair, or minimize injury and damage resulting from disasters caused by fire, flood, tornado and other acts of nature, sabotage, hostile action, industrial hazardous material mishaps, or other major incidents. These functions include, without limitation, fire-fighting services, police services, emergency medical services, engineering, warning services, communications, radiological, and chemical, evacuation, congregate care, emergency transportation, existing or properly assigned functions of plant protection, temporary restoration of public utility services, and other functions related to civil protection, together with all other activities necessary or incidental for carrying out of the foregoing functions. Emergency management includes those activities sometimes referred to as "civil defense" or "emergency preparedness" functions. (CIVIL DEFENSE 210)

Emergency Management Forces means the total personnel resources engaged in city-level emergency management functions in accordance with the provision of this ordinance or any rule or order thereunder. This includes personnel from city departments, authorized volunteers, and private organizations and agencies. (CIVIL DEFENSE 210)

Emergency Management Mutual Aid means any disaster or major incident, which requires the dispatching of city personnel, equipment or other necessary resources within or without the city limits. (CIVIL DEFENSE 210)

Emergency Management Organization means the staff element responsible for coordinating city-level planning and preparation for disaster response. This organization provides a city liaison and coordination with federal, state and local jurisdictions relative to disaster preparedness activities, major incidents, mutual aid, and other projects consistent with this ordinance and assures implementation of federal, state, country and other program requirements. (CIVIL DEFENSE 210)

Et Seq. following a section or subsection means the sections or subsections designated, together with the following sections or subsections that pertain to the same subject matter or that are related.

Event Center means a property, or the buildings thereon, commercially offered, promoted, used, or employed as a venue or site open to the public or available for the conduct of public or private gatherings of people or for the conduct of events thereof of any sort or kind. (THIS DEFINITION APPEARS IN CHAPTERS 11 & 12)

Facility means any tangible asset associated with the provision of utility service that is or will be located in the public right-of-way. (ROW 630)

False Alarms means the activation of an alarm system through mechanical failure, malfunction, improper installation, or the negligence of the owner or lessee of an alarm system or of their employees or agents. It does not include activation of the alarm by utility company power outages or by climatic conditions such as tornadoes, lightning, earthquakes, or other violent conditions of nature, or any other conditions which are clearly beyond the control of the alarm manufacturer, installer or owner. (POLICE 455, FIRE 460)

Final Plat means the final map, drawing or chart on which the subdivider's plan of subdivision is presented to the city council for approval and which, if approved, will be submitted to the county registry of deeds or registrar of titles. (SUBDIVISIONS 600)

Garbage means all putrescible animal, vegetable or other matter, including matter that attends the preparation, consumption, display, dealing in or storage of meat, fish, fowl, fruit or vegetables, and including the cans, containers or wrappers wasted along with such materials.

Garage Sale means the sale of goods to the general public from a residential zoned property. (EVENTS 450)

Gasoline Service Station includes all premises whereon the owner or occupant conducts the business of furnishing and selling gasoline, lubricating oils, parts or accessories for motor vehicles. (GAS / REPAIR 420)

Gender. A word importing either the masculine or feminine gender shall extend and be applied to both the masculine and feminine genders, and to firms, partnerships, and corporations.

Hazardous Materials means any material, including any substance, waste, or combination thereof, which because of its quantity, concentration, or physical, chemical, or infectious characteristics may cause, or significantly contribute to, a substantial present or potential hazard to human health, safety, property, or the environment, when improperly treated, stored, transported, disposed of, or otherwise managed. (STORMWATER 311)

Hawker or Peddler means a person who goes from door to door or place to place to sell merchandise or other property which is in the possession of such person, or personal service, and to deliver such merchandise or other personal property, or perform such services, contemporaneously with such sale thereof. (PEDDLERS 465)

Home Occupation means a business, business office and/or business related support services housed, located, operated, or conducted from in or about a residence carried on by individuals residing therein as regulated by section 480. (THIS DEFINITION APPEARS IN CHAPTERS 11 & 12)

Hotel, Motel means any building or portion of a building where residential use, or occupancy, or sleeping accommodations is offered to persons for short-term or transient use in exchange for compensation on a per-use, per-day, per-week, or less than a per-month basis. (THIS DEFINITION APPEARS IN CHAPTERS 11 & 12)

Illegal Discharge means any direct or indirect non-stormwater discharge to the storm drain system, except as exempted in section 311 of this ordinance. (STORMWATER 311)

Illicit Connections means any drain or conveyance, whether on the surface or subsurface, which allows an illegal discharge to enter the storm drain system including, but not limited to, any conveyances which allow any non-stormwater discharge including sewage, process wastewater, and wash water to enter the storm drain system and any connections to the storm drain system from indoor drains and sinks, regardless of whether said drain or connection had been previously allowed, permitted, or approved by the city or, any drain or conveyance connected from a commercial or industrial land use to the storm drain system which has not been documented in plans, maps, or equivalent records and approved by the city. (STORMWATER 311)

Individually Packaged means the practice of selling any tobacco or tobacco product wrapped individually for sale. Individually wrapped tobacco and tobacco products shall include, but not be limited to, single cigarette packs, single bags or cans of loose tobacco in any form, and single cans or other packaging of snuff or chewing tobacco. Cartons or other packaging containing more than a single pack or other container shall not be considered individually packaged. (TOBACCO 415)

Industrial Activity means activities subject to NPDES Industrial Permits as defined in 40 CFR, Section 122.26 (b)(14). (STORMWATER 311)

Industrial Wastes means any liquid, or water borne wastes resulting from any process of industry, manufacturing, trade or business. (SEWERS 310)

Intersection has the same meaning as that contained in Minnesota statutes chapter 169.

Issuing Authority means the city zoning administrator, council or their designee.

Lake Minnetonka Regional Emergency Management, Preparedness Planning and Review Committee means a committee made up of the Lake Minnetonka area emergency management directors which develops, renews and establishes a basic emergency plan, and identifies and coordinates training for member communities and reviews local plans, exercises, major incidents and disaster responses. (CIVIL DEFENSE 210)

Lake Recreation Center means a property, or the buildings thereon, commercially offered, promoted, used, or employed as a venue or site open to the public or available for the conduct of public or private gatherings of people or for the conduct of events thereat of any sort or kind of lake use or lake access related activity, including, but not limited to, the hosting of gatherings or events, the provision of food, refreshments, services of any kind, equipment rentals, swimming, fishing, camping, water skiing, personal water craft use, boat launch or docking services, (of whatever length of term), or charter boat passenger collection point. (THIS DEFINITION APPEARS IN CHAPTERS 11 & 12)

Livestock means any of the following: chickens; cows; pigs; goats; horses; mules or asses; ostriches; emu; cattle; sheep; llama; any animal typically kept for horticultural purposes. (ANIMALS 445)

Loitering means the failure or refusal on the part of any person to vacate or leave any premises after, being requested or ordered, either orally or in writing, for cause so to do by the owner, agent, manager or person in charge thereof, or by any law enforcement agent or official; or the failure or refusal when requested or ordered to stop or cease the behavior, act or conduct; provided that this shall not include any person on such premises who may be the owner or tenant of any part thereof, nor shall it include any person present thereon because of any emergency, nor any law enforcement or other governmental official who may be present thereon as part of their official duty, nor shall it include the husband, wife, children, employee or tenant of such owner or occupier. (PENAL 900)

Loosies means the common term used to refer to a single or individually packaged cigarette. (TOBACCO 415)

Lot means a parcel, piece, or portion of land designated by metes and bounds, registered land survey, auditor's plat, or other means typically included in one PID tax number and otherwise legally separated from other parcels or portions by legal description for the purpose of specially identifying the same. To be a lot, the parcel must abut a public street or a public way or have access to a public street or a public way. The word "lot" shall include the word "plot." For the purposes of the shoreland management district regulations (section 1176), a lot shall be considered to be an individual building site which shall be occupied by no more than 1 principal structure equipped with sanitary facilities. (NOTE: THIS DEFINITION APPEARS IN CHAPTER 11 & 12)

Major Incident means any incident, which exhausts local resources. (CIVIL DEFENSE 210)

Management Costs means the actual costs the city incurs in managing its rights-of-way, including such costs, if incurred, as those associated with registering applicants; issuing, processing, and verifying right-of-way or small wireless facility permit applications; inspecting job sites and restoration projects; maintaining, supporting, protecting, or moving user facilities during right-of-way work; determining the adequacy of right-of-way restoration; restoring work inadequately performed after providing notice and the opportunity to correct the work; and revoking right-of-way or small wireless facility permits. Management costs do not include payment by a telecommunications right-of-way user for the use of the right-of-way, unreasonable fees of a third-party contractor used by the city including fees tied to or based on customer counts, access lines, or revenues generated by the right-of-way or for the city, the fees and cost of litigation relating to the interpretation of Minnesota Session Laws 1997, Chapter 123; Minnesota Statutes Sections 237.162 or 237.163; or any ordinance enacted under those sections, or the city fees and costs related to appeals taken pursuant to section 630 of this code book. (ROW 630)

Marina means a property, or the buildings thereon, commercially offered, promoted, used, or employed as a venue or site open to the public offering power boat, sailboat or personal watercraft launching, mooring (however temporary), or available for the conduct of any sort or kind of lake use or lake access related activity, including, but not limited to, the provision of food, refreshments, ice, fuel, services of any kind, water-related equipment or boat rentals, swimming, fishing, waterskiing, personal watercraft use, or charter boat passenger collection point.

(THIS DEFINITION APPEARS IN CHAPTERS 11 & 12)

Marginal Access Street means a service drive or minor street that is parallel and adjacent to a thoroughfare and which provides access to abutting properties and protection from through traffic. (SUBDIVISIONS 600)

May. The term “may” is permissive.

Minnesota Statutes shall mean and refer to the latest edition or supplement of Minnesota statutes.

Minor means a person under the age of 18 years. (TOBACCO 415)

Minor Street means a street of limited continuity used primarily for access to the abutting properties and the local needs of a neighborhood. (SUBDIVISIONS 600)

Mobile Home means any vehicle as defined by Minnesota statutes, which is designed or can be used for living or sleeping purposes. (MOBILE HOMES 405)

Mobile Home Park means an approved area, lot or parcel of land, designed, reserved and maintained for the parking of trailer coaches and the residence therein of motorists or trailer coach occupants, as defined by Minnesota statutes. (MOBILE HOMES 405)

Month means a calendar month.

Motor Vehicles include, but are not limited to, automobiles and trucks of all forms, motorcycles, motor scooters, mopeds, motorized bicycles, go-carts, snowmobiles, lawn tractors, or any other device intended to transport persons or property powered by an internal combustion engine. Motorized wheel chairs are specifically exempted from this definition of motor vehicles. (PARK TRAIL 745)

Moveable Place of Business means any form of business operated out of a truck, van, automobile, or other type of vehicle or transportable shelter and not a fixed address store front or other permanent type of structure authorized for sales transactions. (TOBACCO 415)

MPCA means Minnesota Pollution Control Agency. (STORMWATER 311)

Municipality means the City of Greenwood, located in Hennepin County, Minnesota, including all territory lying within its boundaries.

National Pollutant Discharge Elimination System (NPDES) Stormwater Discharge Permit means a permit issued by EPA (or by the State of Minnesota under authority delegated pursuant to 33 USC § 1342(b)) that authorizes the discharge of pollutants to Waters of the State, whether the permit is applicable on an individual, group, or general area-wide basis. (STORMWATER 311)

Natural Outlet means any outlet to a watercourse, pond, ditch, lake or other body of surface or groundwater. (SEWERS 310)

Non-Intoxicating Malt Liquor means non-intoxicating malt liquor is malt liquor containing not less than 0.5% of alcohol by volume, nor more than 3.2% alcohol by weight. (LIQUOR 800)

Non-Stormwater Discharge means any discharge to the storm drain system that is not composed entirely of stormwater. (STORMWATER 311)

Number. A word importing the singular may extend and be applied to the plural, and vice versa.

Officer means a sheriff, peace or police officer. (UNCLAIMED / ABANDONED 920)

Officer, Employee, Department, Board, Commission, or Other Agency. Whenever any officer, employee, department, board, commission, or other agency is referred to by title only, such reference shall be construed as if followed by the words “of the city of Greenwood, Minnesota.” Whenever, by the provisions of this code, any officer, employee, department, board, commission, or other agency of the city is assigned any duty or empowered to perform any act or duty, reference to such officer, employee, department, board, commission, or other agency shall mean and include such officer or any designee or authorized subordinate and also shall include the successor in function to such officer, employee, department, board, commission, or agency.

Open Burning means burning any matter whereby the resultant combustion products are emitted directly into the open atmosphere without passing through an adequate stack, duct or chimney. (GARAGE / BURNING 475)

Original Package shall mean the bottle or seal container in which the liquor is placed at the point of manufacture. (LIQUOR 800)

Outmoded means that which is no longer usable, suitable or practical for the purpose for which it was designed. (LAKE PROTECTION 1010)

Owner means the person or party holding legal title, (or their actual legal agent), to land, vehicle, or other personal property (if ownership is titled under state law, or if not formally titled, the person who purports to be, or by past conduct has exercised possessory control of personal property. Lessees and leaseholders have no presumed

ownership rights and must demonstrate actual authority to act on behalf of the titled holders before the city may recognize their authority or ownership interest. (NOTE: THIS DEFINITION APPEARS IN CHAPTERS 11 & 12)

Owner, Animal means any person, firm, corporation, organization, or department possessing, harboring, keeping, having an interest in, or having care, custody, or control of an animal. (ANIMAL 445)

Peddler. See “hawker.” (PEDDLERS 465)

Permit or License means a document issued by the city that is required before a person may engage in specified activities listed in chapter 5 of this code book.

Permittee means a person or persons, firm, or governmental agency or other institution that is granted a permit by the city under this code and shall be presumed to be the responsible party under any such permit. (NOTE: THIS DEFINITION APPEARS IN CHAPTERS 11 & 12)

Person. The term “person” shall extend and be applied to associations, clubs, societies, firms, partnerships, and bodies politic and corporate as well as to individuals. For the purpose of imposing penalties or fines for violation of any section of this code and whenever the term “person” is used in such section for which a penalty is imposed, the term shall include partners or members of an association, and as to corporations shall include its officers, agents, or members who are responsible for any such violation. (NOTE: THIS DEFINITION APPEARS IN CHAPTERS 11 & 12)

Personal Property shall include every type of property except real property.

pH means the logarithm of the reciprocal of the weight of hydrogen ions in grams per liter of solution. (SEWERS 310)

Pollutant means anything which causes or contributes to pollution. Pollutants may include, but are not limited to: paints, varnishes, and solvents; oil and other automotive fluids; non-hazardous liquids, solid wastes, and yard wastes; refuse, rubbish, garbage, litter, or other discarded or abandoned objects, and accumulations, so that same may cause or contribute to pollution; floatables; pesticides, herbicides, and fertilizers; hazardous substances and wastes; sewage, fecal coliform and pathogens; dissolved and particulate metals; animal wastes; wastes and residues that result from constructing a building or structure; and noxious or offensive matter of any kind. (STORMWATER 311)

Pollution means the contamination of any waters so as to create a nuisance or render such waters unclean, or noxious, or impure so as to be actually or potentially harmful or detrimental or injurious to public health, safety or welfare, to domestic, commercial, industrial or recreational use, or to livestock, wild animals, birds, fish or other aquatic life. (SEWERS 310)

Potentially Dangerous Animal means any animal, including a potentially dangerous dog as defined in Minnesota Statutes, Section 347.50, as amended, that:

- (a) When unprovoked, inflicts bites on a human or domestic animal on public or private property; or
- (b) When unprovoked, chases or approaches a person, including a person on a bicycle, upon the streets, sidewalks, or any public or private property, other than the animal owner's property, in an apparent attitude of attack; or
- (c) Has a known propensity, tendency, or disposition to attack unprovoked, causing injury or otherwise threatening the safety of humans or domestic animals; or
- (d) Has been declared a potentially dangerous dog or potentially dangerous animal by any lawful authority of this or any other state or subdivision thereof. (ANIMAL 445)

Preliminary Plat means the preliminary map, drawing or chart indicating the proposed layout of the subdivision to be submitted to the planning commission and council for their consideration. (SUBDIVISIONS 600)

Premises When employed in section 1100 et.seq, means a lot or property being employed for a use of any kind. In all other contexts of this code, “premises” shall mean any land or site as referenced in a particular code section, including any, lot, parcel, residence, apartment, or commercial building, sidewalk, boulevard, street, highway, alley, playground, parking lot, dock or other location whether public or private within the corporate limits of the city.

(NOTE: THIS DEFINITION APPEARS IN CHAPTERS 11 & 12)

Premises, Animal means a building, structure, shelter, or land where a dog or other domesticated or non-domesticated animal is kept or confined, and specifically excludes all public rights-of-way, sidewalks, and streets. (ANIMAL 445)

Private Property means all property not included within the definition of public property or public place.

Proper Enclosure means securely confined indoors or in a securely enclosed and locked pen or structure suitable to prevent the animal from escaping and providing protection from the elements for the animal. A proper enclosure does not include a porch, patio, or any part of a house, garage, or other structure that would allow the animal to exit of its own volition, or any house or structure in which windows are open or in which door or window screens are the only obstacles that prevent the animal from exiting. (ANIMAL 445)

Properly Shredded Garbage means garbage that has been shredded to such a degree that all particles thereof will be carried freely under the flow conditions normally prevailing in public sewers. (SEWERS 310)

Property When employed in section 1100 et. seq, “property” means a parcel of land identified by a property tax identification number. In all other contexts of this code, “property” shall mean real, personal, and/or property of mixed character. (NOTE: THIS DEFINITION APPEARS IN CHAPTERS 11 & 12)

Provocation means an act that an adult could reasonably expect may cause an animal to attack or bite. With regard to an animal other than a dog, provocation also means an act that an adult could reasonably expect may cause an animal of that species to attack or bite. (ANIMAL 445)

Public Nuisance, Animal means any animal that habitually worries, chases or molests persons travelling peaceably on a public road or off the premises of its owner, or violates a prohibition of this ordinance, is a public nuisance. It shall be considered a nuisance for any animal to bark excessively, continuously or untimely; to frequent school grounds, parks, or public beaches; to chase vehicles; to chase, molest, annoy or bite any person if the person is not on the property of the owner or custodian of the animal; to molest, defile or destroy any property, public or private; or to defecate in or upon public property or the property of another without being cleaned up immediately by the person in charge of the animal. The person having custody of the animal is responsible for disposing of the animal feces in a sanitary manner. Failure on the part of the owner or custodian to prevent his animals from committing an act of nuisance shall subject the owner or custodian to penalty. (ANIMALS 445)

Public Property and Public Place means any place or property dedicated to public use, or owned or occupied by the city or any other governmental agency. Including but not limited to any park, street, public way, cemetery, or adjacent open space, and any lake or stream.

Public Right-of-Way or Right-of-Way means the area on, below, or above a public roadway, highway, street, alley, cartway, bicycle lane, or public sidewalk which the city maintains or otherwise has an interest, and other easements dedicated to the public or to use for utility service. The public right-of-way does not include the airwaves with regard to nonwire telecommunications or broadcast services. (ROW 630)

Public Sewer means a sewer in which all owners of abutting properties have equal rights, and which is controlled by a public authority. (SEWERS 310)

Purchaser means any person, other than a declarant, who by means of a voluntary transfer acquires a legal or equitable interest in a unit, other than (i) a lease hold interest (including renewal options) of less than 3 years, or (ii) as security for an obligation. (CONDOS 345)

Real Property shall include land and generally whatever is erected or growing upon or affixed to the land.

Recreational Corridor shall mean all lands under the ownership of the Hennepin County Regional Railroad Authority, former railroad right-of-way which has not been deeded to adjacent property owners and which may or may not be maintained with a graded surface for travel by the general public and which may or may not have been leased by the Hennepin County Regional Railroad Authority or the Three Rivers Park District. (PARK TRAIL 735)

Recreational Fires means wood-burning outdoor open fires for recreational uses. (GARBAGE / BURNING 475, DEFINITION AMENDED BY ORD 241 FEB 2015)

Recyclables means materials which may be recycled or reused through recycling processes, including newsprint, corrugated cardboard, unsorted glass, food and beverage containers, and unsorted aluminum, steel bimetal and “tin” food and beverage containers, and any other materials designated as recyclable. (GARBAGE / BURNING 475)

Refuse means all solid waste products composed wholly or partly of such materials as garbage, trash, swill, sweepings, cleanings, rubbish, litter, industrial solid wastes or domestic solid wastes, organic wastes or residues of animals; and animal excreta or the carcass of animals; tree or shrub trimmings or grass clippings; Christmas trees; demolition, alteration or construction waste matters such as brick, plaster or wood or metal; tires. (GARBAGE / BURNING 475)

Resident means an individual who resides within the boundaries of the city of Greenwood, Minnesota, and has declared it to be their residence to the State of Minnesota Department of Public Safety as evidenced by their Minnesota driver's license or identification card. (MUN. DOCKS 425)

Restoration or Restore means the process by which an excavated public right-of-way and surrounding area, including pavement and foundation, is returned to the same condition that existed before excavation. (ROW 630)

Restraint, Animal. An animal is considered to be under restraint, provided that:

- (a) It is on the premises of the person, firm, corporation, organization, or department possessing, harboring, keeping, having an interest in, or having care, custody, or control of the animal; or
- (b) It is in a private motor vehicle or camper, with secured windows and doors, of a person, firm, corporation, organization, or department possessing, harboring, keeping, having an interest in, or having care, custody, or control of the animal; or
- (c) In all other locations, other than animals in a designated "off-leash" park, it is on a secure leash of no longer than 6 feet in length. (ANIMALS 445)

Retail Establishment means any place of business where tobacco, tobacco products, or tobacco related devices are available for sale to the general public. Retail establishments shall include, but not be limited to, grocery stores, convenience stores, and restaurants. (TOBACCO 415)

Sale means any transfer of goods for money, trade, barter, or other consideration. (TOBACCO 415)

Sanitary Sewer means a sewer that carries sewage or industrial wastes and to which storm, surface, and ground waters are not intentionally admitted. (SEWER 310)

Security for an Obligation means the vendor's interest in a contract for deed, mortgagee's interest in a mortgage, purchaser's interest under a sheriff's certificate of sale, or the holder's interest in a lien. (CONDOS 345)

Self-Service Merchandising means open displays of tobacco, tobacco products, or tobacco related devices in any manner where any person shall have access to the tobacco, tobacco products, or tobacco related devices, without the assistance or intervention of the licensee or the licensee's employee. The assistance or intervention shall entail the actual physical exchange of the tobacco, tobacco product, or tobacco related device between the customer and the licensee or employee. Self-service merchandising shall not include vending machines. (TOBACCO 415)

Sewage means any liquid wastes containing animal or vegetable matter in suspension or solution and may include liquids containing chemicals in solution. (SEWERS 310)

Sewage Treatment Plant means any arrangement of devices and structures used for treating sewage and industrial wastes. (SEWERS 310)

Sewage Works means all facilities and equipment for collecting, pumping, treating and disposing of sewage and industrial wastes. (SEWERS 310)

Sewer means a pipe or conduit for carrying sewage or industrial wastes. (SEWERS 310)

Shall. The term "shall" is mandatory.

Showcase Event means the opening of a residential property for viewing by the general public for the purpose of marketing goods or services for private commercial or general charitable purposes, including use of a residential property as a featured attraction for the benefit of the homeowner or a third party. A showcase event shall not include an open house in connection with the sale of a residential property by a private owner, or an estate sale or garage sale by a private owner not more than once per calendar year. Examples of showcase events shall include, but shall not be limited to, the Parade of Homes, Remodeler's Showcase, Luxury Home Tour, garden tours, art tours, or other similar events. (EVENTS 450)

Slip means a boat slip is a designated space or area in a marina, dock or waterfront facility where a boat can be moored or docked. Typically consists of narrow, water filled space, often between two piers or docks, that allows boats to be securely tied up while providing access to water. (DEFINITION ADDED MARCH 2025 ORD 345)

Slug means any discharge of water, sewage or industrial waste which in concentration of any given constituent or in quantity of flow exceeds for any period of duration longer than 15 minutes more than 5 times the average 24 hour concentration or flows during normal operation. (SEWERS 310)

SLMPD means the South Lake Minnetonka Police Department.

Small Wireless Facility means a wireless facility that meets both of the following qualifications:

- (i) each antenna is located inside an enclosure of no more than 6 cubic feet in volume or could fit within such an enclosure; and
- (ii) all other wireless equipment associated with the small wireless facility provided such equipment is, in aggregate, no more than 28 cubic feet in volume, not including electric meters, concealment elements, telecommunications demarcation boxes, battery backup power systems, grounding equipment, power transfer switches, cutoff switches, cable, conduit, vertical cable runs for the connection of power and other services, and any equipment concealed from public view within or behind an existing structure or concealment.

(NOTE: MINN. STAT. § 237.162, SUBD. 11; GREENWOOD ROW SECTION 630)

State means the state of Minnesota.

Storm Drain means a building drain that conveys stormwater but not sewage. (SEWERS 310)

Storm Drainage System means publicly-owned facilities by which stormwater is collected and/or conveyed, including but not limited to any roads with drainage systems, municipal streets, gutters, curbs, inlets, piped storm drains, pumping facilities, infiltration, retention and detention basins, natural and human-made or altered drainage channels, reservoirs, and other drainage structures. (STORMWATER 311)

Stormwater means any surface flow, runoff, and drainage consisting entirely of water from any form of natural precipitation, and resulting from such precipitation. (STORMWATER 311, SITE RUN-OFF 1177, THIS DEFINITION APPEARS IN CHAPTERS 11 & 12)

Stormwater Pollution Prevention Plan (SWPPP) means a document which describes the Best Management Practices and activities to be implemented by a person or business to identify sources of pollution or contamination at a site and the actions to eliminate or reduce pollutant discharges to Stormwater, Stormwater Conveyance Systems, and / or Receiving Waters to the maximum extent practicable. (STORMWATER 311, SITE RUN-OFF 1177, THIS DEFINITION APPEARS IN CHAPTERS 11 & 12)

Street means a way for vehicular traffic, whether designated as a road, street, highway, thoroughfare, parkway, thoroughway, and as defined by Minnesota statutes chapter 169.

Subdivider means any person commencing proceedings under this ordinance to effect a subdivision of land. (SUBDIVISIONS 600)

Subdivision When used in the context of the subdivision ordinance (section 600 et. seq.), "subdivision" means the division of a parcel of land into 2 or more lots or parcels of land for the purpose of transfer of ownership or of building developments. The term also includes re-subdivision; and, when appropriate, the context shall relate to the process of subdividing or to the land subdivided. In all other contexts of this code "subdivision" means a described tract of land which is to be or has been divided into 2 or more lots or parcels, for the purpose of transfer of ownership building development, or if a new street is involved, any division of a parcel of land. The term includes re-subdivision, and, where it is appropriate to the context, relates either to the process of subdivision or to the land subdivided. (NOTE: THIS DEFINITION APPEARS IN CHAPTERS 11 & 12)

Suspended Solids means solids that either float on the surface of, or are in suspension in water, sewage or other liquids, and which are removable by laboratory filtering. (SEWERS 310)

Swimming Pool means any constructed pool, used for swimming or bathing, over 24 inches in depth, or with a surface area exceeding 150 square feet.

Telecommunications right-of-way user means a person owning or controlling a facility in the right-of-way, or seeking to own or control a facility in the right-of-way that is used or is intended to be used for providing wireless service, or transporting telecommunication or other voice or data information. For purposes of this chapter, a cable communication system defined and regulated under Minn. Stat. Chap. 238, and telecommunication activities related to providing natural gas or electric energy services, a public utility as defined in Minn. Stat. Sec. 216B.02, a municipality, a municipal gas or power agency organized under Minn. Stat. Chaps. 453 and 453A, or a cooperative electric association organized under Minn. Stat. Chap. 308A, are not telecommunications right-of-way users for purposes of this chapter except to the extent such entity is offering wireless service. (ROW 630)

Tenant, Occupant, Lessee. The terms "tenant," "occupant," and "lessee," when applied to a building or land, shall include any person holding a written or oral lease of, or who occupies the whole or part of, such building or land, either alone or with others.

Tense. Words used in the past or present tense include the future as well as the past and present.

Theater with Attached Restaurant means a venue for live plays, dramatic and musical performances with on-site licensed commercial kitchen and dining accommodations used primarily for the provision of on-site, sit-down food service. The venue may be licensed for on-sale of intoxicating liquor, but shall not be licensed for off-sale liquor sales. The kitchen facility may be employed for take-out food service or off-site catering services, provided:

- 1) the take-out and catering services combined do not exceed 10% of the operator's annual sales, and
- 2) the take-out and catering services do not significantly increase parking demand at the venue or adversely impact needed available parking for the venue at peak operating times.

Drive-up windows and drive-through food service are prohibited. The venue also may be employed and made available for hire for weddings, and private and corporate events, provided such business and services do not exceed 25% of the operator's annual sales. (ADDED BY ORD 222, DEC 2013; THIS DEFINITION ALSO APPEARS IN CHAPTER 11).

This Ordinance means the chapter or section in which it appears and related sections, subsections, paragraphs and subdivisions under the same chapter or section.

Thoroughfare means a fast or heavy traffic street of considerable continuity and used primarily as a traffic artery for intercommunication among large areas. (SUBDIVISIONS 600)

Tobacco or Tobacco Products means cigarettes; e-cigarettes; cigars; little cigars; cheroots; stogies; periques; granulated, plug cut, crimp cut, ready rubbed, and other smoking tobacco; snuff; snuff flour; cavendish; plug and twist tobacco; fine-cut and other chewing tobacco; shorts; refuse scraps, clippings, cuttings and sweepings of tobacco; and other kinds and forms of tobacco. "Tobacco" or "tobacco products" also means any products containing, made, or derived from tobacco that is intended for human consumption, whether chewed, smoked, absorbed, dissolved, inhaled, snorted, sniffed, or ingested by any other means, or any component, part, or accessory of a tobacco product.

(TOBACCO 415)

Tobacco-Related Devices means any tobacco products as well as pipe, rolling papers, or other device intentionally designed or intended to be used in a manner which enables the chewing, sniffing, or smoking of tobacco or tobacco products. (TOBACCO 415)

Transient Merchant means a person: (a) who hires, leases, occupies or uses a building, structure, or vacant lot for the exhibition and sale of merchandise or other property or personal services; and (b) who is engaged in a temporary business in the state of Minnesota, either traveling from place to place or in one locality selling merchandise or other property, or personal services. (PEDDLERS 465)

Trash means all non-putrescible solid waste, such as wood, leaves, trimmings, soil, earth, sand, clay crockery, ashes, cinders, whether combustible or non-combustible material which has been or is to be discarded. (GARBAGE / BURNING 475)

Unit means a portion of the condominium whether or not contained solely or partially within a building designated for separate ownership. (CONDOS 345)

Utility Service includes: (1) services provided by a public utility as defined in Minnesota Statutes, section 216B.02, subdivisions 4 and 6; (2) services of a telecommunications right-of-way user, including the transporting of voice or data information; (3) services provided by a cable communications system as defined in Minnesota Statutes, chapter 238; (4) natural gas or electric energy or telecommunications services provided by a local government unit; (5) services provided by a cooperative electric association organized under Minnesota Statutes, chapter 308A; and (6) water, sewer, steam, cooling, or heating services. (ROW 630)

Utility Pole means a pole that is used in whole or in part to facilitate telecommunications or electric service.

(NOTE: MINN. STAT. § 237.162, SUBD. 12; GREENWOOD ROW SECTION 630)

Vehicle shall have the meaning assigned it in Minnesota statutes chapter 169 and also shall be defined to mean "trailer," "motorized bicycle," "recreational vehicle (RV)," "all terrain vehicle (ATV)," "snowmobile," "watercraft," and "boat."

Vending Machine means any mechanical, electric or electronic, or other type of device which dispenses tobacco, tobacco products, or tobacco related devices upon the insertion of money, tokens, or other form of payment directly into the machine by the person seeking to purchase the tobacco, tobacco product, or tobacco related device. (TOBACCO 415)

Vital Component Parts means those parts of a vehicle that are essential to the mechanical functioning of the vehicle, including, but not limited to, the motor, drive-train, and wheels. (UNCLAIMED / ABANDONED 920)

Waiting List means the list of people for which there are no watercraft space permits presently available as compiled by the city clerk according to this ordinance. (MUN. DOCKS 425)

Wastewater means any water or other liquid, other than uncontaminated stormwater, discharged from a facility or property. (STORMWATER 311)

Watercourse means a channel in which a flow of water occurs, either continuously or intermittently. (SEWER 310)

Watercraft means a boat at least 14 feet in length and not more than 23 feet in length whose beam or width shall not exceed 8 feet 6 inches. Immediate past watercraft space permit holders whose watercraft identified on their 1997 watercraft space permit violates the size requirements of this definition shall not be denied renewal of the permit for non-conformance of the same watercraft. (MUN. DOCKS 425)

Watercraft Owner means up to 2 individuals who hold exclusive title to a watercraft as confirmed by the title card issued by the state of Minnesota. Up to 2 individuals living at the same residence may be listed on the watercraft title. Partnerships, corporations, or associations of individuals owning watercraft do not qualify as a "watercraft owner" under this ordinance. (MUN. DOCKS 425)

Watercraft Space means a dock or shore space located at municipal property, the use of which requires a watercraft space permit. (MUN. DOCKS 425)

Watercraft Space Permit means a permit to moor or dock one watercraft at the Greenwood municipal docks or other assigned location for one boating season. (MUN. DOCKS 425)

Watercraft Space Permit Holder (Immediate Past) means a watercraft owner who held a watercraft space permit for the immediate preceding boating season. (MUN. DOCKS 425)

Waters of the State means all streams, lakes, ponds, marshes, watercourses, waterways, wells, springs, reservoirs, aquifers, irrigation systems, drainage systems, and all other bodies or accumulations of water, surface or underground, natural or artificial, public or private, which are contained within, flow through, or border upon the state of Minnesota or any portion thereof. (STORMWATER 311, SITE RUN-OFF 1177, THIS DEFINITION APPEARS IN CHAPTERS 11 & 12)

Wild Animal means any of the following: (a) Front fanged venomous snakes, including the viperidae and elaphidae families of snakes such as rattlesnakes and cobras; (b) Snakes over 8 feet in length; (c) Reptiles which have the physical ability as an adult to cause substantial bodily injury as defined in Minnesota statutes chapter 609 as amended to humans and/or domestic animals such as python snakes, and crocodilians; (d) Animals which can transmit rabies but which cannot be vaccinated against rabies except domestic animals such as cows; (e) Mammals which as a breed are considered wild by nature because of breeding, history, character, habit or disposition; and (f) Mammals which have at least 25% of their parentage from mammals specified in (e) above. (g) Wild animal specifically includes animals such as wolf, fox, skunk, raccoon, mink, bobcat, deer, monkey, but do not include fish, bird, hamster, gerbil, or guinea pig. (ANIMALS 445)

Wireless Facility means equipment at a fixed location that enables the provision of wireless services between user equipment and a wireless service network, including equipment associated with wireless service, a radio transceiver, antenna, coaxial or fiber-optic cable, regular and backup power supplies, and a small wireless facility, but not including wireless support structures, wireline backhaul facilities, or cables between utility poles or wireless support structures, or not otherwise immediately adjacent to and directly associated with a specific antenna. (NOTE: MINN. STAT. § 237.162, SUBD. 13; GREENWOOD ROW SECTION 630)

Wireless Service means any service using licensed or unlicensed wireless spectrum, including the use of Wi-Fi, whether at a fixed location or by means of a mobile device, that is provided using wireless facilities. Wireless service does not include services regulated under Title VI of the Communications Act of 1934, as amended, including cable service. (ROW 630)

Wireless Support Structure means a new or existing structure in a right-of-way designed to support or capable of supporting small wireless facilities, as reasonably determined by the city. (NOTE: MINN. STAT. § 237.162, SUBD. 16; GREENWOOD ROW SECTION 630)

Written and In Writing shall include any representation of words, letters, or figures, whether by printing or otherwise.

1205.05. State Definitions Adopted By Reference.

In addition to the definitions in section 1205.00, the definitions contained in Minnesota statutes are adopted by reference as the definitions for words or phrases in this code, unless the context clearly indicates otherwise.

SECTION 1210. PENALTIES.**1210.00. Prohibited Acts.**

1. A person must not do any of the following:
 - a. violate, fail to comply with, or assist, authorize or permit the violation of a provision of this code;
 - b. violate, fail to comply with, or assist, authorize, or permit the violation of the terms and conditions of a city approval, including permits and licenses, required and granted under this code;
 - c. knowingly make or submit a false statement, document, or material omission in connection with an application or procedure required by this code; or
 - d. perform an act or take an action which requires a city issued permit or license (variance, conditional use permit, license, permit, or other city approval) without the necessary permit or license first obtained and fees paid.
2. No section or part of this code designating the duties of an official, employee, or appointee of the city may be construed to make that person liable for the penalties provided below.

1210.10. Penalties.

1. A person who violates section 1210.00 is guilty of a misdemeanor and upon conviction will be punished in accordance with state law; provided, that if a different punishment is stated in this code, that provision governs the punishment for the violation.
2. Designation as a petty misdemeanor or a petty offense means that upon conviction the sentence will be in accordance with state law. If not designated as "petty misdemeanor" or a "petty offense," a violation is a misdemeanor (penal offense) as set forth above in paragraph 1. Any reference in this code to a "penal offense" shall mean a misdemeanor offense as defined by state law.
3. Each calendar day that section 1210.00 is violated constitutes a separate offense.
4. In addition to any civil or criminal fine for the violation, a person who violates section 1210.00 (1)(d) must pay twice the applicable municipal permit or license fee related to the violation.
5. A violation of section 1210.00 constitutes sufficient grounds for denial of an application required by this code that is related to the violation.
6. A violation of section 1210.00 constitutes sufficient grounds for revocation or suspension of the license or permit issued under this code that is related to the violation.
7. Action prohibited by section 1210.00 may, at the option of the city, void a city approval that is related to the violation.
8. The city attorney may institute a legal proceeding in the name of the city to prevent, restrain, remedy, or abate a violation of section 1210.00.
9. Nothing in this section prevents the city from taking other action permitted by law including seeking court ordered civil injunctive relief or criminal prosecution in district court for any violation without need to first issue an administrative civil citation; and the penalties and remedies provided here and under other law are cumulative.

1210.15. Administrative Citations and Civil Penalties.

Sections 1210.15 through 1210.55 govern administrative citations and civil penalties for violations of the city code.

1210.20. Purpose.

The city council finds that there is a need for alternative methods of enforcing the city code. While criminal fines and penalties have been the most frequent enforcement mechanism, there are certain negative consequences for both the city and the accused. The delay inherent in that system does not ensure prompt resolution. Citizens resent being labeled as criminals for violations of administrative regulations. The higher burden of proof and the potential of

incarceration do not appear appropriate for most administrative violations. The criminal process does not always regard city code violations as being important. Accordingly, the city council finds that the use of administrative citations and the imposition of civil penalties is a legitimate and necessary alternative method of enforcement. This method of enforcement is in addition to any other legal remedy that may be pursued for city code violations.

1210.25. General Provisions.

1. Provisions of the city code may by separate ordinance identify specific code violations to be an administrative offense subject to a specific civil administrative fine memorialized in chapter 5 of the city code accordingly. Such ordinance shall specify the civil fines for each offense or repeat offense on a per day per violation basis. Each day a violation exists constitutes a separate offense.
2. At the sole election of the city any violation of the city code, not otherwise specified as provided above by ordinance, may be cited as an administrative offense by the city administrator or city zoning administrator in which event each offense shall be subject to a civil administrative fine of \$300 or such larger amount as may then be the applicable maximum for petty misdemeanor offenses under Minnesota statutes. Each day a violation exists constitutes a separate offense.
3. The designation of a city code provision as an administrative offense subject to civil fines shall not limit or prevent the city from electing to prosecute violations, including first offenses, in the district court without first resort to administrative citations.
3. An administrative offense may be subject to a civil penalty not exceeding the dollar amount set by the city council from time to time and memorialized in chapter 5 of the city code, or if none so specified, a civil administrative fine of \$300 or such larger amount as may then be the applicable maximum for petty misdemeanor offenses under Minnesota statutes on a per day per violation basis. Provided that civil fines payable on repeat or ongoing offenses, if not otherwise specified in the code, shall be subject to a multiplier of two for the second offense, three for the third offense, and four for a fourth offense.
4. The city council is not bound by that schedule when a matter is appealed to it for administrative review. The city council may adopt a schedule of fees to be paid to administrative hearing officers.
5. The city clerk must adopt procedures for administering the administrative citation program.

1210.30. Administrative Citation.

1. A person authorized to enforce provisions of the city code may issue an administrative citation upon belief that a code violation has occurred. The citation must be issued in person or by mail to the person responsible for the violation or attached to the motor vehicle in the case of a vehicular offense. The citation must state the date, time, and nature of the offense, the name of the issuing officer, the amount of the scheduled fine, and the manner for paying the fine or appealing the citation. Recipients of administrative citations must cause the alleged violation to be brought into code compliance within 14 days from the date of the administrative citation. Thereafter additional administrative citations may, in the sole discretion of the city, be issued for each day the alleged violation continues unabated.
2. The person responsible for the violation must either pay the scheduled fine or request a hearing within 14 days after issuance. An administrative hearing fee in an amount set by the council and memorialized in chapter 5 shall be paid at the time of the request for hearing.
3. Payment of the fine constitutes admission of the violation. A late payment fee of 10% of the scheduled fine amount may be imposed under section 1210.50.

1210.35. Administrative Hearing.

1. The city council will periodically approve a list of lawyers, from which the city administrator will randomly select a hearing officer to hear and determine a matter for which a hearing is requested. The accused will have the right to request no later than 5 days before the date of the hearing that the assigned hearing officer be removed from the case. One request for each case will be granted automatically by the city administrator. A subsequent request must be for good cause directed to the assigned hearing officer who will decide whether he or she cannot fairly and objectively review the case. The city enforcement officer may remove a hearing officer only by requesting that the assigned hearing officer find that he or she cannot fairly and objectively review the case. If such a finding is made, the officer shall remove himself or herself from the case, and the city administrator will assign another hearing officer. The hearing officer is not a judicial officer but is a public officer as defined by Minnesota statute

609.415. The hearing officer must not be a city employee. The city administrator must establish a procedure for evaluating the competency of the hearing officers, including comments from accused violators and city staff. These reports must be provided to the city council.

2. Upon the hearing officer's own initiative or upon written request of an interested party demonstrating the need, the officer may issue a subpoena, (using the form approved and available from for download at www.mncourts.gov) for the attendance of a witness or the production of books, papers, records or other documents that are material to the matter being heard. The party requesting the subpoena is responsible for serving the subpoena in the manner provided for civil actions and for paying the mileage fees and witness fees due a witness as prescribed by statute. A person served with a subpoena may file an objection with the hearing officer promptly but no later than the time specified in the subpoena for compliance. The officer may cancel or modify the subpoena if it is unreasonable or oppressive. A person who, without just cause, fails or refuses to attend and testify or to produce the required documents in obedience to a subpoena is guilty of a misdemeanor. Alternatively, the party requesting the subpoena may seek an order from district court directing compliance.
3. Notice of the hearing must be served in person or by mail on the person responsible for the violation at least 10 days in advance, unless a shorter time is accepted by all parties. At the hearing, the parties will have the opportunity to present testimony and question any witnesses, but strict rules of evidence will not apply. The hearing officer must tape record the hearing and receive testimony and exhibits. The officer must receive and give weight to evidence, including hearsay evidence, which possesses probative value commonly accepted by reasonable and prudent people in the conduct of their affairs.
4. The hearing officer has the authority to determine that a violation occurred, to dismiss a citation, to impose the scheduled fine, and to reduce, stay, or waive a scheduled fine either unconditionally or upon compliance with appropriate conditions, and direct the city to rebate hearing filing fees. When imposing a penalty for a violation, the hearing officer may consider any or all of the following factors:
 - (a) the duration of the violation;
 - (b) the frequency or reoccurrence of the violation;
 - (c) the seriousness of the violation;
 - (d) the history of the violation;
 - (e) the violator's conduct after issuance of the notice of hearing;
 - (f) the good faith effort by the violator to comply;
 - (g) the economic impact of the penalty on the violator;
 - (h) the impact of the violation upon the community; and
 - (i) any other factors appropriate to a just result.

The hearing officer may exercise discretion to impose a fine for more than one day of a continuing violation, but only upon a finding that (1) the violation caused a serious threat of harm to the public health, safety, or welfare or that (2) the accused intentionally and unreasonably refused to comply with the code requirement. The hearing officer's decision and supporting reasons must be in writing.

5. Except for matters subject to administrative review under section 1210.40, the decision of the hearing officer is final without any further right of administrative appeal. In a matter subject to administrative review under section 1210.40, the hearing officer's decision may be appealed to the city council by submitting a request in writing to the city administrator within 10 days after the hearing officer's decision.
6. The failure to attend the hearing constitutes a waiver of the violator's rights to an administrative hearing and an admission of the violation. The hearing officer may impose an appropriate fine. The hearing officer may waive this result upon good cause shown. Examples of "good cause" are: death or incapacitating illness of the accused; a court order requiring the accused to appear for another hearing at the same time; and lack of proper service of the citation or notice of the hearing. "Good cause" does not include forgetfulness and intentional delay.

1210.40. Administrative Review.

1. The hearing officer's decision in any of the following matters may be appealed by a party to the city council for administrative review:
 - (a) an alleged failure to obtain a permit, license, or other approval from the city council as required by an ordinance;
 - (b) an alleged violation of a permit, license, other approval, or the conditions attached to the permit, license, or approval, that was granted by the city council; and

- (c) an alleged violation of regulations governing a person or entity who has received a license granted by the city council.
- 2. The appeal will be heard by the city council after notice served in person or by registered mail at least 10 days in advance. The parties to the hearing will have an opportunity to present oral or written arguments regarding the hearing officer's decision.
- 3. The city council must consider the record, the hearing officer's decision, and any additional arguments before making a determination. The council is not bound by the hearing officer's decision, but may adopt all or part of the officer's decision. The council's decision must be in writing.
- 4. If the council makes a finding of a violation, it may impose a civil penalty pursuant to section 1210.25, and may consider any or all of the factors contained in section 1210.35 (4). The council may also reduce, stay, or waive a fine unconditionally or based on reasonable and appropriate conditions.
- 5. In addition to imposing a civil penalty, the council may suspend or revoke a city-issued license, permit, or other approval associated with the violation, if the procedure in city code section 400.25-400.35, inclusive has been followed. The hearing required in this section is satisfied by the hearing before the hearing officer with the right of appeal to the city council as provided under chapter 12 of this code.

1210.45. Judicial Review.

An aggrieved party may obtain judicial review of the decision of the hearing officer or the city council by proceeding under a writ of certiorari in district court.

1210.50. Recovery of Civil Penalties.

- 1. If a civil penalty is not paid within the time specified, it will constitute:
 - (a) a lien on the real property upon which the violation occurred if the property or improvements on the property was the subject of the violation and the property owner was found responsible for that violation; or
 - (b) a personal obligation of the violator in all other situations.
- 2. A lien may be assessed against the property and collected in the same manner as taxes.
- 3. A personal obligation may be collected by appropriate legal means.
- 4. A late payment fee of 10% of the fine shall be assessed for each 30-day period, or part thereof, that the fine remains unpaid after the due date.
- 5. During the time that a civil penalty remains unpaid, the provisions of city code section 400 et. seq. apply to a license, permit, or other city approval sought by the violator or for property under the violator's ownership or control.
- 6. Failure to pay a fine is grounds for suspending or revoking a license related to the violation.

1210.55. Criminal Penalties.

The following are misdemeanors, punishable in accordance with state law:

- 1. failure to pay a fine imposed by a hearing officer within 30 days after it was imposed, or such other time as may be established by the hearing officer, unless the matter is appealed under section 1210.40; and
- 2. failure to pay a fine imposed by the city council within 30 days after it was imposed, or such other time as may be established by the city council.

If the final adjudication in the administrative penalty procedure is a finding of no violation, then the city may not prosecute a criminal violation in district court based on the same set of facts. This does not preclude the city from pursuing a criminal conviction for a violation of the same provision based on a different set of facts. A different date of violation will constitute a different set of facts.

SECTION 1215. ORDINANCES.

1215.05. Ordinance Enactment.

Ordinances must be enacted in accordance with state law, city charter, and this code. Ordinances will be integrated into this code in accordance with this chapter.

Section 1215.06. Two Readings of Ordinances.

There shall be 2 readings of all ordinances prior to adoption. The 2nd reading shall be within 3 months of the 1st reading. There may be changes between the 1st and 2nd readings. The 2nd reading may be waived by a unanimous vote of city council members present at the meeting. (AMENDED DEC 2015, ORD 248)

Section 1215.07. Ordinance Voting.

Every ordinance shall be enacted by a majority vote of all members of the council except where a larger number is required by law.

1215.10. Form.

An ordinance amending this code must specify the number of the provision to be amended. Only the text of a separately identified provision need be included for an amendment; the larger section of which it is a part may be omitted.

1215.15. Integration into Code.

1. Matters Omitted. When an ordinance is integrated into this code, the following may be omitted:
 - (a) title;
 - (b) enacting clause;
 - (c) section numbers;
 - (d) validation and repealing clauses;
 - (e) validating signatures and dates;
 - (f) penalty provisions; and
 - (g) punctuation and other matters not an integral part of the ordinance text.
2. Post-Adoption Changes. When integrating ordinances into the code, the city clerk may:
 - (a) correct obvious grammatical, punctuation, and spelling errors;
 - (b) change reference numbers to conform with applicable sections of the code;
 - (c) substitute figures for written words and vice versa;
 - (d) substitute the actual date for the words "the effective date of this ordinance"; and
 - (e) take other similar actions to ensure a uniform code of ordinances if they do not alter the meaning of the ordinances enacted.
3. Source Notes. When an ordinance is integrated into the code, a source note should be added at the end of the section affected. The note should indicate the action taken, the ordinance that authorized the action, and the effective date of the ordinance.
4. Other Standards. The city clerk may establish and implement other standards to ensure the expeditious integration of ordinances into this code. The clerk also may establish and implement further policies regarding the preparation, editing and format of ordinances.

1215.20. Recordkeeping; Special Ordinances.

The city clerk is responsible for the safe and orderly keeping of ordinances. The clerk must maintain a current record of ordinances that have been adopted. An ordinance not included in this code is a special ordinance. Examples of special ordinances are those that rezone property, name streets, and grant franchises. The council may direct that a special ordinance be included in an appendix to this code.