

City of East Bethel
City Council Agenda
Work Meeting - 6:00 PM
Date: Wednesday, March 19, 2014



Item

- | | | |
|---------|------------|--|
| 6:00 PM | 1.0 | Call to Order |
| 6:01 PM | 2.0 | Adopt Agenda |
| 6:02 PM | 3.0 | Discussion <ul style="list-style-type: none">A. Traffic and Motor Vehicles Ordinance, Section 70-111B. Manufactured Home Ordinance, Section 34-183 |
| 7:15 PM | 4.0 | Adjourn |



City of East Bethel City Council Agenda Information

Date:

March 19, 2014

Agenda Item Number:

Item 3.0 A

Agenda Item:

Traffic and Motor Vehicles Ordinance, Section 70

Requested Action:

Consider Amending Division 2 Use, Sections 70-109 to 70-113

Background Information:

On October 2, 2013 Becky Knisley, 23250 Sunset Road, requested City Council to consider amending Traffic and Motor Vehicles Ordinance, Section 70 to address noise and hours of operation of dirt bikes. The City has received previous complaints from residents in other areas regarding this same issue. This Ordinance was discussed at an Ordinance Committee meeting on October 28, 2013, but no consensus was reached at that meeting. Staff has looked at this Ordinance and is recommending the following changes:

70-110 Definitions

- Changed Motorized dirt bike to Off Highway Motorcycle (OHM) – this makes the language consistent with the Off Highway Vehicle regulations of the Minnesota DNR.
- Added a definition for race track

70-111

- proposal to change lot line setback from 50 ft. to 100 ft. and dwelling units from 100 ft. to 200 ft.
- added language for non residents
- Added No at the beginning of sentence
- Left two (2) hours of operation unchanged, and changed language from one (1) hour to two (2) hours of no operation
- Added language regarding race tracks

Other considerations that could be incorporated in the Ordinance :

- Council could look at adding language for an Interim Use permit (IUP) for race tracks
- Council could prohibit circular race courses in certain residential zones
- Council could prohibit exhaust modifications to dirt bikes operated in the City

Attachments:

Chapter 70 Redline Copy

Recommendation(s):

City Council Action

Motion by: _____

Second by: _____

Vote Yes: _____

Vote No: _____

No Action Required: _____

- CODE OF ORDINANCES
Chapter 70 - TRAFFIC AND MOTOR VEHICLES
ARTICLE IV. - OPERATION OF OFF-ROAD VEHICLES, MOTORCYCLES AND ALL-TERRAIN VEHICLES

DIVISION 2. USE

DIVISION 2. USE

[Sec. 70-109. Purpose.](#)

[Sec. 70-110. Definitions.](#)

[Sec. 70-111. Use of all-terrain vehicles and off-road motorcycles.](#)

[Sec. 70-112. Exemptions.](#)

[Sec. 70-113. Penalty.](#)

[Secs. 70-114—70-139. Reserved.](#)

Sec. 70-109. Purpose.

It is the purpose of this division to regulate the use of all-terrain vehicles and motorized dirt bikes in the city.

(Ord. No. 197, § 1, 9-7-2005)

Sec. 70-110. Definitions.

The following words, terms and phrases, when used in this division, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

All-terrain vehicle (ATV) (Class 1) means a motorized floatation-tired vehicle of not less than three low pressure tires, but not more than six tires, that is limited in engine displacement of less than 1,000 cubic centimeters and total dry weight of less than 1,000 pounds.

All-terrain vehicle (ATV) (Class 2) means a motorized floatation-tired vehicle of not less than three low pressure tires, but not more than six tires, that is limited in engine displacement of less than 1,000 cubic centimeters and total dry weight of 1,000 to 1,800 pounds.

Established riding area means a course, track, or other area on a residential property for use of an all-terrain vehicle and/or a motorized dirt bike.

Off Highway Motorcycle (OMH/M, commonly called dirt bikes) - Motorized dirt bike means a vehicle traveling on two wheels and capable of cross-country travel on natural terrain without benefit of a road or trail.

~~*Race Track - (Motor Racing) a circuit or course, esp an oval one, used for motor racing, speedway, etc. riding or racing off road vehicles.*~~

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Residential property means real property used for residential purposes, including all parcels of real property located within the RR residential district under the city's zoning ordinance, set forth in Appendix A to this Code.

(Ord. No. 197, § 2, 9-7-2005; Ord. No. 33, Second Series, § 1, 12-21-2011)

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DIVISION 2. USE

Sec. 70-111. Use of all-terrain vehicles and off-~~road~~ highway motorcycles.

An off-highway vehicle may be used on residential property within the city, but only on the condition that the operator adheres to the following:

- (1) An off-highway vehicle may be used on an established riding area only if it is no closer than ~~50~~ 100 feet from any lot boundary line and no closer than ~~400~~ 200 feet from any dwelling unit.
 - (2) Article III of chapter 26 establishes the noise standards that apply to the operation of off-highway vehicles in the city.
 - (3) ~~No non-resident can operate an ATV or OHM without the written permission of the property owner on a private residence where they will be riding. Written permission is required to be carried on the person operating the ATV or OHM.~~
 - (4) ~~No~~ more than two persons who are not residents of any particular residential property may simultaneously use off-highway vehicles on the residential property. It is the responsibility of the owner of that residential property to enforce this restriction.
 - (4~~5~~) An all-terrain vehicles and off-road motorcycles may be operated on residential property only during the following hours: Monday through Fridays, 9:00 a.m. ~~through~~ through 8:00 p.m., and Saturdays and Sundays, 10:00 a.m. through 5:00 p.m.
 - (5~~6~~) After ~~two two~~ consecutive ~~hours-hours~~ of operation of one or more all-terrain vehicles and off-~~road-highway~~ motorcycles on any residential property ~~(or operation thereof for any part of two consecutive hours)~~, there must be at least ~~one- two~~ hours during which there is no operation of ~~an~~ all-terrain vehicles and off-road motorcycles on the residential property.
 - (6~~7~~) Operation of an all-terrain vehicles and off-road motorcycles is not allowed on either a primary or secondary individual sewage treatment system site.
 - (8) ~~Race tracks are prohibited on private residences in areas that are zoned R1 (Single Family) Residential, and R2 (One and Two family residential). Race tracks can be located in RR (Rural Residential) areas on lots over 5 acres in size and complying with all other regulations related to ATV and OHM.~~
- ALTERNATIVE LANGUAGE for consideration (Ham Lake example) "motocross tracks", "dirt bike courses", motocross or dirt bike "jumps", "ramps" or "trails" shall be prohibited in or within 1000 feet of areas zoned residential and could be further defined as follows:

Noise Nuisances – No activity shall be permitted in any area zoned R-1, R-2 RR or PUD, which constitutes a noise nuisance. Further, regardless of the level of noise levels generated, the use of Personal Recreational Vehicles in a manner which constitutes a Circulating Mobile Source of Noise, as defined in Article _____ of this Code, shall be prohibited in or within 1,000 feet of areas zoned R-1, R-2, RR or PUD, activities commonly known as

Field Code Changed

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- CODE OF ORDINANCES
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DIVISION 2. USE

“motocross tracks”, “dirt bike courses”, motocross or dirt bike “jumps”, “ramps” or “trails” shall be prohibited in or within 1000 feet of areas zoned R-1, R-2 RR or PUD

Generators of Excessive Noise - Any activity which produces Excessive Noise, excepting those activities excepted under Article _____ below;

Personal Recreational Vehicle Noise - Noise generated by Personal Recreational Vehicles which is received by any Residential Area, either as a Stationary Source, a Mobile Source, or a Circulating Mobile Source, and which exceeds 60dB(A) for any period of five consecutive minutes.

- The following activities shall be exempt from the provisions of Article _____ above:

A) Permitted Excessive Noise;

B) Chronologically Pre-Existing Noise Sources, to the extent that the activity does not constitute Abatable Excessive Noise. A Chronologically Pre-Existing Noise Source which produces Abatable Excessive Noise shall implement abatement techniques to reduce noise levels as much as is practical. In the absence of an agreement between the City and the entity producing the Excessive Noise as to what constitutes a reasonable reduction in the noise levels generated, the practical level to which noise shall be reduced shall be determined by the City Council, after reviewing the following:

i) recommendations of a qualified and competent noise consultant;

ii) the financial consequences of requiring abatement;

iii) the degree to which occupants of Residential Areas affected by the noise were or should have been aware of the noise prior to taking up occupancy;

Generators of Temporary Excessive Noise;

Additional language for consideration – No dirt bikes are allowed to be driven on private property that have exhaust systems that have after market parts or ~~straight pipes on them~~ have been altered from their original design. No straight pipes or any changes to the exhaust system that will produce any noise increase over and above that which is normally produced by Off Highway Motorcycles will be permitted.

Should any of the above be considered for adoption we would need to ensure that definitions and designations are consistent and described.

(Ord. No. 197, § 3, 9-7-2005; Ord. No. 33, Second Series, § 1, 12-21-2011)

Sec. 70-112. Exemptions.

The use of any all-terrain vehicle and/or off-road motorcycle by any officer, employee, or agent of the city or of any other governmental unit in the course of official governmental business is exempt from this division.

(Ord. No. 197, § 4, 9-7-2005; Ord. No. 33, Second Series, § 1, 12-21-2011)

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Sec. 70-113. Penalty.

Any person who violates any provision of this division shall be guilty of a misdemeanor, and upon conviction thereof may be punished as provided in [section 1-14](#), and may be required to complete eight hours of community service for each violation. Violators will be responsible for all costs of prosecution.

(Ord. No. 197, § 5, 9-7-2005)

Secs. 70-114—70-139. Reserved.

Field Code Changed



City of East Bethel City Council Agenda Information

Date:

March 19, 2014

Agenda Item Number:

Item 3.0 B

Agenda Item:

Manufactured Home Ordinance, Chapter 34 Floods, Article VII; Section 38-20; and Under Appendix A Zoning Ordinance

Requested Action:

Consider amending ordinance related to recreation vehicles, and travel/trailers.

Background Information:

City Council received a request from Nancy Krueger, owner of property at 18467 Lakeview Point Dr. to consider amending the Ordinance regulating recreational camping vehicles. The Ordinance Committee discussed this matter at a meeting on October 28. This property is zoned R-1 and has a property tax classification of seasonal recreational residential. The property is 0.2 acres. Ms. Krueger is requesting the Ordinance be amended to allow the placement of her recreational camping trailer on this site.

We have references to Travel Trailer and Recreational Vehicles in several places in our code. Any modifications in one section of the code should carry forth into other relevant sections of the code. The recommended changes address these matters.

Article 34 – Floods, the placement of Travel Trailers is addressed, however, that is only in those areas that are on the general flood map. This should be changed so that it applies and be included in Article II, Chapter 38-20 as additional items. The proposed language in Article 34 and Chapter 38-20 should be the same. We should also include the same language in Appendix A, Zoning under General Development Regulations. This will keep the information consistent from one section of the code to another. The Changes in Article 34 is recommended as follows:

- Article 34, (3) a. 3 – Additions to the Ordinance as provided by the City Attorney
- Article 34, (3) b. 1 – Additions proposed by City Attorney with the Staff addition of Property Tax Classification status of Seasonal Recreational, vacant and improved, as an additional condition for exemption.

The definition of Recreational Vehicle/Travel Trailer is recommended to be included in Definitions section of Zoning Code Appendix A, Article 34 and Chapter 38.

Attached are maps that locate all the properties in the City that have a tax classification of Seasonal Recreational. Even though there are sanitation requirements in the proposed amendment to this Ordinance, allowance of placement of recreational camping vehicles on these

properties could create consequences that have a greater impact than simply addressing the situation of an individual property owner.

Attachments:

Map of Seasonal Recreational Residential Properties

Proposed changes to ordinances-red line copy

Recommendation(s):

City Council Action

Motion by: _____

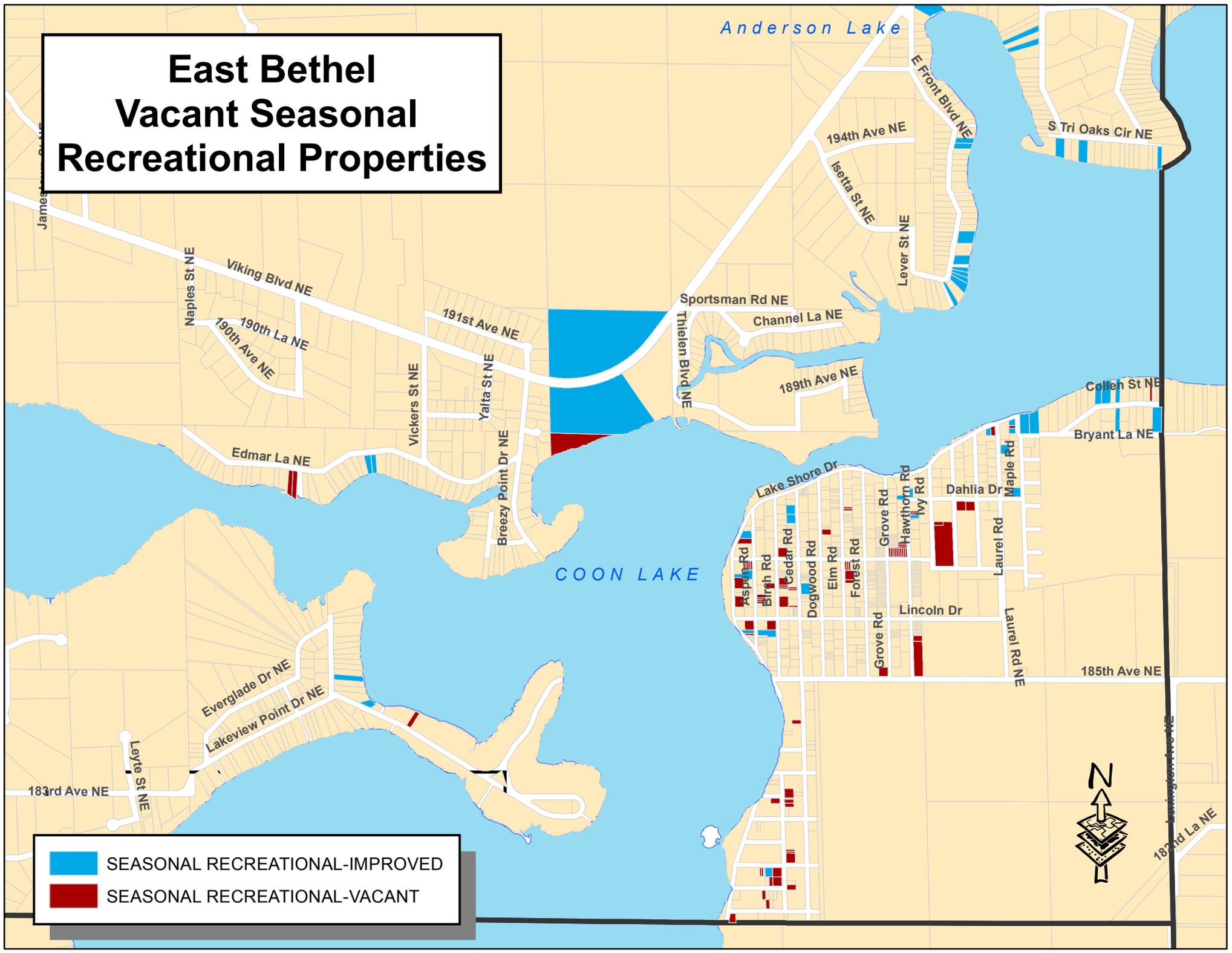
Second by: _____

Vote Yes: _____

Vote No: _____

No Action Required: _____

East Bethel Vacant Seasonal Recreational Properties



	SEASONAL RECREATIONAL-IMPROVED
	SEASONAL RECREATIONAL-VACANT



Under Appendix A – Zoning Ordinance

Manufactured home: A structure, transportable in one or more sections, which is built on a permanent chassis and designed to be used as a dwelling, with or without a permanent foundation when connected to the required utilities, and includes the plumbing, heating, air conditioning, and electrical systems contained therein; the term includes any structure which meets all the requirements and with respect to which the ***manufacturer*** voluntarily files a certification required by the Secretary of the United States Department of Housing and Urban Development and complies with the standards established under Minn. Stats. ch. 327.

Recreational vehicle: Any device having wheels and capable of supporting overnight sleeping accommodations and designed for uses in addition to normal travel.

UNDER ARTICLE 34 – FLOODS,

Sec. 34-183. - Manufactured homes and manufactured home parks and placement of travel trailers and travel vehicles.

The following standards shall apply to manufactured homes, manufactured home parks, travel trailers, and travel vehicles:

- (1) New manufactured home parks and expansions to existing manufactured home parks shall be subject to the provisions for subdivisions in article VII of this chapter.

- (2) The placement of new or replacement manufactured homes in existing manufactured home parks or on individual lots of record that are located in floodplain districts will be treated as a new structure and may be placed only if elevated in compliance with article V of this chapter.

If vehicular road access for preexisting manufactured home parks is not provided in accordance with [section 34-113\(1\)](#), then replacement manufactured homes will not be allowed until the property owner develops a flood warning emergency plan acceptable to the city. All manufactured homes must also be securely anchored to an adequately anchored foundation system that resists flotation, collapse and lateral movement. Methods of anchoring may include, but are not limited to, use of over-the-top or frame ties to ground anchors. This requirement is in addition to applicable state or local anchoring requirements for resisting wind forces.

- (3) Travel trailers and travel vehicles that do not meet the exemption criteria specified in section 34-183(3)a shall be subject to the provisions of this chapter, including those specifically spelled out in section 34-183(3)c.
- a. Travel trailers and travel vehicles are exempt from the provisions of this chapter if they are placed in any of the areas listed in section 34-183(3)b and comply with the ~~following~~ criteria set forth in paragraphs 1 and 2 or paragraph 3 as follows:
1. Have current licenses required for highway use, **and**
 2. Are highway ready, meaning on wheels or the internal jacking system, are attached to the site only by quick disconnect type utilities commonly used in campgrounds and trailer parks, and the travel trailer/travel vehicle has no permanent structural type additions attached to it.
 3. **Is located on an individual lot/parcel of record owned by the record owner of the travel/recreational vehicle, meets setback requirements from property lines as measured to the travel trailer, has a lawful on site or other MPCA allowed disposal facility for the disposal and treatment of human waste and does not permit or allow any nuisance condition as defined in Sec. 26-63 to exist on the site.**
- b. Areas exempted for placement of travel **trailers**/recreational vehicles:
1. Individual lots or parcels of record **owned by the record owner of the travel/recreational vehicle. Subject to Sec 34-183(3)b.3 above and under the Property Tax classification status as SEASONAL RECREATIONAL-VACANT**
 2. Commercial recreational vehicle parks or campgrounds in operation prior to the adoption of the ordinance from which this chapter is derived.
 3. Condominium type associations in operation prior to the adoption of the ordinance from which this chapter is derived.
- c. Travel trailers and travel vehicles exempted in section 34-183(3)a shall lose their exempt status when development occurs on the parcel exceeding \$500.00 in value for a structural addition to the travel trailer/travel vehicle or an accessory structure. The travel trailer/travel vehicles and all additions and accessory structures will then be treated as a new structure and shall be subject to the flood protection requirements of this chapter.
- d. New commercial travel trailer or travel vehicle parks or campgrounds and new residential type subdivisions and condominium associations and the expansion exceeding five units or dwelling sites of any such use in operation prior to the

adoption of this chapter shall be subject to the following:

1. A travel trailer or travel vehicle will be allowed in the floodway or flood fringe districts provided said trailer or vehicle and its contents are placed on fill above the regulatory flood protection elevation and proper elevated road access to the site exists in accordance with [section 34-114](#)(1). No fill placed in the floodway to meet the requirements of this article shall increase flood stages of the 100-year or regional flood.
2. A travel trailer or travel vehicle not meeting the criteria of subsection (3)a of this section may, as an alternative, be allowed as a conditional use. The applicant must submit an emergency plan for the safe evacuation of all vehicles and people during the 100-year flood prepared by a registered engineer or other qualified individual or agency acceptable to the city. The applicant shall demonstrate that adequate time and personnel exist to carry out the evacuation. All attendant sewage and water facilities for new or replacement travel trailers or other recreational vehicles must be protected or constructed so as to not be impaired or contaminated during times of flooding.

(Ord. No. 156, § 7(7.04), 5-6-1992)

Article II, Chapter 38

Sec. 38-19. Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Doublewide unit or multiple unit means two or more segments constituting one manufactured home designed to be transported separately and attached to each other at the manufactured home park to form one home.

Lot means a section of ground in a manufactured home park of not less than 7,800 square feet, excluding any street right-of-way, of otherwise unoccupied space designated as the location of one singlewide unit, and all other necessary improvements required by this article.

Manufactured home means a structure, transportable in one or more sections, which in the traveling mode, is eight body feet or more in width or 40 body feet or more in length, or when erected on site, is 320 or more square feet, and which is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities, and includes the plumbing, heating, air conditioning, and electrical systems contained therein; except that the term "manufactured home" includes any structure which meets all the requirements and with respect to which the manufacturer voluntarily files a certification required by the secretary and complies with the standards established under Minn. Stats. § 327.31 et seq.

Manufactured home park means any site, lot, field or trace of land upon which two or more occupied manufactured homes are harbored, either free of charge or for revenue purposes, and shall include any building, structure, tent, vehicle enclosure used or intended for use as part of the equipment of such manufactured home park.

Recreational camping vehicle means any of the following:

- (1) *Travel trailer* means a vehicular, portable structure built on a chassis, designed to be used as a temporary dwelling for travel, recreational, and vacation uses, permanently identified "travel trailer" by the manufacturer of the trailer.
- (2) *Pickup coach* means a structure designed to be mounted on a truck chassis for use as a temporary dwelling for travel, recreation, and vacation.
- (3) *Motor home* means a portable, temporary dwelling to be used for travel, recreation, and vacation, constructed as an integral part of a self-propelled vehicle.
- (4) *Camping trailer* means a folding structure, mounted on wheels and designed for travel, recreation, and vacation use.

Singlewide unit means one self-contained manufactured home designed to be a complete dwelling unit.

Special width lot means a section of ground in a manufactured home park of not less than 11,700 square feet, excluding any street right-of-way, of otherwise unoccupied space designated as the location for one doublewide unit.

(Ord. No. 142, § 2(subd. 1), 3-4-1987)

Sec. 38-20. Location of manufactured homes and manufactured home parks.

- (a) *Parking and placement prohibited.* It shall be unlawful within the limits of the city of East Bethel for any person to park any manufactured home on any street, alley or highway or other public place or on any tract of land owned by any person, occupied or unoccupied.
- (b) *Emergency parking permitted.* Emergency or temporary stopping or parking is permitted on any street, alley or highway for not longer than 24 hours subject to any other and further prohibitions, regulations or limitations imposed by the traffic and parking regulations or ordinances for that street, alley or highway.
- (c) *Placement outside a manufactured home park prohibited.* No person shall park or occupy any manufactured home on either the premises of any occupied dwelling unit or on any lot which is not a part of the premises of any occupied dwelling which is situated outside of an approved manufactured home park unless it meets the architectural standards and other regulations as stated in the city's zoning ordinance, set forth in Appendix A to this Code, and

amendments thereof. The parking of no more than three unoccupied recreational camping vehicles is permitted in an accessory private garage building, side yard or rear yard provided no living or sleeping quarters shall be maintained nor any business conducted in said recreational camping vehicle while such vehicle is so parked or stored. A recreational camping vehicle is permitted on owner's property for storage purposes provided the property has a single-family residence on it connected to a sewer and well, and may not be occupied for more than three weeks within any two-month period.

- (d) *Conditional use permit required.* No person shall construct, locate, operate or maintain a manufactured home park within the city without first obtaining a conditional use permit and all such other permits and licenses as shall be required and described herein.
- (e) *Zoning.* No person shall construct, locate, operate or maintain a manufactured home park in the city unless the proposed area is zoned for B-1 business commercial district as stated in the city's zoning ordinance.