AGENDA
PLANNING COMMISSION/BOARD OF ADJUSTMENT
April 28th, 2014 at 6:00pm
Walker Fire Hall – 701 Elm Avenue West

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1. Regular Meeting Call to Order
2. Additions or Deletions to the Agenda
3. Announcements by Chair –
4. Approval of Minutes for March 31st, 2014.
5. Planning/Zoning Report for March 2014.
6. Discussion regarding Day Care Centers
7. Continue to review-prioritize work items for 2014 Comprehensive plan.
8. Continue discussion on Rural Residential zoning.
9. Continue discussion on Industrial Park land use.
10. Adjourn meeting of Planning Commission

This agenda is not exclusive. Other business may be discussed as deemed necessary.

REMINDER:
BRING YOUR CODE OF ORDINANCES BOOK TO THE PLANNING AND ZONING MEETING TO UPDATE WITH CURRENT ORDINANCES

WALKER PLANNING COMMISSION
BOARD OF ADJUSTMENT
REGULAR MEETING MINUTES
MARCH 31, 2014
6:00 p.m. 701 Elm Avenue Walker Fire Hall Meeting Room

1. **Call to Order** 6:00 p.m. by Chair Wilkening.
   Roll Call
   Members Present: Jane Ekholm, Char Moore, Gary Wilkening, Greg Smith, Rich Hansen
   Staff: Terri Bjorklund, Charolette Hines, Pamela Smith
   Public: Dave Kellogg, Terry Freeman

2. **Additions or deletions to agenda:**
   Chair Wilkening requests that they only cover Agenda items numbers 1 through 7, because of the forecasted bad weather conditions. The Board agrees to the request.

3. **Announcements by Chair:**
   Chair Wilkening introduces Charolette Hines to the Board members. Charolette states that she currently works at the DMV and will also be training towards becoming the Zoning Administrator.

4. **M/S/A Ekholm/Hansen to approve of minutes January 27, 2014.**
   Ayes: Moore, Ekholm, Smith, Hansen, Wilkening Nays: None
   Motion passed (5-0)

5. **M/S/A Ekholm/Hansen to recommend approval of LU-2014-01 to include the Findings of Fact in the staff report, the evaluation letter from the City Engineer, and the letter of support from Terry Freeman.**
   Terry Freeman reviews the Land Survey with Board. He discusses where the vacate is requested and points out that Lots 21-24 and Lots 1-3, located on each side of Block Nineteen are owned by the State of Minnesota. He points out the Land that is currently owned by Dave Kellogg and states that in the Purchase Agreement and the Original Plat did not include the land description of the Alley. The Board discusses the Findings of Fact which were read out loud by Chair Wilkening:
   1. The proposed vacate, and subsequent planned redevelopment will increase the tax base to the city while using existing infrastructure.
   2. The proposed vacate area does not include municipal utility lines.
   3. The proposed vacate for the stated purpose of redevelopment of the parcel along existing infrastructure is seen as being consistent with the Walker Area Comprehensive Plan.
   4. The proposed vacate would not directly or indirectly result in an adverse impact upon historical or other cultural resources, or the natural environment, or otherwise negatively affect the shorelands under the requirements of Minnesota Statute 412.851 Vacation of Streets.

   The Board also discussed the City Engineers approval of the Vacate request. The Board is in agreement that this should be recommended for approval and agrees that there is no reason to deny this request for Vacate.
   Ayes: Moore, Ekholm, Smith, Hansen, Wilkening Nays: None
   Motion passed (5-0)

6. **Zoning Administrator reviews the Planning/Zoning Report for January 2014 and February 2014.**
   Bjorklund adds that although January and February were slow months it is now beginning to pick up quite significantly for building permit requests.

7. **Discussion regarding Day Care Centers.**
   Bjorklund explained that she received a call from a Day Care that is moving from Hwy 34 to 5th Street. The City of Walker's Day Care ordinance and land usage currently requires Day Cares in Walker that have more than 12 children to apply for an Interim Use Permit. Currently Cass County regulates the licenses for these Day Cares and usually licenses for 14 or more children. Bjorklund addressed the issue about a day care that is moving from Hwy 34 to 5th Street asking the question how the City should regulate Day Cares.

   Wilkening asked does the city want to regulate the Day Cares. What if they get out of hand and become schools?

   Hansen suggested that we make our regulations match the county and go with 14 kids' verses 12 kids.

   Ekholm suggested we waive the interim use permit this time for this Day Care and gather more information to rewrite our regulations.

   The Board agreed on gathering more information on this subject and talk with Cass County to see if we can work together on something. Also to visit with the League of Minnesota Cities to see if we can do anything with Day Cares. Need to define ordinance at a later meeting.
   No Motion

8. **M/S/P Hansen/Smith to adjourn the meeting at 6:40 p.m.**
   Motion passed (5-0)

ZONING ADMINISTRATOR

MARCH 2014 REPORT

A. **PERMITS:** The following building permits were issued in **MARCH**:

Permit #	Date	Applicant	Address	Type	Amount
BP-2014-06	3/11/2014	STEVE BLAKE	607 MN AVE	OPEN SHELTER	$3,100.00
BP-2014-07	3/12/2014	GRANT THAYER	431 WLK BAY BLVD	PREVIOUS PERMIT EXPIRED: NEW PERMIT FOR REMAINDER OF WORK	$30,000.00
BP-2014-08	3/12/2014	ANN NOLAND	303 10TH STRT S	PUT UP WALLS	$1,490.00
BP-2014-09	3/31/2014	ARNOLD FLP	420 MN AVE	INSPECTION	$2,500.00
BP-2014-10	3/31/2014	SUSIE OSTLUND	210 ROSS PLACE	ENTRY/BATH/REPLACE DOORS	$7,000.00

Building Permits to Date	Commercial		Residential		Total	
2014	$ 46,785	(6)	$ 63,250	(4)	$ 110,035	(10)
2013	$673,581	(17)	$361,824	(27)	$1,035,405	(44)
2012	$607,485	(17)	$398,075	(20)	$1,005,560	(37)
2011	$90,211	(6)	$118,863	(9)	$209,074	(15)
2010	$205,280	(7)	$84,500	(3)	$289,780	(10)
2009	$978,606	(2)	$38,600	(7)	$1,017,206	(9)
2008	$1,698,175	(8)	$649,568	(8)	$2,347,743	(16)

B. **SIGN PERMITS:** The following Sign Permits were issued in **MARCH**:

Temporary Signs:

Permit #	App Date	Event	Sign Location	Event Date
TS-2014-02	3/5/2014	WOMANS EXPO	LUCKY MOOSE	3/8/2014
SAME	SAME	SAME	THRIVANT FIN.	SAME

Regular Signs: NONE

Fence Permits: NONE

C. **COUNCIL ACTION:**

04/07/2014

1. **M/S** Moore/Wilkening to approve of Walker Planning Commission/Board of Adjustments Meeting Minutes of January 27th 2014.
   Motion passed (5-0)
2. **M/S** Moore/McMurrin to approve of Resolution 11-2014, as recommended by the Planning Commission Board of Adjustments to vacate a portion of an Alley lying between Lots 5-12 and Lots 13-20, Block 19, Original Plat of Walker.
   Roll Call: Ayes: Nelson, Moore, McMurrin, Wilkening Nay: None
   Motion passed (5-0)

CHAPTER 9502

DEPARTMENT OF HUMAN SERVICES

LICENSING OF DAY CARE FACILITIES

9502.0300 REPEALER AND EFFECTIVE DATE.
9502.0315 DEFINITIONS.
9502.0325 LICENSING OF FACILITIES FOR CHILDREN FAMILY DAY CARE AND GROUP FAMILY DAY CARE HOMES.
9502.0335 LICENSING PROCESS.
9502.0341 NEGATIVE LICENSING ACTIONS.
9502.0345 AGENCY RECORDS.
9502.0355 CAREGIVER QUALIFICATIONS.
9502.0365 LICENSED CAPACITY, CHILD/ADULT RATIOS, AGE DISTRIBUTION RESTRICTIONS.
9502.0367 CHILD/ADULT RATIOS; AGE DISTRIBUTION RESTRICTIONS.
9502.0375 REPORTING TO AGENCY.
9502.0395 BEHAVIOR GUIDANCE.
9502.0405 ADMISSIONS; PROVIDER RECORDS; REPORTING.
9502.0415 ACTIVITIES AND EQUIPMENT.
9502.0425 PHYSICAL ENVIRONMENT.
9502.0435 SANITATION AND HEALTH.
9502.0445 WATER, FOOD, AND NUTRITION.

9502.0300 REPEALER AND EFFECTIVE DATE.

Subpart 1. **Repealer.** Minnesota Rules, parts 9545.0310, 9545.0320, 9545.0330, 9545.0340, 9545.0350, 9545.0360, 9545.0370, 9545.0380, 9545.0390, 9545.0400, 9545.0410, 9545.0420, 9545.0430, 9545.0440, and 9545.0450, are repealed, except for providers who are licensed under those parts. As to those providers, parts 9545.0310, 9545.0320, 9545.0330, 9545.0340, 9545.0350, 9545.0360, 9545.0370, 9545.0380, 9545.0390, 9545.0400, 9545.0410, 9545.0420, 9545.0430, 9545.0440, and 9545.0450 are repealed March 25, 1986.

Subp. 2. **Effective date.** Parts 9502.0315 to 9502.0445 take effect April 1, 1985, except for providers who are licensed on April 1, 1985 under parts 9545.0310 to 9545.0440. As to those providers, parts 9502.0315 to 9502.0445 take effect October 1, 1985, or on the first date the provider's license is renewed after March 25, 1985, whichever is later, except that parts 9502.0365 and 9502.0367 shall be construed not to require the exclusion from the day care facility of any child who is receiving care on March 25, 1985.

Any provider who is licensed under parts 9545.0310 to 9545.0440 April 1, 1985, and who is not providing care in a residence as defined by part 9502.0315, subpart 27, may be licensed under parts 9502.0315 to 9502.0445 until the provider ceases to give care in that facility or obtains a license to operate a day care center.

Statutory Authority: *MS s 245A.09*

History: *9 SR 2106*

Posted: *October 8, 2007*

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9502.0315 DEFINITIONS.

Subpart 1. **Applicability.** As used in parts 9502.0315 to 9502.0445, the following terms have the meanings given them.

Subp. 2. **Adult.** "Adult" means a person at least 18 years of age.

Subp. 3. **Agency.** "Agency" means the county or multicounty social or human service agency governed by the county board or multicounty human services board.

Subp. 4. **Applicant.** "Applicant" means the person seeking a license to be the primary provider of day care in the residence.

Subp. 5. **Building official.** "Building official" means the person appointed in accordance with Minnesota Statutes, section 326B.133, to administer the State Building Code, or the building official's authorized representative.

Subp. 6. **Caregiver.** "Caregiver" means the provider, substitute, helper, or another adult giving care in the residence.

Subp. 7. **Child.** "Child" means a person ten years of age or younger.

Subp. 8. **Commissioner.** "Commissioner" means the Minnesota commissioner of the Department of Human Services or the commissioner's authorized representative.

Subp. 9. **Day care.** "Day care" means the care of a child in a residence outside the child's own home for gain or otherwise, on a regular basis, for any part of a 24 hour day.

Subp. 10. **Department.** "Department" means the Minnesota Department of Human Services.

Subp. 11. **Family day care.** "Family day care" means day care for no more than ten children at one time of which no more than six are under school age. The licensed capacity must include all children of any caregiver when the children are present in the residence.

Subp. 12. **Fire marshal.** "Fire marshal" means the person designated by Minnesota Statutes, section 299F.011 to administer and enforce the Minnesota Uniform Fire Code, or the fire marshal's authorized representative.

Subp. 13. **Group family day care.** "Group family day care" means day care for no more than 14 children at any one time. The total number of children includes all children of any caregiver when the children are present in the residence.

Subp. 14. **Helper.** "Helper" means a person at least 13 years of age and less than 18 years of age who assists the provider with the care of children.

Subp. 15. **Agent of a board of health.** "Agent of a board of health" as authorized under Minnesota Statutes, section 145A.04, means the designated representative of the state or board of health authorized to enforce state and local health codes.

Subp. 16. **Infant.** "Infant" means a child who is at least six weeks of age but less than 12 months of age.

Subp. 17. **License.** "License" means a certificate issued by the commissioner authorizing the provider to give specified services for a specified period of time in accordance with the terms in parts 9502.0315 to 9502.0445; Minnesota Statutes, chapter 245A; and the rules of the department.

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Subp. 18. **Licensed capacity.** "Licensed capacity" means the total number of children ten years of age or younger permitted at any one time in the residence. The licensed capacity includes all children of any caregiver when the children are present in the residence.

Subp. 19. **Medicine.** "Medicine" means a prescription or nonprescription substance taken internally or applied externally to prevent or cure disease, heal, or relieve pain.

Subp. 19a. **Mental illness.** "Mental illness" means the inability to interpret reality realistically and the impaired functioning in primary aspects of daily living, such as personal relations, living arrangements, work, and recreation; which is listed in the International Classification of Diseases (ICD-9-CM) Ninth Revision (1980), code range 290.0-299.9, or the corresponding code in the American Psychiatric Association's Diagnostic and Statistical Manual of Mental Disorders (DSM-III) Third Edition (1980), Axes I, II, or III. These publications are incorporated by reference and are not subject to frequent change. They are available in the State Law Library.

Subp. 19b. **Minnesota State Fire Code.** "Minnesota State Fire Code" means those codes and regulations adopted by the state fire marshal in accordance with Minnesota Statutes, section 299F.011 and contained in chapter 7510.

Subp. 20. **Newborn.** "Newborn" means a child between birth and six weeks of age.

Subp. 21. **Parent.** "Parent" means a person who has the legal responsibility for a child such as the child's mother, father, or legally appointed guardian.

Subp. 22. **Preschooler.** "Preschooler" has the meaning given in Minnesota Statutes, section 245A.02, subdivision 19, paragraph (e).

Subp. 23. [Repealed, 10 SR 2617]

Subp. 24. **Provider.** "Provider" means the license holder and primary caregiver.

Subp. 25. **Related.** "Related" means any of the following relationships by marriage, blood, or adoption: parent, grandparent, brother, sister, stepparent, stepsister, stepbrother, uncle, aunt, child, niece, nephew. Related also includes a legally appointed guardian.

Subp. 26. **Regularly or regular basis.** "Regularly" or "regular basis" means a cumulative total of more than 30 days within any 12 month period.

Subp. 27. **Residence.** "Residence" means the dwelling unit, as defined by section 405 of the State Building Code, in which day care is provided and which is occupied as a home.

Subp. 28. **School age.** "School age" has the meaning given in Minnesota Statutes, section 245A.02, subdivision 19, paragraph (f).

Subp. 28a. **State Building Code.** "State Building Code" means those codes and regulations adopted by the commissioner of administration in accordance with Minnesota Statutes, section 326B.101 and contained in chapter 1300.

Subp. 29. **Substitute.** "Substitute" means an adult at least 18 years of age who assumes the responsibility of the provider as specified in part 9502.0365, subpart 5.

Subp. 29a. **Supervision.** "Supervision" means a caregiver being within sight or hearing of an infant, toddler, or preschooler at all times so that the caregiver is capable of intervening to protect the health and

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safety of the child. For the school age child, it means a caregiver being available for assistance and care so that the child's health and safety is protected.

Subp. 30. **Toddler.** "Toddler" has the meaning given in Minnesota Statutes, section 245A.02, subdivision 19, paragraph (d).

Subp. 31. **Variance.** "Variance" means written permission by the commissioner for a provider or applicant to depart from the provisions of parts 9502.0315 to 9502.0445.

Statutory Authority: *MS s 14.386; 14.388; 245A.09; 252.28*

History: *9 SR 2106; 10 SR 2617; L 1987 c 309 s 24, c 333 s 22; 30 SR 585; L 2007 c 140 art 4 s 61; art 13 s 4*

Posted: *October 8, 2007*

9502.0325 LICENSING OF FACILITIES FOR CHILDREN FAMILY DAY CARE AND GROUP FAMILY DAY CARE HOMES.

Subpart 1. **Purpose.** The purpose of parts 9502.0315 to 9502.0445 is to establish procedures and standards for licensing family day care and group family day care homes to ensure that minimum levels of care and service are given and the protection, proper care, health, safety, and development of the children are assured.

Subp. 2. **Applicability.** Parts 9502.0315 to 9502.0445 as authorized by Minnesota Statutes, chapter 245A, govern the licensing of family day care homes and group family day care homes.

Subp. 3. **Exclusion from licensure.** Under Minnesota Statutes, section 245A.03, the following day care situations are excluded from licensure under parts 9502.0315 to 9502.0445:

A. day care provided by a relative to only related children; or

B. day care provided to children from a single, unrelated family, for any length of time; or

C. day care provided for a cumulative total of less than 30 days in any 12-month period; or

D. the exclusions contained in items A and B are mutually exclusive.

Statutory Authority: *MS s 245A.09*

History: *9 SR 2106; L 1987 c 333 s 22; 13 SR 1448*

Posted: *October 8, 2007*

9502.0335 LICENSING PROCESS.

Subpart 1. **License application.** A license to operate a family or group family day care residence must be obtained from the department.

A. Application for a license must be made on the application form issued by the department. The application must be made in the county where the applicant resides.

B. The applicant shall be the person who will be the provider of care in the residence, present during the hours of operation, and who shall be legally responsible for the operation of the residence.

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C. An application for licensure is complete when the applicant completes, signs, and submits all department forms and documentation needed for licensure to the agency and the agency receives all inspection, zoning, evaluation, and investigative reports, documentation, and information required to verify compliance with parts 9502.0315 to 9502.0445 and Minnesota Statutes.

Subp. 2. **Licensing study.** The applicant shall give the agency access to the residence for a licensing study to determine compliance with parts 9502.0315 to 9502.0445.

A. If, in the judgment of the agency representative, a potentially hazardous condition may be present, due to a violation of parts 9502.0315 to 9502.0445, the applicant shall obtain an inspection from a fire marshal, building official, or agent of a board of health as authorized under Minnesota Statutes, section 145A.04 to verify the absence of hazard and report to the agency.

B. The residence must comply with any applicable local ordinances. If the commissioner or the agency has reasonable cause to believe a hazardous condition may be present and requests an inspection by a fire marshal, building official, or authorized agent, then any condition cited by a fire marshal, building official, or authorized agent as hazardous and creating an immediate danger of fire, or threat to human life and safety, must be corrected or a variance approved in accordance with subparts 8, 8a, and 8b prior to issuance of a license.

C. An initial inspection of the residence by a fire marshal to determine compliance with the Minnesota Uniform Fire Code and compliance with orders issued are conditions of licensure for all residences with freestanding solid fuel heating appliances; manufactured (mobile) homes; new applicants for licensure with a licensed capacity of more than ten; day care residences which use the basement for child care; and residences in mixed or multiple occupancy buildings. "Multiple occupancy building" means a structure with two or more residential dwelling units such as a duplex, apartment building, or townhome. "Mixed occupancy building" means a residence in a structure that contains nonresidential occupancies or an attached garage.

D. The commissioner or agency may require, prior to licensure, or anytime during the licensed term of day care, a physical, mental illness, or chemical dependency or abuse evaluation of any caregiver or person living in the residence or present during the hours children are in care if the agency has reasonable cause to believe that any of the disqualification factors in subpart 6, item A, exist, or that the provider is not physically able to care for the children. These evaluations, conducted by a licensed physician, psychiatrist, psychologist, consulting psychologist, or certified chemical dependency practitioner or counselor may be used to verify physical or mental illness, chemical dependency or chemical abuse, or behavior that would reflect on the ability of the provider to give day care.

Subp. 3. [Repealed, 15 SR 2105]

Subp. 4. **Period of licensure; nontransfer.** A license must be issued by the department when the provider fully complies with parts 9502.0315 to 9502.0445. The period of licensure may be up to two years. The license must not be transferred to another provider.

Subp. 5. **Initial license.** An applicant for initial licensure may be granted a license by the department for up to two years if all laws and rules cannot be met immediately, the deviations from parts 9502.0315 to 9502.0445 do not threaten the health, rights, or safety of the children, and which will be corrected within the time specified by the commissioner but not to exceed two years. Failure to correct deviations within the stated time shall be cause for revocation, suspension, or nonrenewal.

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Subp. 6. **Disqualification factors.** An applicant or provider shall not be issued a license or the license shall be revoked, not renewed, or suspended if the applicant, provider, or any other person living in the day care residence or present during the hours children are in care, or working with children:

A. Abuses prescription drugs or uses controlled substances as specified in Minnesota Statutes, chapter 152, or alcohol, to the extent that the use or abuse has or may have a negative effect on the ability of the provider to give care or is apparent during the hours children are in care. Caregivers who have abused prescription drugs or have been dependent on controlled substances as specified in Minnesota Statutes, chapter 152, or alcohol, such that the use, abuse, or dependency has had a negative effect on the ability to give care, was apparent during the hours children are in care, or required treatment or therapy, must have 12 months of verified abstinence before licensure.

B. [Repealed, L 1991 c 38 s 2]

C. Refuses to give written consent for the disclosure of criminal history records as specified in Minnesota Statutes, section 245C.09.

D. Has a disqualification under Minnesota Statutes, section 245C.15, that is not set aside under Minnesota Statutes, section 245C.22, or for which a variance has not been granted under Minnesota Statutes, section 245C.30.

E. Has had a child placed in foster care within the past 12 months and the agency determines the reasons for placement reflect on the ability of the provider to give care. A license may not be denied if the primary reason for the placement was due to a physical illness of the parent, developmental disability of the child, a disability of the child, or for the temporary care of an infant being relinquished for adoption.

F. Has had a child placed in residential treatment within the past 12 months for emotional disturbance or antisocial behavior and the agency determines that the reasons for the placement reflect on the ability of the provider to give care.

Subp. 7. [Repealed, 15 SR 2043]

Subp. 8. **Variance standard.** An applicant or provider may request a variance from compliance with parts 9502.0315 to 9502.0445. When reviewing a variance request of parts 9502.0315 and 9502.0445, the department shall assess whether alternative methods are identified by the applicant or provider to ensure the health, safety, and protection of children in care. A variance may be granted only if:

A. the applicant complies with all applicable laws, ordinances, and regulations;

B. specific equivalent measures are identified by the applicant or provider to ensure the health, safety, and protection of the children in care;

C. any variance to the safety provisions in part 9502.0425, subparts 4, 5, 6, 7, 12, 15, 16, 17, and 18 which relate to the Minnesota Uniform Fire Code is approved by a fire marshal and alternative measures are identified to ensure the safety of children in care;

D. any variance of the provisions in part 9502.0435 relating to sanitation and health and part 9502.0445 on water, food, and nutrition are approved by an authorized agent and alternative measures are identified to ensure the health of children in care;

E. any variance of the provisions in part 9502.0425 relating to subparts 10, stairways; 11, decks; and 13, sewage disposal which relate to the State Building Code, are approved by a building official and alternative measures are identified to ensure the health and safety of children in care; and

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F. any variance to subpart 6, item F must have clear and convincing evidence presented by the applicant or provider that no threat or harm whatsoever will result to the children in care due to the granting of the variance. The department shall consider the nature of the crime committed and the amount of time which has elapsed without a repeat of the crime.

Subp. 8a. **Variance procedure.** Request for a variance must comply with and be handled according to the following procedures.

A. An applicant or provider must submit to the agency a written request for a variance. The request must include the following information:

(1) the sections of parts 9502.0315 to 9502.0445 with which the applicant or provider cannot comply;

(2) the reasons why the applicant or provider needs to depart from the specified sections;

(3) the period of time for which the applicant or provider requests a variance; and

(4) the specific equivalent alternative measures which the applicant or provider will provide so the health, safety, and protection of children in care are ensured if the variance is granted.

B. An applicant or provider must submit to the agency written approval from a fire marshal of a variance request and the alternative measures identified to ensure the safety of children in care when a variance of the fire safety provisions in part 9502.0425 on physical environment is requested. These are part 9502.0425, subpart 4, means of escape; subpart 5, occupancy separations; subpart 6, vertical separations; subpart 7, heating and venting systems; subpart 12, locks and latches; subpart 15, interior walls and ceilings; subpart 16, extinguishers; subpart 17, smoke detection systems; and subpart 18, electrical services.

C. An applicant or provider must submit to the agency written approval from an authorized agent of a variance request and the alternative measures identified to ensure the safety of children in care when a variance of the health provisions in parts 9502.0435 on sanitation and health, and 9502.0445 on water, food, and nutrition is requested.

D. An applicant or provider must submit to the agency written approval from a building official of a variance request and alternative measures identified to ensure the health and safety of children in care when a variance is requested of the standards contained in part 9502.0425 relating to subparts 10, stairways; 11, decks; and 13, sewage disposal.

Subp. 8b. [Repealed, 30 SR 585]

Subp. 9. **License terms.** The license must indicate:

A. the number and age groupings of children who may receive care at any one time;

B. the expiration date of the license and location of the residence;

C. the name and address of the provider; and

D. that the provider is licensed under parts 9502.0315 to 9502.0445 of Minnesota Rules.

Subp. 10. **Posting license.** The provider shall post the license in the residence in a prominent place.

Subp. 11. **Change in license terms.** The following shall apply to changes in the terms of a license.

A. A new department application form must be submitted by the provider and a full licensing study as specified in part 9502.0335, subpart 2, must be completed when the provider wants to move the

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day care operation to a new residence or the provider wants to change to group family day care from family day care.

B. A new department application form indicating the changes in the ages and numbers of children in care must be completed when the provider wants to change to family day care from group family day care.

C. A background study must be initiated and completed as required under Minnesota Statutes, chapter 245C.

Subp. 12. **Number of licenses.** No provider shall be issued a license to operate more than one day care residence.

Subp. 13. **Access to residence.** The provider shall give authorized representatives of the commissioner or agency access to the residence during the hours of operation to determine whether the residence complies with the standards of parts 9502.0315 to 9502.0445. Access shall include:

A. the residence to be occupied by children in care;

B. any adjoining land or buildings owned or operated by the applicant or provider in conjunction with the provision of day care and designed for use by the children in care;

C. noninterference in interviewing all caregivers and household members present in the residence on a regular basis and present during the hours of operation; and

D. the right to view and photocopy the records and documents specified in part 9502.0405.

Subp. 14. [Repealed, 15 SR 2105]

Subp. 15. **Return of license to commissioner.** When a provider stops giving care, or if a license is revoked, suspended, or not renewed, the provider shall return the license to the commissioner, stop all advertising and refrain from providing care to children in excess of the exclusions specified in part 9502.0325, subpart 3.

Subp. 16. [Repealed, 15 SR 2105]

Statutory Authority: *MS s 14.386; 14.388; 245A.02; 245A.03; 245A.04; 245A.09; 245A.16; 252.28*

History: *9 SR 2106; 10 SR 2617; L 1987 c 309 s 24, c 333 s 22; 12 SR 2252; 13 SR 1448; 15 SR 2043; 15 SR 2105; L 1991 c 38 s 2; L 2001 1Sp9 art 14 s 35; L 2005 c 56 s 2; 30 SR 585*

Posted: *October 8, 2007*

9502.0341 NEGATIVE LICENSING ACTIONS.

Subpart 1. [Repealed, 15 SR 2105]

Subp. 2. **Definitions.** For the purposes of this subpart, negative licensing actions shall mean denial of application for licensure, issuance of a fine, revocation, suspension, or temporary immediate suspension of an existing license.

Subp. 3. **Procedures.** In accordance with Minnesota Statutes, section 245A.06 or 245A.07, failure to comply with parts 9502.0315 to 9502.0445 or the terms of licensure is grounds for a negative licensing action. If the agency recommends a negative licensing action, the agency shall notify the department and the department shall determine if the standards in parts 9502.0315 to 9502.0445 or the terms of licensure

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have been violated. If the grounds are sufficient, the commissioner shall notify the applicant or provider by certified mail unless personal service is required by subpart 9. The notice must be addressed to the name and location shown on the application or license and contain a statement of, and the reasons for, the proposed action. The notice must inform the applicant or provider of the right to appeal the decision within the specified time period. The applicant or provider shall be notified of the specific appeal rights provided under chapter 245A.

Subp. 3a. **Fine.** If the commissioner issues a fine, the provider must be informed of the reason for the fine and the right to a contested case hearing under Minnesota Statutes, chapter 14, and parts 1400.8505 to 1400.8612 as provided in Minnesota Statutes, section 245A.07, subdivision 3.

Subp. 4. **Denial.** If the commissioner denies an application for licensure, the applicant must be informed of the reason the application was denied and the right to a contested case hearing under Minnesota Statutes, chapter 14, and parts 1400.8505 to 1400.8612 as provided in Minnesota Statutes, section 245A.05.

Subp. 5. **Revocation.** If the commissioner revokes a license, the provider must be informed of the reason for the revocation and the right to a contested case hearing under Minnesota Statutes, chapter 14, and parts 1400.8505 to 1400.8612 as provided in Minnesota Statutes, section 245A.07, subdivision 3.

Subp. 6. [Repealed, 30 SR 585]

Subp. 7. [Repealed, 30 SR 585]

Subp. 8. **Suspension.** If the commissioner suspends a license, the provider must be informed of the reason for the suspension and the right to a contested case hearing under Minnesota Statutes, chapter 14, and parts 1400.8505 to 1400.8612 as provided in Minnesota Statutes, section 245A.07, subdivision 3.

Subp. 9. **Temporary immediate suspension.** If the provider's actions or failure to comply with applicable law or rule poses an imminent risk of harm to the health, safety, or rights of the children in care, the commissioner shall act immediately to temporarily suspend the license. The provider shall be informed by personal service and informed of the right to an expedited hearing under Minnesota Statutes, chapter 14, and parts 1400.8505 to 1400.8612 as provided in Minnesota Statutes, section 245A.07, subdivisions 2 and 2a.

Subp. 9a. [Repealed, 15 SR 2105]

Subp. 10. **Notice to parents of recommended action.** As soon as the county recommends revocation, suspension, a conditional license, or temporary immediate suspension action, a notice of the circumstances for the action, but not the identity of a child, other than the parent's own, shall be sent by the agency to the parents of children in care. If the provider remains in operation and exercises a right to a hearing, the provider must give a copy of the Notice of and Order for Hearing on the appeal to the parents of any child currently enrolled or seeking admission to the residence.

Subp. 11. **Reapplication after revocation or denial.** A provider whose license has been revoked because of noncompliance with applicable laws or rules, shall not be granted a new license for five years following revocation. When the commissioner initiates an action to revoke a license, the provider may not voluntarily withdraw his or her license without written assurance from the provider that he or she is voluntarily accepting revocation and will not reapply for five years. An applicant whose application was denied shall not be granted a new license for two years following a denial, unless the applicant's subsequent application contains new information which constitutes a substantial change in the condition that caused the previous denial.

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Statutory Authority: *MS s 14.386; 14.388; 245A.09; 245A.16; 252.28*

History: *9 SR 2106; 10 SR 2617; L 1987 c 333 s 22, c 384 art 2 s 1; 15 SR 2105; 30 SR 585*

Posted: *October 8, 2007*

9502.0345 AGENCY RECORDS.

Subpart 1. **Agency records.** The agency shall maintain the following records for each provider:

A. A copy of the completed licensing application form signed by the applicant and the agency.

B. The physical health reports on any adult giving care in the residence on a regular basis.

C. Any written reports from the fire marshal, agent of a board of health as authorized under Minnesota Statutes, section 145A.04, or building official.

D. The agency's initial and any renewal licensing studies.

E. If the applicant has been licensed through another jurisdiction, the agency shall request and keep a reference from the licensing authority in that jurisdiction.

F. The annual relicensing evaluation by the agency of the provider. Any comments of the provider about the evaluation by the agency shall also be noted in the agency record.

G. Documentation of any variances of parts 9502.0315 to 9502.0445.

H. Arrest, conviction, or criminal history information and substantiated maltreatment information used to disqualify an individual required to have a background study under Minnesota Statutes, chapter 245C.

Subp. 2. **Data privacy.** The agency, department, and the authorized agent shall have access to provider records on children in care to determine compliance with parts 9502.0315 to 9502.0445. The provider shall not disclose any records on children in care to any persons other than the parents of the child, the agency, the department, the persons required by part 9502.0375, subpart 1, and medical or public safety persons if information is necessary to protect the health and safety of the child.

Statutory Authority: *MS s 14.386; 14.388; 245A.09; 252.28*

History: *9 SR 2106; 10 SR 2617; L 1987 c 309 s 24; 30 SR 585*

Posted: *October 8, 2007*

9502.0355 CAREGIVER QUALIFICATIONS.

Subpart 1. **Age.** An applicant for family day care or group family day care shall be an adult at the time of licensure.

Subp. 2. **Health.** An adult caregiver shall be physically able to care for children.

A. The applicant shall supply documentation to the agency with the license application that the applicant has had a physical examination from a licensed physician within 12 months prior to initial licensure and is physically able to care for children.

B. The applicant shall supply documentation to the agency with the license application that all adult caregivers who are assisting with care on a regular basis have had a physical examination from a

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licensed physician within 12 months prior to employment within the residence and are physically able to care for children.

Subp. 3. **Group family day care.** A group family day care applicant shall meet all the requirements listed in subparts 1 and 2 for family day care. A group family day care applicant shall also meet the qualifications in item A, B, or C.

A. A minimum of one years' substantial compliance with parts 9502.0315 to 9502.0445 as a licensed family day care provider; or

B. A minimum of six months' substantial compliance with parts 9502.0315 to 9502.0445 as a licensed family day care provider; and

(1) completion of an accredited competency based family day care training and assessment program offered by an accredited institute; or

(2) thirty hours of child care, health, and nutrition training as specified in part 9502.0385, and a minimum of 520 hours of experience as an assistant teacher, student teacher, or intern in an elementary school or licensed child care center, or as an assistant adult caregiver in a licensed group family day care home; or

(3) thirty hours of child development or early childhood education training, as specified in part 9502.0385, and a minimum of 520 hours of experience as a licensed practical or registered nurse; or

C. Certification or licensure indicating:

(1) completion of a two year child development or early childhood education associate or certificate program at an accredited college or university;

(2) completion of a nine month child development assistant program at an accredited technical college;

(3) a current Level I or Level II prekindergarten license from the Department of Education;

(4) a kindergarten through sixth grade teaching degree from an accredited university or college that includes a minimum of 30 hours of child development training; or

(5) documentation of a minimum of six months satisfactory experience as a full-time teacher at a state licensed group day care center.

Subp. 3a. **Accredited.** For the purposes of this part, "accredited" means a postsecondary institution or technical college recognized and listed by a regional, state, or national group approved by the department. To be approved, a group must meet the following criteria:

A. it must be capable of conducting site visits to evaluate the facilities used by the program;

B. it must be capable of evaluating the quality of the program and its faculty;

C. it must have standards which ensure that persons who complete the program have the knowledge and training to work as group family day care providers; and

D. it must not be affiliated with any individual program, postsecondary institution, or technical college.

Subp. 4. **Day care insurance coverage.** A provider shall have:

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A. a certificate of insurance for the residence for general liability coverage for bodily injury in the amount of at least $100,000 per person and $250,000 per occurrence; or

B. if the provider has liability coverage of lesser limits or no liability coverage, the provider shall give a written notice of the level of liability coverage to parents of all children in care prior to admission or when there is a change in the amount of insurance coverage; and

C. the provider shall maintain copies of the notice, signed by the parents to indicate they have read and understood it, in the provider's records on the residence as specified in part 9502.0405.

Statutory Authority: *MS s 245A.09; 252.28*

History: *9 SR 2106; 10 SR 2617; L 1987 c 258 s 12; L 1989 c 246 s 2; L 1995 1Sp3 art 16 s 13; L 2003 c 130 s 12*

Posted: *October 8, 2007*

9502.0365 LICENSED CAPACITY, CHILD/ADULT RATIOS, AGE DISTRIBUTION RESTRICTIONS.

Subpart 1. **Capacity limits.** Family day care and group family day care providers shall comply with part 9502.0367, which limits the total number of children and the number of preschoolers, toddlers, and infants who may be in care at any one time, and provides for the number of adults who are required to be present.

A. Providers shall be licensed for the total number of children, ten years of age or younger, who are present in the residence at any one time. The licensed capacity must include all children of any caregiver when the children are present in the residence.

B. Within the licensed capacity, the age distribution restrictions specify the maximum number of children under school age, infants, and toddlers who are in care at any one time.

Subp. 2. **Specialized infant and toddler group family day care.** In specialized infant and toddler group family day care, the caregivers must be adults.

Subp. 3. **Newborn care.** When a newborn is in care and only one adult caregiver is present, the newborn shall be the only child under 12 months of age and the provider shall not care for more than two other children at the same time unless another adult caregiver is also present or the newborn is the provider's own.

Subp. 4. **Helpers.** A helper may be used in place of a second adult caregiver when there is no more than one infant or toddler present.

Subp. 5. **Supervision and use of substitutes.** A licensed provider must be the primary provider of care in the residence. Children in care must be supervised by a caregiver. The use of a substitute caregiver must be limited to a cumulative total of not more than 30 days in any 12-month period.

Statutory Authority: *MS s 245A.09; 252.28*

History: *9 SR 2106; 10 SR 2617*

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9502.0367 CHILD/ADULT RATIOS; AGE DISTRIBUTION RESTRICTIONS.

A. Family Day Care:

Child/Adult Ratio			Age Restrictions
Licensed Capacity	Adults	Total children under school age	Total infants and toddlers
10	1	6	Of the total children under school age, a combined total of no more than 3 shall be infants and toddlers. Of this total, no more than 2 shall be infants.

B. Specialized Infant and Toddler Family Day Care:

(1) 5	1	3	No more than 3 shall be infants.
(2) 6	1	4	No more than 2 shall be infants.

C. Group Family Day Care:

(1) 10	1	8	Of the total children under school age, a combined total of no more than 3 shall be infants and toddlers. Of this total, no more than 2 shall be infants.
(2) 12	1	10	Of the total children under school age, a combined total of no more than 2 shall be infants and toddlers. Of this total, no more than 1 shall be an infant.
(3) 14	2	10	Of the total children under school age, a combined total of no more than 4 shall be infants and toddlers. Of this total, no more than 3 shall be infants.

A helper may be used in place of a second adult caregiver when there is no more than 1 infant or toddler present.

D. Specialized Infant and Toddler Group Family Day Care:

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9	2	7	Of the total children, no more than 4 shall be infants. Both caregivers shall be adults.

Statutory Authority: *MS s 245A.09; 252.28*

History: *9 SR 2106; 10 SR 2617*

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9502.0375 REPORTING TO AGENCY.

Subpart 1. **Abuse, neglect reporting.** All caregivers shall report any suspected physical abuse, sexual abuse, or neglect of a child to the agency or police as required by Minnesota Statutes, section 626.556. If a caregiver has reasonable cause to believe a child has died as a result of physical or sexual abuse or neglect, the caregiver shall report this information to the county medical examiner or coroner.

Subp. 2. **Other reporting.** The provider shall inform the agency:

A. within 30 days of any change in the regular membership of the household within the day care residence or the addition of an employee who will regularly be providing care;

B. immediately of any suspected case of physical or sexual abuse or neglect;

C. within 48 hours after the occurrence of a fire that requires the service of a fire department so the agency may determine continued substantial compliance with parts 9502.0315 to 9502.0445; and

D. immediately after the occurrence of any serious injury or death of a child within the day care residence. A serious injury is one that is treated by a physician.

Statutory Authority: *MS s 245A.09; 252.28*

History: *9 SR 2106; 10 SR 2617*

Posted: *October 8, 2007*

9502.0385 [Repealed, L 2007, c 112, s 59]

Posted: *October 8, 2007*

9502.0395 BEHAVIOR GUIDANCE.

Subpart 1. **Methods.** Caregivers shall give each child guidance which helps the child acquire a positive self-concept, self-control, and teaches acceptable behavior.

A. The provider shall discuss methods of behavior guidance with parents at the time of admission and the parent's standards shall be considered by the provider within the context of this part when guiding the behavior of a child.

B. Behavior guidance used by caregivers must be constructive, positive, and suited to the age of the child. Methods of intervention, guidance, and redirection must be used.

Subp. 2. **Standards.** The following shall apply to all caregivers when guiding behavior in children.

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A. No child shall be subject to corporal punishment or emotional abuse. "Corporal punishment" means the nonaccidental infliction of physical pain on a child by a caregiver. Corporal punishment includes, but is not limited to, rough handling, shoving, hair pulling, ear pulling, shaking, slapping, kicking, biting, pinching, hitting, and spanking. "Emotional abuse" means the infliction of verbal or psychological abuse on a child by a caregiver. Emotional abuse includes, but is not limited to, name calling, ostracism, shaming, derogatory remarks about the child or child's family, and threats which threaten, humiliate, or frighten the child.

B. Food, light, warmth, clothing, and medical care shall not be withheld from the child.

C. Discipline and punishment shall not be delegated to another child.

D. The separation of a child from a group to guide behavior must be appropriate to the age of the child and circumstances requiring the separation.

E. An infant shall not be separated from the group for disciplinary reasons.

F. A child shall not be separated from the group for a period longer than ten minutes.

G. A child separated from the group must be placed in an area or separate room that is well-lighted, free from hazards, ventilated, and open to the view of caregivers.

H. No child shall be placed in a locked room to separate the child from the group.

Subp. 3. **Toilet training.** If toilet training is undertaken, the provider and parent shall cooperatively develop a plan for the timing and method of training.

A. No child shall be punished for toileting accidents.

B. A child shall be offered opportunity for toileting.

Statutory Authority: *MS s 245A.09; 252.28*

History: *9 SR 2106; 10 SR 2617*

Posted: *October 8, 2007*

9502.0405 ADMISSIONS; PROVIDER RECORDS; REPORTING.

Subpart 1. **Cooperating with parents.** When admitting a child to day care, the provider and parents shall discuss child rearing, sleeping, feeding, and behavior guidance practices essential for the care of the child.

Subp. 2. **Rule summary for parents.** A descriptive summary of parts 9502.0315 to 9502.0445 shall be distributed to the parent by the provider at the time a child is admitted to care. The summary shall be provided by the department to the agency for distribution to the provider. The summary shall be written in language that is understandable to the general public and:

A. state that parts 9502.0315 to 9502.0445 govern the licensing of day care residences;

B. specify the rule part headings contained in parts 9502.0315 to 9502.0445; and

C. state that a complete copy of parts 9502.0315 to 9502.0445 may be seen at the day care residence, the agency, department, or State Law Library, or purchased from the Print Communications Division, Department of Administration, State of Minnesota, 117 University Avenue, Saint Paul, Minnesota 55155.

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Subp. 3. **Provider policies.** The provider shall have the following written information available for discussion with parents or the agency:

A. the ages and numbers of children in care in the residence;

B. the hours and days of operation;

C. meals and snacks to be served;

D. labeling requirements for food brought from the child's home;

E. sleeping and rest arrangements;

F. nondiscrimination practices to comply with subpart 6;

G. policies for the care of ill children, disease notification procedures, immunizations, and medicine permission policies;

H. emergency, fire, and storm plans and the monthly fire drill log;

I. seat belt and transportation plans and field trip and transportation permission requirements;

J. fees;

K. termination and notice procedures;

L. plans for a helper and substitute for emergencies, vacations, or holidays;

M. the presence of pets in the residence;

N. a complete copy of parts 9502.0315 to 9502.0445;

O. insurance coverage; and

P. whether or not smoking is permitted in the residence during the hours children are in care.

Subp. 4. **Records for each child.** The provider shall obtain the information required by items A to C from parents prior to admission of a child. The provider shall keep this information up-to-date and on file for each child.

A. The signed and completed admission and arrangements form of the department must be on file in the provider's home and contain the following information:

(1) Name and birthdate of the child.

(2) Full name of parents.

(3) Home address, work address, and telephone numbers where parents may be reached.

(4) Name, address, and telephone number of physician, dentist, and hospital to be used for emergencies when parents cannot be reached.

(5) Name, address, and telephone number of persons to be notified in case of emergency, when parents cannot be reached.

(6) Names of all persons authorized to remove the child from the residence.

(7) Enrollment dates.

(8) Financial arrangements.

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(9) Insurance notification specified in part 9502.0355, subpart 4.

B. Special instructions from the parent shall be obtained in writing and followed about toilet training, eating, sleeping or napping, allergies, and any health problems.

C. Immunization records must be kept in accordance with Minnesota Statutes, section 121A.15. The provider shall request, update, and keep on file the dates of immunizations received by a child in regular attendance at the residence as follows:

(1) for an infant, every six months;

(2) for a toddler, annually;

(3) for a preschool child, every 18 months; and

(4) for a school-age child, every three years.

D. Signed written consent must be obtained in advance from the parent so the provider can obtain emergency medical care or treatment. The consent may be used if the parent cannot be reached or is delayed in arriving.

E. Written permission to transport children must be obtained from parents if the provider will be transporting a child.

F. A provider shall release a child from care only to a parent or a person authorized by the parent.

Subp. 5. **Children with disabilities.** For children with disabilities requiring special therapy, program, or behavior guidance, the parents, physician, or therapist shall provide and the provider shall follow written instructions for any special needs. "Child with a disability" means a child who has been determined by a physician, a school district multidisciplinary team, or other person licensed to identify disabling conditions, to have a hearing, mental, neurological, developmental, serious emotional, social, learning, speech or language, physical, or visual impairment.

Subp. 6. **Nondiscrimination.** No caregiver shall discriminate in relation to admissions on the basis of race, creed, color, national origin, religion, or sex.

Statutory Authority: *MS s 245A.09; 252.28*

History: *9 SR 2106; 10 SR 2617; L 1998 c 397 art 11 s 3; L 2005 c 56 s 2*

Posted: *October 8, 2007*

9502.0415 ACTIVITIES AND EQUIPMENT.

Subpart 1. **General activities.** Day care activities must provide for the physical, intellectual, emotional, and social development of the child. The environment must facilitate the implementation of the activities. Activities must:

A. be scheduled indoors and outdoors, weather permitting;

B. be appropriate to the developmental stage and age of the child;

C. include active and quiet activity; and

D. contain provider-directed and child-initiated activity.

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Subp. 2. [Repealed, 10 SR 2617]

Subp. 3. **Equipment.** The provider must have the equipment specified in this part in adequate quantities for the number and ages of children in care and to carry out the activities specified in this part. Equipment may be new, used, commercial, or homemade, as long as it is appropriate for the ages of the children and activities for which it will be used, safe, and in good repair.

Subp. 4. **Newborn or infant activities.** The provider shall:

A. Hold the infant or newborn during bottle feedings until the child can hold its own bottle. Bottles must not be propped.

B. Respond to the infant or newborn's attempts to communicate.

C. Provide freedom of movement to the infant or newborn during a large part of the waking day to the extent that safety and weather permits. The noncreeping child shall spend part of each day out of a crib or infant seat. The creeping infant or newborn shall have freedom to explore outside of the crib or infant seat.

D. Give the infant or newborn opportunity to stimulate the senses by providing a variety of activities and objects to see, touch, feel, smell, hear, and taste.

E. Provide activities for the infant or newborn that develop the child's manipulative and fine motor skills, self-awareness, and social responsiveness.

Subp. 5. **Newborn or infant equipment.** The following minimum equipment is required for each infant or newborn:

A. an infant seat or high chair; and

B. a crib, portable crib, or playpen with waterproof mattress or pad which meets the requirements in part 9502.0425, subpart 9.

Subp. 6. **Toddler activities.** The provider shall:

A. Provide the toddler with freedom of movement and freedom to explore outside the crib or playpen.

B. Talk to, listen to, and interact with the toddler to encourage language development.

C. Provide the toddler with large muscle activities and activities which develop the child's small muscles and manipulative skills.

D. Develop and stimulate learning by reading stories to the child or looking at picture books together.

E. Give the toddler opportunities to stimulate the senses by providing a variety of age-appropriate activities and objects to see, touch, feel, smell, hear, and taste.

Subp. 7. **Toddler equipment.** Each toddler shall be provided with a mat, crib, cot, bed, sofa, or sleeping bag.

Subp. 8. **Preschooler activities.** The provider shall:

A. Encourage conversation between the child and other children and adults.

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B. Provide opportunity to play near and with other children; provide time and space for individual and group play; allow for quiet times to talk or rest; allow for unplanned time and individual play time.

C. Foster understanding of personal and peer feelings and actions and allow for the constructive release of feelings and anger through discussion or play.

D. Give assistance in toileting and provide time to carry out self-help skills and provide opportunity to be responsible for activities like putting away play equipment and helping around the house.

E. Provide opportunity for each child to make decisions about daily activities and to take credit for the consequences of decisions.

F. Provide time and areas for age appropriate large muscle play.

G. Provide learning, small muscle, manipulative, creative or sensory activities.

H. Read stories, look at books together, and talk about new words and ideas with the child.

Subp. 9. **Preschooler equipment.** Each preschooler shall be provided with a mat, bed, cot, sofa, or sleeping bag.

Subp. 10. **School-age activities.** The provider shall:

A. provide opportunities for individual discussion about the happenings of the day and planning for activities;

B. provide space and opportunity for games, activities, or sports using the whole body, outdoors, weather permitting;

C. provide space and opportunity for individual rest and quiet time;

D. allow increased freedom as the child demonstrates increased responsibility;

E. provide opportunities for group experiences with other children;

F. provide opportunities to develop or expand self-help skills or real-life experiences; and

G. provide opportunities for creative and dramatic activity, arts and crafts, or field trips.

Subp. 11. [Repealed, 10 SR 2617]

Subp. 12. **Written permission.** Written permission must be obtained from the parent to allow a school-age child in care to participate in activities away from the residence.

Statutory Authority: *MS s 245A.09; 252.28*

History: *9 SR 2106; 10 SR 2617*

Posted: *October 8, 2007*

9502.0425 PHYSICAL ENVIRONMENT.

Subpart 1. **Indoor space.** The licensed capacity of the day care residence must be limited by the amount of usable indoor space available to children. A minimum of 35 square feet of usable indoor space is required per child.

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A. Bathrooms, closets, space occupied by major appliances, and other space not used by children may not be counted as usable space. Space occupied by adult furniture, if it is used by children, may be counted as usable indoor space.

B. Usable indoor space may include a basement if it has been inspected by a fire marshal, is free of hazard, and meets the minimum exiting standards specified in subpart 4.

Subp. 2. **Outdoor play space.** There must be an outdoor play space of at least 50 square feet per child in attendance, adjacent to the residence, for regular use, or a park, playground, or play space within 1,500 feet of the residence. On-site supervision must be provided by a caregiver for children of less than school age when play space is not adjacent to the residence. Enclosure may be required by the agency to provide protection from rail, traffic, water, or machinery hazard. The area must be free of litter, rubbish, toxic materials, water hazards, machinery, unlocked vehicles, human or animal wastes, and sewage contaminants.

Subp. 3. **Water hazards.** Swimming and wading pools, beaches, or other bodies of water on or adjacent to the site of the residence must be inaccessible to children except during periods of supervised use. Wading pools, as defined in chapter 4717, must be kept clean. When children use a swimming pool, as defined in chapter 4717, or beach, an attendant trained in first aid and resuscitation shall be present. Any public swimming pool, as defined in chapter 4717, used by children must meet the requirements of chapter 4717.

Subp. 4. **Means of escape.** From each room of the residence used by children, there must be two means of escape. One means of escape must be a stairway or door leading to the floor of exit discharge. The other must be a door or window leading directly outside. The window must be openable without special knowledge. It must have a clear opening of not less than 5.7 square feet and have a minimum clear opening dimension of 20 inches wide and 24 inches high. The window must be within 48 inches from the floor.

Subp. 5. **Occupancy separations.** Day care residences with an attached garage must have a self-closing, tight fitting solid wood bonded core door at least 1-3/8 inch thick, or door with a fire protection rating of 20 minutes or greater and a separation wall consisting of 5/8 inch thick gypsum wallboard or its equivalent on the garage side between the residence and garage.

Subp. 6. **Vertical separations.** For group family day care homes with a licensed capacity of more than ten children, a 1-3/4 inch solid wood core door or a door and frame with at least a 20-minute fire protection rating, must be provided whenever more than two floors of the residence are connected. These doors must be equipped with self-closing devices.

Subp. 7. **Heating and venting systems.** The following heating and venting guidelines must be met:

A. Stove and heater locations must not block escape in case of a fire.

B. Gas, coal, wood, kerosene, or oil heaters must be vented to the outside in accordance with the State Building Code.

C. Combustible items must not be located within 36 inches of the furnace or other heating sources.

D. Whenever in use, fireplaces, wood-burning stoves, solid fuel appliances, space heaters, steam radiators, and other potentially hot surfaces, such as steam pipes, must be protected by guards to prevent burns. All fireplaces, wood-burning stoves, space heaters, steam radiators, and furnaces must be installed according to the State Building Code.

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E. The furnace, hot water heater, and workshop area must be inaccessible to children. Separation may be by a door, partition, or gate. There must be allowance for air circulation to the furnace.

F. Ventilation of usable space must meet the requirements of the State Building Code. Outside doors and windows used for ventilation in summer months must be screened when biting insects are prevalent.

Subp. 8. **Temperature.** A minimum temperature of 62 degrees Fahrenheit must be maintained in indoor areas used by children.

Subp. 9. **Infant and newborn sleeping space.** There must be a safe, comfortable sleeping space for each infant and newborn. A crib, portable crib, or playpen with waterproof mattress or pad must be provided for each infant or newborn in care. The equipment must be of safe and sturdy construction that conforms to volume 16, parts 1508 to 1508.7 and parts 1509 to 1509.9 of the Code of Federal Regulations, its successor, or have a bar or rail pattern such that a 2-3/8 inch diameter sphere cannot pass through. Playpens with mesh sidings must not be used for the care or sleeping of infants or newborns.

Subp. 10. **Stairways.** All stairways must meet the following conditions.

A. Stairways of three or more steps must have handrails.

B. Any open area between the handrail and stair tread must be enclosed with a protective guardrail as specified in the State Building Code. The back of the stair risers must be enclosed.

C. Gates or barriers must be used when children between the ages of 6 and 18 months are in care.

D. Stairways must be well-lighted, in good repair, and free of clutter and obstructions.

Subp. 11. **Decks.** Decks, balconies, or lofts used by children more than 30 inches above the ground or floor must be surrounded by a protective guardrail and be constructed in accordance with the State Building Code. Wooden decks must be free of splinters and coated with wood preservative, paint, or constructed with treated wood.

Subp. 12. **Locks and latches.** Door locks and latches must meet the following guidelines:

A. a closet door latch must be made so that children can open the door from inside the closet;

B. every bathroom door lock must permit opening of the locked door from the outside and the opening device must be readily accessible to all caregivers; and

C. double cylinder (key required both sides) locks on exit doors are prohibited.

Subp. 13. **Sewage disposal.** Day care residences must have toilet facilities and sewage disposal systems that conform to the State Building Code or local septic system ordinances. The toilets must flush thoroughly. Outdoor toilets are permissible when local ordinances allow.

Subp. 14. **Construction, remodeling.** During construction or remodeling, children shall not have access to dangerous construction or remodeling areas within or around the residence.

Subp. 15. **Interior walls and ceilings.** The interior walls and ceilings within the residence, as well as corridors, stairways, and lobbies must have a flame spread rating of 200 or less.

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Subp. 16. **Extinguishers.** A portable, operational, multipurpose, dry chemical fire extinguisher with a minimum 2 A 10 BC rating must be maintained in the kitchen and cooking areas of the residence at all times. All caregivers shall know how to use the fire extinguisher.

Subp. 17. **Smoke detection systems.** Smoke detectors that have been listed by the Underwriter Laboratory must be properly installed and maintained on all levels.

Subp. 18. **Electrical services.** The following electrical guidelines must be met:

A. all electric receptacles accessible to children under first grade must be tamper-proof or shielded when not in use;

B. all major electrical appliances must be properly installed, grounded in accordance with the state electric code, and in good working order;

C. extension cords shall not be used as a substitute for permanent wiring; extension cords and flexible cords shall not be affixed to structures, extended through walls, ceilings, floors, under doors or floor coverings, nor be subject to environmental damage or physical impact; and

D. electrical wiring must be sized to provide for the load and be in good repair.

Subp. 19. **Smoking prohibited in group family child care home.** Pursuant to Minnesota Statutes, section 144.414, subdivision 2, smoking is prohibited in a group family child care provider's home during hours of operation.

Statutory Authority: *MS s 14.386; 14.388; 245A.09; 252.28*

History: *9 SR 2106; 10 SR 2617; 30 SR 585*

Posted: *October 8, 2007*

9502.0435 SANITATION AND HEALTH.

Subpart 1. **Sanitation and cleanliness.** The residence must be free from accumulations of dirt, rubbish, or peeling paint.

Subp. 2. **Pest control.** Effective measures must be taken to protect the home against vermin and insects. Chemicals for insect and rodent control must not be applied in areas accessible to children when children are present.

Subp. 3. **Rubbish.** Indoor and outdoor garbage and rubbish containers must not be accessible to infants and toddlers.

Subp. 4. **Toxic substances.** All medicines, chemicals, detergents, poisonous plants, alcoholic beverages, and other toxic substances must be inaccessible to children. They must be stored away from food products. Equipment or toys which are mouthed or may be chewed must be free of lead-based paint. Toys and equipment with chipped, cracked, or peeling paint must be tested to verify the absence of lead or be replaced.

Subp. 5. **Firearms.** All firearms must be unloaded and inaccessible to children. Ammunition and firearms must be stored in separate locked areas.

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Subp. 6. **Hazardous activity materials.** Knives, matches, plastic bags, and other potential hazards must be kept out of the reach of infants, toddlers, and preschoolers. The use of potentially hazardous materials and tools must be supervised.

Subp. 7. **First aid kit.** The provider shall have a first aid kit that contains bandages, sterile compresses, scissors, an ice bag or cold pack, an oral or surface thermometer, mild liquid soap, and adhesive tape. A first aid manual must be included. The kit and manual must be accessible and taken on field trips.

Subp. 8. **Emergencies.** The provider shall be prepared for emergencies.

A. An operable telephone must be located within the residence.

B. Emergency phone numbers must be posted by the telephone. The numbers must be those of the local fire department, police department, emergency transportation, and poison control center.

C. The emergency phone numbers of the parents and child's physician and dentist must be readily available within the residence and taken on field trips.

D. Prior arrangements must be made for a substitute to provide care during emergencies.

E. For severe storms and tornadoes, the provider shall have a designated area within the residence that children shall go to for cover, and an operable battery flashlight, and portable radio or TV available.

F. The provider shall have a written fire escape plan and a log of monthly fire and storm drills on file in the residence. The plan must be approved by the agency and specify:

(1) emergency phone numbers;

(2) a place to meet outdoors for roll call;

(3) smoke detector and fire extinguisher locations;

(4) plans for monthly fire and tornado drill sessions; and

(5) escape routes to the outside from all levels used by children. In buildings with three or more dwelling units, enclosed exit stairs must be indicated.

Subp. 9. **Transportation of children.** When transportation is given to children in a motor vehicle other than a bus or school bus operated by a common carrier, the following provisions for their safety must be made.

A. A child may be transported only if the child is fastened in a safety seat, seat belt, or harness appropriate to the child's weight and the restraint is installed and used in accordance with the manufacturer's instructions.

B. A child under the age of four may be transported only if the child is securely fastened in a child passenger restraint system which meets the federal motor vehicle safety standards contained in Code of Federal Regulations, title 49, section 571.213 or its successor.

C. Any vehicle operated by the provider for the transportation of children must be licensed in accordance with the laws of the state and the driver shall hold a current, valid driver's license.

D. Written permission to transport children must be obtained from parents.

E. No child is permitted to remain unattended in any vehicle.

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Subp. 10. **Separation of personal articles.** Separate towels, wash cloths, drinking cups, combs, and other personal articles must be used for each child.

Subp. 11. **Bedding.** Clean, separate bedding must be provided for each child in care.

Subp. 12. **Pets.** All pets housed within the residence shall be maintained in good health and limited to dogs, cats, fish, guinea pigs, gerbils, rabbits, hamsters, rats, mice, and birds if the birds are clear of chlamydia psittaci. The provider shall ensure that:

A. parents are notified prior to admission of the presence of pets in the residence;

B. children handle animals only with supervision;

C. rabies shots and tags are current for all dogs and cats;

D. pet cages are located and cleaned away from any food preparation, storage, or serving areas;

E. play areas are free of animal excrement not confined to pet cages;

F. parents of a child whose skin is broken by an animal bite or scratch, are notified of the injury on the day the injury occurs; and

G. the agent of a board of health as authorized under Minnesota Statutes, section 145A.04 is immediately notified whenever a child in care is bitten by an animal, the notification shall be given before any steps are taken to destroy the animal, and the provider shall take reasonable steps to confine the animal.

Subp. 13. **Diapers.** Children in diapers shall be kept clean and dry. The following sanitary procedures must be used to reduce the spread of communicable disease.

A. An adequate supply of clean diapers must be available for each child and stored in a clean place inaccessible to children. If cloth diapers are used, parents must provide a change of the outer plastic pants for each fecally soiled diaper change. Cloth diapers, except those supplied by a commercial diaper service, and plastic pants, if supplied by parents, must be labeled with the child's name.

B. Diapers and clothing must be changed when wet or soiled.

C. For disposable diapers, a covered diaper disposal container must be located in the diaper changing area and lined with a disposable plastic bag. The container must be emptied when full, and at least daily.

D. Diapering must not take place in a food preparation area. The diaper changing area must be covered with a smooth, nonabsorbent surface. If the surface is not disposable and is wet or soiled, it must be washed with soap and water to remove debris and then disinfected with a solution of at least two teaspoons of chlorine bleach to one quart of water. If the surface is not soiled with feces or urine, then it must be disinfected with the solution of chlorine bleach and water after each diapering.

E. Single service disposable wipes or freshly laundered cloths must be used for washing a soiled child. A child who has soiled or wet must be washed with a disposable wipe or a freshly laundered cloth before rediapering.

F. Cloth diapers, except those supplied by a commercial diaper service, plastic pants, and soiled clothing must be placed in the plastic bag after removal and sent home with the parent daily.

Subp. 14. **Toilet training chairs.** Toilet training chairs, chairs, stools, and seats must be washed with soap and water when soiled, and at least daily.

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Subp. 15. **Hand washing.** A child's hands must be washed with soap and water when soiled, after the use of a toilet or toilet training chair, and before eating a meal or snack. The provider shall monitor and assist the child who needs help.

A. In sinks and tubs accessible to children, the water temperature must not exceed 120 degrees Fahrenheit to prevent children from scalding themselves while washing.

B. Caregivers shall wash their hands with soap and water after each diaper change, after assisting a child on the toilet, after washing the diapering surface, and before food preparation. Hands must be dried on a single use towel.

Subp. 16. **Care of ill children, medicine administration.** The following provisions must be followed for the care of ill children and the administration of medicine.

A. The provider shall notify the parent immediately when a child in care develops any of the following symptoms:

(1) underarm temperature of 100 degrees Fahrenheit or over, or an oral temperature of 101 degrees Fahrenheit or over;

(2) vomiting;

(3) diarrhea; or

(4) rash, other than mild diaper or heat-related rash.

B. The provider shall follow written instructions from an authorized agent or the physician of an ill child placed in the provider's care if the child has any of the illnesses specified in item E.

C. The provider shall require that a child's parent notify the provider within 24 hours of the diagnosis of a serious contagious illness or parasitic infestation listed in item E so the provider may notify the parents of other children in care.

D. The provider shall inform a parent of each exposed child the same day the provider is notified a positive diagnosis has been made for any of the illnesses or parasitic infestations in item E.

E. The provider shall notify the authorized agent or Minnesota Department of Health of any suspected case of reportable disease as specified in part 4605.7000. The agency shall provide the provider with a copy of part 4605.7000 at the time of initial licensure.

F. The following govern the administration of medicine by the provider to children in care:

(1) The provider shall obtain written permission from the child's parent prior to administering medicine, diapering products, sunscreen lotions, and insect repellents. Nonprescription medicines, diapering products, sunscreen lotions, and insect repellents must be administered according to the manufacturer's instructions unless there are written instructions for their use provided by a licensed physician or dentist.

(2) The provider shall obtain and follow written instructions from a licensed physician or dentist prior to administering each prescription medicine. Medicine with the child's name and current prescription information on the label constitutes instructions.

Statutory Authority: *MS s 245A.09; 252.28*

History: *9 SR 2106; 10 SR 2617; L 1987 c 309 s 24; 30 SR 1216*

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Posted: *October 8, 2007*

9502.0445 WATER, FOOD, AND NUTRITION.

Subpart 1. **Water.** There must be a safe water supply in the residence.

A. Water from privately owned wells, must be tested annually by a Minnesota Health Department certified laboratory for coliform bacteria and nitrate nitrogens to verify safety. The provider shall file a record of the test results with the agency. Retesting and corrective measures may be required by the agency if results exceed state drinking water standards or where the supply may be subject to off-site contamination.

B. Drinking water must be available to the children and offered at frequent intervals in separate or single service drinking cups or bottles.

Subp. 2. **Milk.** Milk served to children in care must be pasteurized.

Subp. 3. **Meals and snacks.** Well-balanced meals and snacks must be offered daily.

A. Food served during the day must include servings from each of the basic food groups as defined by the United States Department of Agriculture's Code of Federal Regulations, title 7, section 226.20.

B. The provider shall follow written instructions obtained from the parents, at the time of enrollment, on each child's special diet or food needs. Parents shall be consulted about special food preferences.

C. Flexible feeding schedules must be provided for infants and toddlers, and the infant or toddler's usual diet and feeding schedule must be followed.

D. Food, lunches, and bottles brought from home must be labeled with the child's name and refrigerated when necessary. Bottles must be washed after use.

Subp. 4. **Food safety.** Food must be handled and stored properly to prevent contamination and spoilage.

A. All food and cooking utensils must be stored to protect them from dust, vermin, pipe leakage, or other contamination.

B. Food requiring refrigeration must be maintained at no more than 40 degrees Fahrenheit. Food requiring heating must be maintained at no less than 150 degrees Fahrenheit until ready to serve. Frozen food must be maintained in a solid state until used.

C. Appliances used in food storage and preparation must be safe and clean.

D. No hermetically sealed (canned), nonacid or low-acid food which has been processed in a place other than a commercial food-processing establishment shall be served to children in care. Low-acid food includes meats, fish, and poultry and most vegetables and is required to be steam-pressure canned by the United States Department of Agriculture in Bulletin number 8, "Home Canning of Fruits and Vegetables," 1983 Edition. Fresh and frozen foods, properly canned tomatoes, pickled foods, and canned fruits such as apples, berries, peaches, apricots, jams, and jellies may be served to children in care. The USDA "Home Canning of Fruits and Vegetables," Home and Garden Bulletin number 8, 1983 Edition, is incorporated by reference. It is not subject to frequent change and is available through Minitex interlibrary loan system, or by writing the Superintendent of Documents, U.S. Government Printing Office, Washington D.C., 20402.

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Statutory Authority: *MS s 245A.09; 252.28*

History: *9 SR 2106; 10 SR 2617*

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(Brainerd MN)
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SECTION 29
COMMERCIAL DAY CARE FACILITIES

Section:

515-29-1: Purpose and Intent
515-29-2: Application
515-29-3: Declaration of Conditions
515-29-4: Site Plan Drawing Necessary
515-29-5: General Provisions
515-29-6: Non-Conforming Use
515-29-7: Inspection

515-29-1: Purpose and Intent: The regulation of commercial day care facilities in this Ordinance is to establish standards and procedures by which day care facilities can be conducted within the City without jeopardizing the health, safety and general welfare of the day care participants and/or the surrounding neighborhood. This Section establishes the City's minimum requirements for the establishment of a day care facility which is not defined as a permitted use by State Statute or which are operated in places other than single family homes. Day care facilities defined as permitted uses by State Statutes operate in a single family dwelling as an accessory use.

515-29-2: Application. Commercial day care facilities shall be considered an allowed conditional use within the B-1, B-2, B-3, B-4, I-1 and I-2 Districts of the City and shall be subject to the regulations and requirements of Section 5 of this Ordinance. In addition to the City regulation, all day care facility operations shall comply with the minimum requirements of the Minnesota Department of Health and Human Services regulations, as may be amended.

515-29-3: Declaration of Conditions. The Planning Commission may recommend and the City Council may impose such conditions on the granting of a day care facility Conditional Use Permit as may be necessary to carry out the purpose and provisions of this Section.

515-29-4: Site Plan Drawing Necessary. All applications for a day care facility Conditional Use Permit shall be accompanied by a site plan drawn to scale and dimension, displaying the information required by Section 5 of this Ordinance.

515-29-5: General Provisions. Day care facilities shall be allowed as a principal use, provided that the day care facilities meet all the applicable provisions of this Section.

A. Lot Requirements and Setbacks. The proposed site for a day care facility must have a minimum lot area as required by the applicable zoning district in which it is located and as determined by the Minnesota Department of Health and Human Services. The City

Council may increase the required lot area in those cases where such an increase is considered necessary to ensure compatibility of activities and maintain the public health, safety and general welfare. The day care facility must meet the minimum setback requirements of the respective zoning district. The City Council may increase setback requirements if considered necessary to ensure compatibility.

B. Sewer and Water. All day care facilities shall have access to municipal sewer and water or have adequate private sewer and water to protect the health and safety of all persons who occupy the facility.

C. Screening. A day care facility shall provide screening along shared property boundaries. Such required fencing and screening shall comply with the required fencing and screening provisions of Section 20 of this Ordinance.

D. Parking. There shall be off-street parking located separately from any outdoor play area and shall be in compliance with Section 22 of this Ordinance. Parking areas shall be screened from view of surrounding and abutting residential uses in compliance with Section 20 of this Ordinance.

E. Loading. Off-street loading spaces in compliance with Section 23 of this Ordinance shall be provided.

F. Signage. All signing and informational or visual communication devices shall be in compliance with the provisions of Section 37 of this Ordinance.

G. Compliance with State Requirements. The building and operation shall be in full compliance with State of Minnesota, Department of Health and Human Services regulations and be licensed accordingly.

515-29-6: Non-Conforming Uses. Existing day care facilities lawfully existing on the effective date of this Ordinance may continue as non-conforming uses. Any existing day care facility that is discontinued for a period of more than one (1) year, or is in violation of the provisions of the Ordinance, under which it was initially established, shall be brought into conformity with the provisions of this Section.

515-29-7: Inspection. At any and all reasonable hours, with or without notice, the City hereby reserves the right upon issuing any day care facility a Conditional Use Permit to inspect the premises in which the occupation is being conducted to ensure compliance with the provisions of this Section, Ordinance, or any conditions additionally imposed.

 7-1

Implementation

The planning process has value in that it generates a greater understanding of the community and a common vision the direction it should take in the future. The core sections of this plan details the goals and policies of the community as well as strategies for implementation.

To provide a more detailed roadmap for implementation, the following pages present a year-by-year checklist for plan implementation. It lists each task, what section(s) of the plan it comes from and who is expected to lead the effort to complete the task.

This checklist should be used by public officials to focus efforts and resources and to monitor progress on plan implementation.

PRIORITIES FOR 2010/2011

Completed (?)	Specific Implementation Task	Plan Section	Who will get this done?
	Remove the native shoreline vegetation recently planted as part of the "restoration" of the lakeside park.	Parks and Recreation	Parks Committee
	Adopt a resolution supporting expansion of the Cass County offices on its current site.	Economic Development	City Administrator
	Establish a committee to investigate the needs of the Community Center and make a recommendation on public involvement in the project.	Government	City Council/Special Committee
	Pass a resolution of support for operating levies that are recommended by the School Board.	Government	City Administrator
	Conduct a review of local regulations and policies that may impair Cass County from maximizing use of their existing site. Modify the regulations and policies, where possible, to provide the county with greater flexibility.	Economic Development	Planning Commission
	Reach out to Cass County regarding expansion of their facilities at their current location.	Government	City Council
	Create a plan for establishing waytinding (signs and other devices) throughout the city that are modestly scaled, target pedestrians and direct people to key locations throughout the community.	Community Character	Parks Committee
	Review the City's approach to maintaining sidewalks and curbs to put more emphasis on the appearance of these areas.	Community Character	Public Works

7-2

	Conduct a business inventory.	Economic Development	City Planner
	Contact the Leech Lake Band to discuss ways in which members of the City Council can regularly listen to and learn more about the tribal government so as to improve relations and understanding amongst the City's leadership.	Government	City Council
	Find a solution to the infrastructure problems in the industrial park that meets the needs to existing tenants and limits the City's long-term financial obligations.	Transportation and Infrastructure	City Engineer

PRIORITIES FOR 2012

Completed (x)	Specific Implementation Task	Plan Section	Who will get this done?
	Meet with the school to discuss options for trimming or removing vegetation along the outside of the athletics fields so as to connect the surrounding neighborhoods to the activity and community spirit of the school site.	Community Character, Housing	Parks Committee
	Remove visual obstructions from public rights-of-way where they inhibit public viewing of Leech Lake throughout the community.	Community Character, Housing	Public Works
	Work with other cities in Cass County to request that the county modify its approach to zoning around cities to coordinate commercial development efforts with the investments of its municipalities.	Economic Development	City Planner
	Perform a full inventory of all publicly-maintained infrastructure.	Transportation and Infrastructure	Public Works
	Annually update a business inventory to measure the success of the City's policies and strategies.	Economic Development	City Planner
	Establish a task force to work with School District 113 on ways the City and the District can work cooperatively to increase enrollment and reduce costs.	Government	City Council /Special Committee
	Establish a task force to work with Shingobee and Turtle Lake townships on sharing funding of important services that will benefit the area.	Government	City Council /Special Committee

7-3

	Develop and enforce a clear standard for handling garbage and outside storage so as to keep properties neat.	Community Character	Planning Commission
	Provide business loans, loan guarantees and tax incentives to businesses seeking to renovate in the downtown, so long as the renovation is complimentary to the existing, pedestrian-oriented development pattern	Economic Development	City Administrator
	Integrate a form-based code into the existing zoning ordinance throughout the City.	Community Character, Economic Development, Housing	Planning Commission
	Work with Shingobee Township to standardize industrial development standards between the city and the town.	Economic Development	City Council/ Special Committee
	Continue looking into making the fire department a non-city entity to enhance cooperation and provide area-wide accountability for the long term operation of the service.	Government	City Council
	Find space to establish an outdoor ice skating rink during the winter months.	Parks and Recreation	Parks Committee
	Establish a joint working group with Cass County to re-evaluate options for use of the Ah-Gwah-Ching site.	Government	City Council/ Special Committee

7-4

PRIORITIES FOR 2013

Completed (x)	Specific Implementation Task	Plan Section	Who will get this done?
	Use existing mechanisms to provide business loans, loan guarantees and tax incentives to businesses seeking to renovate in the downtown, in conjunction with Small Cities funding, so long as the renovation is complimentary to the existing pedestrian-oriented development pattern.	Community Character	City Administrator
	Coordinate with other cities within Cass County that are faced with a similar zoning approach surrounding their communities as Walker is. Jointly work with Cass County on a change of policy.	Government	City Planner
	Support all efforts to add Native American perspectives to discussions taking place in the City of Walker	Government	City Council
	Study the feasibility of measures to mitigate odor issues at the lakeside park.	Parks and Recreation	Public Works
	Meet with Cass County officials to discuss ways in which the Cass County Courthouse Plaza can be recaptured and enhanced for public use.	Parks and Recreation	Parks Committee
	Prioritize as critical enhanced pedestrian connections to the lakeside park area.	Parks and Recreation	Parks Committee
	Assemble representatives from the Department of Natural Resources, the U.S. Forestry Department, Leech Lake Riders and any other organizations that are interested in trails and trail maintenance to discuss ways to share resources.	Parks and Recreation	Parks Committee
	Develop a master plan for the future physical layout of Walker's lakeside park consistent with the four active functions envisioned for the park and the goals of this plan.	Parks and Recreation	Parks Committee
	Establish signage along the recreational trail through town	Parks and Recreation	Parks Committee

 7-5

PRIORITIES FOR 2014

Completed (x)	Specific Implementation Task	Plan Section	Who will get this done?
	Utilize the infrastructure inventory to establish a capital improvements plan that accounts for the full life-cycle of all of the City's infrastructure.	Transportation and Infrastructure	City Engineer
	Develop a trails map that includes cross-country ski trails and other trails in the surrounding townships.	Parks and Recreation	Parks Committee
	Meet with School District #113 officials to discuss ways in which the City and the school can cooperate to increase the amount of park land and recreational facilities available for public use.	Parks and Recreation	Parks Committee
	Remove parking from the city dock areas so that the site can be dedicated to those arriving to Walker by boat and those seeking to access the docks from the City, and to create pedestrian space for regular use and events.	Community Character, Parks and Recreation	Planning Commission /City Engineer
	Identify city-owned, platted lots currently used for public parking. Develop a strategy for converting each to commercial use.	Economic Development	City Planner
	Retrofit existing municipal parking lots to reduce long-term maintenance costs and emphasize the aesthetic qualities of the downtown.	Economic Development	Public Works/ City Engineer
	Investigate options for creating a "Heritage Trail" walking tour that would educate visitors on the history of Walker.	Community Character	Parks Committee
	Adopt new standard street sections that reduce long-term costs by narrowing lane widths to appropriate neighborhood scale and providing safe pedestrian mobility throughout the city.	Community Character, Economic Development, Housing, Transportation and Infrastructure	City Engineer
	Coordinate with local arts organizations to promote public art. Budget a modest amount each year for this community effort.	Community Character	Parks Committee
	Identify each public water access point within the City of Walker. Develop a long-term plan for the use of each site consistent with the values of this plan.	Parks and Recreation	Parks Committee
	Study the feasibility of constructing a fishing pier at one of the public park facilities	Parks and Recreation	City Council/ Special Committee

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PRIORITIES FOR 2015

Completed (x)	Specific Implementation Task	Plan Section	Who will get this done?
	Look for ways to establish a public boat-mooring facility for the residents of Walker. If demand is greater than supply, provide seasonal access by a lottery system.	Parks and Recreation	City Council/Special Committee
	Seek to add an interpretative monument at the site of the "restoration" project once the historic steps have been recaptured for public enjoyment.	Parks and Recreation	Parks Committee
	Work with the Forest Service to establish a walking trail connection from downtown Walker to neighboring public lands.	Parks and Recreation	Parks Committee
	Investigate the use of a local shuttle, bus or van to provide transportation access throughout the community to those unable to drive.	Transportation and Infrastructure	City Administrator

PAC/BOA decision shall be stated in writing. If the decision of ESD is overturned, the full amount of the appeal bond shall be refunded to the appellant. If the decision of ESD upheld or modified, ESD is entitled to recover expenses directly associated to the appeal and shall refund any balance of the appeal bond to the appellant.

803 RECORDS

All written reports and recommendations to the PAC/BOA shall be made a part of the permanent written record of the Board's meeting. When a variance is approved after the DNR has recommended denial in the hearing record, the notification of the approved variance required in Section 504 shall also include the PAC/BOA summary and findings of fact which supported approval of the variance.

900 LAND USE DISTRICTS AND MAP

901 ESTABLISHMENT OF LAND USE DISTRICTS

The unincorporated areas of Cass County are hereby divided into the following land use districts:

A. Shoreland GD, RD, NE, RP, FOR, REM, TRIB, SC and WD

B. Rural Residential-1 (RR-1);

C. Rural Residential-2.5 (RR-2.5);

D. Rural Residential-5 (RR-5)

E. Rural Residential-10 (RR-10)

F. Rural Residential-20 (RR-20)

G. Municipal Growth (MG);

H. Agricultural/Forestry (AF);

I. Commercial (C-1 & C-2)

J. Water Oriented Commercial (WOC)

K. Resource Protection (RP).

902 CONSISTENT WITH COMPREHENSIVE PLAN

7-8

The land use districts and uses in this Section, and the delineation of land use district boundaries on the zoning map, are consistent with the goals, policies, and objectives of the Cass County Comprehensive Land Use plan.

903 LAND USE DISTRICT DESCRIPTIONS

Sections 903.1 through 903.9 describe the various land use districts established in Cass County. The land use district boundaries are identified on the Cass County Zoning Map.

903.1 Shoreland

The shoreland district is intended to allow low to medium density seasonal and year-round residential uses on lands suitable for such uses within the shoreland zone. It is also intended to prevent establishment of commercial, industrial, and other uses in these areas that cause conflicts or problems for residential uses. Some non-residential uses are allowed if properly managed under conditional use procedures. The shoreland residential district is divided into the following sub-districts according to the class of public water to which the shoreland in the sub-district relates (see Section 1200):

A. GD – land within the shoreland of a general development lake
B. RD – land within the shoreland of a recreational development lake
C. NE – land within the shoreland of a natural environment lake
D. RP – land within the shoreland of a resource protection district
E. REM – land within the shoreland of a remote river segment
F. FOR – land within the shoreland of a forested river segment
G. TRIB – land within the shoreland of a tributary river segment
H. SC – land within 500 (five-hundred) feet of a scenic river segment/MHB Corridor
I. WD – land within 1000 (one-thousand) feet of a wild river segment/MHB Corridor
J. WOC- Water Oriented Commercial

903.2 Municipal Growth (MG)

The purpose of this district is to encourage orderly growth of development of a municipal density and nature around incorporated municipalities, or in and around unincorporated trade centers or as the focal point for new trade centers. Municipal residential districts shall be connected to municipal sewer and water. This district can only be designated by agreement between the affected municipality and the County under the provisions of Minnesota Statutes, Chapter 462.3535, Subd. 4.

903.3 Rural Residential-1 (RR-1)

The purpose of this district is to enable areas to be developed with higher residential densities, while also avoiding and preserving unsuitable terrain and soils. Other compatible uses such

as residential conservation developments, surface water-oriented commercial, parks, and historic sites are allowed primarily as conditional uses.

903.4 Rural Residential-2.5 (RR-2.5)

The purpose of this district is to promote low-density rural development in those portions of the County outside the shoreland zone and beyond areas of anticipated municipal growth where such development is desired and most suitable. The primary use within this district is to be single family residences, but may also include agriculture, forestry, and those commercial enterprises intended primarily to serve nearby rural residents and low intensity light industrial activities.

903.5 Rural Residential-5, 10, and 20 (RR-5, RR-10, RR-20)

The purpose of these districts is to promote low-density rural development in those portions of the County outside the shoreland zone and beyond areas of anticipated municipal growth where less development is desired and most suitable. These zones will be created as reclassifications where the PAC/BOA determines that larger lot sizes are required to protect agricultural areas or critical habitats, or preserve the rural nature of an area.

903.6 Agricultural/Forestry (AF)

The purpose of this district is to promote and protect those portions of the county where agricultural and/or forestry activities are dominant and are expected to continue to be vital elements of the local economy or where there is a pattern of large tract ownership or extensive recreational use of property. An efficient and profitable agriculture/livestock/forestry industry is an economic benefit to this county. It provides added opportunity to our crop based agriculture and creates service industries that provide employment and further economic activity. An efficient industry also produces high quality food, fiber, and wood products for consumers at reasonable prices and enhances wildlife habitat. This zone has been created to promote the orderly development of agriculture/livestock/forestry and to reduce the risk of pollution and damages to natural resources, and to maintain and improve the quality of this county.

903.7 Commercial – (C-1)

The purpose of this district is to provide adequate areas for general retail, wholesale, office and service activities located as permitted uses in the growth and development areas adjacent to incorporated municipalities. C-1 commercial districts shall be located along federal, state, or county highways and shall include all of parcels so designated.

903.8 Commercial – (C-2)

The purpose of this district is to provide adequate space areas for general retail and service activities as conditional uses in rural areas. C-2 commercial districts shall be located along federal, state, county, or township roads and shall include all of parcels so designated.

903.9 Water Oriented Commercial - (WOC)

The purpose of this district is to accommodate commercial uses in the shoreland zone where access to and use of a surface water feature is an integral part of the business. Marinas, resorts and restaurants with transient docking facilities are examples of such use.

903.10 Resource Protection - (RP)

The purpose of this district is to accommodate limited rural residential housing, agricultural uses and forest management activities in a fashion that conserves sensitive land areas in which more intensive development would adversely affect water quality, wetlands, lakes, shore land, slopes, productive habitat, biological ecosystems, or scenic and natural values in order to minimize their disturbance, to prevent damage from erosion, floods, siltation and water turbidity, to prevent the loss of vegetation, fish, wildlife and natural habitat, to protect the quality of ground and surface waters, and to conserve natural and scenic areas within and adjacent to riparian areas for the community's benefit.

904 LAND USE DISTRICTS MAP

The location and boundaries of the districts herein established are shown upon the official land use map, together with all notations, references and other information shown thereon, and all amendments thereto, shall be as much a part of this ordinance as if fully set forth and described herein. The most current update of each township land use map shall be kept on file in the office of the Department.

905 INTERPRETATION OF MAPS

Land use district and other maps used in making land use decisions shall be interpreted as follows:

A. District boundary lines on the maps are intended to follow lot lines, the center lines of streets, alleys, highways and rights-of-way projected, the OWHM of lakes, ponds and water courses or the corporate limits, all as they exist upon the effective date of this ordinance or changed by a specific amendment thereto.

B. Whenever any street, alley or other public right-of-way is vacated by official action of the County or Town, the land use district on each side of such street, alley or public way shall automatically be extended to the center line.

C. Appeals from the Department's determination concerning the exact location of district boundary lines shall be determined by the PAC/BOA.

000 DISTRICT LAND USE REGULATIONS

The following table establishes the allowed, permitted, or conditional uses within the land use districts of the County. For the purposes of this table:

	A use requiring a permit
U	A use requiring a conditional use permit
	A use without a permit but with Performance Standards
	A use that is not permitted
R	Shoreland Residential
OC	Water Oriented Commercial
R-1	Rural Residential – 1 acre minimum lot size
R-2.5	Rural Residential – 2.5 acre minimum lot size
R-5	Rural Residential - 5 acre minimum lot size
R-10	Rural Residential - 10 acre minimum lot size
R-20	Rural Residential - 20 acre minimum lot size
G	Municipal Growth
	Agriculture/Forestry
	Resource Protection
	Commercial adjacent to a municipality
	Commercial in a rural area

1113.2 Lot Standards for Non Shoreland Classifications

Zone Classification	Min. Lot Area	Min. Lot Width	Max. Lot Impervious Coverage
UG	20,000	100'	40%
RR-1	1.0 ac	150'	40%
RR-2.5	2.5 ac.	200'	25%
RR-5	5.0 ac	300'	20%
RR-10	10 ac	300'	15%
RR-20	20 ac	300	15%
AF	40.0 ac	300'	5%
C1 and C2	2.5 ac	300'	60%

UG = Urban Growth; RR = Rural Residential; F = Agricultural/Forestry; C1 and C2 = Commercial; RP = Resource Protection

1113.3 Impervious Surface Coverage

The total area of all impervious surfaces shall not exceed 25% percent of the lot area except as specified in Section 1113.2.

1113.4 Water Access Lots and Access Easements

To manage water surface crowding, to reduce fish and wildlife disturbance, to prevent pollution of surface water by suspension of sediment, to maintain property values, and to maintain natural characteristics of shoreline, shoreland controls must regulate access to public waters.

A. Alternative lake access lots, or parcels of land intended or used to provide access to public waters for owners of riparian lots within subdivisions, shall be allowed where direct riparian access is not feasible due to the presence of protected vegetation, wetlands, or other critical fish or wildlife habitat. Access lots shall not be allowed where it is intended to provide riparian access for owners of non-riparian lots or parcels. Alternative lake access lots shall meet or exceed the following standards:

1. All alternative lake access lots shall be governed by a covenant recorded on the title of every lot or parcel of land allowed to use the access lot. These access lots shall also comply with all of the dimensional standards in Section 1113.1 of this ordinance. Where more than 6 (six) lots are served, the width and area of the alternative lake access lot shall be increased 25% for each additional lot in excess of 6 (six) served.

	Possible Launch Ramp		Launch Ramp Prohibited**	
Lake Classification	First Tier	Second Tier	First Tier	Second Tier
General Development	25,500	40,000	22,500	34,000
Recreational Development	34,000	40,000	30,000	34,000
Natural Environment & Resource Protection Districts	68,000	80,000	60,000	60,000
River Classification				
Remote	85,000	200,000	75,000	170,000
Forested	51,000	120,000	45,000	102,000
Transition	68,000	160,000	60,000	136,000
Tributary	34,000	80,000	30,000	68,000

Density Factors

**--Use of launch ramp prohibited density factors means that launching ramps are prohibited by the permanent conservation easement created under Section 1116.6.B.

3. Allowable dwelling unit lots may be transferred from the first tier to the second tier, but not from the second tier to the first tier. Dwelling unit lots may straddle tier lines.

B. Non Shoreland District:

1. The number of dwelling unit lots allowable is calculated by dividing the total project parcel area in square feet by:

a. 15,000 in the Urban Growth District.

b. 32,670 in the Rural Residential-1 District.

c. 81,675 in the Rural Residential-2.5 District.

d. 163,350 in the Rural Residential-5 District.

e. 326,700 in the Rural Residential-10 District.

f. 653,400 in the Rural Residential-20 District.

1116.73 Centralization and Design of Facilities

ong term management plan shall be submitted to and approved by the PAC/BOA. In
lition to other required provisions, the plan must include or provide for:

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APPENDIX D - LIST OF ABBREVIATIONS AND ACRONYMS

MN DOT – Minnesota Department of Transportation
ASZ – Airport Safety Zone
ASZO – Airport Safety Zone Ordinance
JAZB - Joint Airport Zoning Board
ESD – Environmental Services Department
PAC/BOA – Planning Advisory Committee/Board of Adjustment
SSTS – Subsurface Septic Treatment System
MPCA – Minnesota Pollution Control Agency
MN DNR – Minnesota Department of Natural Resources
US ACOE- US Army Corps of Engineers
SWCD – Soil and Water Conservation District
GD – General Development Lake
RD – Recreational Development Lake
NE – Natural Environment Lake
RP – Resource Protection District
FOR – Forested River Segment
REM – Remote River Segment
TRIB – Tributary River Segment
SC – Scenic River segment
VD - Wild River Segment
R-1 – Rural Residential 1 acre
R-2.5 - Rural Residential 2.5 acre
R-5 - Rural Residential 5 acre
R-10 - Rural Residential 10 acre
R-20 - Rural Residential 20 acre
G – Urban Growth
F – Agriculture Forestry
1 – Commercial 1 zone
2 – Commercial 2 zone
OC – Water Oriented Commercial Zone
P – Resource Protection District
S – Shoreline Residential Zone
MB – Mississippi Headwaters Board
C – Conditional Use
OWL – Ordinary High Water Line
ACE – US Army Corps of Engineers
TRP – Technical Review Panel
NEC – National Electric Code
NEG – Net Excess Generation
RV – Recreational Vehicle