

**CITY OF LAKE ELMO  
COUNTY OF WASHINGTON  
STATE OF MINNESOTA**

**ORDINANCE NO. \_\_\_\_**

**AN ORDINANCE AMENDING THE LAKE ELMO CITY CODE OF ORDINANCES BY  
AMENDING THE SUBDIVISION REGULATIONS ORDINANCE**

**SECTION 1. The City Council of the City of Lake Elmo hereby amends Title XV: Land Usage; Chapter 153: Subdivision Regulations by striking the ~~stricken~~ language and adding the double-underlined language as follows:**

Section

- 153.01 Regulations established
- 153.02 Generally
- 153.03 Definitions
- 153.04 Registered land survey
- 153.05 Conveyance by metes and bounds and other unapproved descriptions
- 153.06 Lot Consolidation/Lot Line Adjustment
- 153.07 Minor Subdivisions
- 153.08 Major Subdivisions – Sketch Plan Review
- 153.09 Major Subdivisions – Preliminary Subdivision Approval
- 153.10 Major Subdivisions – Final Subdivision Approval
- 153.11 Variances; standards; platting
- 153.12 Variance procedures
- 153.13 Planned Unit Developments (P.U.D.)
- 153.14 Design standards; required improvements
- 153.15 Park land dedication requirements
- 153.16 Required improvements; financial arrangements
- 153.17 Fees
- 153.18 Violations

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**§ 153.14 ENGINEERING DESIGN STANDARDS; REQUIRED IMPROVEMENTS.**

Submittals must meet plan sheet format requirements set forth by the City of Lake Elmo Engineering Design Standards.

**(A) *Blocks.***

(1) In general, intersecting streets, determining block lengths, shall be provided at the intervals as to serve cross traffic adequately and to meet existing streets. Where no existing plats

control the blocks in residential subdivisions, blocks shall not be less than 600 feet nor more than 1,800 feet in length, except where topography or other conditions justify a departure from this maximum. In blocks longer than 900 feet, pedestrian ways and/or easements through the block may be required near the center of the block. Blocks for business or industrial use may vary from the elements of design contained in this section if the nature of the use requires other treatment.

(2) The width of the block shall normally be sufficient to allow 2 tiers of lots of appropriate depth. Blocks intended for business or industrial use shall be of the width as to be considered most suitable for their respective use, including adequate space for off-street parking and deliveries.

(3) Blocks for commercial and industrial areas may vary from the elements of design contained in this section if the nature of the use requires other treatment. In those cases, off-street parking for employees and customers shall be provided along with safe and convenient limited access to the street system. Space for off-street loading shall also be provided with similar access. Extension of roads, railroad access right-of-way, and utilities shall be provided as necessary.

(B) *Lots.*

(1) *Area.* The minimum lot area, width, and depth shall not be less than that established by the zoning code in effect at the time of adoption of the final plat.

(2) *Corner lots.* Corner lots for residential use shall have additional width to permit appropriate building setback from both streets as required in the zoning code.

(3) *Side lot lines.* Side lines of lots shall be approximately at right angles to street lines or radial to curved street lines.

(4) *Frontage.* Every lot must have a minimum frontage on a public street accepted for maintenance purposes by the City (or to be accepted upon completion of construction by the applicant), other than an alley, as required in the zoning code. No subdivision shall be permitted which will result in a lot with less than the minimum frontage on a public street as required by the zoning code except where a variance is granted as provided by this chapter. In no case shall a variance to this frontage requirement be granted which would permit access to a lot by means of an easement or private road except as provided in § 153.11.

(5) *Setback lines.* Setback or building lines shall be shown on all lots intended for residential use and shall not be less than the setback required by the zoning code.

(6) *Water courses.* Lots abutting a water course, drainage way, channel, or stream shall have additional depth and width, as required under the provisions of the zoning code for the shoreland and wetland system districts.

(7) *Features.* In the subdividing of any land, due regard shall be shown for all natural features, such as tree growth, water courses, historic spots, or similar conditions which, if preserved, will add attractiveness and stability to the proposed development.

(8) *Lot remnants.* All remnants of lots below minimum size left over after subdividing of a larger tract must be added to adjacent lots or planned as outlots, rather than allowed to remain as unusable parcels.

(9) *Frontage on 2 streets.* Double frontage, or lots with frontage on 2 parallel streets, shall not be permitted except where lots back on arterial streets or highways, or where topographic or other conditions render subdividing otherwise unreasonable. Double frontage lots shall have an additional depth of at least 20 feet in order to allow space for screen planting along the back lot line.

(10) *Turn-around access.* Where proposed residential lots abut a collector or arterial street, they should be platted in a manner as to encourage turn-around access and egress on each lot.

(11) *Minimum lot line.* No lot shall have a total width at the front or rear lot line of less than 30 feet.

(12) *Large lot planning.* In any area where lots are platted in excess of 24,000 square feet or 160 feet in width at the minimum building setback line, a preliminary resubdivision plan may be required showing a potential and feasible way in which the lot or lots may be resubdivided in future years for more intensive use of the land, the placement of buildings or structures upon the lots shall allow for potential resubdivision.

(13) *Shoreland.*

(a) *Land suitability.* No land shall be subdivided which is held unsuitable by the City for the purposed use because of flooding, inadequate drainage, soil and rock formations with severe limitation for development, severe erosion potential, inadequate water supply or sewage disposal capabilities.

(b) *Review by Commissioner of Natural Resources.* All plats within a shoreland district shall be reviewed by the Commissioner before approval by the City may be granted. Review shall require that the proposed plats be received by the Commissioner at least 10 days before a hearing is called by the City for consideration of approval of a preliminary plat.

(c) *Copies of plats supplied to Commissioner.* Copies of all plats within shoreland areas shall be submitted to the Commissioner within 10 days of final approval by the City.

(C) *Easements.*

(1) *Width and location.* An easement for utilities at least 10 feet wide, shall be provided along all lot lines. If necessary for the extension of main water or sewer lines or similar utilities, easements of greater width ~~may~~ will be required along lot lines or across lots. See § 150.277(A)(2)(e) of this code for other applicable easement regulations.

(2) *Continuous utility easement locations.* Utility easements shall connect with easements established in adjoining properties. These easements, when approved, shall not subsequently be changed without the approval of the Council after a public hearing.

(3) *Provisions for drainage.* Easements shall be provided along each side of the center line of any water course or drainage channel whether or not shown in the Comprehensive Plan, to a width sufficient in the judgment of the Council to provide proper maintenance and protection and to provide for storm water runoff and installation and maintenance of storm sewers. They shall

be dedicated to the City by appropriate language in the owner's certificate. See § 150.277(A)(2)(e) of this code for other applicable easement regulations.

(D) *Erosion and sediment control.* Erosion and sediment control plans shall be provided in accordance with § 150.277(B) of this code.

(E) *Drainage.* A complete and adequate drainage system design, in accordance with the Watershed District, § 150.277(A) of this code, and Local Storm Water Management Plan, approved by the City Engineer, shall be required for the subdivision.

(F) *Monuments for plats.*

(1) Official monuments, as designated or adopted by the County Surveyor's Office or approved by the County District Court for use as judicial monuments, shall be set at each corner or angle on the outside boundary of the final plat or in accordance with a plan as approved by the City Engineer. The boundary line of the property to be included with the plat must be fully dimensioned, all angles of the boundary excepting the closing angle to be indicated, all monuments and surveyor's irons to be indicated, each angle point of the boundary perimeter to be so monumented.

(2) Twenty-four inch long pipes or steel rods shall be placed at each lot and at each intersection of street center lines. All United States, state, county, or other official bench marks, monuments, or triangular stations in or adjacent to the property shall be preserved in precise position and shall be recorded on the plat.

(3) A second monumentation shall be required following the final grading and completion of streets, curbs and utility improvements for a plat in order to ensure that all irons and monuments are correctly in place.

(4) (a) Proof of the final monumentation shall be in the form of a surveyor's affidavit that the monumentations complete. The surveyor's affidavit shall be submitted to the county; and

(b) Surveyor's office and to the City within 1 year from the date of recording the plat.

(G) *Sanitary sewer and water distribution and public utilities.*

(1) Sanitary sewers and water facilities shall be installed in accordance with the ~~standards~~ City Engineering Design Standards Manual and specifications as provided for in the City's Comprehensive Sewer Plan and Water Supply and Distribution Report, and other City plans, and shall be subject to the review and approval of the City Engineer.

(2) Where City water facilities are not available for extension into the proposed subdivision, the Council may, by ordinance, grant a franchise for the water facilities, to serve all properties within a subdivision where a complete and adequate neighborhood water distribution system is designed in conjunction with the subdivision, and complete plans for the system are submitted for the approval of the Council.

(3) Where City sewer and water facilities are not available for extension into proposed subdivision, the Council may permit the use of water and sewer systems in accordance with all appropriate state and local regulations.

(4) Telephone, electric, and/or gas service lines are to be placed underground in accordance with the provisions of all applicable City ordinances and standards. Exceptions to this requirement may be granted by action of the Council.

(H) *Streets, alleys, and curbs.* The design of streets, alleys, and curbs shall conform to the City of Lake Elmo Engineering Design Standards.

(1) *Streets, continuous.* Except for cul-de-sacs, streets shall connect with streets already dedicated in adjoining or adjacent subdivisions, or provide for future connections to adjoining unsubdivided tracts, or shall be a reasonable projection of streets in the nearest subdivided tracts. The arrangement of thoroughfares and collector streets shall be considered in their relation to the reasonable circulation of traffic, to topographic conditions, to runoff of storm water, to public convenience and safety, and in their appropriate relation to the proposed uses of the area to be served.

(2) *Local streets and dead-end streets.* Local streets should be so planned as to discourage their use by non-local traffic. Dead-end streets are prohibited, but cul-de-sacs shall be permitted where topography or other physical conditions justify their use. Temporary and permanent cul-de-sacs shall be designed in conformance with the City of Lake Elmo Engineering Design Standards.

(3) *Street plans for future subdivisions.* Where the plat to be submitted includes only part of the tract owned or intended for development by the subdivider, a tentative plan for a proposed future street system for the unsubdivided portion shall be prepared and submitted by the subdivider.

(4) *Provisions for resubdivision of large lots and parcels.* When a tract is subdivided into larger than normal building lots or parcels, the lots or parcel shall be arranged to permit the logical location and openings of future streets and appropriate resubdivision, with provision for adequate utility connections for the resubdivision.

(5) *Subdivisions abutting collector or minor arterial streets.* Wherever a proposed subdivision abuts or contains an existing or planned collector or minor arterial street as designated on the City's thoroughfare plan, the lots shall access onto local streets wherever possible. Local streets may be existing or provided with the subdivision.

(6) *Alleys.* Except in the case of a planned unit development, either a public or private alley may be required in a block where commercially zoned property abuts a major thoroughfare or a major street. Alleys in residential areas other than those zoned for multiple family use shall not be permitted.

(7) *Half streets.* Dedication of half streets shall not be approved, except where it is essential to the reasonable development of the subdivision and in conformity with the other requirements of these regulations, where it is found that it will be practical to require the dedication of the other half when the adjoining property is subdivided, or where it becomes necessary to acquire the remaining half by condemnation so that it may be improved in the public interest.

(8) *Adding width to existing streets.* Where a subdivision abuts or contains an existing street of inadequate width, sufficient additional width shall be provided to meet standards set forth in the City of Lake Elmo Engineering Design Standards and/or other applicable standards.

(9) *Additional right-of-way and roadway widths.* Additional right-of-way and roadway widths may be required to promote public safety and convenience when special conditions require it or to provide parking space in areas of intensive use or to accommodate on or off-road pedestrian facilities.

(10) *Street improvements for plats.*

(a) The City Engineer shall determine when the full width of the right-of-way shall be graded, including the subgrade in accordance with the provisions for construction as outlined in the City of Lake Elmo Engineering Design Standards.

(b) All streets shall be improved in accordance with the ~~standards and specifications for street construction established by the Council~~ City Engineering Design Standards.

(11) *Curb and gutter.* Curb and gutter shall be provided when required in accordance with the *City of Lake Elmo Engineering Design Standards.*

(1) Proposed streets shall conform to the state, county, or local road plans or preliminary plans as have been prepared, adopted and/or filed.

(I) *General improvements.* The following shall be installed in accordance with the City of ~~Lake Elmo~~ Engineering Design Standards Manual and all other applicable City standards:

(1) Trees and boulevard sodding.

(2) Streets signs shall be installed at each intersection.

(3) Driveway approaches, sidewalks, or pedestrian pathways.

(4) Street lighting fixtures.

(5) Sidewalks are required on one side of all streets. The Council may require sidewalks along both sides of all streets in areas where the residential density equals or exceeds 3 dwelling units per acre of land or in any commercial, industrial, or other business areas if the Council determines that sidewalks are required for public safety.

(1997 Code, § 400.14) (Am. Ord. 08-024, passed 4-20-2010) (Am. Ord. 08-205, passed 4-3-2018) Penalty, see § 10.99

## **§ 153.15 PARK LAND DEDICATION REQUIREMENTS.**

(A) *Dedication of land for park and open space use.* In all new residential subdivisions, a percentage of the gross area of all property subdivided shall be dedicated for parks, playgrounds, trails, public open space, or other public recreational use. For non-residential developments, the City requires a payment in lieu of land dedication as established by resolution of the City Council. Such percentage or fee shall be in addition to the property dedicated for streets, alleys, waterways, pedestrian ways or other public use pursuant to this chapter. The following schedule describes the required dedication by zoning district. This schedule is based upon density of the

development allowed in each district and is intended to equalize the amount and value of land dedicated for parks per dwelling unit in the various districts.

<i><b>Zoning Districts</b></i>	<i><b>Minimum Required Land Dedication</b></i>
RS, V-LDR, GCC, LDR, MDR, HDR	10%
RE and OP Development	7%
RR and AG	4%
C, CC, LC, GP, BP, VMX	Fees as set by Council resolution

(B) *Land title.* Public land dedications, which are not dedicated to the City on a plat, shall be conveyed to the City by warranty deed free and clear of all liens or encumbrances. The subdivider shall provide proof of title, in a form acceptable to the City, prior to the conveyance of the property.

(C) *Land acceptability.* The City must approve the location and configuration of any park land which is proposed for dedication and shall take into consideration the suitability of the land and for its intended purpose; the future needs of the City for parks, playgrounds, trails, or open space; and the recommendations of the City's Parks Commission. The following properties shall not be accepted for park land dedications:

- (1) Land dedicated or obtained as easements for streets, sewer, electrical, gas, storm water drainage and retention areas, or other similar utilities and improvements;
- (2) Land which is unusable or of limited use; and/or
- (3) Land within a protected wetland or within a flood plain area unless the Council determines that all of the following criteria are satisfied:
  - (a) Would be in the best interests of the general public;
  - (b) Would be valuable resource for environmental preservation, educational, or habitat preservation purposes;
  - (c) Has an exceptional aesthetic value; and
  - (d) Would not become financially burdensome to the City as a result of maintenance or preservation requirements.

(D) *Trails.* Trails constructed by a subdivider within dedicated public open space having at least 30 feet of width are eligible for park credit. The maximum amount of trail dedication credit shall not exceed 25% of the total dedication.

(E) *Cash contribution in lieu of land dedication - residential subdivisions larger than three lots.* In lieu of the land dedication for major subdivisions, the City may elect to require the subdivider to contribute a cash equivalent payment to the City's Park and Open Space Fund, or may require the developer to satisfy the park land dedication requirement by a combination of land and cash contribution. For all major subdivisions, the required cash equivalent payment shall be an amount equal to the fair market value of the percentage land dedication for the zoning district in which the subdivided property is located. The City shall determine the fair market value of the

land by reference to current market data, if available, or by obtaining an appraisal from a licensed real estate appraiser; the subdivider shall pay for the cost of the appraisal. The fair market value determination of the appraiser shall be conclusive.

(F) *Cash contribution in lieu of land dedication - minor residential subdivisions and commercial development.* Required cash equivalent payments for minor subdivisions or for commercial development projects shall be as determined from time to time by Council resolution.

(G) *Payment of cash contribution.* Cash contribution payments shall be made to the City prior to final plat approval for commercial developments or major subdivisions, or prior to the City's approval of the deeds of conveyance in those cases where a residential subdivision will result in 3 or fewer lots.

(H) Previously subdivided property from which a park dedication or cash in lieu contribution has been received, upon resubdivision with the same number of lots, is exempt from park dedication requirements. If, as a result of the resubdivision of the property, the number of lots is increased, the park dedication or cash in lieu contribution shall be applied only to the net increase in the number of lots.

(F) (1) Any cash contribution so paid to the City shall be placed in a special fund. The money shall be used only for:

- (a) The acquisition and development or improvement of parks, recreational facilities, playgrounds, trails, wetlands or open space based on the approved park systems plan;
- (b) Redevelopment or rehabilitation of existing park facilities or sites; or
- (c) Debt service in connection with land previously acquired or improvements thereto previously constructed.

(2) No funds shall be used for ongoing operation or maintenance of existing parks recreational facilities or sites or City vehicles.

(1997 Code, § 400.15) (Am. Ord. 08-072, passed 3-5-2013) (Am. Ord. 08-205, passed 4-3-2018) Penalty, see § 10.99

## **§ 153.16 REQUIRED IMPROVEMENTS; FINANCIAL ARRANGEMENTS.**

(A) *Improvements.* All sanitary sewer, water main and storm sewer facilities, streets, concrete curb, gutters, sidewalks, sodding, drainage swales, and other public utilities ("improvements") shall be made and constructed on or within the subdivided lands or where otherwise required, ~~and dedicated~~ The developer must either dedicate easements to the City ~~and shall in the plat or grant the City an easement by separate instrument for the improvements. The improvements must be~~ be designed in compliance with City standards by a registered professional engineer.

(B) *Plans and specifications approval.* Plans and specifications shall be submitted to the City Engineer for approval prior to construction. All of the improvements shall be completed by the



developer and acceptable to the City Engineer and shall be free and clear of any lien, claim, charge, or encumbrance, including any for work, labor, or services rendered in connection therewith or material or equipment supplied therefor.

(C) *Improvement ~~warrantees~~ warranties and guarantees.* ~~The D~~The developer shall warrant and guarantee ~~the~~ all public sewer and water improvements against any defect in materials or workmanship and warrant that they will continue to meet all technical specifications and standards for a period of 2 years ~~following completion and acceptance from the date of final~~ written city acceptance of the work. The developer shall warrant and guarantee all public street construction, including concrete curb and gutter, sidewalks, and trails for a period of one year ~~from the date of final written city acceptance of the work.~~ The developer shall warrant and guarantee all sod, trees, and landscaping for a period of two years from the date of final written city acceptance of the installation. In the event of the discovery of any defect in materials or workmanship within the ~~2-year~~ warranty period, the defect shall be promptly repaired or corrected, ~~and the warranty and guarantee for the entire project shall be extended for 1 additional year beyond the original 2-year period, for a period of 3 years following the completion and acceptance. Defects in material or workmanship shall be determined by the City Engineer. If the developer fails to repair or replace a defective improvement during the warranty period, the city may repair or replace the defective improvement and may use the financial security posted by the developer to reimburse itself for such costs. The developer shall reimburse the city fully for the cost of the repair or replacement if the cost exceeds the remaining amount of the financial security. In the event that the developer does not reimburse the city for the costs that exceed the amount of the financial security, the city may specially assess any unreimbursed costs against any of the unsold lots in the subdivision.~~

(D) *Required inspections of improvements.* Improvements that are to be installed shall be inspected during the course of construction by the ~~City Engineer~~ developer's field inspection personnel to assure an acceptable level of quality control to the extent that the developer's engineer will be able to certify that the works meets the approved plans and applicable regulations and standards. The City, at the developer's expense, ~~Notice shall be given to the City Engineer a minimum of 24 hours prior to the required inspection. Failure to provide City Engineer with required notice shall result in a stop order issued to the project. If developer proceeds with work within the development without required inspection, City Engineer shall~~ may have the discretion to accept or reject all or part of the improvement, by giving appropriate written notice to the developer one or more City inspectors or a soil engineer inspect the developer's work. The developer must notify the City at such times as the City requires for inspection purposes.

(E) *Acceptance of improvements.* Acceptance of improvements by the City Engineer may be subject to the reasonable conditions as Engineer may impose at the time of acceptance. ~~Developer, through his or her engineer, shall provide for competent daily inspection during the construction of all improvements. As built drawing, Whitehall include service and~~

~~valve ties, on reproducible mylar shall be delivered to the Engineer within 60 days of completion of the improvements together with a written certification from a registered engineer that all improvements have been completed, inspected, and tested in accordance with City approved plans and specifications.~~

(F) *Changes to construction plans and specifications.* All changes to the construction plans and specifications must be approved by the City Engineer.

(G) *Clean-up obligations; street signs.*

(1) ~~D~~ The developer shall ~~remove all soil and debris from and clean all~~ be responsible for keeping streets within and without the lands developed in accordance with § 150.277(B)(2)(d) of this code subdivision clean and free of dirt and debris that may spill, track, or wash onto the street from the developer's operations. The developer must contract for street cleaning for streets within and immediately adjacent to the subdivision.

(2) In the event there are or will be constructed on the property, 2 or more streets, and if permanent street signs have not been installed, the developer shall install temporary street signs in accordance with recommendations of the ~~Maintenance~~ Public Works Department, prior to the issuance of any permit to build upon the property.

(H) *Erosion control.* Erosion control shall be provided ~~with the installation of utilities and street curbs~~ in accordance with the ~~City of Lake Elmo~~ Engineering Design Standards.

(I) *Developers agreement/security.* Subsequent to approval by the Council and before execution by the City of the final plat or other appropriate forms of City approval, the developer shall:

(1) Enter into a developer's agreement whereby the developer shall undertake performance of the obligations imposed by this chapter, or by Council condition, and containing the other terms and provisions and in the form as shall be acceptable to the City Attorney, including, but not limited to, provisions for default ~~including fines and penalties~~; and

(2) Submit a letter of credit or cash deposit ("security") which guarantees completion of all improvements within the times specified by the City Engineer. The amount of the security shall be 125% of the estimated construction cost of the improvements, ~~subject to reduction as outlined by the development agreement after acceptance thereof by the City Engineer, and receipt of as-built drawings.~~ The security shall be in the form and contain the other provisions and terms as may be required by the City Engineer and ~~or~~ City Attorney. The developer's registered engineer shall make and submit for approval to the City Engineer, a written estimate of the costs of the improvements in order for the City to determine the amount of the security required. Reduction of security shall be as outlined per the development agreement.

(J) *Petitions for improvements by City.* With the approval of the Council, and instead of the obligations imposed by ~~divisions~~ paragraphs (A) through (I) above, the developer may enter into an agreement signed by 100% of all owners of the land to be developed, requesting the City to install some or all of the improvements, request all of the costs be assessed against the property, and waiving the rights to appeal from the levied special assessments. Upon approval by the Council, the City may cause the improvements to be made and special assessments for all costs

of the improvements to be levied on the land, except any land that is or shall be dedicated to the public. The special assessment shall be payable ~~over a term of 5 years unless otherwise authorized~~ as determined by the Council. Prior to the award of any contract by the City for the construction of any improvement, developer shall have entered into a contract for rough grading of streets included in the improvement to a finished subgrade elevation, and including the other terms as required by Council. Developer's obligation with respect to the rough grading work shall be secured by letter of credit, or the deposit which shall guarantee completion, and payment for all labor and materials expended in connection with the rough grading. The amount of the security shall be 125% of the cost of the rough grading and shall be in the form and contain the further terms as may be required by the City Engineer and/or City Attorney.

(K) *City Attorney approval.* No final plat shall be approved by the Council without first receiving an report opinion signed by the City Attorney certifying that the plat, title evidence, and all agreements and documents required under this chapter meet the requirements of the City. ~~The City Treasurer shall also certify that all fees required to be paid to the City in connection with the plat have been paid.~~

(1997 Code, § 400.16) (Am. Ord. 08-024, passed 4-20-2010) (Am. Ord. 08-205, passed 4-3-2018) Penalty, see § 10.99

#### **§ 153.17 FEES.**

(A) The Council shall by ordinance, adopted from time to time, establish fees to be paid by the applicant to defray the administrative costs and expenses incurred by the City in processing ~~development~~ land use and subdivision applications, ~~applications for variance or appeals~~ under the provisions of this chapter.

(B) Fees to be paid by the applicant shall include all administrative, engineering, legal, and consulting fees and materials costs reasonably incurred in the review of the proposed subdivision and the processing of the applications or appeals.

(1997 Code, § 400.17) (Am. Ord. 08-205, passed 4-3-2018)

#### **§ 153.18 VIOLATIONS.**

(A) *Sale of lots from unrecorded plats.* It shall be a violation of this chapter to sell, trade, offer to sell, trade, or otherwise convey a lot or parcel of land as part of, or in conformity with any plan, plat, or replat of any subdivision or area located within the City unless the plan, plat, or replat shall first have been approved by the City in writing as provided by this chapter and in the case of a plat, replat, or registered land survey unless the survey is recorded in the office of the County Recorder or Registrar of Titles.

(B) *Misrepresentation as to construction, supervision, or inspection of improvements.* It shall be unlawful for any person to represent that any improvement upon any of the streets, alleys, or

avenue of the addition or subdivision or any sewer in the addition or subdivision has been constructed according to the plans and specifications approved by the Council, or has been supervised or inspected by the City, when the improvements have not been so constructed, supervised, or inspected.

(1997 Code, § 400.18) (Am. Ord. 08-205, passed 4-3-2018) Penalty, see § 10.99

**SECTION 2. Effective Date.** This ordinance shall become effective immediately upon adoption and publication in the official newspaper of the City of Lake Elmo.

**SECTION 3. Adoption Date.** This Ordinance \_\_\_\_\_ was adopted on this \_\_\_\_\_ day of \_\_\_\_\_ 2019, by a vote of \_\_\_\_ Ayes and \_\_\_\_ Nays.

**LAKE ELMO CITY COUNCIL**

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Mike Pearson, Mayor

ATTEST:

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Julie Johnson, City Clerk

This Ordinance \_\_\_\_\_ was published on the \_\_\_\_\_ day of \_\_\_\_\_, 2019.