

CITY OF DEEPHAVEN
CHAPTER 11
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CHAPTER 11. BUILDING, HOUSING, CONSTRUCTION AND SIGNS

SECTION 1100 BUILDING CODE

Section 1100.01 Codes adopted by reference. The Minnesota State building Code, pursuant to Minnesota Statutes, 16B.59 to 16B.75, includes all of the referenced amendments, rules and regulations and is hereby adopted by reference with the exception of the optional chapters, unless specifically adopted in this ordinance. The Minnesota State Building Code is hereby incorporated in this ordinance as if fully set out herein.

Section 1100.02 Application, Administration and Enforcement. The application, administration and enforcement of the code shall be in accordance with Minnesota State Building Code. The code shall be enforced within the incorporated limits of the City, and extraterritorial limits permitted by Minnesota Statutes, 16B.62, subdivision 1.

The Public Works Department shall be the Building Code Department of the City. The City's Building Inspector will be the Administrative Authority. A Minnesota Certified Building Official designated by the city shall enforce this code.

1100.03 Fees.

Subd. 1. Permits, Inspections and Fees. Permits, inspections, and collections of fees shall be as provided in Chapter 1 of the Uniform Building Code, 1997 Edition, except as amended by Minnesota Rules 1305.0106 and 1305.0107, and except as otherwise provided in this Code. Plumbing and mechanical permit fees shall be assessed for work governed by this Code in accordance with Ordinance 400, Subd. 405.05. In addition, a surcharge fee shall be collected on all permits issued for work governed by this Code in accordance with Minnesota Statutes, Section 16B.70.

Subd. 2. Work Started Without Permit. Where work for which a permit is required is started or proceeded with before obtaining a required permit, the fee to be paid for the permit will be the greatest of: (1) double the ordinary building permit fee specified by City ordinance, (2) \$100.00, or (3) an amount equal to the sum of all administrative costs in connection with the granting of the permit and in connection with the granting of any variance, conditional use permit, or rezoning necessary for the granting of the permit.

Subd. 3. Appeal. The owner of the property in question may, by written request to the Council, appeal the payment of the fee required by this Section. The appeal must state any reasons the owner may have for objection to the payment required by the Building Inspector and any mitigating circumstances or other facts relating to imposition of the fee. The Council will hear the request at a regular meeting of the Council and will consider any written or oral information presented by the owner and by the Building Inspector. After consideration of such information, the Council may:

- (a) Uphold the fee imposed by the Building Inspector.
- (b) Determine that no additional fee should be paid under this Section and that the owner should be required to pay only the normal building permit fee.

- (c) Reduce the additional fee to some amount less than the amount imposed by the Building Inspector, but not less than the normal building permit fee.

The Council's decision will be based upon its conclusions regarding the owner's intentions, the owner's knowledge of the requirement of a building permit, the nature of the improvements, the extent to which the owner proceeded with the improvements (both before and after notification from the City) and any other facts or circumstances related to the severity of the violation.

Subd. 4. Surcharges. In addition to the permit fee required by item A above, the applicant shall pay the following surcharges:

- (a) A surcharge to be remitted to the Minnesota Department of Administration as prescribed by Minnesota Statutes, Section 16B.70.
- (b) A surcharge for the purpose of contractor license verifications in the amount of \$5.00 for each building permit issued.
- (c) A surcharge for the purpose of providing an engineering review of the storm water impact all new homes, remodels, and additions will have on neighboring properties and on the City storm water system.

1100.04 Certificate of Survey. Every application for a permit for the construction of any structure must include a plat of survey prepared by a registered land surveyor, showing the boundary lines of the tract of land to be improved, the proposed location of the structures or improvements to be constructed, the location of all existing structures, easements and encroachments, and any other information that the Building Inspector may require.

1100.05 Moving Permits. No building or structure may be moved into the City or within the City without a permit from the City. A fee equal to the normal building permit fee, based on the value of the building as determined by the Building Inspector, must be paid for the permit if issued. No moving permit will be issued until the applicant has:

- (a) Secured a certificate from the municipality in which the building or structure is located, stating that the building or structure meets the requirements of the Building Code and stating the time by which the moving will be completed.
- (b) Secured the approval of the Council to move the building or structure over City streets. The Council will consider the width, type and condition of the streets to be traveled and the overhanging trees and utility lines on these streets, which may have to be cut, moved or removed.
- (c) Agreed to and complied with all requirements of the Building Code, including those regarding location of the building or structure on the land, construction of a new foundation, wiring, plumbing, well and any other applicable requirements of the Building Code and City ordinances.
- (d) Posted a cash bond in the sum of \$5,000, insuring payment for any damage to streets traveled and insuring compliance with the Building Code and the permit issued.

1100.06 Duration of Permit. In addition to the expiration provisions of Section 106, Subd. 106.4.4 of the UBC, every permit issued under this Section will expire and become void one

year after the date it is issued, unless the expiration date of the permit is extended by resolution of the Council.

1100.07 Completion of Roof and Exterior. The roof and all exterior surfaces of any building (including all commercial, residential and accessory buildings) must be completely finished with exterior building materials permitted by the SBC and this Code within 12 months after the issuance of a building permit for any new construction, alteration, remodeling, addition or relocation. If a building is damaged by fire or other casualty or cause and the roof or exterior finishes are damaged or destroyed, they shall be completely restored or replaced with exterior building materials permitted by the SBC and this Code as soon as reasonably possible, and in any event within 12 months after they are damaged or destroyed.

SECTION 1110 REGULATIONS OF THE FLOW OF WATER, DIRT, SAND, GRAVEL AND DEBRIS FROM DRIVEWAYS ONTO CITY STREETS

1110.01 Findings. The Council finds that at times there is a flow of water, dirt, sand, gravel and other debris which washes from certain driveways in the City onto the City streets. The Council also finds that such material is a hazard to pedestrians, bicycles and other vehicles and further creates problems of maintenance of City streets, walks, bicycle lanes and storm sewers. The Council finds that such hazards are particularly great in areas where the City has established bicycle lanes within the right-of-way.

1110.02 Identification of Problem Driveways. If the City's Director of Public Works determines that a driveway in the City is creating a flow of material onto a City street, bicycle lane or sidewalk which is hazardous and/or creates excessive maintenance problems, he may notify the owner of the property and request that corrective action be taken. If corrective action is not taken within 10 days after the request, the Director of Public Works will report the matter to the Council. After reviewing the matter, the Council may order the owner to take corrective action or appear before the Council to discuss the matter further.

1110.03 Request for Hearing. If a property owner receives an order of the Council requiring corrective action to be taken with respect to a driveway, the owner may request a hearing before the Council. At that hearing the City and the owner may provide evidence regarding the amount of water, dirt, sand, gravel and other debris which is washing from the driveway onto the public right-of-way. The owner and the City may also offer suggestions as to how the problem may be corrected.

1110.04 Order by Council. After the hearing, the Council may determine that no corrective action is necessary, or may order that specific corrective action be taken by the owner. This corrective action may include paving of the driveway surface with bituminous material or cement to such an extent and in such a manner as to correct the washing of material onto the public right-of-way.

1110.05 Compliance with Order. Upon issuance of an order to the property owner, the property owner must take the corrective action within 10 days or within such longer period as may be set forth in the order from the Council.

SECTION 1115 REGULATION OF SIGNS

1115.01 Findings, Purpose, and Effect.

a. Findings. The City Council hereby finds as follows:

1. Exterior signs have a substantial impact on the character and quality of the environment.
2. Signs provide an important medium through which individuals and organizations may convey a variety of messages.
3. Signs can create traffic hazards, aesthetic concerns and detriments to property values, thereby threatening the public health, safety and welfare.
4. The city's ordinances have included the regulation of signs in an effort to provide adequate means of expression and to promote the economic viability of the business community, while protecting the city and its citizens from a proliferation of signs of a type, size, location and character that would adversely impact upon the aesthetics of the community and threaten the health, safety and welfare of the community. The regulation of the physical characteristics of signs within the city has had a positive impact on traffic safety and the appearance of the community.

b. Purpose and Intent. It is not the purpose or intent of this sign ordinance to regulate the message displayed on any sign; nor is it the purpose or intent of this article to regulate any building design or any display not defined as a sign, or any sign which cannot be viewed outside a building. The purpose and intent of this article is to:

1. Regulate the number, location, size, type, illumination and other physical characteristics of signs within the city in order to promote the public health, safety and welfare.
2. Maintain, enhance and improve the aesthetic environment of the city by preventing visual clutter that is harmful to the appearance of the community.
3. Improve the visual appearance of the city while providing for effective means of communication, consistent with constitutional guarantees and the city's goals of public safety and aesthetics.
4. Provide for fair and consistent enforcement of the sign regulations set for herein under the zoning authority of the city.

c. Effect. A sign may be erected, mounted, displayed or maintained in the city if it is in conformance with the provisions of these regulations. The effect of this sign ordinance, as more specifically set forth herein, is to:

1. Allow a wide variety of signs types in commercial zones, and a more limited variety of signs in other zones, subject to the standards set forth in this sign ordinance.

2. Allow certain small, unobtrusive signs incidental to the principal use of a site in all zones when in compliance with the requirements of this sign ordinance.
3. Prohibit signs whose location, size, type, illumination or other physical characteristics negatively affect the environment and where the communication can be accomplished by means having less impact on the environment and the public health, safety and welfare.
4. Provide for the enforcement of the provision of this sign ordinance.

1115.02 Severability

If any section, subsection, sentence, clause or phrase of this Sign Ordinance is for any reason held to be invalid, such decision shall not affect the validity of the remaining portions of this Sign Ordinance. The City Council hereby declares that it would have adopted the Sign Ordinance in each section, subsection, sentence, or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases be declared invalid.

1115.03 Definitions

The following words and terms, when used in this Sign Ordinance, shall have the following meanings, unless the context clearly indicates otherwise:

Subd. 1. "Abandoned Sign" Any sign and/or supporting sign structure which remains without a message or whose display surface remains blank for a period of one (1) year or more, or any sign which pertains to a time, event or purpose which no longer applies, shall be deemed to have been abandoned. Signs applicable to a business temporarily suspended because of a change in ownership or management of such business shall not be deemed abandoned unless the property remains vacant for a period of one (1) year or more. Any sign remaining after demolition of a principal structure shall be deemed to be abandoned. Signs which are present because of being legally established nonconforming signs or signs which have required a conditional use permit or a variance shall also be subject to the definition of abandoned sign.

Subd. 2. "Animated Sign" A sign which includes action or motion.

Subd. 3. "Awning" A roof-like cover, often of fabric, plastic, metal or glass designed and intended for protection from the weather or as a decorative embellishment, and which projects from a wall or roof of a structure primarily over a window, walk or the like. Any part of an awning that also projects over a door shall be counted as awning.

Subd. 4. "Awning Sign" A building sign or graphic printed on or in some fashion attached directly to the awning material.

Subd. 5. "Balloon Sign" A sign consisting of a bag made of lightweight material supported by helium, hot or pressurized air which is greater than twenty-four (24) inches in diameter.

Subd. 6. "Billboard" A sign erected for the purpose of advertising a product, event, person, or subject not entirely related to the premises on which the sign is located.

Subd. 7. "Building" Any structure used or intended for supporting or sheltering any use or occupancy.

Subd. 8. "Building Sign" Any sign attached or supported by any structure used or intended for supporting or sheltering any use or occupancy.

Subd. 9. "Cabinet Sign" Any wall sign that is not of channel or individually mounted letter construction.

Subd. 10. "Canopy" A roof-like cover, often of fabric, plastic, metal or glass on a support, which provides shelter over a doorway.

Subd. 11. "Canopy Sign" Any sign that is part of or attached to a canopy made of fabric, plastic or structural protective cover over a door or entrance.

Subd. 12. "Changeable Copy Sign" A sign or portion thereof with characters, letters or illustrations that can be changed or rearranged without altering the face of the surface of the sign. Signs upon which characters, letters or illustrations change or rearrange more than twice in a 24-hour period shall be considered changeable copy signs

Subd. 13. "Commercial Speech" Speech advertising a business, profession, commodity, service or entertainment.

Subd. 14. "Elevation" The view of the side, front or rear of a given structure(s).

Subd. 15. "Erect" Activity of constructing, building, raising, assembling, placing, affixing, attaching, creating, painting, drawing or any other way of bringing into being or establishing.

Subd. 16. "Flag" Any fabric or similar lightweight material attached at one end of the material, usually to a staff or pole, so as to allow movement of the material by atmospheric changes and which contains distinctive colors, patterns, symbols, emblems, insignia or other symbolic devices.

Subd. 17. "Flashing Sign" A directly or indirectly illuminated sign which exhibits changing light or color effect by any means, so as to provide intermittent illumination which includes the illusion of intermittent flashing light by means of animation. Also any mode of lighting which resembles zooming, twinkling or sparkling.

Subd. 18. "Freestanding Sign" Any sign that has supporting framework that is placed on, or anchored in, the ground and which is independent from any building or other structure.

Subd. 19. "Grade" Grade shall be construed to be the final ground elevation after construction. Earth mounding criteria for landscaping and screening is not part of the final grade for sign height computation.

Subd. 20. "Ground Sign" Any freestanding sign with its face mounted on the ground or mounted on a base at least as wide as the sign and which has a total height not exceeding eight (8) feet.

Subd. 21. "Height of Sign" The height of the sign shall be computed as the vertical distance measured from the base of the sign at grade to the top of the highest attached component of the sign.

Subd. 22. "Illuminated Sign" Any sign, whether exterior or interior, which contains an element designed to emanate artificial light internally or externally.

Subd. 23. “Interior Sign” A sign which is located within the interior of any building, or within an enclosed lobby or court of any building.

Subd. 24. “Issuing Authority” The City of Deephaven Planning/Zoning Department.

Subd. 25. “Legally Established Nonconforming Sign” Any sign and its support structure lawfully erected prior to the effective date of this ordinance which fails to conform to the requirements of this ordinance. A sign which was erected in accordance with a special use permit or variance granted prior to the adoption of this ordinance and which does not comply with this ordinance shall be deemed to be a legal nonconforming sign. A sign which was unlawfully erected shall be deemed to be an illegal sign.

Subd. 26. “Monument Sign” Any freestanding sign with its sign face mounted on the ground or mounted on a base at least as wide as the sign and which has a height exceeding eight (8) feet.

Subd. 27. “Non-commercial Speech” Dissemination of messages not classified as Commercial Speech, which include, but are not limited to, messages concerning political, religious, social, ideological, public service and informational topics.

Subd. 28. “Off-premise Sign” A commercial speech sign which directs the attention of the public to a business, activity conducted, or product sold or offered at a location not on the same premises where such business sign is located. For purposes of this sign ordinance, easements and other appurtenances shall be considered to be outside such platted parcel of land and any sign located or proposed to be located in an easement or other appurtenance shall be considered an off-premise sign.

Subd. 29. “On-premise Sign” Identify or advertise an establishment, person, activity, goods, products or services located on the premises where the sign is installed. On-premise signs located within residential districts are not permitted.

Subd. 30. “Parapet” (wall) That portion of building wall that rises above the roof level.

Subd. 31. “Pole Sign” See Pylon Sign.

Subd. 32. “Political Sign” Any sign which includes the name or picture of an individual seeking election or appointment to public office, or pertaining to a forthcoming public election or referendum, or pertaining to or advocating political views or policies, which is erected on private property by a bonafide candidate for political office or by a person or group supporting such a candidate and which contains the name of the person or group responsible for the erection and removal of the sign.

Subd. 33. “Portable Sign” Any sign which is manifestly designed to be transported, including by trailer or on its own wheels, even though the wheels of such sign may be removed and the remaining chassis or support is converted to another sign or attached temporarily or permanently to the ground since this characteristic is based on the design of such a sign.

Subd. 34. “Porte Cochere” A roofed structure or roof-like cover, extending from the entrance of a building and which provides shelter over a doorway.

Subd. 35. "Principal Building" The building in which the principal primary use of the lot is conducted. Lots with multiple principal uses may have multiple principal buildings, but storage buildings, garages and other clearly accessory uses shall not be considered principal buildings.

Subd. 36. "Projecting Sign" Any sign which is affixed to a building or wall in such a manner that its leading edge extends more than two (2) feet beyond the surface or such building or wall face.

Subd. 37. "Property Owner" Legal owner of property as officially recorded by Hennepin County.

Subd. 38. "Public Notices" Official notices posted by public officers, employees or their agents in the performance of their duties, or as directed by such officers, employees or agents.

Subd. 39. "Public Street Right-of-way" The planned right-of-way for a public street.

Subd. 40. "Pylon Sign" Any freestanding sign which has its supportive structure(s) anchored in the ground and which has a face elevated above ground level by pole(s) or beam(s) and with the area below the sign face open.

Subd. 41. "Real Estate Sign" A sign pertaining to the sale, lease, or rental of the real estate upon which it is located.

Subd. 42. "Residential District" Any district zoned for residential uses.

Subd. 43. "Roof" The exterior surface and its supporting structure on the top of a building or structure. The structural make-up of which conforms to the roof structures, roof construction and roof covering section of the Uniform Building Code.

Subd. 44. "Roof Line" The upper-most edge of the roof or in the case of an extended façade or parapet, the upper-most height of said façade.

Subd. 45. "Roof Sign" Any sign erected and constructed wholly on and above the roof of a building, supported by the roof structure and extending vertically above the highest portion of the roof.

Subd. 46. "Roof Sign, Integral" Any building sign erected or constructed as an integral or essentially integral part of a normal roof structure of any design, so that no part of the sign extends vertically above the highest portion of the roof and so that no part of the sign is separated from the rest of the roof by a space of more than six (6) inches.

Subd. 47. "Rotating Sign" A sign or portion of a sign which turns about on an axis.

Subd. 48. "Shimmering Signs" A sign that reflects an oscillating sometimes distorted visual image.

Subd. 49. "Sign" Any letter, word or symbol, poster, picture, statuary, reading matter or representation in the nature of advertisement, announcement, message or visual communication, whether painted, posted, printed, affixed or constructed, including all associated brackets, braces, supports, wires and structures, which is displayed for informational or communicative purposes.

Subd. 50. “Sign Face” The surface of the sign upon, against, or through which the message of the sign is exhibited.

Subd. 51. “Sign Structure” Any structure including the supports, uprights, bracing and framework which supports or is capable of supporting any sign.

Subd. 52. “Site” A plot or parcel of land, or combination of contiguous lots or parcels of land, which are intended, designated and/or approved to function as an integrated unit.

Subd. 53. “Stringer” A line of string, rope, cording or an equivalent to which is attached a number of pennants.

Subd. 54. “Suspended Sign” Any building sign that is suspended from the underside of a horizontal plane surface and is connected to this surface.

Subd. 55. “Temporary Sign” Any sign, banner, pennant, balance, spinners, balloons or advertising display intended to be displayed for no more than 45 days.

Subd. 56. “Total Site Signage” The maximum permitted combined area of all freestanding and wall identification signs allowed on a specific property.

Subd. 57. “Visible” Capable of being seen by a person of normal visual acuity (whether legible or not) without visual aid.

Subd. 58. “Wall” Any structure which defines the exterior boundaries of courts or a building or structure and which has a slope of sixty (60) degrees or greater with the horizontal plane.

Subd. 59. “Wall Sign” Any building sign attached parallel to, but within two (2) feet of a wall, painted on the wall surface of, or erected and confined within the limits of an outside wall of any building or structure, which is supported by such wall or building and which displays only one (1) sign surface.

Subd. 60. “Window Sign” Any building sign, pictures, symbol or combination thereof, designed to communicate information about an activity, business, commodity, event, sale or service that is placed inside a window or upon the window panes or glass and is visible from the exterior of the window.

1115.04 Administration and enforcement

Subd. 1. Compliance with Section 1115 and Code. No person shall erect or cause to be erected, placed, altered or moved, any sign, unless in conformity with Section 1115. Nothing in this Section will relieve any person from complying with the provisions of any other ordinance of the City of other provisions of this Code.

Subd. 2. Permit required. No sign shall be erected, altered, reconstructed, maintained or moved in the city without first securing a special use permit from the city in accordance with Section 1320 of the City's Ordinances. The content of the sign shall not be reviewed or considered in determining whether to approve or deny a sign permit. Application for a permit shall be in writing addressed to the issuing authority and shall contain the following information:

- a. Names and addresses of the owners of the display structure and property.

- b. The address at which any signs are to be erected.
- c. The lot, block, and addition at which the signs are to be erected and the street on which there are to front.
- d. A complete set of plans showing the necessary elevations, distances, sizes and details to fully and clearly represent the construction and place of the signs.
- e. The cost of the sign.
- f. The type of sign (i.e. wall sign, monument sign, etc.)
- g. Certification by applicant indicating the application complies with all requirements of the sign ordinance.

The issuing authority shall approve or deny the sign permit in an expedited manner no more than sixty (60) days from the receipt of the complete application, including applicable fee.

No special use permit for a sign may be transferred or assigned to anyone other than the owner of the property on which the sign is located.

Subd. 3. Placement. No sign may be placed or maintained on rocks, fences, or trees, nor so as to interfere with any electric lights, or electrical or telephone wires or their supports, or placed in a manner which is deemed a detriment to public safety.

Subd. 4. Maintenance. All signs, together with all supports, braces, guys and anchors, must be kept neatly painted and posted. Every sign must be maintained by the owner of the property on which it is located in a clean and inoffensive condition. The owner of the property on which any ground sign is located must keep all grass, weeds or other growth cut around the sign, and will keep all rubbish, paper and debris cleaned up around the sign and removed from the property on which the sign is located.

1115.05 Exemptions. The following signs shall not require a permit. These exemptions, however, shall not be construed as relieving the owner of the sign from the responsibility of its erection and maintenance, and its compliance with the provisions of this ordinance or any other law or ordinance regulating the same.

- a. The changing of the display surface on a painted or printed sign only. This exemption, however, shall apply only to poster replacement and/or on-site changes involving sign painting elsewhere than directly on a building.
- b. Signs six (6) square feet or less in size. Must be approved by Zoning Coordinator.
- c. Political Signs. Freestanding political signs, not exceeding a sign surface area of 12 square feet each, displayed for a period of not more than eight weeks prior to the pertinent election date and not more than one week after that election date.
- d. Residential Identification Sign. One identification sign per residential dwelling unit, which sign must not exceed a sign surface area of 4 square feet.

- e. Garage Sale Signs. Freestanding signs for garage sales or similar events occurring within the corporate limits of the City, not exceeding 4 square feet in sign surface area, erected on private property with permission of the landowner, or erected in that portion of a public right-of-way outside of the traveled portion of the right-of-way, and displayed for not more than 3 days.
- f. Signs at Construction Sites. Signs denoting the architect, engineer, or contractor, when placed upon work under construction, provided that the total sign surface area of all such signs does not exceed 32 square feet in a district zoned for commercial uses or 6 square feet in a district zoned for residential uses, and provided that the sign is removed upon completion of construction or prior to a date six months after the sign is first placed on the property, whichever is earlier.
- g. Temporary Signs. Temporary signs (other than political signs) pertaining to drives or events of civic, philanthropic, educational or religious organizations, provided permission of the Council must be obtained to erect such signs upon or over streets or other public property, and provided further that such signs must not be erected or posted for a period of more than 14 days prior to the date of the event and must be removed within 3 days after the event.
- h. Real Estate Signs. Real estate signs, provided the total sign surface area for real estate signs on a property is not greater than 6 square feet and the sign is located on the property to be leased or sold. Real estate signs must be removed within 3 days after closing of the sale or leasing of the property on which they are located.
- i. Interior Signs. Non-illuminated sign within the interior of a building, so long as it is not a prohibited sign under Subsection 1115.06.
- j. Business Identification Signs. One business identification sign which is designed to replace an existing business identification sign for which a valid sign permit exists, so long as the new sign has the same dimensions and is in the same location as the existing sign, and is neither a lighted sign or a prohibited sign under 1115.06.

1115.06 Prohibited Signs. Unless a sign is specifically permitted under this Section, or a temporary sign permit has been issued for the sign under this Section, or a special use permit has been issued for the sign under the City's Zoning Ordinance, the sign is prohibited. By way of example and not by way of limitation, the following signs are specifically prohibited:

- (a) Billboards.
- (b) Flashing signs, searchlights, flags, or whirling devices.
- (c) Animated signs.
- (d) Signs which emit sound, odor or visible matter.
- (e) Signs attached to a vehicle parked primarily for use as a sign for a period of more than 14 days.
- (f) Balcony signs and signs mounted or supported on a balcony.

- (g) Any sign that obstructs any part of a doorway, stairway or fire escape.
- (h) Signs within the public right-of-way, public property or public easement.
- (i) Any sign projecting above the roofline of the structure to which it is affixed.
- (j) Signs which project beyond the property line of the property upon which the sign is located.
- (k) Signs which have a structural member or other portion closer than 10 feet to a side lot line.
- (l) Signs intended to be for the purpose of business advertising in any residentially zoned areas, including window signs.
- (m) Any sign which by reason of its location, color, or intensity, creates a hazard to the safe and efficient movement of vehicles or pedestrian traffic, including any sign which might be construed as a traffic control or which otherwise resembles any official marker erected by a governmental body or agency.
- (n) Window signs which obstruct the window to the point where the interior of the building cannot be observed by police or other security personnel.
- (o) Wall signs having a sign surface area exceeding 15% of the area of the wall surface (including doors and windows) to which it is affixed.
- (p) Signs constructed so that the message or communication is not flat against the sign structure.
- (q) Off-premise commercial signs whether located in a commercially or residentially zoned property.
- (r) On-premise sign located within residential districts identifying or advertising an establishment, person, activity, goods, products or services located on the premises where the sign is installed.
- (s) Signs defined in this chapter as Changeable Copy Signs, Portable Signs, Rotating Signs, Shimmering Signs, Stringers or Suspended Signs.
- (t) Signs which contain any indecent or offensive picture or written matter.
- (u) Abandoned Signs as defined by Section 1115.03(1).

1115.07 Temporary Sign Permit.

The Zoning Coordinator will have the authority to issue permits for temporary signs upon payment of the temporary sign permit fee specified in Section 405.05 if the sign is:

- (a) in keeping with the character and development of the property on which it is located;
- (b) is reasonably necessary for the proposed use of the property on which it is located; and

- (c) not likely to have a detrimental effect on values of property in the surrounding area.

No individual property, leased space or business may obtain more than six (6) temporary sign permits in a calendar year. Each temporary sign permit shall be valid for a period of thirty (30) days.

Subd. 2. Application for a temporary sign permit will be provided by the Zoning Coordinator and all valid applications shall include the following information:

- (a) name, address and phone number of individual placing the sign.
- (b) Name and phone number of sign contractor.
- (c) Type of construction.
- (d) Type of sign: ground, wall, projecting, etc.
- (e) Type of proposed illumination and hours of illumination
- (f) Dimensions and area of sign
- (g) Proposed location on property of proposed sign.
- (h) A sketch of proposed sign, including dimensions, lettering/message and colors to be used on the proposed temporary sign.

Subd. 3. Assignment and Transfer. No temporary sign permit may be assigned or transferred to anyone other than the owner of the property on which the sign is located.

1115.08 Non-Conforming Signs.

Subd. 1. Existing Signs Which Comply with Section 1115. Signs existing on the effective date of this Ordinance which conform to the requirements of this Ordinance and which do not require a permit may be maintained so long as they continue to comply with this Ordinance, as it may from time to time be amended.

Subd. 2. Existing Signs Which Do Not Comply with Section 1115. Signs existing on the effective date of this ordinance which would be prohibited by this ordinance, or which would require a special use permit under this ordinance but which have not received a permit under this ordinance or prior ordinances, will be deemed to be legal non-conforming signs. Legal non-conforming signs may continue to exist without a permit and without constituting a violation of this Section until one or more of the following occurs:

- (a) The sign is structurally altered (except for normal maintenance) in a way which makes the sign less in compliance with this Section than it was before the alteration.
- (b) The sign is relocated to a position making it less in compliance with this Section than it was before the relocation.
- (c) The sign is replaced.

- (d) Any new primary sign is erected or placed in connection with the enterprise using the legal non-conforming sign.

1115.09 General Provisions.

- (a) The size of a sign may not exceed 15 percent of the wall area of the front façade of the structure in which it is located and in no case exceed 100 square feet for all other types of signs.
- (b) The area within the frame shall be used to calculate the square footage except that the width of a frame exceeding twelve (12) inches shall constitute sign face, and if such letters or graphics be mounted directly on a wall or fascia or in such way as to be without a frame the dimensions for calculating the square footage shall be the area extending six inches beyond the periphery formed around such letters or graphics in a plane figure bounded by straight lines connecting the outermost points thereof. Each surface utilized to display a message or to attract attention shall be measured as a separate sign and shall be calculated in the overall square footage.
- (c) Symbols, flags, pictures, wording, figures or other forms of graphics painted on or attached to windows, walls, awnings, free-standing structures, suspended by balloons, or kites or on persons, animals, or vehicle, or placed within a structure and visible from outside the structure shall considered a sign and are included in calculation the overall square footage.
- (d) Monument and V-shaped signs shall be permitted only by special use permit. Monument signs shall not exceed one hundred (100) total square feet of display area and shall not exceed eight (8) feet in height as measured from grade five (5) feet from the base of the monument or V-shaped sign. The total permitted square foot display area includes all faces of a monument or V-shaped sign.
- (e) Canopies and fixed awnings are to be considered an integral part of the structure to which they are attached. They will be permitted only by special use permit provided they meet the following requirements;
 - 1. The awning or canopy may not project into the public right-of-way.
 - 2. Awnings or canopies may have no part of the structure other than supports nearer the ground surface than seven feet.
 - 3. The architectural style of the awning or canopy must be consistent with the building being served.
 - 4. Awnings and canopies proposed to be built as to encroach into a required yard setback must obtain a special use permit.

Enforcement. If a sign is in violation of this Section, or is rotted or in danger of falling, or is otherwise unsafe or unsightly, the City Building Inspector may give to the owner of the property on which the sign is located written notice specifying the violation, and requiring either the removal of the sign or remedial work in the time and manner specified in the notice. In the event of failure to comply with the notice within 30 days, the City may remove the sign or cause such remedial work to be done, and the cost of the work will be paid to the City by the owner of

the property on which the sign is located. If payment is not made within 30 days after a statement for such costs is sent to the owner, the costs may be assessed against the property by certifying the costs to the County Treasurer for collection in the same manner as the real estate taxes. If a sign which has been removed is not reclaimed and costs paid within 30 days after its removal, the sign may be sold or otherwise disposed of by the City. If a sign is found to be an immediate danger to the public because of its unsafe condition, it may be removed without notice, and written notice of removal and reasons for such will be given to the owner of the property on which it is located as soon as possible.

1115.10 Penalty. Violation of this Section is a petty misdemeanor. Each day that the violation is permitted to exist will constitute a separate offense.

SECTION 1120 MANUFACTURED HOME REGULATIONS

1120.01 Manufactured Home. For purposes of this Section, a manufactured home means any unit defined by Minnesota Statutes, Section 327.31, which is designed or can be used for living or sleeping purposes.

1120.02 Registration. No camper, trailer, mobile home or manufactured home may be parked and occupied for living purposes anywhere within the City for a period of more than 24 hours without first registering with the Clerk, giving names, ages, addresses, and occupations of each occupant of such manufactured home and the proposed length of stay of such manufactured home, and obtaining a permit from the Clerk under this Section 1120. At the time of making the application, the applicant must pay a fee in the amount set forth in Section 405.05.

1120.03 Inspection. It is the duty of the Building Inspector to inspect each manufactured home within 24 hours after notification by the Clerk's office that application has been made by occupant. The purpose of the inspection is to determine whether information furnished on the application for permit is true.

1120.04 Fire Law Inspection. The Building Inspector or his authorized representative will inspect the camper, trailer, mobile home or manufactured home and the surrounding premises to ascertain that all local and state fire laws are complied with before a permit is issued.

1120.05 Required Utilities. No manufactured home may be parked and occupied for living purposes anywhere within the City for a period of more than 24 hours unless there is available during 24 hours of each day to the occupants of the manufactured home, running water, and toilet facilities on the property upon which the manufactured home is parked.

1120.06 Waste Disposal. It is unlawful to permit waste water from sinks, showers, or other fixtures in manufactured homes to be deposited on any street, alley, tourist camp or any lot within the corporate limits of the city.

1120.07 Public Right-of-Way. No manufactured home may be parked or kept anywhere at any time in any public street, right-of-way or public ground in the City.

1120.08 Temporary Occupancy. The Clerk may issue a permit for temporary occupancy of a camper, trailer, mobile home, or manufactured home subject to the following conditions:

- (a) All other requirements of this Section 1120 must be met.

- (b) If the unit is located on property on which a permanent residence is under construction but cannot yet be lawfully occupied, the permit may be issued to the person who will occupy the permanent residence until the permanent residence is ready for occupancy.
- (c) Except as provided in Subsection 1120.08(b), the temporary occupancy may be for a period of no more than 16 days in any calendar year.