**TITLE 1000**

**BUILDING AND DEVELOPMENT REGULATIONS**

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*City of Mounds View*
CHAPTER 1001

BUILDING CODE

SECTION:

1001.01: Adoption of State Building Code
1001.02: Application, Administration and Enforcement
1001.03: Building Permits and Fees
1001.04: Expiration of Permits
1001.05: Stop Work Orders
1001.06: Penalties
1001.07: Certificate of Occupancy
1001.08: Temporary Certificate of Occupancy

1001.01: ADOPTION OF STATE BUILDING CODE:

Subd. 1. Minnesota State Building Code – Adopted by reference: The most current edition of the Minnesota State Building Code and related documents, as adopted by the Minnesota Department of Labor and Industry pursuant to Minnesota Statutes, including all of the amendments, rules and regulations established, adopted and published from time to time by the Minnesota Department of Labor and Industry, through the Construction Codes and Licensing Division is hereby adopted by reference including Chapter 1306 with optional 1306.00200 Subpart 2. The Minnesota State Building Code is hereby incorporated in this Section as if fully set out herein. A copy of said Building Code is on file in the office of the City Administrator. (Ord. 343, 6-27-83; Ord. 715, 5-27-03; Ord. 795, 8-27-07; Ord. 844, 5-20-10; Ord. 853, 2-3-11)

Subd. 2. Effective Date: Effective July 1, 1972, all building within the City shall be regulated by current State statutes, as amended from time to time. (Ord. 521, 11-23-92; 1993 Code)

1001.02: APPLICATION, ADMINISTRATION AND ENFORCEMENT: The application, administration, and enforcement of the Code shall be in accordance with Minnesota State Building Code. The Minnesota State Certified Building Official designated by City of Mounds View to administer the Code shall enforce this Code. (Added, Ord. 715, 5-27-03)
1001.03: **BUILDING PERMITS AND FEES:** (Added, Ord. 715, 5-27-03; Amended, Ord. 853, 2-3-11)

Subd. 1. The issuance of building permits and the collection of fees shall be as authorized in Minnesota Statutes. Permit fees shall be assessed for work governed by this Code in accordance with the fee schedule adopted by the resolution of the Council. In addition, a surcharge fee shall be collected on all permits issued for work governed by this Code in accordance with Minnesota Statutes. The permit fee does not include the cost of any outside expenses the City may incur related to the review, inspection or enforcement of the permit, such as those for soil test, planning, legal or engineering consultants. The owner or agent shall make payment for all such expenses when billed therefore by the City. (Added, Ord. 715, 5-27-03; Amended, Ord. 853, 2-3-11)

1001.04: **EXPIRATION OF PERMITS:** Building permits will expire in accordance with the Minnesota State Building Code unless otherwise specified under the Permits and Fees; Development Controls, Section 1006. (Added, Ord. 715, 5-27-03; Amended, Ord. 853, 2-3-11)

1001.05: **STOP WORK ORDERS:** Whenever any building work is being done contrary to the provisions of the Building Code or the City Code, the Building Official may order the work stopped by notice, in writing, served on any persons engaged in doing or causing such work to be done, and any such person shall forthwith stop such work until authorized by the Building Official to proceed with the work. (Added, Ord. 715, 5-27-03; Amended, Ord. 853, 2-3-11)

1001.06: **PENALTIES:** (Added, Ord. 715, 5-27-03)

Subd. 1. Any person(s), firm or corporation that violates any provisions of this Chapter and/or the Minnesota State Building Code, shall be guilty of a misdemeanor. (Added, Ord. 715, 5-27-03; Amended, Ord. 853, 2-3-11)

Subd. 2. Each day any such violation shall continue shall constitute a separate offense, unless otherwise specifically provided. (Added, Ord. 715, 5-27-03)
1001.07: **CERTIFICATE OF OCCUPANCY:** (Added, Ord. 715, 5-27-03)

Subd. 1. Residential Certificate of Occupancy shall be granted upon completion of work and final approval by the Building Official. (Added, Ord. 715, 5-27-03)

Subd. 2. Commercial Certificate of Occupancy shall be granted in conjunction with the Fire and Building Code Officials only after a fire inspection has been conducted and approved when the business is completely moved in and ready to operate. (Added, Ord. 715, 5-27-03)

Subd. 3. The exterior of any building shall be completed prior to occupancy of that building. (Added, Ord. 715, 5-27-03)

1001.08: **TEMPORARY CERTIFICATE OF OCCUPANCY:** (Added, Ord. 715, 5-27-03)

Subd. 1. Residential: A Temporary Certificate of Occupancy may be granted prior to sodding or seeding the lawn and finishing the driveway if approved by the Building Official. (Added, Ord. 715, 5-27-03)

Subd. 2. Commercial: A temporary certificate of occupancy for not more than sixty (60) days for commercial and industrial applications may be granted before the required fire inspection approval. The City must inspect and approve all required fire protection systems. (Added, Ord. 715, 5-27-03; Amended, Ord. 853, 2-3-11)

City of Mounds View
CHAPTER 1002

FIRE CODE

SECTION:

1002.01: Adoption of State Codes
1002.02: Local Fire Regulations
1002.03: Enforcement of Provisions
1002.04: Permit Fees
1002.05: Appeals Board
1002.06: Penalties
1002.07: Minor Possession of Ignition Devices Prohibited
1002.08: Residential Alarm Verification
1002.09: Expiration of Fire Permits
1002.10: Stop Work Orders
1002.11: Penalties

1002.01: ADOPTION OF STATE CODES:

Subd. 1. The most current edition of the Minnesota State Fire Code, as adopted by the Commissioner of Public Safety pursuant to Minnesota State Statutes, including all the amendments, rules and regulations established, adopted and published from time to time by the Minnesota Commissioner of Public Safety, through the State Fire Marshal Division is hereby adopted by reference including Minnesota State Amendments H and I. The Minnesota State Fire Code is hereby incorporated in this Section as if fully set out herein. (Amended, Ord. 715, 5-27-03; Ord. 853, 2-3-11)

Subd. 2. The most current edition of the Minnesota State Building Code, as adopted by the Commissioner of Administration pursuant to Minnesota Statutes, including all of the amendments, rules and regulations established, adopted and published from time to time by the Minnesota Commissioner of Administration, through the Building Codes and Standards Division is hereby adopted by reference including Chapter 1306 with options 1306.00200 Subpart 2, and 1306.0030 E Option 1. (Ord. 496, 11-12-91; 1993 Code; Amended, Ord. 715, 5-27-03; Ord. 853, 2-3-11)
1002.02: **LOCAL FIRE REGULATIONS:** The Minnesota State Fire Code provides the local Fire Chief ability to adopt local fire regulations. The Fire Chief may amend these regulations from time to time as needed. Copies of the regulations are available at City Hall or the Fire Department. In addition, the Mounds View City Council has adopted the following regulations pertaining to recreational fires in the City:  
(Ord. 681, 5-29-01; Amended, Ord. 715, 5-27-03; Ord. 852, 10-21-10)

Subd. 1. **Definitions:**  
(a) Chimenea: a free standing front loading fireplace or oven with a bulbous body and usually a vertical smoke vent or chimney.  
(Added, Ord. 852, 10-21-10)

(b) Manufactured Freestanding Pit: A Chimenea or other movable device or container designed, marketed and manufactured for the purpose of containing a fire for cooking or recreational purposes.  
(Added, Ord. 852, 10-21-10)

(c) Recreational Fire: A fire maintained within an outdoor fireplace, fire pit, fire ring, Chimenea or other Manufactured Freestanding Pit, for pleasure, religious, ceremonial, cooking or similar purpose.  
(Added, Ord. 852, 10-21-10)

Subd. 2. Recreation fires are allowed under the following conditions:  
(Added, Ord. 852, 10-21-10)

(a) Only natural, clean, dry firewood, cut in short lengths less than two (2) feet may be burned.  
(Added, Ord. 852, 10-21-10)

(b) The fire must be contained within an in-ground fire pit, fire ring, fireplace or manufactured freestanding pit not exceeding three (3) feet in diameter. The fire shall be limited in fuel such that at no time does the flame height exceed two (2) feet. The outside edge of in-ground fire pits shall be ringed with approved metal, brick or rock.  
(Added, Ord. 852, 10-21-10)

(c) All fire rings or pits must be located a minimum of twenty-five (25) feet away from any structures or combustibles, such as houses, garages, sheds, wood piles and wooden fences. Manufactured freestanding pits must be located a minimum of fifteen (15) feet away from any structures or combustibles, such as houses, garages, sheds, wood piles and wooden fences. In addition, fire pits, rings or manufactured freestanding devices shall be set back at least fifteen (15) feet from any property line.  
(Added, Ord. 852, 10-21-10)

(d) The fire must be constantly attended and supervised by an adult until the fire has been completely extinguished.  
(Added, Ord. 852, 10-21-10)

(e) A charged garden hose or other means to extinguish the fire must be readily available.  
(Added, Ord. 852, 10-21-10)
Subd. 3. Restrictions and Limitations: (Added, Ord. 852, 10-21-10)

   a. Recreational fires are not allowed when wind speeds exceed ten (10) miles per hour or when the smoke may create a nuisance or be offensive to others. (Added, Ord. 852, 10-21-10)

   b. Recreational fires are not allowed on commercial or industrial sites, or on sites with construction activities. (Added, Ord. 852, 10-21-10)

   c. The open burning of lumber, pallets, wooden shingles, scrap wood, brush, tree trimmings, leaves, yard waste, cardboard, paper, garbage, plastic, rubber, or any other material not constituting natural, dry, clean firewood, is prohibited. (Added, Ord. 852, 10-21-10)

   d. Recreational fires are not permitted when the designated fire official or the Minnesota Department of Natural Resources (DNR) has officially declared a burning ban due to potential hazardous fire conditions or when the Minnesota Pollution Control Agency (MPCA) has declared an air quality alert. (Added, Ord. 852, 10-21-10)

   e. The use of flammable or combustible liquid accelerants is prohibited. (Added, Ord. 852, 10-21-10)

Subd. 4. Enforcement: (Added, Ord. 852, 10-21-10)

   a. When the smoke from a recreational fire is offensive to neighbors or to others in the vicinity, or if the burning is determined to constitute a hazardous condition, the City authorizes Police and Fire Department officers to require the fire be immediately extinguished and discontinued. (Added, Ord. 852, 10-21-10)

   b. If the fire, or resulting smoke emanating therefrom, is deemed a nuisance\(^1\) by responding police or fire department officers, in addition to subdivision 4a above, the property owner and/or the responsible party may be cited according to the enforcement provisions referenced in Chapter 607.09 and Chapter 702.02 of this Code. (Added, Ord. 852, 10-21-10)

\(^1\) See Chapter 607.02 of this Code.
1002.03: **ENFORCEMENT OF PROVISIONS:** (Amended, Ord. 715, 5-27-03)

Subd. 1. Enforcement of Fire Code: The Minnesota State Fire Code shall be enforced by the Fire Marshal, who shall be appointed by and operate under the supervision of the Chief of the Fire Department. (Amended, Ord. 715, 5-27-03)

Subd. 2. Inspectors: The Code Official shall have the authority to appoint a deputy code official, other related technical officers and inspectors as shall, from time to time, be necessary. (Amended, Ord. 715, 5-27-03)

Subd. 3. Annual Report: A report of the Bureau of Fire Prevention shall be made annually and transmitted to the Council. (Ord. 496, 11-12-91; Ord. 681, 5-29-01)

1002.04: **PERMIT FEES:** All Fire Department permit fees shall be set in accordance with a fee schedule adopted by resolution of the City Council. (Ord. 496, 11-12-91)

1002.05: **APPEALS BOARD:** The Fire Department Board of Directors and the Fire Chief shall act as the local board of appeals with regard to enforcement of this Chapter and the Minnesota Uniform Fire Code. (Ord. 496, 11-12-91; Ord. 681, 5-29-01)

1002.06: **PENALTIES:** (Added, Ord. 715, 5-27-03)

Subd. 1. Any persons, firm or corporation that violate any provisions of this Chapter and/or of the Minnesota Uniform Fire Code shall be guilty of a misdemeanor. (Added, Ord. 715, 5-27-03; Amended, Ord. 853, 2-3-11)

Subd. 2. The application of the above penalty shall not be held to prevent the enforced removal of prohibited conditions. (Added, Ord. 715, 5-27-03)

Subd. 3. Each day any such violation shall continue shall constitute a separate offense. (Added, Ord. 715, 5-27-03)
1002.07: **MINOR POSSESSION OF IGNITION DEVICES PROHIBITED:** (Added, Ord. 715, 5-27-03)

**Subd. 1. Definitions:** Ignition device, for the purpose of this Section shall be defined as: (Added, Ord. 7815, 5-27-03)

a. Matches (Added, Ord. 715, 5-27-03)

b. Lighters (Added, Ord. 715, 5-27-03)

c. Any other materials when used for purposes of ignition. (Added, Ord. 715, 5-27-03)

**Subd. 2. Prohibitions:** (Added, Ord. 715, 5-27-03)

a. No minor may possess any ignition device, unless under the direct supervision of, or with the direct permission of, a parent or legal guardian; (Added, Ord. 715, 5-27-03)

b. No person may sell, give, deliver, or make accessible, any ignition device to a minor; and (Added, Ord. 715, 5-27-03)

c. No owner of a place of business may make ignition devices accessible to minors at the place of business. (Added, Ord. 715, 5-27-03)

**Subd. 3. Confiscation:** Any ignition device possessed by a minor may be confiscated by any peace officer, Fire Chief or authorized designee of the Fire Chief. Once confiscated, the ignition device shall become property of the confiscating authority and shall be processed accordingly as evidence in the commission of a crime or made inoperable and disposed of properly. (Added, Ord. 715, 5-27-03)

**Subd. 4. Penalties:** (Added, Ord. 715, 5-27-03)

a. Any person that violates any of the provisions of this Section hereby adopted shall for each and every violation, be punished by a forfeiture of the ignition devices and/or a fine of not less than fifty dollars ($50.00) but no more than two-hundred dollars ($200.00) for each offense as determined by the Fire Marshal, plus any costs and surcharges as required by law; and (Added, Ord. 715, 5-27-03; Amended, Ord. 853, 2-3-11)

b. The Fire Marshal may waive any penalties if a guilty minor attends and pays for the cost of the Anoka County Juvenile Fire Setter Intervention Program or an equivalent program approved by the Fire Marshal. (Ord. 715, 5-27-03; Amended, Ord. 853, 2-3-11)
1002.08: **RESIDENTIAL ALARM VERIFICATION:** Residential monitoring company shall attempt to contact the homeowner for alarm verification prior to dispatching the police and fire departments. (Added, Ord. 715, 5-27-03)

1002.09: **EXPIRATION OF FIRE PERMITS:** Fire Permits will expire in accordance with the provisions of the Minnesota State Fire Code. (Added, Ord. 853, 2-3-11)

1002.10: **STOP WORK ORDERS:** Whenever any work is being done contrary to the provisions of the Fire Code or the City Code, the Fire Marshal may order the work stopped by written notice served on any persons engaged in doing or causing such work to be done. Any such person shall forthwith stop such work until authorized by the Fire Marshal to proceed with the work. (Added, Ord. 853, 2-3-11)

1002.11: **PENALTIES:** (Added, Ord. 853, 2-3-11)

Subd. 1. Any person(s), firm or corporation that violates any provisions of this Chapter and/or the Minnesota State Building Code, shall be guilty of a misdemeanor. (Added, Ord. 853, 2-3-11)

Subd. 2. Each day any such violation continues shall constitute a separate offense, unless otherwise specifically provided. (Added, Ord. 853, 2-3-11)
CHAPTER 1003

ELECTRICAL CODE

SECTION:

1003.01: State Codes Adopted

1003.01: STATE CODES ADOPTED:

Subd. 1. Electrical Code: There is hereby adopted by the City of Mounds View the State of Minnesota provisions and controls for all electrical work. (1988 Code §62.02; 1993 Code) (Amended, Ord. 853, 2-3-11)
CHAPTER 1004
(Deleted, Ord. 853, 2-3-11)

RESERVED
(Added, Ord. 853, 2-3-11)
CHAPTER 1005

HOUSING CODE
(Deleted, Ord. 731, 3-22-04)
(Added, Ord. 731, 3-22-04)

SECTION:

1005.01: Adoption of the International Property Maintenance Code
1005.02: Local Amendments to the International Property Maintenance Code

1005.01: ADOPTION OF THE INTERNATIONAL PROPERTY MAINTENANCE CODE: The 2003 International Property Maintenance Code (IPMC), as promulgated by the International Code Council, Inc., is adopted by reference and incorporated into the City Code in whole as if it were set out in full, subject to the amendments contained in this Chapter. A copy of said International Property Maintenance Code is on file in the office of the City Administrator. (Amended, Ord. 844, 5-20-10)

1005.02: LOCAL AMENDMENTS TO THE INTERNATIONAL PROPERTY MAINTENANCE CODE: The following amendments are made to the 2003 International Property Maintenance Code:

Subd. 1. Section 101.1 Title: These regulations shall be known as the Property Maintenance Code of the City of Mounds View, hereinafter referred to as “this Code”.

Subd. 2. Section 101.2 Legislative Findings: The City Council finds that the existence of dwellings which are substandard in one (1) or more important features of structure, equipment, maintenance or occupancy adversely affect public health and safety and lead to the continuation, extension and aggravation of urban blight. Adequate protection of public health, safety and welfare therefore requires the establishment and enforcement of minimum housing standards.
Subd. 3. Section 101.3 Intent and Purpose: Every portion of a building or premises used or intended to be used for residential purposes shall comply with the provisions of this Code, irrespective of when such building was constructed. The purpose of this Code is to protect the public health, safety and welfare. Said Code (a) establishes minimum standards for basic equipment and facilities; for light, ventilation and heating; for safety from fire; for space, use and location; for safe and sanitary maintenance of all dwellings; (b) determines the responsibilities of owners, operators and occupants of dwellings; (c) provides, as an incident to the primary regulation, for registering the operation of certain dwellings; and (d) provides for administration and enforcement.

Subd. 4. Section 102.3 Application of Other Codes: Repairs, additions or alterations to a structure, or changes of occupancy shall be done in accordance with the procedures and provisions of the Minnesota State Building Code (MSBC), established pursuant to Minnesota Statutes, Sections 16B.59 to 16B.75, as amended, as adopted by the City. Nothing in this Code shall be construed to cancel, modify or set aside any provision of the MSBC or the City of Mounds View Zoning Code.

Subd. 5. Section 102.7 Referenced Codes and Standards: The codes and standards referenced in this Code shall be those listed in Chapter 8, and shall be considered part of the requirements of this Code to the prescribed extent of each such reference. Where differences occur between provisions of this Code and the MSBC, the most restrictive shall apply.

Subd. 6. Section 103.1 General: The Community Development Department of the City is responsible for administering the provisions of this Code, and the official in charge thereof shall be known as the Code Official.

Subd. 7. Section 103.2 Appointment: Not adopted.

Subd. 8. Section 103.5 Fees: Not adopted.

Subd. 9. Section 106.3 Violation and Penalties: Any violation of any provision of this Code shall constitute a misdemeanor. Each day the structure is in violation of this Code shall be deemed a separate offense. In addition to the punishment specified in this Section, the City may enforce this Code by an appropriate form of civil action and may enjoin violation of this Code and compel obedience thereto by mandatory orders and writs and cause the abatement of everything existing in violation thereof and cause the premises to be vacated, if occupied in violation thereof, and to remain vacant until the court shall find that the violation has ceased, and for these purposes, any court of competent jurisdiction may render, enter, make and issue any and every appropriate judgment, decree, writ and order and cause the same to be executed.
Subd. 10. Section 106.3.1 Legal Authority: The acts, proceedings and authority of the Code Official shall be treated as prima facie, just and legal.

Subd. 11. Section 106.4: Not adopted.

Subd. 12. Section 106.5 Execution of Compliance Orders by Public Authority: Upon failure to comply with a compliance order within the time set therein (and no appeal having been taken), or upon failure to comply with a modified compliance order within the time set therein, the criminal penalty established hereunder notwithstanding, the City Council, after due notice to the owner, may by resolution cause the cited deficiency to be remedied as set forth in the compliance order. The cost of such remedy is a lien against the subject real estate. Such a lien may be levied and collected as a special assessment in the manner provided by Minnesota Statutes, Chapter 429, as amended. It may be levied for any of the reasons set forth in Minnesota Statutes, Section 429.101, subdivision 1, and specifically for the removal or elimination of public health or safety hazards from private property. It is the intent of this Section to authorize the City to utilize all of the provisions of Minnesota Statutes, Section 429.101 to promote the public health, safety and general welfare.

Subd. 13. Section 108.4 Placarding: Upon failure of the owner or person responsible to comply with the notice provisions within the time given, the Code Official may post on the premises or on defective equipment a placard and a statement of the penalties provided for occupying the premises, operating the equipment or removing the placard.

Subd. 14. Section 109.2 Summary Abatement: Notwithstanding other provisions of this Code, whenever, in the opinion of the Code Official, there is imminent danger due to an unsafe condition, the Code Official may order the necessary corrective actions to be completed without following the procedures required in Section 107. A good faith effort shall be made to inform the owner, the owner’s agent or the occupant that the action is being taken.

Subd. 15. Section 109.2.1 Notice of Summary Abatement: After the corrective action has been taken the costs of such action have been determined, the Code Official shall serve the owner, the owner’s agent or the occupant with a notice of the action, which shall contain a description of the emergency circumstances; the corrective action taken by the City; the cost incurred in correcting the emergency; the City’s intent to assess some or all of the costs against the corrected property; and a statement that the owner, the owner’s agent or the occupant may request a hearing with the City Council to review the Code Official’s actions and the possible assessment of costs. The request for hearing shall be in writing and submitted to the City Administrator within ten (10) working days of the date of the notice. (Ord. 844, 5-20-10)
Subd. 16. Section 109.5 Costs of Summary Abatement: The cost of the corrective actions associated with the Summary Abatement is a lien against the subject real estate. Such a lien may be levied and collected as a special assessment in the manner provided by Minnesota Statutes, Chapter 429, as amended. It may be levied for any of the reasons set forth in Minnesota Statutes, Section 429.101, subdivision 1 and specifically for the removal or elimination of public health or safety hazards from private property. It is the intent of this Section to authorize the City to utilize all of the provisions of Minnesota Statutes, Section 429.101 to promote the public health, safety and general welfare.

Subd. 17. Section 109.6 Hearing: Not adopted.

Subd. 18. Section 111: Not adopted.

Subd. 19. Section 201.3 Terms Defined in Other Codes: Where terms are not defined in this Code and are defined in the MSBC and the City of Mounds View Zoning Code, such terms shall have the meanings ascribed to them in those Codes.

Subd. 20. Section 202 General Definitions:

a. Code Official: The official charged with the administration and enforcement of this Code, or any duly authorized representative. For the purpose of administration and enforcement of this Code, the Housing Inspector, Building Official, or an authorized representative shall be the Code Official.

b. Imminent Danger: A condition which could cause serious or life-threatening injury or death. Including but not limited to; heating systems that have damaged heat exchangers; rusted or plugged flues; inadequate venting; lack of temperature or pressure relief valves. Electrical systems that have damaged or deteriorated equipment; utilize the improper use of extension cords. Plumbing systems that are unsanitary due to leaking waste systems; cross connection of potable water supply; lack of adequate water supply. Walls, ceilings, roofs, foundations, and floor systems that will not safely carry imposed loads. Refuse, garbage, human waste, dead vermin or other animals, animal waste, or other materials causing unsanitary conditions. Infestation of rats, insects, or other vermin.


Subd. 22. Section 303.2: Replace second sentence with the following: “In accordance with the MSBC, gates required to be self-closing and self-latching shall be maintained such that, when released, they will positively close and latch.”

City of Mounds View
Subd. 23. Section 302.8 Motor Vehicles: Not adopted.


Subd. 25. Section 304.2 Protective Treatment: Third sentence amended to read as follows, “Pealing, flaking, deteriorated, or chipped paint that exceeds more than twenty percent (20%) of the area of any plane or wall or other area shall be eliminated and surfaces repainted.”

Subd. 26. Section 304.14 Insect Screens: During the period from May 15 to October 15, every door, window and other outside opening required for ventilation of habitable rooms, food preparation areas, food service areas, or any areas where products to be included or utilized in food for human consumption are processed, manufactured, packaged or stored, shall be supplied with approved tightly fitting screens of not less than sixteen (16) mesh per inch. Every swinging door shall also have a self-closing device in good working condition.

Subd. 27. Section 304.18.1 Doors: Second sentence amended to read, “Such deadbolt locks shall be operated only by the turning of a knob and shall have a lock throw of not less than three fourths inch (3/4”).”

Subd. 28. Section 307.2.2 Refrigerators: Not adopted.

Subd. 29. Section 403.4 Process Ventilation: In accordance with the MSBC and the State Fire Code (SFC), where injurious, toxic, irritating or noxious fumes, gases, dusts or mists are generated, a local exhaust ventilation system shall be provided to remove the contaminating agent at its source. Air shall be exhausted to the exterior and not be re-circulated to any space.

Subd. 30. Section 403.5 Clothes Dryer Exhaust: Clothes dryer exhaust systems shall be independent of all other systems, and shall be exhausted in accordance with the manufacturer’s instructions and the State Mechanical Code (SMC).

Subd. 31. Section 502.3 Hotels: Not adopted.

Subd. 32. Section 502.4 Employees’ Facilities: Not adopted.

Subd. 33. Section 502.4.1 Drinking Facilities. Not adopted.
Subd. 34. Section 505.4 Water Heating Facilities: Amend first sentence to read, “Water heating facilities shall be properly installed, maintained and capable of providing an adequate amount of water to be drawn at every required sink, lavatory, bathtub, shower and laundry facility at a temperature of not less than one hundred twenty degrees (120°) Fahrenheit and not more than one hundred thirty degrees (130°) Fahrenheit.”

Subd. 35. Section 602.2 Residential Occupancies: Dwellings shall be provided with heating facilities capable of maintaining a room temperature of sixty eight degrees (68°) Fahrenheit, measured at three (3) feet above the floor and three (3) feet from exterior walls and windows, in all habitable rooms, bathrooms, and water closets. This is based on the winter outdoor design temperature for the locality indicated in the Minnesota State Energy Code (MSEC). Cooking appliances shall not be used to provide space heating to meet the requirements of this Section.

Subd. 36. Section 602.3 Heat Supply: During the period from September 15 to May 15, every owner and operator of any building who rents, leases or lets one (1) or more dwelling unit, rooming unit, dormitory or guestroom on terms, either expressed or implied, to furnish heat to the occupants thereof shall supply heat to maintain a temperature of not less than sixty eight degrees (68°) Fahrenheit, in all habitable rooms, bathrooms, and toilet rooms. Exception: When the outdoor temperature is below the winter outdoor design temperature for the locality, minus twelve degrees (-12°) Fahrenheit, maintenance of the minimum room temperature shall not be required, provided that the heating system is operating at its full design capacity.

Subd. 37. Section 602.4 Occupiable Work Spaces: When occupied during the period from September 15 to May 15, indoor occupiable work spaces shall be supplied with heat to maintain a temperature of not less than sixty eight degrees (68°) Fahrenheit. Exception: When the outdoor temperature is below the winter outdoor design temperature for the locality, minus twelve degrees (-12°) Fahrenheit, maintenance of the minimum room temperature shall not be required, provided that the heating system is operating at its full design capacity.

Subd. 38. Section 603.5 Combustion Air: In accordance with the Minnesota State Mechanical Code (MSMC), a supply of air shall be provided for complete fuel combustion and for ventilation of the space containing the fuel-burning equipment.

Subd. 39. Section 604.1 Facilities Required: Every occupied building shall be provided with an electrical system in compliance with the requirements of this Section, Section 605, and the National Electrical Code (NEC) as adopted by the MSBC.
Subd. 40. Section 604.2 Service: In accordance with the NEC, the size and usage of appliances and equipment shall serve as a basis for determining the need for additional facilities. At a minimum, dwelling units shall be served by a three (3) wire, 120/240-volt, single-phase electrical service with a rating of not less than sixty (60) amperes.

Subd. 41. Section 605.2: Add the following exception: Exception: One (1) permanently installed ceiling light fixture may be provided in lieu of one (1) required receptacle outlet.

Subd. 42. Section 701 Scope: Under the provisions of this Chapter, the MSFC shall govern the minimum conditions and standards for fire safety relating to structures and exterior premises, including fire safety facilities and equipment to be provided.

Subd. 43. Section 702.2 Aisles: In accordance with the MSFC, the required width of aisles shall be unobstructed.

Subd. 44. Section 702.3 Locked Doors: All means of egress doors shall be readily capable of being opened from the side from which egress is to be made, without the need for keys, special knowledge or effort, except where the door hardware conforms to that permitted by the MSBC.

Subd. 45. Section 702.4 Emergency Escape Openings: Required emergency escape and rescue openings shall be operational from the inside of the room, without the use of keys or tools. Bars, grilles, grates or similar devices are not permitted to be placed over emergency escape and rescue openings. Emergency escape openings must provide a minimum net clear opening size that complies with the MSBC.

Subd. 46. Section 704.2 Smoke Alarms: Single or multiple-station smoke alarms shall be installed and maintained in Groups R-2, R-3, R-4 at all of the following locations:

a. On the ceiling or wall outside of each separate sleeping area in the immediate vicinity of bedrooms.

b. In each room used for sleeping purposes.

c. In each story within a dwelling unit, including basements and cellars but not including crawl spaces and uninhabitable attics.

Exception: Dwelling units in existence at the adoption of this Code shall meet smoke alarm location requirement b. prior to January 1, 2006.

Subd. 47. Section 800 General References: Whenever this Code refers to the International Codes, such references shall be deemed to be to the comparable applicable code as adopted by the state. Whenever this Code refers to the International Zoning Code, such references shall be deemed to be the City of Mounds View Zoning Code.

City of Mounds View
CHAPTER 1006

PERMITS AND FEES; DEVELOPMENT CONTROLS
(Amended, Ord. 853, 2-3-11)

SECTION:

1006.01: Permit Requirements
1006.02: Permit Fees and Expenses
1006.03: Permit Extensions
1006.04: Licensing Provisions
1006.05: (Reserved)
1006.06: Development Controls
1006.07: Violation of Provisions

1006.01: PERMIT REQUIREMENTS:

Subd. 1. Building Permit Required: (Amended, Ord. 853, 2-3-11)

   a. Before proceeding with the construction, enlargement, alteration, repair, moving\(^1\), improvement, removal, conversion or demolition of any part of any building or structure, the owner or agent shall first obtain a building permit for such purpose from the City Building Official. (Added, Ord. 853, 2-3-11)

   b. Exceptions: The City does not require a building permit for such work specified as being exempt from permits in the Minnesota State Building Code. (Added, Ord. 853, 2-3-11)

Subd. 2. Zoning Permit Required: (Added, Ord. 853, 2-3-11)

   a. Before proceeding with an alteration or improvement that is not regulated under the Minnesota State Building Code or as specified in subdivision 3 (b), for any part of any structure or building onto any land that may or may not impact the surface drainage system\(^2\) of the City, the owner or agent shall first obtain a zoning permit for such purpose from the City. (Added, Ord. 853, 2-3-11)

\(^1\) See Chapter 1007 of this Code for building relocation regulations.

\(^2\) See Chapter 1302 of this Code for surface water drainage regulations.
Subd. 3. Types of Work Requiring a Permit: (Added, Ord. 853, 2-3-11)

a. Building Permit: General Building Construction and improvements as specified in the Minnesota State Building Code and related documents as adopted by the Minnesota Department of Labor and Industry. (Added, Ord. 853, 2-3-11)

b. Zoning Permit: (Added, Ord. 853, 2-3-11)

(1) Television and radio antenna exceeding twenty (20) feet above roof
(2) Dumpster enclosure
(3) Driveway, parking lot, parking area, patio or sidewalk
(4) Kennel
(5) Signs
(6) Accessory building one hundred twenty (120) square feet and under
(7) Deck or platform not attached to primary structure and/or thirty (30) inches high or under
(8) Fences six feet high or under
(9) Retaining wall two (2) feet to four (4) feet high
(10) Satellite dish greater than three (3) feet in diameter

c. Electrical Work:

(1) The owner or agent shall first obtain a permit from the State of Minnesota Electrical Inspector before proceeding with any work involving installation, replacement, alteration or repair of electrical services, including temporary services. (Ord. 508, 4-27-92; Amended, Ord. 853, 2-3-11)

(2) The State of Minnesota Electrical Inspector shall inspect and approve all electrical work before City approval of the final building inspection and before the City issues a certificate of occupancy. (Added, Ord. 853, 2-3-11)

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1 See Chapter 1302 of this Code for surface water drainage regulations.
2 See Section 1104.02, subdivision 8(d) of this Code for antenna height regulations.
3 See Sections 1104.01, subdivision 4 and 1121 for driveway regulations.
4 See Section 1008 of this Code for sign regulations.
5 See Section 1106.03, subdivision 1, for accessory building regulations.
6 See Section 1103.08 of this Code for fence regulations.
1006.02: **PERMIT FEES AND EXPENSES:**

Subd. 1. Payment of Fees and Expenses: A permit fee, the amount for which is approved by resolution of the Council, shall be paid to the City before the issuance of any permit herein prescribed. The permit fee does not include the cost of any outside expenses the City may incur related to the review, inspection or enforcement of the permit, such as those for soil test, planning, legal or engineering consultants. The owner or agent shall make payment for all such expenses when billed therefor by the City. (Amended, Ord. 853, 2-3-11)

Subd. 2. Work without Permit: Should any person begin work of any kind such as hereinafter set forth or for which a permit from the City is required by the Building Code or the City Code without having first secured the necessary permit from the City that person shall be subject to a special investigation and fees as established by the City Council resolution. (Amended, Ord. 853, 2-3-11)

Subd. 3. Building and Construction Valuation: Building valuation, for the purpose of establishing building permit fees, shall be as adopted by the City Council by resolution and may be amended from time to time. Valuation for alterations, repairs or extensions shall be determined by the Building Official based on the Building Official’s estimate of the materials cost and the labor cost to put the construction in place. (Ord. 508, 4-27-92; 1993 Code; Amended, Ord. 853, 2-3-11)

Subd. 4. Permit and Application Fee Refunds: The City may refund building permit fees for work that has not commenced within one hundred eighty (180) days of the City issuing the permit. The City will not make any fee refunds after one hundred eighty (180) days of the City issuing the permit. All persons requesting a refund shall make the refund request in writing. The City will reimburse the paid fees to the person or party that made the initial payment unless the Building Official authorizes the payment to another person or party. The City will not refund the plan check fee if the City has performed a plan check. The City shall not refund State Surcharges or fees that the City has reported to the State of Minnesota. (Added, Ord. 853, 2-3-11)

1006.03: **PERMIT EXTENSIONS:** If the work for which a permit was issued does not commence within one hundred eighty (180) days or if the work is suspended or abandoned for a period of one hundred eighty (180) days, the permit shall be considered void and invalid. The Building Official may grant, in writing, extensions for periods not more than one hundred eighty (180) days each. The extension shall be requested in writing and justifiable cause demonstrated. The decision of the Building Official may be appealed to the City Council. (Ord. 508, 4-27-92, Amended, Ord. 715, 5-27-03)

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1 See Chapter 1302 of this Code for surface water drainage regulations.
1006.04: **LICENSING PROVISIONS:** (Added, Ord. 715, 5-27-03)

Subd. 1. **License Required:** Before any person shall engage in the business of doing or performing any of the work set forth in Subdivision 2 hereof in the City of Mounds View, said person shall first obtain a City license to do so as more fully provided for in this Chapter. A City license shall not be required if said person is licensed with the State of Minnesota and if said license is valid for the work being performed in Mounds View. A fee for checking the status of the State-issued license may be charged and will be set by resolution. (Ord. 500, 1-13-92; Ord. 715, 5-27-03; Ord. 853, 2-3-11)

Subd. 2. **Work Requiring City License:** (Ord. 628, 6-28-99)

<table>
<thead>
<tr>
<th>Specialty Contractor:</th>
<th>Excavation, masonry including cement, footings, masonry fireplaces and walls; carpentry including doors, windows, decks without footings, and hanging wall board-no taping; interior finishing including insulation, vapor barrier, and prefab stairs; drywall including plaster, lathing, and wallboard; exterior finishing including siding, gutters, soffit, and fascia; garage doors; swimming pools including spas and hot tubs; asphalt; demolition/wrecking</th>
</tr>
</thead>
<tbody>
<tr>
<td>(May Perform Only One Activity Listed)</td>
<td></td>
</tr>
<tr>
<td>General Commercial Contractor</td>
<td>Commercial and residential contracting (over 4 units) – includes all contracting work (separate license required for HVAC work and excludes any state licensing requirements)</td>
</tr>
<tr>
<td>Zoning Contractor</td>
<td>Fence, sign, shed (120 sq. ft. or under), retaining wall (2’ – 4’ high), building mover (buildings under 16’x20’), satellite dish (greater than 3’ in diameter), residential antenna</td>
</tr>
<tr>
<td>HVAC Contractor</td>
<td>Fireplace/stove installer, heating, air conditioning, ventilation, gas piping</td>
</tr>
<tr>
<td>Tree Contractor</td>
<td>Tree trimming and removal</td>
</tr>
<tr>
<td>Fire Specialty Contractor</td>
<td>Above ground tank installation and removal, special fire suppression systems, temporary tents, canopies and membrane structure installation</td>
</tr>
</tbody>
</table>

(Added, Ord. 853, 2-3-11)
Subd. 3. Requirements for License: Each applicant for a license to perform work in the City shall provide the City with the necessary information to process the license request and shall perform the work in accordance with all City ordinances and the Minnesota State Building Code. (Added, Ord. 715, 5-27-03; Amended, Ord. 853, 2-3-11)

Subd. 4. Application and Fees: Application for licenses shall be filed with the City Administrator on the forms furnished by the City. The annual fee for each license shall be as established by resolution, as amended from time to time, by the City Council. (Added, Ord. 715, 5-27-03; Amended, Ord. 844, 5-20-10)

Subd. 5. General Commercial Contractors: A City license granted to a general Commercial contractor shall include the right to perform all work included in the general contract but shall exclude any work that requires a separate license issued by the State of Minnesota. Such license shall include any or all of the persons performing the work under the general contract, providing that each person performing such work is in the regular employ of such general contractor and qualified under State law and the provisions of this Code to perform such work. In these cases, the general contractor shall be responsible for all of the work so performed. Subcontractors, who are persons not in the regular employ of a general contractor, shall be required to meet the Sections of this Code pertaining to license and insurance qualifications for the subcontractor’s particular type of work. (Added, Ord. 715, 5-27-03; Amended, Ord. 853, 2-3-11)

Subd. 6. Insurance: Any person requesting a contractor’s license shall file with the City Administrator proof of public liability and property damage insurance showing the City of Mounds View as the certificate holder, which shall remain and be in force and effect during the entire term of said license or a renewal certificate shall be provided to the City at least ten (10) days before the expiration of the certificate on file with the City. The Certificate shall contain a provision that the insurance shall not be cancelled without ten (10) days’ written notice to the City. Public liability insurance should not be less than one hundred thousand dollars ($100,000.00) for injuries, including accidental death to any one (1) person, in an amount of not less than three hundred thousand dollars ($300,000.00) on account of any one (1) accident, and property damage insurance in the amount of not less than fifty thousand dollars ($50,000.00). (Added, 715, 5-27-03; Ord. 844, 5-20-10; Ord. Amended, 853, 2-3-11)

Subd. 7. Expiration and Renewal: All licenses shall expire on December 31 following the date of issuance unless sooner revoked or forfeited. If a license granted hereunder is not renewed previous to its expiration, then all rights granted by such license shall cease, and any work performed after the expiration of the license shall be in violation of this Code. (Ord. 628, 6-28-99; Ord. 715, 5-27-03; Amended, Ord. 853, 2-3-11)
Subd. 8. Revocation or Suspension:

a. Authority of Council: The Council shall have the power to suspend or revoke the City license of any person licensed under the regulations of this Code whose work is found to be improper or defective or so unsafe as to jeopardize life or property, providing the person holding such license is given twenty (20) days’ notice and granted the opportunity to be heard before such action is taken. If and when such notice is sent to the address of the licensee as stated on the application and applicant fails or refuses to appear or respond at the said hearing, the license will be automatically suspended or revoked. (Added, Ord. 715, 5-27-03; Amended, Ord. 853, 2-3-11)

b. Suspension: A City contractor’s license suspension shall be not less than thirty (30) days nor more than one (1) year, such period being determined by the Council. (Added, Ord. 715, 5-27-03; Ord. 853, 2-3-11)

c. Second Offense: When any person holding a City contractor’s license as provided herein has been convicted for the second time by a court of competent jurisdiction for violation of any of the provisions of this Code, the City shall automatically revoke the license of the person so convicted. Such person may not make application to the City for a new license for a period of one (1) year. (1988 Code § 60.03; Amended, Ord. 715, 5-27-03; Ord. 853, 2-3-11)

1006.05: (Reserved) (Amended, Ord. 715, 5-27-03)
1006.06: **DEVELOPMENT CONTROLS:**

Subd. 1. Purpose: It is the intent and purpose of this Section to provide for orderly development of land to safeguard life, health, safety, property and public welfare by regulating and controlling all development within the City. This Section shall be in addition to the requirements of any other provisions of the City Code regulating such development. (Amended, Ord. 853, 2-3-11)

Subd. 2. Application of Development Controls: All new construction and expansions of existing construction shall be reviewed by the Planning and Zoning Commission and approved by the City Council as conforming to this Section, except as follows: (Ord. 692, 3-25-02)

   a. Single or two (2)-family dwelling units; (Ord. 692, 3-25-02)

   b. Accessory structures that meet the requirements of the applicable zoning district; (Ord. 692, 3-25-02)

   c. Construction activity that increases the gross square footage of the principal building by less than ten percent (10%), provided the area of expansion does not exceed ten thousand (10,000) square feet. (Ord. 692, 3-25-02)

Subd. 3. Development Plan:

   a. The owner or developer shall submit for City review a development plan that shows proposed plans for utility service, surface water drainage consistent with the most recently adopted Local Surface Water Management Plan¹ subject to subsequent revisions, erosion and sediment control consistent with current City standards, streets, driveways, trails, parking, landscaping, screening and buffering, lighting, setbacks, exterior construction design and materials, trash disposal, construction timetable and such other matters as the Council may require. (Amended, Ord. 853, 2-3-11)

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¹ See Chapter 1302 of this Code for flood control regulations.
Subd. 4. Development Agreement:

a. A development agreement that sets forth all of the terms, conditions, requirements, agreements, guarantees and plans for the orderly development of said land shall be entered into between the developer and the City before the final approval of any subdivision, or project that qualifies for a Development Review, as determined by subdivision 2 of this Section. This requirement may be waived by the City Council in the event no public improvements are planned or proposed. (Ord. 692, 3-25-02; Amended, Ord. 853, 2-3-11)

b. Said development agreement shall include provisions for supervision of details of construction by the City and grant to the City authority to inspect all work performed pursuant to said contract to assure satisfactory performance and completion of the work. (Ord. 508, 4-27-92; Amended, Ord. 853, 2-3-11)

1006.07: VIOLATION OF PROVISIONS: Any person violating the provisions of this Chapter or any owner or developer who fails to meet the terms or conditions of a development agreement or resolution shall be guilty of a misdemeanor. (Ord. 508, 4-27-92; Ord. 727, 1-26-04; Amended, Ord. 853, 2-3-11)
CHAPTER 1007

BUILDING RELOCATION

SECTION:

1007.01: Moving Buildings Into City
1007.02: Compliance with Building Code Provisions
1007.03: Moving Buildings Through City

1007.01: MOVING BUILDINGS INTO CITY:

Subd. 1. No person shall move a building into the City of Mounds View without first having obtained the necessary permits from the City. (Amended, Ord. 853-2-3-11)

1007.02: COMPLIANCE WITH BUILDING CODE PROVISIONS: All of the provisions of Chapters 1001 and 1006 of this Title will be applicable to any building being moved into the City of Mounds View. (1988 Code §45.04) (Amended, Ord. 853, 2-3-11)

Subd. 1. Building Permit Required. Buildings larger than one hundred twenty (120) square feet must meet the provisions of the Minnesota State Building Code and the owner or agent shall obtain a building permit from the City Building Official. (Added, Ord. 853, 2-3-11)

Subd. 2. Zoning Permit Required: Buildings one hundred twenty (120) square feet or less are exempt from the provisions of this Chapter but must meet the standards listed in Chapter 1006.01, subdivision 4. (Added, Ord. 853, 2-3-11)

1 See also subdivisions 1006.01(3)a(11) and (3)a(12) of this Title.
1007.03: MOVING BUILDINGS THROUGH CITY:

Subd. 1. Permit Requirements:

a. Permit Required: No person shall move any building larger than one hundred twenty (120) square feet on, through or over any street, alley, sidewalk or other public place in the City without first having obtained a right-of-way permit from the Director of Public Works. (Ord. 853, 2-3-11)

b. Application for Permit: Applications shall state thereon the proposed route and the number of days it is intended that the building shall occupy any portion of any street, alley, sidewalk or other public place.

c. Permit Fees: Upon the approval of the intended route, a fee as determined by the City for each day or fraction thereof that it is intended that the building shall occupy any such portion of any such public place shall be paid and the permit issued. An additional payment as determined by the City for each day or fraction thereof over and above the time stated on the permit, during which any building shall occupy any such public place, shall be paid.

Subd. 2. Procedures for Moving Buildings:

a. Lights and Warning Devices:

(1) Whenever a street or alley is blocked by a house or structure which is being moved, warnings to that effect shall be placed by the Department of Public Works so as to warn vehicles and persons from entering that portion of the street which is so blocked.

(2) The person moving any building through the streets shall keep warning signs and lanterns or lights at night on the building so as to guard against any person or vehicle from colliding with it.

b. Utility Wires or Cables: Whenever it shall be necessary to interfere with wires or cables of a public utility in moving a building, the terms of any special or franchise ordinance governing shall apply and the bond therein specified shall be given.
CHAPTER 1008

SIGNS AND BILLBOARDS

SECTION:

1008.005: General Intent
1008.01: Purpose
1008.011: Scope of Regulations
1008.012: Severability
1008.013: Substitution Provision
1008.02: Definitions
1008.03: Permits Required; Exceptions
1008.04: Application for Permit
1008.05: Permit Fees; Waiver
1008.06: Issuance of Permit; Review Process and Conditions
1008.07: Sign Installer’s License Provisions
1008.08: Maintenance of Premises
1008.081: Sign Maintenance, Repair, Permits and Inspections
1008.09: General Location, Design and Construction Standards
1008.10: Specific Sign Type Standards and Requirements
1008.11: Miscellaneous Signage Requirements and Provisions
1008.12: Prohibited Signs
1008.13: Nonconforming Signs
1008.14: Abrogation and Greater Restriction
1008.15: Violation of Provisions
1008.16: Sign Variances (Ord. 644, 12-13-99; Ord. 679, 5-29-01; Ord. 816, 1-22-09)

1008.005: GENERAL INTENT: In order to preserve Mounds View as a desirable City to live and to do business in, having a pleasing and visually attractive urban environment is important. The regulation of signs is an important means to help achieve the desired results of the City. As such, the City has prepared these sign regulations to enhance the urban environment and to promote the well-being of the City. (Added, Ord. 816, 1-22-09)
1008.01: **PURPOSE:** This Chapter is intended to establish a comprehensive and balanced system of sign control that accommodates the need for a well-maintained, safe, and attractive community, and the need for effective communications including business identification. The City of Mounds View finds it is necessary for the promotion and preservation of the public health, safety, welfare, image and aesthetics of the community that the construction, location, size and maintenance of signs be controlled. Further, the City finds that: (Ord. 679, 5-29-01; Ord. 816, 1-22-09)

a. Permanent and temporary signs have a direct impact on and relationship to the image and aesthetics of the City; (Ord. 679, 5-29-01; Ord. 816, 1-22-09)

b. The manner of installation, location and maintenance of signs affects the public health, safety, welfare and aesthetics of the City; (Ord. 679, 5-29-01; Ord. 816, 1-22-09)

c. an opportunity for viable identification of residences, businesses and institutions in the City must be established; (Ord. 679, 5-29-01; Ord. 816, 1-22-09)

d. the safety of motorists, cyclists, pedestrians and other users of public streets and property is affected by the number, size, location and appearance of signs that create hazards for drivers and unduly divert the attention of drivers; (Ord. 679, 5-29-01; Ord. 816, 1-22-09)

e. installation of signs suspended from, projecting over, or placed on the tops of buildings, walks or other structures may constitute a hazard during periods of high winds and an obstacle to effective fire-fighting and other emergency service; (Ord. 679, 5-29-01)

f. uncontrolled and unlimited signs and sign types, particularly moving signs and signs with dynamic displays, adversely impact the image and aesthetic attractiveness of the City and thereby undermine economic value and growth; (Ord. 679, 5-29-01; Ord. 816, 1-22-09)

g. uncontrolled and unlimited signs, particularly temporary signs which are commonly located within or adjacent to public right-of-way or are located at driveway/street intersections, result in roadside clutter and obstruction of views of oncoming traffic. This creates a hazard to drivers and pedestrians and also adversely impacts a logical flow of information; (Ord. 679, 5-29-01)

h. signs are generally incompatible with residential uses and should be strictly limited in residential zoning districts; and (Ord. 679, 5-29-01; Ord. 769, 5-8-06)
i. the right to express opinions in any zoning district must be protected, subject to reasonable restrictions on size, height, location and number. (Ord. 679, 5-29-01; Ord. 5-8-06)

j. the City does not intend to nor does it propose to regulate the message on any sign. (Added, Ord. 816, 1-22-09)

k. the City intends to protect the public from the dangers of unsafe signs. (Added, Ord. 816, 1-22-09)

1008.011: **SCOPE OF REGULATIONS:** The sign regulations established in this Chapter shall apply to all structures and all land uses. This Chapter describes the sign standards for all the zoning districts of the City. The City establishes specific additional regulations for signs that are unique in purpose and not easily addressed by district regulations. No person, property owner or lessee shall place, erect, alter, modify, enhance or change a sign in any way that does not meet the requirements of this Chapter and other applicable regulations. (Added, Ord. 816, 1-22-09)

1008.012: **SEVERABILITY:** If any section, subsection, sentence, clause, phrase or other part of this Chapter is held to be invalid, such invalidity shall not affect the validity or enforceability of the rest of this Chapter. The City Council hereby declares that it would have adopted the Chapter in each section, subsection, sentence or phrase thereof, irrespective of the fact that any one (1) or more sections, subsections, sentences, clauses or phrases are declared invalid. (Added, Ord. 816, 1-22-09)

1008.013: **SUBSTITUTION PROVISION:** The owner or operator of any sign that this Chapter would otherwise allow may substitute a non-commercial sign in lieu of any other commercial or non-commercial sign. The owner may make this substitution without any additional City approval or permit. The purpose of this provision is to prevent any inadvertent favoring of commercial speech over non-commercial speech, or the favoring of any particular non-commercial message over any other non-commercial message. This provision shall prevail over any more specific provision to the contrary. (Added, Ord. 816, 1-22-09)
1008.02: **DEFINITIONS:** The following terms have the meanings ascribed to them in this Section: (Ord. 679, 5-29-01)

**ABANDONED SIGN:** A sign that becomes vacant, unoccupied or unused; or a sign promoting a business or activity no longer in operation or incorrectly or inaccurately conveying a message, or a sign promoting an obsolete message or sign copy, for a period in excess of one (1) month. (Ord. 679, 5-29-01)

**ANIMATED SIGN:** A sign that has any moving or rotating part; or uses movement or change of lighting to depict action or create a special effect or scene, but is not a dynamic display sign. Refer also to electronic scrolling message or marquee signs. (Ord. 679, 5-29-01; Ord. 816, 1-22-09)

**AREA IDENTIFICATION SIGN:** A freestanding sign which identifies the name of a community, neighborhood, a residential subdivision, a multi-family residential complex consisting of three (3) or more structures, a planned unit development, or any combination of the above located on contiguous properties. (Ord. 679, 5-29-01)

**AWNING SIGN:** A sign displayed on or attached flat against the surface or surfaces of an awning attached to or extending from a building. (Ord. 679, 5-29-01)

**BANNER:** Any sign of lightweight, flexible material affixed to a building, poles, vehicle or other supporting structures upon which a message, slogan, design or logo is displayed. National, state, or municipal flags shall not be considered a banner. (Ord. 679, 5-29-01)

**BEACON:** Any light with one (1) or more beams directed into the atmosphere or directed at one (1) or more points not on the same lot as the light source; also, any light with one (1) or more beams that rotate or move. Otherwise known as searchlights. For the purposes of this Section, beacons or searchlights shall be considered temporary signs. (Ord. 679, 5-29-01)

**BENCH SIGNS:** A sign which is affixed to a bench or shelter at a bus stop. (Ord. 679, 5-29-01)

**BILLBOARD:** A large, outdoor advertising structure typically mounted on one (1) or more poles, located off the site or premises where the advertised product is sold, available or offered. (Ord. 679, 5-29-01; Ord. 816, 1-22-09)

**BUSINESS SIGN:** A sign that states the proper name of the business, organization or institution located on the premises on which the sign is located. (Ord. 679, 5-29-01)

**CAMPAIGN SIGN:** A temporary sign promoting the candidacy of a person running for a government office, or promoting an issue to be voted on at the next election. (Ord. 679, 5-29-01)
CANOPY SIGN: A sign affixed to the visible surface of an attached or freestanding canopy structure, often backlit to provide internal illumination. For the purposes of sign area computation, canopy signs shall be treated as a wall sign. (Ord. 679, 5-29-01)

CHANGEABLE COPY SIGN: A sign or portion thereof with characters, letters or illustrations that can be changed or rearranged electronically or manually without altering the face or the surface of the sign but is not a dynamic display. A sign on which the message changes more than eight (8) times a day shall be considered an animated sign for the purposes of this Section. That portion of a sign on which the only copy that changes is an indication of the time and temperature shall be considered a public informational sign. Portable or non-permanent changeable copy signs shall, for the purposes of this Section, be considered temporary signs. (Ord. 679, 5-29-01; Ord. 816, 1-22-09)

COMMERCIAL SIGN: A sign advertising a business, profession, commodity, service or entertainment. (Added, Ord. 816, 1-22-09)

CONSTRUCTION SIGN: A sign placed at a construction site identifying the project and/or names of the architect, engineers, developers, contractors or other individuals or firms associated with the project. (Ord. 679, 5-29-01)

DIRECTIONAL SIGN: A sign for the purpose of making specific commercial, industrial or public and semi-public locations known and to assist in finding these locations on the property where the sign is located. Such signs may be located within street right-of-ways subject to approval of the City and appropriate governmental agency. (Ord. 679, 5-29-01)

DYNAMIC DISPLAY: Any characteristics of a sign that appear to have movement or that appear to change, caused by any method other than physically removing and replacing the sign or its components, whether the apparent movement or change is in the display, the sign structure itself, or any other component of the sign. This includes a display that incorporates a technology or method allowing the sign face to change the image without having to physically or mechanically replace the sign face or its components. Such technologies or methods may include, but are not limited to, cathode-ray tube (CRT), light-emitting diode (LED) displays, plasma displays, liquid-crystal displays (LCD) or other technologies used in commercially available televisions or in computer or video monitors. This also includes any rotating, revolving, moving, flashing, blinking, or animated display or structural element and any display that incorporates rotating panels, LED lights manipulated through digital input, “digital ink” or any other method or technology that allows the sign face to present a series of images or displays. Signs with this technology that a government or public agency installs for directing or regulating pedestrian or motor vehicle movement are exempt from this definition. (Added, Ord. 801, 1-7-08; Amended, Ord. 816, 1-22-09)
FLAG OR PENNANT STRINGERS: A series of flags, pennants or streamers connected by a string or a rope. Such stringers shall be considered temporary signs for the purpose of this Section. (Ord. 679, 5-29-01)

FLASHING SIGN: A sign or portion thereof whose illumination is characterized by a repetitive cycle in which the period of illumination is either the same as or less than the period of non-illumination. For the purposes of this Section, flashing will not be defined as occurring if the cyclical period between on-off phases of illumination exceeds four (4) seconds. (Ord. 679, 5-29-01)

FREESTANDING SIGN: A sign principally supported by a structure affixed to the ground, and not supported by a building, including signs supported by one (1) or more columns, poles or braces placed in or upon the ground. Also referred to as a Ground Sign. (Ord. 679, 5-29-01)

GOVERNMENT OR REGULATORY SIGN: A sign which is erected by a governmental unit for identification, traffic control or other regulatory purposes. Such signs are often located within street right-of-ways. (Ord. 679, 5-29-01)

GRAND OPENING: The commencement of operation of a new business. For purposes of this Section and Chapter, the City considers a grand opening to occur if there is a business name change or if there is a change in the type of business or activity. (Added, Ord. 816, 1-22-09)

GRAPHIC SIGN: A sculpture attached to or sign painted directly on a wall that is primarily symbolic or representational in nature and not alpha or numeric in content or copy. (Added, Ord. 816, 1-22-09)

GROUND SIGN: A sign principally supported by a structure affixed to the ground, and not supported by a building, including signs supported by one (1) or more columns, poles or braces placed in or upon the ground. Also referred to as a Freestanding Sign. (Ord. 679, 5-29-01)

HOME OCCUPATION SIGN: A sign erected upon a residential property to advertise a home based business or occupation taking place at that location. (Ord. 679, 5-29-01)

IDENTIFICATION SIGN: A sign, the primary function of which is to identify a residential, commercial, industrial or public or semi-public use located upon the premises where such sign is located or to which such sign is affixed. Signs identifying commercial uses may call attention to the product, service or activity that is sold or offered upon the premises. Signs identifying industrial uses may call attention to the product, goods or material which is produced, processed, assembled or stored upon the premises. (Ord. 679, 5-29-01)

ILLEGAL SIGN: A sign erected without a permit or in violation of this Section. Such signs shall be subject to removal upon written notice by the City. (Ord. 679, 5-29-01)
ILLUMINATED SIGN: Any sign that has characters, letters, figures, designs or outlines that an artificial light source illuminates. (Added, Ord. 816, 1-22-09)

INCIDENTAL SIGN: A sign, generally informational, that has a purpose secondary to the uses on the property on which it is located. Such signs might include, but are not limited to, “No Parking,” “Entrance,” “Exit,” “ATM,” or “Payphone.” No sign with a message legible off the premises shall be considered incidental. (Ord. 679, 5-29-01; Ord. 769, 5-8-06)

INFLATABLE SIGN: A portable device inflated with air or helium used to draw attention to an activity or business upon which the device is attached. Such object may or may not display advertising copy. For the purposes of this Section, inflatable devices shall be considered a temporary sign. (Ord. 679, 5-29-01)

MONUMENT SIGN: A freestanding sign attached to the ground by means of a freestanding support structure, solid from grade to the top of the sign structure, typically encased or supported by masonry materials. (Ord. 679, 5-29-01)

NON-COMMERCIAL SIGN: A sign disseminating messages not classified as commercial that include, but are not limited to, messages about political, religious, social, ideological, public service and information topics. (Added, Ord. 816, 1-22-09)

NUISANCE SIGN: A sign in a state of disrepair, deterioration or damage whereupon one fourth (1/4) or more of the sign surface is no longer clearly legible or recognizable at a distance of forty feet (40’). Also, any sign in violation of the provisions of this Chapter shall be considered a nuisance sign except for legal nonconforming signs. (Ord. 679, 5-29-01)

ON-PREMISE SIGN: A sign related to the property or activity and use occurring on the property on which the sign is located. On-premise signs include multi-tenant identification signs that may advertise tenants on a different property provided such tenants are in the same PUD and the properties share parking and access. (Added, Ord. 816, 1-22-09)

POLE SIGN: A freestanding sign supported by or erected upon one (1) or more narrow columns, shafts or poles. Also referred to as a Pylon sign. (Ord. 679, 5-29-01)

PORTABLE SIGN: Any sign not permanently attached to the ground or other permanent structure, or a sign designed to be transported, including, but not limited to, signs on wheels, signs converted to “A” or “T” frames, menu and sandwich boards, inflatable devises, advertising umbrellas, and signs attached to or painted on vehicles parked and visible from the public right-of-way, unless said vehicle is used in the normal day-to-day operations of the business. (Ord. 679, 5-29-01)
PROJECTING SIGN: A sign other than a wall sign which is perpendicular to and projects more than eighteen inches (18”) from a building face or wall or from a structure whose primary purpose is other than the support of the sign. (Ord. 679, 5-29-01)

PUBLIC SIGN: A traffic control sign in Minnesota State Statutes; any identification sign installed in a public park by a public agency or authority; and any other identification, regulatory or warning sign approved by the City for installation on public land. (Added, Ord. 816, 1-22-09)

PYLON SIGN: A freestanding sign supported by or erected upon one (1) or more narrow columns, shafts or poles. Also referred to as a Pole sign. (Ord. 679, 5-29-01)

REAL ESTATE SIGN: A sign advertising the sale, lease or rental of the property or premises upon which the sign is located. (Ord. 679, 5-29-01)

REFACING: The process of replacing the sign copy, message, logo or graphic on a sign without altering or moving the structure to which the sign face is attached. (Added, Ord. 816, 1-22-09)

ROOF SIGN: A sign erected, constructed, mounted or attached wholly or in part upon any roof or over the highest roofline of a building. (Ord. 679, 5-29-01; Ord. 816, 1-22-09)

ROTATING SIGN: A sign or a portion of a sign where the sign or the sign structure moves in a rotating, oscillating or similar manner other than changing signs. (Added, Ord. 816, 1-22-09)

SECURITY SIGN: A small, incidental sign identifying the presence of a security system. (Ord. 679, 5-29-01)

SIGHT TRIANGLE: A triangle formed at a property corner abutting two (2) street right-of-ways where two (2) triangle legs are thirty feet (30’) long with the third leg traversing the property to connect the other two (2) legs. (Refer to the graphic in Section 1008.09, Subdivision 1b) (Ord. 679, 5-29-01)

SIGN: Any written message, pictorial presentation, number, illustration, decoration, banner or other device that is used to announce, direct attention to, identify or advertise a product, service or activity or otherwise make anything known. For purpose of maintenance or removal, the term “sign” also shall include frames and support structures. (Ord. 679, 5-29-01; Ord. 816, 1-22-09)

SIGN AREA: That area of a sign within the marginal lines of the surface, which bears the announcement, name, advertisement or other message or, in the case of letters, figures or symbols attached directly to any part of a building, the area which is included in the smallest rectangle which can be made to circumscribe all letters, figures or symbols displayed thereon. (Ord. 679, 5-29-01)
SIGN COPY: The letters, numbers, figures, symbols, logos, and graphical elements comprising
the content or message of the sign. (Ord. 679, 5-29-01)

SIGN HEIGHT: The distance measured perpendicular from the highest point of the sign
structure to the average elevation of the ground or grade adjacent to the base of the sign.
(Added, Ord. 816, 1-22-09)

TEMPORARY SIGN: Any sign displaying a message erected or maintained for a limited period
of time and not of a permanent nature and that is not permanently affixed to the land or to a
structure. Such signs shall include banners, inflatable signs or devices, sandwich boards, portable
changeable copy signs or any other device intended to attract attention. (Ord. 679, 5-29-01;
Ord. 769, 5-8-06; Ord. 816, 1-22-09)

TRANSIT ENCLOSURE SIGN: Commercial advertising located within a transit enclosure or
shelter. Such signage shall not include route schedules, service announcements or other similar
notices. (Ord. 679, 5-29-01)

WALL SIGN: A sign attached to or erected against the exterior wall of a building or structure
with the exposed face of the sign in a plane approximately parallel to the face of said wall, not to
project more than twelve inches (12”) from the surface to which it is attached.
(Ord. 679, 5-29-01)

WINDOW SIGN: A sign affixed to the interior or exterior of a window or inside the building
within three feet (3’) of the window with its message intended to be visible to and readable by
the public from the outside of the building. (Ord. 679, 5-29-01; Ord. 816, 1-22-09)
1008.03: **PERMITS REQUIRED; EXCEPTIONS:** (Ord. 679, 5-29-01; Ord. 816, 1-22-09)

Subd. 1. Permit Required: It is unlawful to install, construct, erect, alter, revise, reconstruct or relocate any outdoor sign or structure, as defined in Section 1008.02 of this Chapter, in the City without first obtaining a permit therefor as required by this Chapter, except as provided in subdivision 2 of this Section (below). (1988 Code §39.02) (Ord. 679, 5-29-01; Ord. 816, 1-22-09)

Subd. 2. Exceptions: Permits need not be obtained for any sign less than or equal to eight (8) square feet in area (excluding temporary signs), or for the specific signs addressed below, provided all other requirements of this Section and Chapter are satisfied: (Ord. 679, 5-29-01; Ord. 816, 1-22-09)

a. A sign pertaining only to the sale, rental or lease of the premises upon which displayed. (Ord. 679, 5-29-01)

b. A sign on residential property stating only the name or identity of the occupant. (Ord. 679, 5-29-01)

c. Construction sign or sign belonging to a contractor performing work upon a property. Such sign shall be removed immediately upon completion of the work. (Ord. 679, 5-29-01)

d. A campaign sign as provided for in Section 1008.10, Subdivision 7 of this Chapter. (1988 Code §39.03; 1993 Code; Ord. 607, 5-11-98) (Ord. 679, 5-29-01)

e. Home occupation signs and incidental residential signs. (Ord. 679, 5-29-01)

f. National, state, regional, local, institutional or cultural flags. (Ord. 679, 5-29-01; Ord. 769, 5-8-06)

g. Advertising on a transit bench or within a transit shelter or enclosure. (Ord. 679, 5-29-01)

h. Official notices authorized by a court, public body or public safety official. (Ord. 679, 5-29-01)

i. Government signs. All governmental signs, including but not limited to traffic control and other regulatory purpose signs, street signs, identification signs, informational signs, danger signs and signs for official City events. (Added, Ord. 847, 10-21-10)
j. Flag or pennant stringers. (Added, Ord. 847, 10-21-10)

k. Sandwich boards not exceeding eight (8) square feet and ground signs not exceeding four (4) square feet that are located within fifteen (15) feet of business advertised on sign. (Added, Ord. 847, 10-21-10)

l. Noncommercial sign. For all types of property, the City allows one (1) sign that expresses an opinion or a viewpoint of a non-commercial nature. The noncommercial sign shall not be illuminated or exceed nine (9) square feet. For multiple unit residential properties, the sign must be attached to the dwelling unit or placed in a location that clearly indicates ownership and does not represent the opinions of other residents in the area who have not agreed to the sign. (Added, Ord. 847, 10-21-10)

1008.04: APPLICATION FOR PERMIT: Application for sign permits shall be made upon forms provided by the City and shall include the following information, unless waived by the City Administrator or their designee. The City will consider a sign application incomplete and will not process the sign application if the applicant has not supplied all the required information: (Ord. 679, 5-29-01; Ord. 816, 1/22-09; Amended, Ord. 844, 5-20-10)

Subd. 1. The name, address and telephone number of the applicant.

Subd. 2. The location, address and parcel identification number (PIN) of the building, structure or lot to which or upon which the sign is to be placed. (Amended, Ord. 816, 1-22-09)

Subd. 3. Complete and detailed plans showing the position of the sign or other advertising structure in relation to nearby buildings, structures and streets or highways, and to the nearest property lines. (Amended, Ord. 816, 1-22-09)

Subd. 4. Two (2) complete and detailed blueprints or ink drawings of the plans, including elevations, distances, size and details, and specifications and method of construction and attachment to the building or to the ground. Such plans shall fully and clearly represent the proposed sign and the construction. (Amended, Ord. 816, 1-22-09)

Subd. 5. A copy of the stress sheets and calculations may be required by the Inspector, on larger signs, showing that the structure is designed for dead load and wind pressure in any direction in the amount required by this Chapter and any other applicable law.
Subd. 6. The name of the person or company erecting the structure, if not the applicant, or the name of the person on whose property the structure is to be located, if not the applicant. (Amended, Ord. 816, 1-22-09)

Subd. 7. The written consent of the owner of the property, if not the applicant.

Subd. 8. A statement as to whether the sign will be illuminated or not.

Subd. 9. A statement as to whether any electric lights on the sign will be “moving” or blinking.

Subd. 10. A statement as to whether the sign will be single-faced, double-faced or multi-faced.

Subd. 11. A statement as to whether or not the copy on the sign will be changeable.

Subd. 12. A statement as to whether or not the copy on the sign will relate only to the business or activity conducted on the premises on which the sign is to be located. (1988 Code §39.09)

Subd. 13. A statement as to whether the sign would have any dynamic display and if so, the specifics in area and style of the dynamic display. (Added, Ord. 816, 1-22-09)

1008.05: PERMIT FEES; WAIVER: (Ord. 679, 5-29-01)

Subd. 1. Fee: The application for a permit shall be accompanied by the required permit fee. The permit fee shall be established by resolution of the City Council. The City shall charge a double fee if a sign is erected without first obtaining a permit for such sign. (1988 Code §39.10) (Amended, Ord. 847, 10-21-10)

Subd. 2. Waiver: Temporary sign permit fees shall be waived for civic or religious organizations. (1988 Code §39.11) (Ord. 679, 5-29-01; Ord. 769, 5-8-06)
1008.06: ISSUANCE OF PERMIT; REVIEW PROCESS AND CONDITIONS:
(Ord. 679, 5-29-01; Amended, Ord. 816, 1-22-09)

Subd. 1. Review Process: The City Administrator or his or her designee shall approve or deny the sign permit application in an expedited manner from the receipt of the completed application, including all plans, specifications and applicable fees. The City will notify all applicants in writing if the City denies the sign application. Such notification shall include the reasons the City denied the proposed sign. (Ord. 679, 5-29-01; Ord. 816, 1/22/09; Amended, Ord. 844, 5-20-10)

Subd. 2. Variances: In the event an application is made for a sign which does not conform to the requirements of this Section, the City will deny the application or the applicant shall either modify the application or apply to the City for a variance according to the provisions established in Chapter 1125 of the Zoning Code. No permit for a non-conforming sign shall be issued without evidence of an approved variance. (1988 Code §39.14) (Ord. 679, 5-29-01; Ord. 816, 1-22-09)

1008.07: SIGN INSTALLER’S LICENSE PROVISIONS: (Ord. 679, 5-29-01)

Subd. 1. License Required: No person shall engage in the business of installing signs nor shall be entitled to receive a permit to install a sign in connection with such business unless first licensed by the City to do so. (1988 Code §34.04) (Amended, Ord. 816, 1-22-09)

Subd. 2. Application and Fee: A license may be granted by the Council upon written application to the City Administrator on such form as required by the City Administrator and accompanied by an annual license fee as established by resolution of the City Council. (1988 Code §34.05) (Amended, Ord. 844, 5-20-10)

Subd. 3. Liability Insurance: Any person holding a license shall file with the City Administrator policies of public liability and property damage insurance which shall remain and be in force and effect during the entire term of said license and which shall contain a provision that they shall not be cancelled without ten (10) days’ written notice to the Municipality. Public liability insurance should not be less than one hundred thousand dollars ($100,000.00) for injuries, including accidental death to any one (1) person and subject to the same limit for each person in an amount not less than three hundred thousand dollars ($300,000.00) on account of any one (1) accident, and property insurance in the amount of not less than fifty thousand dollars ($50,000.00). (1988 Code §39.07) (Amended, Ord. 844, 5-20-10)
Subd. 4. Expiration: Licenses shall be issued on an annual basis, with the license year running from January 1 through the following December 31. (1988 Code §39.08) (Ord. 679, 5-29-01)

Subd. 5. Revocation: A license may be terminated and renewal thereof may be denied by the Council for violations of this Chapter or other applicable ordinances. (1988 Code §34.06) (Ord. 679, 5-8-06)

1008.08: MAINTENANCE OF PREMISES: Premises on which ground signs are located shall be maintained free of weeds and debris, and where landscaping was part of the original sign permit, such landscaping shall be maintained in the manner provided in such permit. (1988 Code §39.12) (Ord. 679, 5-29-01)

1008.081: SIGN MAINTENANCE, REPAIR, PERMITS AND INSPECTIONS: (Added, Ord. 816, 1-22-09)

Subd. 1. All owners and property managers shall keep signs in good condition and repair and free from peeling paint, rust, damaged or rotted support, framework or other materials, broken or missing faces or missing letters. When any sign becomes insecure, in danger of falling, or is otherwise deemed unsafe or a nuisance by a City Inspector, or if any sign shall have been unlawfully installed, erected or maintained in violation of any of the provisions of this Section and Chapter, the owner or firm using such sign shall, upon written notice by the City Inspector, make such sign conform to the provisions of this Section and Chapter or shall remove the sign within ten (10) days. If the sign owner, user or responsible party has not corrected such violation within ten (10) days, the City Inspector may remove or cause such sign to be removed at the expense of the owner or user of the sign. (Added, Ord. 816, 1-22-09)

Subd. 2. Obsolete Sign Copy: The owner or user of any property or sign that has any sign copy that no longer advertises or identifies a use conducted on the property on which the sign is located must cover or remove the sign copy within thirty (30) days after written notification from the City Inspector. The City considers such a sign to be a nuisance sign. (Added, Ord. 816, 1-22-09)

Subd. 3. The owner or user of any structure from which they have moved or removed a sign shall repair and/or paint the structure with colors and materials to match the existing background. (Added, Ord. 816, 1-22-09)
Subd. 4. Sign Permit Not Required: Activities considered to be normal maintenance and repair shall not require a sign or building permit from the City. Such activities shall include replacing or repairing lamps, ballasts, transformers, trim, sign fasteners, nuts or washers; painting the pole or supports of freestanding signs; and painting the cabinet of the freestanding signs or building signs. (Added, Ord. 816, 1-22-09)

Subd. 5. Sign Permit Required: For any sign that initially required a permit, the City requires a permit for all of the following additional activities (the City does not consider such activities as normal maintenance): (Added, Ord. 816, 1-22-09)

a. Refacing a sign, except for the text on a manual changeable message sign. (Added, Ord. 816, 1-22-09)

b. Removing the sign for the repair of the cabinet or any part thereof. (Added, Ord. 816, 1-22-09)

c. Changes made to a sign’s size, illumination or electrical service, including, but not limited to, height, width, weight, area, adding or removing illumination. (Added, Ord. 816, 1-22-09)

d. Changes to poles, structural supports, bases or shrouds, footings or anchor bolts, moving the sign to a new location, or replacement of the interior or exterior cabinet frame, except the sign face. (Added, Ord. 816, 1-22-09)

Subd. 6. Building Permit: The City also will require a building permit for signs or sign repair that involves the construction of, or changes to, a sign, a sign structure, billboards and/or electrical connections. All signs using electricity shall be subject to the State’s current electrical code. The contractor shall bury or conceal all electrical wiring for such signs. (Added, Ord. 816, 1-22-09)

Subd. 7. Inspection Authority: All signs are subject to inspection by the Building Official or his or her designee, who the City authorizes to enter any property or premise to determine if the provisions of this Chapter are being met. The inspector or City staff person shall make such an entrance or inspection during regular business hours, unless there is an emergency. (Added, Ord. 816, 1-22-09)
Subd. 8. Signs in Disrepair: The Building Official or their designee may order the removal of any sign that the owner or the responsible party is not maintaining according to the provisions of this Chapter. Upon failure to meet the requirements of a correction notice in the specified time in such an order, the City Council may declare the sign to be a public nuisance, may have it removed and impounded and assess the cost of the removal to the sign owner or to the property owner. (Added, Ord. 816, 1-22-09)

Subd. 9. Impoundment of Signs on Public Property or Within Public Right-of-way: The City Administrator or their designee may, at any time and without notice, remove and impound signs that have been installed on public property, within a public right-of-way, or within a public easement that are in violation of this Chapter. The sign owner or their agent may retrieve an impounded sign subject to the following rules: (Added, Ord. 847, 10-21-10)

a. Any impounded sign may be retrieved from the impound area within five (5) business days of the impoundment or the City Administrator or their designee may dispose of it. The impound area can be located by contacting City Hall. Any cost incurred by the City for disposal of an impounded sign may be assessed to the sign owner or the sign owner’s agent. (Added, Ord. 847, 10-21-10)

b. The City shall have no obligation to notify a property owner or sign owner or their agent that it has impounded a sign. (Added, Ord. 847, 10-21-10)

c. The City shall not be held liable for any damage to an impounded sign. (Added, Ord. 847, 10-21-10)
1008.09:  **GENERAL LOCATION, DESIGN AND CONSTRUCTION STANDARDS:**
(Ord. 679, 5-29-01)

Subd. 1. General Standards: Every sign shall conform to the standards of this Section and Chapter whether or not a permit is required, and nothing contained herein shall be construed as modifying or repealing any of the provisions of this Code relating to zoning1. No sign shall be so located as to obscure or tend to obscure any existing sign. The following additional requirements are to be followed and met: (Ord. 679, 5-29-01; Ord. 816, 1-22-09)

a. Each sign shall be securely built, constructed and erected on the building or ground. Temporary signs shall be so designed that they are not readily overturned. (Ord. 679, 5-29-01)

b. No sign structure shall be attached or placed upon any building in such a manner as to obstruct any fire escape or any window or door nor shall any sign structure be attached to a fire escape.

c. The illumination of any sign located near a residential district shall be defused or indirect and located so as not to direct light on residences.2 (Ord. 679, 5-29-01)

d. No swinging sign shall hereafter be erected or hung on or attached to any building within the City, and every such sign so erected, hung or attached prior to the effective date hereof which is deemed unsafe by the Building Inspector shall be immediately removed by the owner thereof or changed to conform with the requirements of this Chapter when so ordered by the Building Inspector. (Amended, Ord. 816, 1-22-09)

e. Where portions of a sign are subject to a different classification, each portion shall meet the requirements of its classification.

f. All illuminated signs shall have a shielded light source. The City does not permit signs that have light sources directly visible to pedestrians or to the operators of motor vehicles. (Ord. 679, 5-29-01; Ord. 816, 1-22-09)

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1 See Title 1100 of this Code.

2 See Section 1103.09 of this Code.
g. No sign shall display matter that has been deemed obscene by a court of competent jurisdiction. (Ord. 679, 5-29-01)

h. No sign shall have moving sections or intermittent, blinking or flashing lights, except for government signs and signs with dynamic displays as allowed in subdivision 1008.10(9) of this Chapter. (Ord. 679, 5-29-01; Ord. 816, 1-22-09)

i. Each sign shall be used and maintained only in the manner permitted and subject to the conditions imposed at the time the permit therefor was granted. (Ord. 679, 5-29-01)

j. Clearance of Signs from Conductors: The minimum clearance of any sign from unprotected electrical conductors (whether poles or other installations) shall not be less than thirty six inches (36”) for conductors carrying not over six hundred (600) volts and forty eight inches (48”) for conductors carrying more than six hundred (600) volts. (Ord. 679, 5-29-01)

k. Signs Along Freeways: Except as otherwise provided in this Chapter and subject to State and federal laws, signs located on property adjacent to any freeway within the municipality (including Interstate Highway 35W and US Highway 10) shall be business signs advertising businesses being conducted on the premises on which the signs are located. No changeable copy signs shall be located to face any freeway or be visible from the freeway. The provisions of this subdivision and Chapter, however, shall not be construed to render illegal or nonconforming any signs that are legally located along any such freeway at the effective date herein. (Ord. 644, 12-13-99; Ord. 679, 5-29-01; Ord. 816, 1-22-09)
Subd. 2. Signs Allowed by District: The following table represents the allowable signage and area requirements (in square feet) by zoning district: (Ord. 679, 5-29-01; Ord. 769, 5-8-06; Ord. 816, 1-22-09; Ord. 829, 9-3-09; Ord. 847, 10-21-10)

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</table>

* Signage requirements within a PUD shall be as allowed by the PUD Narrative document. If no such document exists, signage shall be as permitted for a B-3 zoning district.

** Directional signs may be allowed within right of ways upon written approval of the City, the appropriate governmental agency having jurisdiction over the roadway (if not the City) and the owner of the property directly abutting said sign.

Subd. 3. Ground Sign Height, by District: The following table represents the maximum height allowed for ground signs in each zoning district.

<table>
<thead>
<tr>
<th>R-1</th>
<th>R-2</th>
<th>R-3</th>
<th>R-4</th>
<th>R-5</th>
<th>B-1</th>
<th>B-2</th>
<th>B-3</th>
<th>B-4</th>
<th>I-1</th>
<th>CRP</th>
<th>PUD</th>
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</tbody>
</table>

(1) No ground sign, other than home occupation, campaign, real estate, incidental and temporary signs shall be allowed in these districts.

(2) Signage requirements within a PUD shall be as indicated by the PUD Narrative document. If no such document exists, signage shall be as allowed for a B-3 zoning District.

(3) Maximum billboard sign height in some locations is 45 feet. Refer to Section 1008.10, Subdivision 6 of this Code.

(Ord. 679, 5-29-01; Ord. 769, 5-8-06; Ord. 829, 9-3-09; Ord. 884, 12-9-13)
1008.10: **SPECIFIC SIGN TYPE STANDARDS AND REQUIREMENTS:**

Subd. 1. **Ground Signs:** The following standards shall be maintained for all ground signs, excluding incidental, temporary, home occupation, campaign, identification and real estate signs:

   a. No part of a ground sign shall be nearer than three feet (3’) to any building unless such sign is placed parallel to the side of the building.

   b. No part of a ground sign shall be nearer than 15 feet (15’) to any perimeter lot line nor located within a thirty (30)-foot sight triangle on any property abutting two (2) intersecting street right of ways. However, ground signs on properties that front County Road 10 may have a five foot (5’) setback from the lot line adjacent to County Road 10, and a ten (10) foot sight triangle. (Refer to the graphic below.)

   c. The owner, lessee or occupant of the land on which the ground sign is located and the owner of the sign shall keep the property on which the sign is located free of long grass, weeds or other rank growth, rubbish or debris.

   d. All parts of ground signs shall be designed for wind pressure of not less than thirty (30) pounds per square foot, and ground signs of wood construction shall have all members which extend into the ground protected from decay by treatment with a preservative approved by the Building Inspector.

* The sight triangle is formed by connecting the two end points of 30-foot lines extending in both directions from the intersection of two property lines abutting a street or highway.

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*City of Mounds View*
e. No permit shall be granted for the location of any ground sign having a sign area of more than forty (40) square feet within one hundred feet (100’) of any single-family residence.

f. Notwithstanding the provisions of subdivision 6 of this Section (1008.10, subdivision 6), no more than one (1) pole or pylon sign shall be allowed per lot. However, the ground sign area allowance may be divided between one (1) pole or pylon sign and a monument sign or between multiple monument signs, subject to the requirements herein, provided that one (1) or more of the following conditions are applicable:

(1) The lot abuts multiple street right-of-ways, in which case a sign may be located along each frontage.

(2) There are multiple curb cuts or driveways accessing the property, in which case a sign may be located near each access point or driveway, provided the signs are separated by no less than two hundred feet (200’).

(3) The width of the lot, as measured along its longest street frontage, exceeds two hundred and fifty feet (250’), in which case multiple signs may be located along the long frontage provided such signs are separated by no less than two hundred feet (200’).

(4) The property or properties are within an approved Planned Unit Development (PUD).

g. Ground signs must include masonry construction materials such as stone, brick or stucco.  
(Ord. 679, 5-29-01; Ord. 769, 5-8-06; Ord. 816, 1-22-09; Ord. 884, 12-9-13)

Subd. 2. Wall Signs: The following standards shall be maintained for all wall signs: (Ord. 679, 5-29-01)

a. No wall sign shall have a projection over a private sidewalk or an established building line of more than twelve inches (12”). (Ord. 679, 5-29-01)

b. The wall sign area allowances as indicated in Section 1008.08, Subdivision 2 for B-2, B-3, B-4 and I-1 zoning districts are per building occupant. (Ord. 679, 5-29-01)

c. The wall sign area allowances as indicated in Section 1008.08, Subdivision 2 for the R-3, R-4, PF and CRP zoning districts are per building. (Ord. 679, 5-29-01)

d. In the B-1 zoning district, the area allowance, as indicated in Section 1008.08, subdivision 2, reflects the combined area for all wall, ground and projection signage on that lot. (Ord. 679, 5-29-01; Ord. 829, 9-3-09)
Subd. 3. Projection Signs: The following standards shall be maintained for all projection signs: (Ord. 679, 5-29-01)

a. All portions of projection signs shall be designed for a wind pressure of not less than thirty (30) pounds per square foot. (Ord. 679, 5-29-01)

b. Such signs shall not project over public street right-of-way but may project over private sidewalks. No such sign shall be less than twelve feet (12’) above the level of the sidewalk; except that such signs which do not exceed four (4) square feet and which do not project more than two feet (2’) over the sidewalk may be eight feet (8’) or more above the sidewalk. No projection sign shall project more than eight feet (8’) over any private sidewalk. (Ord. 679, 5-29-01)

c. There shall be no more than two feet (2’) of space between the inner edge of any such sign and the face of the wall from which it projects, nor shall the outer edge of the sign be more than eight feet (8’) from the face of the wall. (Ord. 679, 5-29-01)

d. The building or structure from which any such sign projects and all attachments or fastenings must be so constructed as to safely resist the dead load and the wind load added by the attached sign. (Ord. 679, 5-29-01)

e. All such signs shall be of noncombustible materials or of not less than one (1) hour fire-resistive construction. (Ord. 679, 5-29-01)

f. Such signs shall be securely fixed in place and shall not be able to swing or sway. (Ord. 679, 5-29-01)
Subd. 4. Temporary Signs: All temporary signs shall comply with the provisions of this Section and with this Chapter. The following general and specific standards shall be observed for all types of temporary and portable signs: (Ord. 679, 5-29-01; Ord. 816, 1-22-09)

a. General Provisions:

(1) Except as provided herein, no temporary sign shall be located on any property in the City without first obtaining a permit from the City. If the City determines to approve a permit for any such temporary sign it may impose conditions upon the granting thereof, and it shall be unlawful to locate or maintain any such sign for a longer period or in a different manner than that specified in the permit. No permit for a temporary sign shall be issued if prohibited by other provisions of this Code. (Ord. 679, 5-29-01)

(2) Temporary signs shall not be hung or installed to cover, either partially or completely, any door, window or opening required for ventilation. (Ord. 679, 5-29-01; Ord. 816, 1-22-09)

(3) No temporary sign for which a permit is required shall be located on any property in the City for more than twenty one (21) days at one time or for more than four (4) twenty one (21) day periods in any calendar year. A fifth (5th) temporary sign permit is allowed for a banner only. Permit periods may run consecutively without interruption if so approved. Except as provided in Subdivision 4g of this Section, only one (1) temporary sign shall be allowed on a property at a time. (Ord. 679, 5-29-01; Amended, Ord. 847, 10-21-10)

(4) The City prohibits temporary signs with blinking, flashing or fluttering lights or with dynamic displays. (Added, Ord. 816, 1-22-09)

b. Banners:

(1) Banners shall be strongly constructed and shall be securely attached to their supports. They shall be repaired or removed (including all framework and supports) as soon as damaged or torn and immediately upon expiration of the permit. (Ord. 679, 5-29-01)

(2) Banners shall not exceed one hundred twenty (120) square feet or twenty percent (20%) of the surface area of the building face or front upon which the banner is attached, whichever is less. (Ord. 679, 5-29-01; Amended, Ord. 847, 10-21-10)
c.  (Deleted, Ord. 847, 10-21-10)

d.  Changeable Copy Signs:

(1) Portable and temporary changeable copy signs shall not exceed forty eight (48) square feet on each side and the entirety of the sign copy shall be maintained within the forty eight (48) square foot area. (Ord. 679, 5-29-01)

(2) No part of such sign shall extend into or encroach onto public right-of-way. (Ord. 679, 5-29-01)

(3) Such sign shall not obscure motorist or pedestrian vision and shall not block or otherwise interfere with a public or private sidewalk or trailway. (Ord. 679, 5-29-01)

(4) Such sign may be lighted provided said lighting is not a nuisance to motorists or to adjoining properties. Flashing lights, strobe lights or lights which could be confused for that of an emergency vehicle shall be prohibited. (Ord. 679, 5-29-01)

e.  Inflatable Signs:  (Amended, Ord. 816, 1-22-09)

(1) Inflatable signs and devices shall be securely tethered and attached to the ground. (Ord. 679, 5-29-01; Ord. 816, 1-22-09)

(2) The City prohibits the installation or placement of inflatable signs and devices or balloons on building roofs. (Ord. 679, 5-29-01; Ord. 816, 1-22-09)

(3) Balloons less than two (2) feet in diameter are excluded from the permit provisions of this Section. (Ord. 679, 5-29-01)

(4) No Mylar or metallic balloons shall be permitted to be displayed or flown outside. (Ord. 679, 5-29-01)

f.  (Deleted, Ord. 847, 10-21-10)

g.  Grand Openings and Other Events:  Subject to all other requirements of this subdivision and Chapter, a permit may be issued for a grand opening or other special event that would utilize a combination of temporary signs at any one (1) principal location. No more than one (1) special event permit shall be allowed per business in a calendar year. (Ord. 679, 5-29-01; Ord. 816, 1-22-09)
Subd. 5. Window Signs: In the interest of public safety, the City requires that commercial or retail businesses operating in the B-1, B-2, B-3 or B-4 zoning districts meet the following regulations and requirements governing signs placed upon window interiors. (Ord. 679, 5-29-01; Ord. 816, 1-22-09)

a. No business shall obscure more than fifty percent (50%) of any window section or pane. (Ord. 679, 5-29-01; Amended, Ord. 847, 10-21-10)

b. Such window signage shall not obscure or block from view that area of a window or door between four feet (4’) and seven feet (7’) from the interior floor level, unless such area does not offer any visibility to interior public space. (Ord. 679, 5-29-01)

c. Window signs as allowed herein shall be exempt from any permit requirements. (Ord. 679, 5-29-01; Amended, Ord. 847, 10-21-10)

Subd. 6. Billboards: A new or renewed interim use permit shall not be issued for any new or currently existing billboard within the City: (Ord. 644, 12-13-99; Ord. 656, 3-27-00; Ord. 679, 5-29-01; Ord. 801, 1-7-08)

a. Interim Use Permit: Any IUP issued for an interim use billboard shall automatically expire no later than July 1, 2037 or earlier if so indicated in the resolution approving the IUP. (Ord. 644, 12-13-99; Ord. 656, 3-27-00; Ord. 679, 5-29-01; Ord. 708, 12-30-02; Ord. 769, 5-8-06; Ord. 801, 1-7-08)

b. Maximum Sign Area: The maximum gross surface display area of the sign cannot exceed seven hundred (700) square feet per side except that any rectangular billboard may contain temporary extensions, cutouts, or top lettering which occupy a total area not in excess of twenty five percent (25%) of the area of the basic billboard and form an integral part of the design thereof. No such temporary extension, cut out, or top lettering may project more than six feet (6’) from the top, eighteen inches (18”) from either side or fifteen inches (15") from the bottom of the basic rectangular advertising message. The area of an extension, cutout, or top lettering shall be deemed to be the area of the smallest rectangle into which such extension, cutout, or top lettering will fit. (Ord. 644, 12-13-99; Ord. 679, 5-29-01; Ord. 816, 1-22-09)

c. Orientation of Sign Faces: Billboards may have no more than two (2) sign faces. Sign faces must be back-to-back with sign faces parallel or angled. All billboards with their faces back-to-back and parallel shall have no greater distance than eight feet (8’) between the faces. All billboards with faces at an angle shall have no greater angle than thirty-five degrees (35°). (Ord. 644, 12-13-99; Ord. 679, 5-29-01; Ord. 816, 1-22-09)
d. Maximum Sign Height: The maximum allowable height of billboards shall be forty-five feet (45’), except for billboards located on County Road 10 or on Interstate 35W between County Road H2 and County Road I, in which cases the height shall be limited to thirty-five feet (35’). The height shall be measured from the grade at the base of the sign or from the surface of the roadway whichever is higher. (Ord. 644, 12-13-99; Ord. 679, 5-29-01; Ord. 769, 5-8-06; Ord. 816, 1-22-09)

e. Obstruction: No billboard may be located in such a manner as to obscure or otherwise interfere with the effectiveness of an official traffic sign, signal, or device, or obstruct or interfere with a driver’s view of approaching, merging, or intersecting traffic. (Ord. 644, 12-13-99; Ord. 679, 5-29-01; Ord. 816, 1-22-09)

f. Dynamic Displays: All billboards with dynamic displays shall meet all the requirements of Section 1008.10, subdivision 9 of this Chapter. (Added, Ord. 816, 1-22-09)

Subd. 7. Campaign Signs: Subject to Minnesota Statutes, the following regulations shall apply to all campaign signs for political candidates or issues: (Ord. 679, 5-29-01)

a. No more than one (1) sign shall be erected per candidate or issue along each street frontage of any parcel of land. Campaign signs shall not be allowed on public property. (Ord. 679, 5-29-01)

b. Campaign signs shall not exceed twelve (12) square feet and not exceed four feet (4’) in height above the ground; except, where such signs are located no closer than one hundred fifty feet (150’) to the property line of a residential dwelling, the maximum size shall be thirty two (32) square feet, and the maximum height above the ground shall be six feet (6’). (Ord. 679, 5-29-01)

c. For local regular elections and referendums, campaign signs may be posted from forty-six days before the local general election or referendum until ten (10) days following the election or referendum. (Added, Ord. 847, 10-21-10)

d. For local special elections and referendums, campaign signs may be posted from the date of filing until ten (10) days following the special election or referendum. (Added, Ord. 847, 10-21-10)

e. All campaign signs must be removed no later than the (10) days after an election; except, that after a primary election, signs for the winning primary candidates need not be removed until after the ensuing general election. (1988 Code §39.14; 1993 Code) (Ord. 679, 5-29-01; Amended, Ord. 847, 10-21-10)
Subd. 8. Home Occupation Signs: In the R-1, R-2 and R-5 residential zoning districts, a sign not to exceed one (1) square foot is allowed to be displayed provided such sign is attached to the house or garage of the property on which the home occupation takes place. (Ord. 679, 5-29-01)

Subd. 9. Dynamic Display Signs:

a. The City allows noncommercial dynamic display signs wherever the City allows commercial dynamic display signs. Such signs are subject to the same standards and total maximum allowances per site or building of each sign type specified in this Chapter.

b. Standards for all dynamic display signs:

1. The messages, content and images on all such displays shall not flash or blink.

2. No person or contractor shall install a dynamic display sign that because of its position, shape, movement or color, interferes with the proper functioning of a traffic sign, signal or that constitutes a traffic hazard.

3. All dynamic display signs shall have ambient light monitors and shall, at all times, allow such monitors to automatically adjust the brightness level of the sign based on light conditions.

4. The manufacturers, owners and operators of dynamic display signs must design and equip such signs with a fully functional monitoring off switch system that automatically shuts the sign off or will freeze the device or sign in one (1) position; if a malfunction occurs. The signs and displays also must be equipped with a means to shut off or discontinue the display if it malfunctions. The sign owner or operator must stop or shut off the dynamic display within one (1) hour or as soon as reasonably possible of the City notification that the sign is not meeting the standards of this Section of Chapter.
(5) Any dynamic display sign capable of accessing and utilizing MN Amber Alert technology shall display such messages as they are made available by the MN Dept. of Public Safety or other responsible agency.

(6) All dynamic display signs shall meet the following brightness standards:

(a) No sign shall be brighter than is necessary for clear and adequate visibility and no sign shall exceed 500 Nits (candelas per square meter) at night and 7,500 Nits (candelas per square meter) during the day.

(b) No sign shall be of such intensity or brilliance as to impair the vision of a motor vehicle driver with average eyesight nor shall such a sign interfere with the driver’s operation of a motor vehicle in any way or manner.

(c) No sign may be of such intensity or brilliance that it interferes with the effectiveness of an official traffic sign, device or signal.

(d) The person owning or controlling a sign with a dynamic display shall adjust the sign to meet the brightness standards according to the City’s instructions. The sign owner or operator shall adjust the sign within one (1) hour or as soon as reasonably possible upon notice of non-compliance from the City.

(e) All dynamic display signs installed after December 31, 2008, shall be equipped and operated with an ambient light monitor or a mechanism that automatically adjusts the brightness level of the sign in response to light conditions. These signs also shall be equipped with a means to turn off immediately the display or lighting if the sign malfunctions, and the sign owner or operator must turn off the sign or lighting within one (1) hour or as soon as reasonably possible after the City notifies the owner or operator that the sign is not meeting the standards of this Section or Chapter.
(f) Subsequent to November 1, 2011, no dynamic display sign shall have the capacity to operate in excess of 7,500 Nits (candelas per square meter). The lamp wattage and luminance level in Nits (candelas per square meter) shall be provided at the time of permit application. Dynamic display sign permit applications must also include a certification from the owner or operator of the sign stating that the sign shall at all times be operated in accordance with City codes.

(g) In addition to the brightness standards required above, dynamic display signs shall meet the City’s lighting requirements as listed in Section 1103.09 (Glare) of the City Code.

c. In addition to all other standards of this chapter, the City allows on-site dynamic display signs subject to the following additional conditions:

(1) Such signs may be located only in the Limited Business (B-2), Highway Business (B-3), Regional Business (B-4) or Commercial Planned Unit Developments (PUD’s) zoning districts.

(2) Notwithstanding subsection 1 above, such signs may be located on the sites of schools, churches, places of worship or other institutional land uses, subject to the following additional conditions:

   (a) City Council approval of a conditional use permit (CUP) as outlined in Section 1106.04 and Section 1125.01, subdivision 3 of the City Code.

   (b) Dynamic display signs in residentially zoned districts must utilize amber color lights.

   (c) Such signs shall not cause glare, disturbance or other problems to any residential properties or land uses.
(3) The owner or operator of a dynamic display sign shall control and display the primary or background images and messages on the sign so they maintain each display for a minimum of four (4) seconds.

(4) Dynamic display signage shall not exceed fifty (50) square feet of the sign area.

(5) Such signs may only display and advertise information about products, events, persons, institutions, activities, businesses, services, or subjects that are located on the premises or on the site or only to provide public service or community service information.

(6) Such signs must meet all other City location and setback requirements.

d. The City allows off-site dynamic display signs subject to Section 1008.10, subdivision 6 (Billboards) of the City’s Code, the above-mentioned standards for all dynamic display signs, and the following operational standards and additional conditions:

(1) The images and messages displayed on the billboard must be static and each display must be maintained for a minimum of eight (8) seconds. The transition from one (1) static display to another must be instantaneous and without any special effects or videos.

(2) Only billboard faces located adjacent to Interstate 35W and more than 1,000 feet from any residentially zoned property in the City of Mounds View may be retrofit to a dynamic display, and only subsequent to a building permit issued by the City. One hundred percent (100%) of the sign face may be used for dynamic display.

(3) Public Safety. If City staff determines that a dynamic display sign is not being operated pursuant to this Chapter due to its location or display capabilities, City staff can require the sign owner or operator to modify the sign after the City notifies the property owner or operator about the operational issues.

(Ord. 816, 1-22-09; Ord. 864, 11-3-11; Ord. 872, 6-7-12; Ord. 887, 6-9-14)
1008.11  MISCELLANEOUS SIGNAGE REQUIREMENTS AND PROVISIONS

Subd. 1. Signage Allowances for Specific Land Uses: Public or semi public recreational buildings and neighborhood and community centers; public and private education institutions limited to elementary, middle and senior high schools; religious institutions; nursing homes, senior assisted living facilities and commercial day care facilities; may be allowed the following signage: (Ord. 679, 5-29-01; Ord. 900, 5-26-15)

a. Wall signage not to exceed 100 square feet per principal building. (Ord. 679, 5-29-01)

b. Ground signage not to exceed 100 square feet, subject to Section 1008.10, Subdivision 1e. (Ord. 679, 5-29-01)

Subd. 2. Traffic-Control Related Sign Regulations: Compliance with the following regulations relative to traffic control is required: (Ord. 679, 5-29-01)

a. No animated or moving sign shall be located or maintained within fifty feet (50’) of an intersection at which traffic semaphores are located. (Ord. 679, 5-29-01)

b. No sign shall be designed, located or maintained to obscure or conceal or cause confusion as to any traffic-control sign or device. (Ord. 679, 5-29-01; Ord. 816, 1-22-09)

c. No sign shall be located or maintained on or over any public street or highway right-of-way unless specifically permitted herein. (Ord. 679, 5-29-01)

d. There shall be no use of revolving beacons, zip flashers, flashing signs or similar devices that would distract automobile or motor vehicle traffic to constitute a safety hazard. (Ord. 679, 5-29-01; Ord. 816, 1-22-09)

e. The sign shall be located or maintained so as not to interfere with the ability of drivers or pedestrians to see any crossroad or crosswalk. (1988 Code §39.13) (Ord. 679, 5-29-01)

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1 See also Section 607.03 Subd. 3 of this Code regarding public nuisances affecting peace and safety.

City of Mounds View
Subd. 4. Area Identification Signs: The City Council at its discretion may allow for the placement of an Area Identification Sign to define a neighborhood, community, development, subdivision or multi-family complex and may require that:
(Ord. 679, 5-29-01)

a. The applicant is a duly noted representative of the appropriate group or organization. (Ord. 679, 5-29-01)

b. The land upon which the sign is located has been dedicated for such a use by easement, plat or other legal and recordable instrument unless such sign would otherwise be permitted herein. (Ord. 679, 5-29-01)

c. A maintenance agreement be recorded which among other things would provide for the long term responsibility, care and maintenance of such sign. (Ord. 679, 5-29-01)

Subd. 5. Off-Site Directional Signs: Off-Site Directional signs may be permitted within a public right-of-way subject to approval of the City, written approval of the appropriate governmental agency having jurisdiction over the roadway (if not the City) and the written approval of the owner of the property to which the sign may be adjacent, if applicable. (Ord. 679, 5-29-01)
1008.12: **PROHIBITED SIGNS:** The following signs and sign types are prohibited in the City of Mounds View: (Ord. 679, 5-29-01)

Subd. 1. Flashing signs. (Ord. 679, 5-29-01; Ord. 816, 1-22-9)

Subd. 2. Signs, or lights attached to signs, which mimic or have an appearance similar to those on an emergency vehicle or a traffic control light. (Ord. 679, 5-29-01)

Subd. 3. Roof signs, unless integrally incorporated into the roof design, then such sign shall be considered a wall sign. (Ord. 679, 5-29-01; Ord. 769, 5-8-06)

Subd. 4. Temporary or permanent signs posted within public right-of-ways, excluding directional signs and signs expressly allowed herein and by other governmental agencies. (Ord. 679, 5-29-01; Ord. 769, 5-8-06)

Subd. 5. Vehicles Used as Signs: Vehicles or trailers that display advertising and are parked in such a way as to attract public attention shall be prohibited, except for signs on vehicles or trailers which are magnetic, decals or permanently painted upon the surface of the vehicle without obscuring any vehicle window area. Such sign shall not alter the profile or silhouette of the vehicle. (Ord. 679, 5-29-01)

Subd. 6. Nuisance Signs: Any sign considered a nuisance as defined herein shall be prohibited. The property owner of the land upon which the sign is located or the owner of the sign shall act to remove the sign or bring the sign into compliance upon notification of the City Inspector. (Ord. 679, 5-29-01)

Subd. 7. Signs that have blinking, flashing or fluttering lights. (Added, Ord. 801, 1-7-08; Ord. 816, 1-22-09)

Subd. 8. Billboards, except as otherwise provided in this Chapter or Code. (Added, Ord. 801, 1-7-08; Ord. 816, 1-22-09)

Subd. 9. Beacons and searchlights. (Added, Ord. 847, 10-21-10)
1008.13 **NONCONFORMING SIGNS:** It is the intent of the City with this Chapter that nonconforming signs shall not be enlarged or expanded, nor should a person use this Chapter as grounds for adding other signs or uses prohibited elsewhere in the same district. It is further the intent of the City with this Chapter to permit legal nonconforming signs to remain if such signs are safe, maintained in good condition and if such signs have not been abandoned, moved or removed. Any sign, including a billboard, legally existing at the time of the passage of this Ordinance that does not conform to the provisions of this ordinance shall be considered a legal nonconforming sign and may be continued including through repair, replacement of graphic panels, restoration, maintenance, or improvement but not including the moving, enlargement or expansion of the sign. “Expansion” shall be defined as any structural alteration, change or addition that is made outside of the original sign structure or design.

Subd. 1. Nothing in this Ordinance shall prevent the return or repair of a sign structure that has been declared unsafe by the Building Official to a safe condition.

Subd. 2. When any lawful nonconforming sign is discontinued for more than one (1) year, or is changed to a conforming sign, any future sign or sign structure shall meet the provisions of this Chapter.

Subd. 3. Any legal, nonconforming sign shall be removed and shall not be repaired, replaced, restored, or rebuilt if it is damaged by fire or other similar peril to the extent of greater than fifty percent (50%) of its market value at the time of destruction and no sign permit or building permit (if applicable) has been applied for within one hundred eighty (180) days of the date of destruction. The City’s Building Official shall be responsible for making the determination whether a nonconforming sign has been destroyed greater than fifty percent (50%) of its market value at the time of destruction. In making this determination, the Building Official shall consider the market value of the entire sign at the time prior to the destruction and the replacement value of the existing sign. In the event a building permit is applied for within one hundred eighty (180) days of the date of the damage or destruction and the sign did not withstand damage greater than fifty percent (50%) of its market value at the time of destruction, the City may impose reasonable conditions upon the building permit in order to mitigate any newly created impact on adjacent properties.

Subd. 4. A lawful nonconforming sign shall not be changed to a similar nonconforming sign or to a more restrictive nonconforming sign.

Subd. 5. Sign Regulation Conformance. Should a sign owner, operator or contractor permanently move a nonconforming sign or a nonconforming sign structure for any reason for any distance, it shall thereafter conform to the regulations of this Chapter and with the zoning district standards that it is in after the owner or contractor moves it.

(Ord. 679, 5-29-01; Ord. 769, 5-8-06; Ord. 816, 1-22-09; Ord. 884, 12-9-13)
1008.14: **ABROGATION AND GREATER RESTRICTION:** Where the conditions imposed by any provisions of this Chapter are either more or less than comparable conditions imposed by any other code, rule or regulation of the City, the code, rule or regulation which imposes the more restrictive condition, standard or requirement shall prevail. (1988 Code §39.14) (Ord. 679, 5-29-01)

1008.15: **VIOLATION OF PROVISIONS:** Any person found violating any of the provisions of this Chapter shall be guilty of a misdemeanor. (1988 Code §39.15) (Ord. 679, 5-29-01)

1008.16: **SIGN VARIANCES:** (Ord. 644, 12-13-99; Ord. 679, 5-29-01)

Subd. 1. A variance to the provisions of Chapter 1008 may be considered by the Board of Adjustment and Appeals to provide relief to the landowner in those cases where the Code imposes practical difficulties to the property owner. Applications shall be submitted and reviewed in the same manner as indicated in Chapter 1125 of the Mounds View Zoning Code. (Ord. 644, 12-13-99; Ord. 679, 5-29-01; Ord. 816, 1-22-09, Ord. 861, 9-22-11)

Subd. 2. Variance Requests; Fees: All requests shall be made in writing on the form provided by the City and the request shall include the fee specified in the City’s Fee Charges. All information required when applying for a sign permit, as outlined in Section 1008.03, shall be required before the request for a variance is considered. (Ord. 585, 7-15-96)
CHAPTER 1009  
SWIMMING POOLS

SECTION:

1009.01: Definition
1009.02: Plan Review; Permit; Fee
1009.03: Location of Pool
1009.04: Fencing Required
1009.05: General Restrictions
1009.06: Compliance with Provisions
1009.07: Violation of Provisions

1009.01: **DEFINITION:** A “swimming pool” is any structure, basin, chamber or tank containing an artificial body of water for swimming, diving or recreational bathing, more than one hundred fifty (150) square feet in area and/or over twenty four inches (24”) in depth, built of any material and located above or below ground. (1988 Code §58.01)

1009.02: **PLAN REVIEW; PERMIT; FEE:**

Subd. 1. Plan Review: No person shall begin construction of either an indoor or outdoor swimming pool without first having submitted plans and specifications to the Building Official for review and approval. (1988 Code §58.04) (Amended, Ord. 853, 2-3-11)

Subd. 2. Issuance of Permit; Fee: Upon approval, a permit shall be issued to the applicant upon payment of the required permit fee as established by resolution of the City Council. (1988 Code §58.05)
1009.03:  **LOCATION OF POOL:**

Subd. 1. **Compliance with Zoning Provisions; Nuisance Prohibited:** Any outdoor swimming pool, its fencing or barriers, its pumps, filters, heating units or any other noise-making mechanical equipment, as well as the use of said pool, shall be solely located in the backyard of an authorized premises not less than ten feet (10’) from any property line and not less than three feet (3’) from any other building or structure. Pools and associated mechanical equipment shall be maintained so as not to constitute an unattractive, public or private nuisance¹. Swimming pools shall be located on property in a manner so as to comply with all applicable provisions of Title 1100 of this Code. (1988 Code §59.07; Amended, Ord. 794, 8-27-07)

Subd. 2. **Utility Easements:** Pools shall not be located within any utility easement or be over or under any utility lines. (1988 Code §59.08; Amended, Ord. 794, 8-27-07)

¹ See Chapter 607 of this Code for nuisance provisions.
1009.04: FENCING REQUIRED:

Subd. 1. All outdoor swimming pools shall be made inaccessible when not in use by a nonclimbable type of fence, wall or barrier. All openings or points of entry into the pool area enclosure shall be equipped with locking gates. The fence and gates shall be at least four feet (4’) in height and shall be constructed of a material approved by the building official. All fence posts shall be decay resistant or corrosion resistant and shall be set in concrete bases or other suitable protection. The opening between the bottom of the fence and the ground or other surface shall not be more than two inches (2”). (1988 Code §58.02; Amended, Ord. 794, 8-27-07)

Subd. 2. All gates shall be equipped with self-closing hinges and a self-latching device. Where the release mechanism of the self latching device is located less than fifty-four inches (54”) from the bottom of the gate, the release mechanism shall be located on the pool side of the gate at least three (3) inches below the top of the gate. (Added, Ord. 794, 8-27-07)

Subd. 3. All gates shall be equipped with a lock which will render the gate inaccessible when the pool is not in use. Ladders and steps shall be capable of being secured, locked or removed to prevent access. Ladders and steps which are non-removable or non-folding shall be surrounded by a barrier as stated in subdivision 1. All locks shall be of the type that cannot be opened without the use of a key or numerical combination. (Added, Ord. 794, 8-27-07; Amended, Ord. 853, 2-3-11)

Subd. 4. No person owning or operating an outdoor swimming pool shall use, operate, or allow the use of such swimming pool unless such pool complies with the above provisions. The required safety fencing shall be completely installed with installation of the pool. (Added, Ord. 794, 8-27-07)

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1 See also Section 1103.08 of this Code.
1009.05: **GENERAL RESTRICTIONS:**

Subd. 1. Pool Lighting: All pool lighting shall be directed toward the pool.

Subd. 2. Use of City Sanitary Sewer¹: Pool water drained through the City’s sanitary sewer system must be obtained from a metered source within Mounds View². Drainage of pools into public facilities other than the City sanitary sewer system shall require the approval of the Director of Public Works. (1988 Code §58.08) (Amended, Ord. 853, 2-3-11)

Subd. 3. All electrical applications shall meet the requirements of Chapter 1003 of this Code and those in the Minnesota State Electrical Code. (Added, Ord. 853, 2-3-11)

1009.06: **COMPLIANCE WITH PROVISIONS:** All persons owning or operating an outdoor swimming pool shall comply with this Chapter within ninety (90) days from the effective date hereof. (1988 Code §59.03)

1009.07: **VIOLATION OF PROVISIONS:** Any person violating this Chapter shall be guilty of a misdemeanor. (1988 Code §59.09)

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¹ See Chapter 907 of this Code for sewer regulations.

² See Section 906.04 of this Code for water meter requirements.
CHAPTER 1010

WETLANDS ZONING REGULATIONS

SECTION:

1010.01: Short Title
1010.02: Findings of Fact; Purpose
1010.03: Scope of Provisions
1010.04: Plan of Execution
1010.05: Definitions
1010.06: Wetland Zoning Districts
1010.07: District Regulations
1010.08: Permit Requirements and Procedures
1010.09: Appeals
1010.10: Development Density and Park Land Dedication Credit Transfers
1010.11: Municipal Land Acquisitions
1010.12: Special Assessments
1010.13: Liability for Damage
1010.14: Violations and Penalties

1010.01: **SHORT TITLE:** This Chapter may be cited as the *WETLANDS ORDINANCE.*
(Ord. 505, 4-27-92)

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1 See Chapter 1301 for flood plain zoning and Chapter 1302 for surface water management regulations.
1010.02: FINDINGS OF FACT; PURPOSE:

Subd. 1. Findings:

a. The Council finds that wetlands within the City, as part of the ecosystem, are critical to the present and future health, safety and general welfare of the land, animals and people within the City, as well as within the Rice Creek Watershed District, that existing and potential development within the City and Rice Creek Watershed possess increasing ecological and economic problems and demands, having the effect of potentially despoiling, polluting, accelerating the aging, eliminating or negatively and irretrievably altering both the wetlands and their functions (and the processes associated therewith) which, if managed, will constitute important physical, educational, ecological, aesthetic, recreational and economic assets for existing and future residents of the community and the Rice Creek Watershed District. The City Council has in mind its statutory obligation to comply with Chapters 104, 105 and 112 of Minnesota State Law, the regulations of Rice Creek Watershed District, Regulations of the Department of Natural Resources, including provisions for protected waters, Public Law 92.500 (Federal Water Pollution Control Act), open space policies of the Metropolitan Council and its guidelines encouraging protection and enhancement of marshes, wetlands in the flood plain area and the public interest in preventing irreparable destruction or deterioration of valuable natural resources.

b. The public interest necessitates sound land use development, as land is a limited and irreplaceable resource, and the land within the Municipality is a resource to be developed in a manner which will result in minimum damage to the quality of life, property, threat to health and reduction of private/public economic loss caused by drainage problems.
Subd. 2. Purposes: Therefore, recognizing the obligation to protect these assets and natural resource gifts from destruction or deterioration and pollution of all kinds, the purposes of this Chapter are:

a. To preserve wetlands in as natural a state as possible;

b. To serve as natural retention and detention areas for surface waters;

c. To regulate the use of areas adjacent to the wetlands in order to protect and enhance the natural function of the wetlands;

d. To provide for the protection, preservation, proper maintenance, use and enhancement of wetland zoning districts;

e. To minimize the disturbance to them and to prevent or minimize damage from excessive sedimentation, eutrophication or pollution;

f. To prevent loss of aquatic organisms, wildlife and vegetation or the habitats of the same;

g. To provide for the protection of surface and ground water supplies from the danger of drought, overdraft, pollution or mismanagement;

h. To secure safety from floods;

i. To reduce the financial burdens imposed upon the community through rescue and relief efforts occasioned by the occupancy or use of areas subject to periodic flooding;

j. To prevent loss of life, property damage and the losses and risks associated with flood conditions;

k. To reduce erosion problems;

l. To enhance and preserve quality; and

m. To enhance and preserve the natural drainageways. (Ord. 505, 4-27-92)
1010.03: **SCOPE OF PROVISIONS:** The wetland zoning district shall overlay the zoning districts established pursuant to Title 1100 of this Code so that any parcel of land lying in a wetland zoning district shall also lie in one or more of the established zoning districts. Lands lying within a wetland zoning district shall be subject to the requirements established by other applicable ordinances and regulations of the City. Within each wetland zoning district, all uses shall be permitted in accordance with the regulations for the underlying zoning district; provided, however, that such uses must also satisfy the additional requirements established in this Chapter. (Ord. 505, 4-27-92)

1010.04: **PLAN OF EXECUTION:** It is the intent of the City to effectuate the purposes of this Chapter through the following means:

Subd. 1. Adopt a map designating the wetlands protected by this Chapter.

Subd. 2. Promote community education about the importance, function, limitations and impact of urbanization upon the water resources of the community.

Subd. 3. To preserve and enhance of wetlands within the community through implementation of development regulations that will ensure the design and construction of adequate on-site storm water, sedimentation and retention and detention basins, flow control devices and implementation of effective erosion control techniques.

Subd. 4. To apply techniques such as density transfers to development proposals in order to minimize ratios of impermeable surface to open space.

Subd. 5. To establish means by which certain wetlands may be placed in the public domain for purposes of enhancement, preservation, protection and maintenance.

Subd. 6. To provide means by which an applicant and the City will routinely obtain advice and input from various governmental agencies and professionals in the field of fresh water biology, hydrology and civil engineering.

Subd. 7. To establish a system of permits and enforcement to effectuate the intent of this Chapter. (Ord. 505, 4-27-92)
1010.05: **DEFINITIONS:** As used in this Chapter, the following words and terms shall have the meanings ascribed to them in this Section:

Subd. 1. **ALTERATION:** Any change, addition or modification.

Subd. 2. **BUILDING:** Any structure used or intended for supporting or sheltering any use or occupancy.

Subd. 3. **DEVELOPMENT:** The construction, installation or alteration of any structure, the extraction, clearing or other alteration of land or terrestrial or aquatic vegetation or the course, current or cross-section of any water body or watercourse or the subdivision of land into parcels pursuant to Title 1200 of the Municipal Code.

Subd. 4. **DIMENSIONAL REQUIREMENTS:** A minimum/maximum setback yard requirements or structure height or size established in Titles 1100 and 1200 of the Municipal Code.

Subd. 5. **DRAINAGEWAY:**

   a. Any natural, altered or artificial watercourse which has definable beds and banks capable of conducting confined runoff from adjacent lands. Watercourse beds not clearly defined shall be delineated to include that area which would be inundated by runoff, calculated in accordance with provisions in the Local Water Management Plan\(^1\), from a storm event having a recurrence interval of once in ten (10) years.

   b. An altered watercourse is that which has been affected by man-made changes in straightening, deepening, narrowing or widening the original channel.

   c. An artificial watercourse is that which has been artificially constructed by man where there was no previous natural watercourse. The limits of the watercourse bed are confined to that area which would be inundated by runoff, calculated in accordance with provisions in the Local Water Management Plan\(^2\), from a storm event having a recurrence interval of once in ten (10) years.

Subd. 6. **ENHANCE/ENHANCEMENT:** To heighten the value of Mounds View wetlands with respect to the purposes of this Chapter.

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\(^1\) See Chapter 1302 of this Code.

\(^2\) See Chapter 1302 of this Code.
Subd. 7. LOCAL WATER MANAGEMENT PLAN: A Local Water Management Plan, dated February 12, 1990¹, has been prepared for the City in accordance with Minnesota Statutes 103B.201 to 103B.255. The Plan identifies the goals and policies of the City in providing for future development while minimizing surface water problems.

Subd. 8. MANAGED: To control the use of Mounds View’s wetland resources in a manner which is consistent with the purposes of this Chapter. Management of wetlands includes conservation maintenance and enhancement.

Subd. 9. PERMIT: An official document or certificate issued by the City authorizing performance of a specified activity.

Subd. 10. PERSON: Any individual, firm, corporation, partnership, association or other private or governmental entity.

Subd. 11. STRUCTURE: That which is built or constructed, an edifice or building of any kind or any piece of work artificially built up or composed of parts joined together in some definite manner.

Subd. 12. WATER QUALITY: The degree of excellence of water, including but not limited to phosphorus concentrations, sediment load and concentration of metals.

Subd. 13. WETLAND: Those areas greater than one acre in size that are inundated or saturated by surface or ground water at a frequency and duration sufficient to support and that under normal circumstances do support hydrophytic vegetation, hydric soils and wetland hydrology, as delineated on the Wetland Zoning District Map.

Subd. 14. WETLAND BUFFER AREA: Areas abutting and within one hundred feet (100’), measured horizontally, of a wetland.

Subd. 15. WETLAND DRAINAGE DISTRICT: That area tributary to the wetland zoning district as delineated on the Wetland Zoning District Map.

Subd. 16. WETLAND ZONING DISTRICT: The areas delineated on the Wetland Zoning District Map which include the wetlands and wetland buffer areas. (Ord. 505, 4-27-92)

¹ See Chapter 1302 of this Code.
Subd. 1. Application of Provisions: This Chapter shall apply to wetland zoning districts which are specifically identified on the zoning map entitled, *Wetland Zoning District Map*, an official copy of which shall be on file in the office of the City Administrator and shall be available for inspection and copying upon the terms and conditions as established by the City. (Ord. 844, 5-20-10)

Subd. 2. Modification of District: A wetland zoning district may be modified or eliminated by four-fifths (4/5) affirmative vote of the Council after public hearing and notice as set forth in Title 1100 of this Code. Wetland zoning districts may not be eliminated unless it can be shown that the original designation is in error or that conditions have changed. When modifying or removing a wetland zoning district, the Council shall use the criteria and methods established in the *Federal Manual for Identifying and Delineating Jurisdictional Wetlands* dated January, 1989, as amended from time to time.

Subd. 3. Map Established: Pursuant to subdivision 1 hereof, the wetland zoning districts delineated in the referenced Wetland Zoning District Map are hereby established.

Subd. 4. Legal Descriptions: Pursuant to subdivision 1 hereof, the properties described in Appendix A to Ordinance 505, on file in the office of the City Administrator, are hereby designated as wetlands. (Ord. 844, 5-20-10)

Subd. 5. Districts Established: The wetland zoning districts designated in subdivisions 3 and 4 above are hereby established as wetland zoning districts for the Municipality. (Ord. 505, 4-27-92)
1010.07: **DISTRICT REGULATIONS:**

Subd. 1. Required Permits: A wetland alteration permit or a wetland buffer permit shall be required for any development in a wetland zoning district as provided in Section 1010.08, subdivision 2. (Ord. 602, 8-25-97)

Subd. 2. Dedication of Lands: Whenever a wetland or drainageway is located on lands that are being subdivided, the subdivider shall dedicate such wetland and/or drainageway to the public as allowed per Minnesota Statutes, Chapter 462 and shall dedicate an easement to the public as required for purposes of improving, maintaining or protecting the area for drainage, water quality enhancement or other purposes expressed in this Chapter.

Subd. 3. Subdivision Regulations: Notwithstanding the provisions of Title 1100 of this Code, the following shall apply to all lands proposed to be subdivided pursuant to Title 1200 of this Code and lying within a wetland zoning district:

a. Rationale for Density Standards: The following regulations are required to control the density of development in wetland zoning districts. The purpose of controlling development density is to reduce the financial burdens imposed on the community through rescue and relief efforts occasioned by the occupancy or use of areas subject to periodic flooding, to minimize loss of life, property damage and the losses and risks associated with flood conditions and to minimize the detrimental effects of urbanization on the wildlife habitat, water quality enhancement, recreational and aesthetic values of wetlands.

(1) Minimum Lot Size: Twenty thousand (20,000) square feet.

(2) Minimum Lot Width: One hundred twenty five feet (125’) as measured at the building setback line.

(3) Building Setback:

(a) All buildings, including accessory buildings, as defined in Title 1100 of this Code, shall be set back at least one hundred feet (100’) from the wetland, except as allowed by an approved wetland alteration permit or approved wetland buffer permit as provided in Section 1010.08. (Ord. 602, 8-25-97)
Subd. 4. Existing Nonconforming Buildings and Parcels: Any building or structure situated on an existing parcel of record, as of the original date of enactment of this Chapter, that does not meet the requirements of this Chapter shall be considered nonconforming pursuant to the provisions of Chapter 1123 of this Code and will require a variance from the Council to build or rebuild.

a. Nonconforming Parcels: A nonconforming parcel shall exist:

   (1) Where any portion of the parcel is contained in a wetlands district; or

   (2) Where twenty percent (20%) of a parcel or at least two thousand (2,000) square feet of the parcel, whichever is less, shall be contained within the wetland buffer area.

b. Nonconforming Buildings: A nonconforming building shall exist:

   (1) Where it does not meet building or structure setback requirements.

   (2) Where it does not meet floor elevation requirements. (Ord. 505, 4-27-92)

1010.08: PERMIT REQUIREMENTS AND PROCEDURES:

Subd. 1. Activities Requiring Permits: The following activities in or upon a wetland zoning district shall require either a wetland alteration permit or a wetland buffer permit, as provided in Section 1010.08, subdivision 2. (Ord. 602, 8-25-97)

a. The digging, dredging, filling, draining or in any way altering or removing any material from a wetland.

b. The alteration of vegetation within the wetland or the destruction of vegetation within the wetland zoning district, except to abate a public nuisance.

c. The construction, alteration or removal of any structure.

d. The altering of any embankment or ponding area or the changing of the flow of water or ponding capacity.

e. The storing of materials which would interfere with the flow of water and/or ponding capacity.

f. Disposing of waste materials, including but not limited to demolition debris and yard waste.

g. Installation or maintenance of essential services.

City of Mounds View
Subd. 2. Types of Permits Required: The following permits shall be required for any development in a wetland zoning district. (Ord. 602, 8-25-97)

a. Wetland Alteration Permit: No development shall be allowed within that portion of a wetland zoning district which is delineated as a wetland on the Wetland Zoning District Map without first having obtained a wetland alteration permit from the City as provided for in this Section 1010.08. (Ord. 602, 8-25-97)

b. Wetland Buffer Permit: No development shall be allowed in the area defined as the wetland buffer area as shown on the Wetland Zoning District Map without first having obtained a wetland buffer permit from the City as provided for in this Section 1010.08. (Ord. 602, 8-25-97)

c. Development Overlapping Wetland and Wetland Buffer Area; Authority for Approval with Combinations of Activities Having Different Approval Authorities: Where a proposed development includes area in both the wetland and wetland buffer area, the applicant shall only be required to apply for a wetland alteration permit which shall cover the entire development area. Where a proposed development includes activities subject to City Council approval, and activities subject to administrative approval, the permit shall cover all activities and shall be reviewed and approved by the City Council. (Ord. 602, 8-25-97)
Subd. 3. Exceptions to Permit Requirements:

a. Emergencies: Upon the declaration of an emergency by the City, emergency work necessary to preserve life or property shall be permitted in a wetland zoning district.

b. Repairs: Upon application and approval by the City Council, a person may repair or maintain any lawful use of land existing on the effective date hereof.

c. Recreation Areas or Parks: Notwithstanding any other provision of this Code to the contrary, a person may develop a Municipally-owned recreation area or park facility on City-owned lands which will involve the development within a wetland zoning district as part of an integrated plan, comprising not less than seventy five (75) acres, where such development would reasonably conserve, preserve and enhance the environment by providing facilities that would protect the public health, safety and welfare.

d. City or City Agent Work: When the City or agents working on behalf of the City are engaged in or otherwise undertaking activities requiring permits, as provided for in subdivision 1 of this Section, the City or its agents shall not be required to obtain any of the permits provided in subdivision 2 of this Section. (Added, Ord. 786, 5-23-07)

e. Public Nuisance Abatement: Ordinary, normal, and reasonable maintenance activities undertaken by owners of private and public properties located within a Wetland Zoning District shall not require a Wetland Alteration Permit or a Wetland Buffer Permit so long as this maintenance is in keeping with the purposes described in the Section 1010.02, subdivision 2, of these Wetland Zoning regulations. Examples of ordinary, normal, and reasonable property maintenance that is in keeping with the purposes of the Wetland Zoning regulations include, but are not limited to, chemical-free buckthorn removal and lawn care. (Added, Ord. 786, 5-23-07)
Subd. 4. Standards for Approval of Permits: No permit shall be issued unless the City finds and determines that the proposed development complies with the standards as stated in this subdivision 4. Approval of either a wetland alteration permit or wetland buffer permit shall constitute approval of a variance to the requirements of this Chapter 1010. (Ord. 602, 8-25-97)

a. Minimum Alteration in Ecological and Hydrological Characteristics: A minimum alteration of a wetland may be allowed when necessary for the use of property but only when it will not have a substantially or significantly adverse effect, as determined by the City, upon the ecological and hydrological characteristics of the wetland. However, in no case shall the restrictions set out below in Section 1010.08, subdivision 3a(1) - (6) be exceeded. Since the extent of alteration which can be permitted is limited, the City, when considering a permit application, shall consider equal apportionment of alteration opportunity. The alteration opportunity within the wetland shall be allocated among property owners in proportion to the area of wetland located within each property. (Ord. 602, 8-25-97)

(1) Any alteration shall not cause a reduction in the flood storage capacity of the wetland. Flood storage capacity shall be determined by analysis of the runoff from the entire developed wetland drainage district resulting from both the two (2) year and one hundred (100) year frequency, twenty four (24)hour SCS Type I distribution storms.

(2) An alteration shall not reduce the existing water quality enhancement value of a wetland under conditions of ultimate development, during both the two (2) year and one hundred (100) year frequency, twenty four (24) hour SCS Type I distribution storms. Water quality enhancement value of a wetland shall be determined using methods approved by the City.

(3) Any alteration shall not reduce the existing wildlife habitat value of a wetland as measured using methods approved by the City.

(4) Alterations shall be carried out so as to minimize the impact on vegetation. Removal of vegetation within a wetland zoning district shall be permitted only when reasonably required for the placement of structures and use of property. (Ord. 602, 8-25-97)

(5) Alterations shall not adversely affect the water flow characteristics within the wetland as determined by the City.
(6) Storm water runoff from a development may be directed to the wetland when in conformance with the Local Water Management Plan\(^1\) and only when substantially, as determined by the Council, free of sediment, debris and chemical pollutants and only at rates which will not substantially disturb vegetation or increase turbidity as determined by the City.

(7) The proposed action shall not cause storm water runoff from the development to take place at a rate which would exceed the rate or volume of runoff as anticipated by the City’s Local Water Management Plan\(^2\).

(8) The quality of water infiltrated to the water table or aquifer shall remain substantially, as determined by the City, unchanged by the alteration of the site.

(9) No part of any sewage disposal system requiring on-land or in-ground disposal of waste shall be located closer than one hundred feet (100’) from the wetland. All on-land or in-ground sewage disposal systems shall meet criteria set out in Minnesota Rule 6, MCAR 4.8040, Individual Sewage Treatment System Standard.

(10) Waste which would normally be disposed of at a solid or hazardous waste disposal site or which would normally be discharged into a sewage disposal system or sewer shall not be, directly or indirectly, discharged to a wetland.

b. Soil Conditions; Control of Erosion:

(1) Construction erosion control measures and retention facilities shall be designed to limit soil loss from the development site to not more than five (5) tons per acre per year. Plans and supporting documentation for such measures and facilities shall be developed and approved by the City prior to commencement of construction.

(2) The applicant for the wetland alteration permit shall be required to demonstrate that, after the development is completed, the conditions on the site will be stabilized such that the yearly soil loss from the site will not be greater than five-tenths (0.5) ton per acre per year.

(3) Sediment and soil loss shall be determined utilizing the *Universal Soil Loss Equation* as defined by the *U.S. Department of Agriculture Soil Conservation Service Technical Field Guide*, as amended from time to time, as provided for Ramsey Soil and Water Conservation District.

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\(^1\) See Chapter 1302 of this Code.

\(^2\) See Chapter 1302 of this Code.
(4) Only fill substantially free of chemical pollutants and wastes, as determined by the City, may be used.

(5) A building’s minimum elevation permitted in a wetland zoning district shall be as defined in the Local Water Management Plan.

(6) No alteration shall be allowed which will endanger the health, safety or welfare of persons or which may result in unusual road maintenance costs or utility line breakages due to soil limitations, including high frost action.

c. Scheduling of Work: Work in the wetland will not be performed during the breeding season of water fowl or fish spawning season.

d. Size of Area: The size of the altered area shall be limited to the minimum required for the proposed action.

Subd. 5. Standards for Denial of Permits: No wetland alteration or wetland buffer permit may be granted which would allow any use that is prohibited in the zoning district in which the property is located or which will: (Ord. 602, 8-25-97)

a. Result in incompatible land uses or which would be detrimental to surface and ground water resources. (Ord. 602, 8-25-97)

b. Increase the financial burdens imposed on the community through increasing floods and overflow of water onto land areas within this City or onto land areas adjacent to Rice Creek. (Ord. 602, 8-25-97)

c. Be not in keeping with land use plans and planning objectives for the City or which will increase or cause danger to life or property. (Ord. 602, 8-25-97)

d. Be inconsistent with the objectives of encouraging land uses compatible with the preservation of the natural land forms, vegetation and wetlands within the City. (Ord. 602, 8-25-97)

e. Include development of land and water areas essential to continue the temporary withholding of rapid runoff of surface water which contributes to downstream flooding or water pollution or development of land and water areas which provide ground water recharge or development which diminishes the land or water which are necessary to carry increased flows of storm water following periods of heavy precipitation. (Ord. 602, 8-25-97)

See Chapter 1302 of this Code.
Subd. 6. Permit Issuing Authority: The issuing authority for wetland alteration permits shall be as set forth hereinafter: (Ord. 602, 8-25-97)

a. Administrative Authority: (Ord. 602, 8-25-97)

The Director of Community Development or designee shall have the authority to issue wetland alteration or wetland buffer permits which meet the standards in this Chapter for the following types of activities: (Ord. 602, 8-25-97)

1. Repair or maintenance of any lawful use of land existing on the effective date hereon. (Ord. 602, 8-25-97)
2. Public and/or private utility work on existing facilities. (Ord. 602, 8-25-97)
3. Alterations within the wetland buffer if they do not extend into or create an adverse impact the adjacent wetland as follows: (Ord. 602, 8-25-97)
   (a) Installation and maintenance of fences.
   (b) Landscaping, and impervious surfaces which surfaces do not exceed one thousand two hundred sixty four (1,264) square feet.
   (c) Detached garages, accessory buildings and driveways, and additions thereto which do not require a conditional use permit. (Ord. 602, 8-25-97)
   (d) Grading which does not adversely alter storm water storage capacity, storm water flow direction or runoff intensity.
   (e) Temporary structures not requiring permanent foundations or pads for support.
   (f) Building and structural additions to a principal building which addition does not exceed one thousand two hundred sixty four (1,264) square feet. (Ord. 602, 8-25-97)

b. City Council Authority: The City Council may issue permits which meet the standards in this Chapter and are beyond the scope of the administrative authority stated in Section 1010.08, subdivision 5a are appealed to Council after having been reviewed and denied by City staff. (Ord. 602, 8-25-97)
Subd. 7. Application and Review Procedures: (Ord. 602, 8-25-97)

a. Submittal Materials Required: The following drawings and exhibits may be required with a permit application, unless specific items are waived by the Director of Community Development based on the scope of the proposed development: (Ord. 602, 8-25-97)

(1) The name and address of the subdivider, developer and owner or any other party of interest.

(2) A legal description of the proposed site with a map showing its location with indications of private access roads and existing or proposed public roadways within and surrounding the development site.

(3) A full and adequate description of all phases of the operation and/or proposed physical changes.

(4) A soil survey map of the proposed development site.

(5) A topographic map of the development area with contour information at two foot (2’) intervals or spot elevations at two hundred foot (200’) intervals and at a horizontal scale of one inch to one hundred feet (1”=100’) or larger.

(6) A detailed site plan of the proposal showing proposed drainage, grading and landscaping.

   (a) information on existing drainage and vegetation of all lands within the site and to a distance of five hundred feet (500’) surrounding the site or to the wetland drainage district boundary, whichever is shorter.

   (b) the location of existing and future man-made features within the site and to a distance of five hundred feet (500’) surrounding the site or to the wetland drainage district boundary, whichever is shorter. (Ord. 602, 8-25-97)

   (c) proposed drainage, grading and landscaping.

(7) The time period for commencement and completion of the development, including time for staging of development, if applicable.
(8) Design specification and plan for all sediment and erosion control measures as well as all grading and drainage appurtenances and practices.

(9) Engineering data related to computations of existing and proposed hydrology, water quality, hydraulics and soil loss.

(10) Such additional information as necessary to evaluate the permit application.

b. Processing of Application: (Ord. 602, 8-25-97)

(1) The permit application shall be submitted to the City. The City shall process the permit application according to the provisions of this Section 1010.08 hereof. For permits requiring City Council action, the Community Development Department shall prepare a report and recommendation for consideration by City Council prior to the City Council taking action on the permit application. The Community Development Department or the City Council may refer the permit application to the Planning and Zoning Commission for its recommendation prior to action being taken on the permit application. (Ord. 602, 8-25-97)

(2) A wetland alteration permit may be processed concurrently with any other application for use permit approval that may be required under other provisions of the Municipal Code. (Ord. 602, 8-25-97)
c. Action on Permit; Conditions:

(1) Compliance with standards: No wetland alteration or wetland buffer permit shall be approved except it meet the standards set forth in Section 1010.08, subdivision 4. A permit may be approved subject to conditions reasonable and necessary to ensure compliance with the aforementioned standards in subdivision 4. Such conditions may, among other matters: (Ord. 602, 8-25-97)

(a) Provide for the enhancement of storm water storage, fish and wildlife habitat, and water quality enhancement functions of wetland zoning districts; (Ord. 602, 8-25-97)

(b) Provide for enhancement of recreation and education opportunities in wetland zoning districts;

c) Limit the size, kind or character of the proposed work;

(d) Require the construction of storm water detention facilities or other structures;

(e) Require replacement of vegetation;

(f) Establish required monitoring or maintenance procedures, including the payment of costs for such procedures;

(g) Stage the work over time and increments of land to be developed;

(h) Require the alteration of the site design to insure buffering;

(i) Require posting of sufficient surety to guarantee conformance to the purposes of the permit and all laws regulating the activity; or (Ord. 602, 8-25-97)

(j) Require the conveyance to the City of certain lands or interest therein.

(2) Modification of Zoning Requirements: The dimensional requirements of the underlying zoning ordinance may be modified in furtherance of the purposes of this Chapter. (Ord. 602, 8-25-97)
(3) Considerations in Granting of Approval: The City shall consider all relevant factors specified in other Sections of this Chapter, as well as the following: (Ord. 602, 8-25-97)

(a) The relationship of the proposed use to the Comprehensive Plan and the impact of the proposed use on the wetlands in the surrounding area. (Ord. 602, 8-25-97)

(b) The impact of the proposed wetland alteration on the surface water storage, fish and wildlife habitat and water quality enhancement values of the wetland. (Ord. 602, 8-25-97)

(4) Action by Resolution or by Written Notice: Action on permits shall be by the City Council or by the Director of Community Development, as provided in Section 1010.08, subdivision 6. A permit approval may include such terms and conditions as is deemed necessary by the approval body to protect the public health, safety and welfare and to meet the standards set forth in this Chapter 1010. For permits requiring City Council action, the City Council shall take action to approve, approve with conditions, or deny a permit application by resolution. For permits allowing action by the Director of Community Development, the director shall notify the applicant in writing of the decision on the permit. (Ord. 602, 8-25-97)

Subd. 8. Expiration; Extensions and Renewals: A permittee shall begin the work authorized by the permit within ninety (90) days from the date of issuance of the permit unless otherwise set forth in the permit. The permittee shall complete the work authorized by the permit within the time limit specified on the permit which shall in no event exceed more than twelve (12) months from the date of issuance unless such time limit is extended by the approval authority. The permittee shall notify the City at least forty eight (48) hours prior to the commencement of work. Should the work not be commenced as specified herein, the permit shall become void. (Ord. 505, 4-27-92, Ord. 602, 8-25-97)

1010.09: APPEALS:

An applicant may appeal the denial of a wetland alteration or wetland buffer permit by the Director of Community Development to the City Council. An appeal shall be filed in writing no more than fourteen (14) days following the date of the decision by the Community Development Director. The appeal shall be scheduled for consideration by the City Council at the next regular City Council meeting which is at least seven days (7) from the date of the appeal. Consideration of appeals shall be in accordance with the standards and procedures set forth in this Chapter 1010. A decision by the City Council shall be final. (Ord. 602, 8-25-97)
1010.10: **DEVELOPMENT DENSITY AND PARK LAND DEDICATION CREDIT TRANSFERS:**

Subd. 1. Credit for Undevelopable Lands: When land to be developed includes wetlands, the developer thereof may receive a credit for the undevelopable portion of said wetland, either:

a. Toward the dedication of land requirements under Section 1204.02 of this Code not exceeding the amount of the developable lands in the development proposal; or

b. The development may be intensified so as not to exceed twice the allowable land use densities prescribed under Titles 1100 and 1200 of this Code; provided, however, that said intensified land use must be consistent with street dedication dimensions, parking requirements and screening, fencing and landscaping regulations of the City; or

c. The building square footage requirements of the Municipal Code may be intensified but not to exceed five percent (5%); or

d. Any combination of subdivisions la, lb and 1c above as agreed upon by developer and City, keeping in mind that the public health, safety and welfare of the community is paramount.

Subd. 2. Conveyance of Lands: Upon receipt of any of the credits herein, the developer shall convey any wetlands designated by this Chapter, for which a credit has been given, to and may be accepted by the City free and clear of all encumbrances. (Ord. 505, 4-27-92)

1010.11: **MUNICIPAL LAND ACQUISITIONS:** The Municipality may acquire, pursuant to law, fee title or easement rights, by dedication, gift, purchase, eminent domain, tax forfeiture, leasehold estates, part or all of any wetlands or land adjacent, abutting, contiguous or affecting wetlands, for the purpose of preserving such lands and protecting the public health, safety and welfare. Charges authorized by Section 203.08 and Title 1200 of this Code or by other applicable law may be used to finance the acquisitions authorized herein. The Council may abate those taxes and assessments within wetlands as authorized by law. (Ord. 505, 4-27-92)
1010.12: **SPECIAL ASSESSMENTS:** The property within a designated wetland which is restricted hereby or for which a development or other restrictive easement is conveyed to the Municipality shall not be subject to future special assessments for the costs of public improvements for which such assessments are authorized pursuant to Section 203.08 of the Municipal Code. (Ord. 505, 4-27-92)

1010.13: **LIABILITY FOR DAMAGE:** Neither the issuance of a permit nor compliance with the conditions thereof nor with the provisions of this Chapter shall relieve any person from any responsibility otherwise imposed by law for damages to persons or properties, nor shall the issuance of any permit hereunder serve to impose any liability on the Municipality or its officers or employees for injury or damage to persons or property. A permit issued pursuant to this Chapter shall not relieve the permittee of the responsibility of complying with any other requirements established by law, regulation or ordinance. (Ord. 505, 4-27-92)

1010.14: **VIOLATIONS AND PENALTIES:** Any person who violates the provisions of this Chapter shall be guilty of a misdemeanor. Each day during which said violation exists is a separate offense. Any violation of this Chapter is a public nuisance and may be enjoined by civil action. Costs of any civil enforcement shall be assessed against the property so enjoined. Any person who, in violation of this Chapter, alters, changes or modifies any wetlands shall restore such wetlands to their original condition. Whenever any alteration, change or modification of any wetlands is being done contrary to the provisions of this Chapter, the City may order the alteration, change or modification of any wetlands stopped by notice, in writing, served on any persons engaged in doing or causing such alteration, change or modification of any wetlands, and any such person shall forthwith stop such alteration, change or modification until authorized by the City to proceed. (Amended, Ord. 786, 5-23-07)
CHAPTER 1011
MANUFACTURED HOME PARK CLOSINGS
(Ord. 592, 12-9-96)

Section:

1011.01: Purpose
1011.02: Definitions
1011.03: Notice of Closing
1011.04: Notice of Public Hearing
1011.05: Public Hearing
1011.06: Payment of Relocation Costs
1011.07: Payment of Additional Compensation
1011.08: Verification of Costs
1011.09: Penalty

1011.01: **PURPOSE:** In view of the peculiar nature and problems presented by the closure or conversion of manufactured home parks, the City Council finds that the public health, safety and general welfare will be promoted by requiring compensation to displaced residents of such parks. The purpose of this Chapter is to require park owners to pay displaced residents reasonable relocation costs and additional compensation, pursuant to the authority granted under Minnesota Statutes, section 327C.095.
1011.02: **DEFINITIONS:** The following words and terms when used in this Chapter shall have the following meaning unless the context clearly indicates otherwise:

Subd. 1. **CLOSURE STATEMENT:** a statement prepared by the park owner clearly stating that the park is closing, addressing the availability, location and, potential costs of adequate replacement housing within a twenty five (25) mile radius of the park that is closing and the probable relocation cost of the manufactured home located in the park.

Subd. 2. **DISPLACED RESIDENT:** a person with an ownership interest in a manufactured home who rents a lot located in a manufactured home park which is subject to the requirements of this Chapter, including the members of the resident’s household, as of the date the park owner submits a closure statement to the City’s Planning Commission. For purposes of this Section, ownership interest shall include a fee title, contract for deed vendee or a leasehold interest.

Subd. 3. **LOT:** an area within a manufactured home park, designed or used for the accommodation of a manufactured home.

Subd. 4. **MANUFACTURED HOME:** a structure, not affixed to or part of real estate, transportable in one or more Sections, which in the traveling mode, is eight (8) body feet or more in width or forty (40) body feet or more in length, or, when erect on site, is three hundred twenty (320) or more square feet and which is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities, and includes the plumbing, heating, and electrical system contained in it.

Subd. 5. **MANUFACTURED HOME PARK:** any site, lot, field, or tract of land upon which two (2) or more occupied manufactured homes are located, either free of charge or for compensation, and includes any building, structure, tent vehicle, or home park. This definition does not include facilities which are open only during three (3) or fewer seasons of the year.

Subd. 6. **PARK OWNER:** the owner of a manufactured home park and any person acting on behalf of the owner in the operation, management or legal control of a park.

Subd. 7. **PERSON:** any individual, corporation, firm, partnership, incorporated and unincorporated association, or any other legal or commercial entity.
1011.03: **NOTICE OF CLOSING:** If a manufactured home park is to be closed, converted in whole or part to another use or terminated as a use of the property, the park owner shall, at least nine (9) months prior to the closure, provide a copy of a closure statement to displaced residents of each manufactured home and to the City’s Planning Commission.

1011.04: **NOTICE OF PUBLIC HEARING:** The Planning Commission shall submit the closure statement to the City Council and request the City Council to schedule a public hearing. The City shall mail a notice at least ten (10) days prior to the public hearing to a displaced resident of each manufactured home in the park stating the time, place and purpose of the hearing. The park owner shall provide the City with a list of the names and addresses of at least one displaced resident of each manufactured home in the park at the time the closure statement is submitted to the Planning Commission.

1011.05: **PUBLIC HEARING:** A public hearing shall be held before the City Council for the purpose of reviewing the closure statement and evaluating what impact the park closing may have on the displaced residents and the park owner.

1011.06: **PAYMENT OF RELOCATION COSTS:**

Subd. 1. After service of the closure statement by the park owner and upon submittal by the displaced resident of a contract or other verification of relocation expenses, the park owner shall pay to the displaced resident the reasonable cost of relocating the manufactured home to another manufactured home park located within a twenty five (25) mile radius of the park that is being closed, converted to another use or ceasing operation. Reasonable relocation costs shall include:

a. The actual expenses incurred in moving the displaced resident’s manufactured home and personal property, including the reasonable cost of dissembling, moving and reassembling any attached appurtenances, such as porches, decks, skirting, and awnings, which were acquired before or after notice of closure or conversion of the park and utility “hook-up” charges.

b. The cost of insurance for the replacement-value of the property being moved.

c. The cost of repairs or modifications that are required in order to move the manufactured home.
1011.07: **PAYMENT OF ADDITIONAL COMPENSATION:**

Subd. 1. If a displaced resident cannot relocate the manufactured home within a twenty five (25) mile radius of the park that is being closed or some other agreed upon distance, the displaced resident is entitled to additional compensation to be paid by the park owner, in order to mitigate the adverse financial impact of the park closing. If the displaced resident tenders the title to the manufactured home, the additional compensation shall be in an amount equal to the estimated market value of the manufactured home as determined by the County Assessor and as reported on the displaced resident’s most recent property tax statement. The park owner shall pay such compensation into an escrow account established by the park owner, for distribution upon transfer of title to the home. Such compensation shall be paid to the displaced residents no later than thirty (30) days prior to the closing of the park or its conversion to another use.

Subd. 2. If a displaced resident cannot relocate the manufactured home within a twenty five (25) mile radius of the park which is being closed or some other agreed upon distance, and the displaced resident elects not to tender title to the manufactured home, the displaced resident is entitled to relocation costs based upon an average of relocation costs awarded to other displaced residents in the park.

Subd. 3. The total compensation to be paid to displaced residents by the park owner shall not exceed twenty percent (20%) of the purchase price of the park or twenty percent (20%) of the market value of the park as determined by the County Assessor, whichever value is greater.

1011.08: **VERIFICATION OF COSTS:** The displaced resident must submit a contract or other verified cost estimates for relocating the manufactured home to the park owner for approval as a condition to the park owner’s liability to pay relocation expenses. If the park owner refuses to pay the contract or other verified cost estimates, the park owner shall arrange for relocating the manufactured home and pay the relocation costs identified in Section 1011.06.

1011.09: **PENALTY:**

Subd. 1. Violation of any provision of this Chapter shall be considered a misdemeanor.

Subd. 2. Any provisions of this Chapter may be enforced by injunction or other appropriate civil remedy.

Subd. 3. The City shall not approve an application for a building permit, rezoning, platting, development review, conditional use permit or variance in conjunction with reuse of manufactured home park property unless the park owner has paid reasonable relocation costs and provided additional compensation in accordance with the requirements of this Chapter.
CHAPTER 1012

RENTAL DWELLING LICENSE
(Amended, Ord. 731, 3-22-04)

Section:

1012.01: Purpose and Intent
1012.02: Definitions
1012.03: Licensing Provisions
1012.04: Disclosure of Local Agent for Rental Dwellings
1012.05: Conduct on Licensed Premises
1012.06: Inspections
1012.07: Rooming Houses
1012.08: Violation and Penalties

1012.01: PURPOSE AND INTENT: It is the purpose of this Chapter to protect the public health, safety and welfare of the community at large and the residents of rental dwellings in the City of Mounds View and to ensure that rental housing in the City is decent, safe and sanitary and is so operated and maintained as not to become a nuisance to the neighborhood or to become an influence that fosters blight and deterioration or creates a disincentive to reinvestment in the community. The operation of rental residential properties is a business enterprise that entails certain responsibilities. Operators are responsible to take such reasonable steps as are necessary to ensure that the citizens of the City who occupy such units may pursue the quiet enjoyment of the normal activities of life in surroundings that are: safe, secure and sanitary; free from noise, nuisances or annoyances; and free from unreasonable fears about safety of persons and security of property. (Amended, Ord. 731, 3-22-04)
1012.02: **DEFINITIONS:** (Added, Ord. 802, 2-25-08)

Subd. 1. Dwelling, Single-Family: A building or portion thereof containing one (1) dwelling unit. For the purposes of this Chapter, a single family dwelling unit includes a free standing single family residence, a single dwelling in a cooperative, an individual condominium or townhouse, a single dwelling unit in a non-residential structure or a dwelling unit offered for rent in a duplex in which the owner occupies the other dwelling unit. (Added, Ord. 802, 2-25-08)

Subd. 2. Dwelling, Two-Family: A building or portion thereof containing two (2) dwelling units and designed exclusively for occupancy by two (2) families living independently of each other. (Added, Ord. 802, 2-25-08)

Subd. 3. Dwelling, Multiple: A building or portion thereof containing two (2) or more dwelling units exclusively for occupancy by two (2) or more families living independently of each other. (Added, Ord. 802, 2-25-08)

Subd. 4. Dwelling Unit: Residential accommodation in any building or portion thereof including complete kitchen facilities, permanently installed, that contains living facilities, provisions for sleeping, eating, cooking, and sanitation, for not more than one (1) family and not more than an aggregate of two (2) roomers or boarders. (Added, Ord. 802, 2-25-08)

Subd. 5. Rental Dwelling: Any residential accommodation in any building or portion thereof containing dwelling units and offered for occupancy in exchange for monetary payment, service, property, or other valuable consideration. (Added, Ord. 802, 2-25-08)

Subd. 6. Rental Dwelling Unit: Residential accommodation in any building or portion thereof including complete kitchen facilities, permanently installed, that contains living facilities, provisions for sleeping, eating, cooking, and sanitation, and offered for occupancy in exchange for monetary payment. (Added, Ord. 802, 2-25-08)

Subd. 7. Rooming House: Any residence building containing one (1) or more rooming units in which space is let by the owner or operator to persons who are not related to the owner by blood or marriage. (Added, Ord. 802, 2-25-08)

Subd. 8. Rooming Unit: Any room or group of rooms forming a single habitable unit used or intended to be used for living and sleeping that does not contain permanently installed provisions for cooking. (Added, Ord. 802, 2-25-08)
1012.03: LICENSING PROVISIONS: (Amended, Ord. 802, 2-25-08)

Subd. 1. License Required: No person shall allow to be occupied or let to another for occupancy any rental dwelling unit unless the owner has first obtained a rental dwelling license. (Amended, Ord. 731, 3-22-04; Ord. 802, 2-25-08)

a. Applicability: The provisions of this Chapter shall apply to all multiple dwellings, rental dwellings, rental dwelling units, including rented single-family dwellings, rented condominiums, rented townhouses and rented leasehold cooperative dwelling units. One (1) license shall be issued for each building with rental dwelling units and shall be deemed to cover only such dwelling units under single ownership. (Added, Ord. 802, 2-25-08)

b. Exceptions: A rental dwelling license is not required for residences occupied by the owner where no more than two (2) sleeping rooms are rented and the renters have access to the entire residence, or for residences occupied only by the owner’s children or parents. (Added, Ord. 802, 2-25-08)

Subd. 2. Application for Rental Dwelling License: Before any license required by this Section shall be issued or renewed, the owner shall make written application with the Community Development Department for a license to carry on the business of renting residential property. (Amended, Ord. 731, 3-22-04; Ord. 802, 2-25-08)

a. An application must be filed with the Community Development Department thirty (30) days prior to the effective date for license renewal in existing buildings. For new buildings an application shall be filed after construction is completed but before any units are occupied. (Amended, Ord. 731, 3-22-04; Ord. 802, 2-25-08)

b. Applications shall be signed and submitted by the owner of a rental dwelling if the owner is a natural person, if the owner is a corporation, by an officer thereof; and if the owner is a partnership, by a partner thereof. (Amended, Ord. 731, 3-22-04; Ord. 802, 2-25-08)
The application shall be made on forms provided by the Community Development Department. Regular license applications shall include the following information:

1. Legal address of the rental dwelling. (Amended, Ord. 802, 2-25-08)

2. Number and type of units rented. (Amended, Ord. 731, 3-22-04; Ord. 802, 2-25-08)

3. Height of building in stories. (Amended, Ord. 802, 2-25-08)

4. Construction of the exterior of the building. (Amended, Ord. 802, 2-25-08)

5. Total floor area of the building. (Amended, Ord. 802, 2-25-08)

6. Total area provided on premises for off-street parking. (Amended, Ord. 802, 2-25-08)

7. Names and street address of the vendee if the rental dwelling is being sold on a contract for deed. (Amended, Ord. 802, 2-25-08)

8. Name, business or residence address, telephone number, and date of birth of the owner of the dwelling. If the owner is a partnership the name of the partnership, the name, residence address, and date of birth of the managing partner, and the full name and address of all partners. If the owner is a corporation, the name and address of the corporation, and the name of the chief operating officer. (Amended, Ord. 802, 2-25-08)

9. If the owner has appointed an agent authorized to accept service of process and to receive and give receipt for notices, the name, business or residence address, telephone number, and date of birth of such agent. (Amended, Ord. 802, 2-25-08)

10. Every applicant, whether an individual, partnership, or corporation, shall identify in the application the residence or business street address, telephone number, and date of birth, of a natural person who is actively involved in, and responsible for, the maintenance and management of the premises. Said natural person shall, if other than the owner, shall accept joint and several responsibility with the owner, including any potential criminal, civil, or administrative liability, for the maintenance and management of the premises. A post office box or commercial mail receiving service are not acceptable as an address for such person. The individual designated herein may also be the owner of the dwelling or an agent identified in Section 1012.02, Subdivision 2d. (Amended, Ord. 802, 2-25-08)
d. Local Agent: No rental dwelling license shall be issued or renewed if the owner does not reside within the eleven (11) county metro area consisting of: Anoka, Carver, Chisago, Dakota, Hennepin, Isanti, Ramsey, Scott, Sherburne, Washington and Wright; unless the owner designates in writing the name of a local agent who resides within the eleven (11) county metro area. The Community Development Department shall be notified in writing of any change of local agent. (Ord. 572, 2-26-96; Amended, Ord. 802, 2-25-08)

e. In the event that any of the information required to be provided by this Subdivision changes, the applicant or licensee shall, within fourteen (14) days, notify in writing the Community Development Department of the changes. (Added, Ord. 802, 2-25-08)

Subd. 3. License Fees: An annual fee, established by City Council resolution, shall be paid thirty (30) days prior to the license expiration date. Effective January 1, 2005, the license fee will be reduced according to the following certification levels: Level “C” certification: twenty percent (20%) reduction; Level “B” certification: thirty three percent (33%) reduction; Level “A” certification: fifty percent (50%) reduction. Certification in the aforementioned levels is voluntary and shall be pursued by the licensee on forms provided by the City. Any owner or an agent who fails to apply for license renewal in the case of an existing license, prior to the time or date set forth herein shall pay a fee double that required herein. The license fee shall include the initial inspection and one (1) follow-up inspection. A fee, established by City Council resolution, shall be charged for any reinspections or attempted reinspections required, whether due to the failure of the reinspection, the Enforcement Officer’s inability to gain access to the multiple dwelling at the time of attempted reinspection, or otherwise, and must be paid before a license will be issued. (Amended, Ord. 731, 3-22-04)

a. Operation of an unlicensed rental dwelling unit shall be subject to an additional administrative fine, established by City Council resolution. (Added, Ord. 802, 2-25-08)
Subd. 4. Issuance of License: The Community Development Department shall issue a rental dwelling license if the building is found to be in compliance with the provisions of this Chapter, Chapter 1005 of this Code, and the applicable requirements of Minnesota Statutes, 299F, as amended, provided however, that all real estate taxes and utility bills for the premises which are due have been paid. (Added, Ord. 731, 3-22-04; Amended, Ord. 802, 2-25-08)

a. The license shall state that the rental dwelling has been inspected and complies with the requirements of this Chapter and Title 1000, Chapter 1005, Housing Code. Additionally, the license shall contain contact information for maintenance and management requests and a statement that tenants of the rental dwelling may contact the attorney general for information regarding the rights and obligations of the owners and tenants under state law. The statement shall include the telephone number and address of the attorney general. (Added, Ord. 731, 3-22-04; Ord. 802, 2-25-08)

b. The following minimum standards and conditions shall be met in order to hold a rental dwelling license under this Chapter. Failure to comply with any of these standards and conditions shall be adequate grounds for the denial, refusal to renew, revocation, or suspension of a rental dwelling license. (Added, Ord. 802, 2-25-08)

(1) The licensee or applicant have paid the required license fees. (Added, Ord. 802, 2-25-08)

(2) Rental dwelling units shall not exceed the maximum number of dwelling units permitted by the zoning code. (Added, Ord. 802, 2-25-08)

(3) An owner shall not have any violations of Minnesota Rule 1300.0120, subpart 1, related to building permits, at any rental dwelling which it owns or has an ownership interest. (Added, Ord. 802, 2-25-08)

(4) Failure to complete required corrections to maintain the property in compliance with Chapter 1001 (Building Code), Chapter 1002 (Fire Code), and Chapter 1005 (Housing Code) of the City Code and the applicable requirements of Minnesota Statutes, Chapter 299F. (Added, Ord. 802, 2-25-08)
Subd. 5. Posting: Every licensee shall make available the receipted copy of the license in the following manner: (Added, Ord. 731, 3-22-04)

a. Buildings with four (4) or more dwelling units: The license shall be conspicuously posted, in a frame with a glass covering in a public corridor, hallway or lobby of the multiple dwelling for which it is issued. (Added, Ord. 731, 3-22-04)

b. Buildings with three (3) or less dwelling units shall provide a copy of the receipted rental license to prospective tenants at the time of lease signing for the subject property. (Added, Ord. 731, 3-22-04)

Subd. 6. Annual Renewal of License: The term of the rental dwelling license is twelve (12) months and expires on September 30\(^{\text{th}}\) of each year. (Added, Ord. 731, 3-22-04; Amended, Ord. 802, 2-25-08)

Subd. 7. Transfer of Registration: A license is transferable to any person who has actually acquired legal ownership of a licensed building for the unexpired portion of the term for which it was issued or reissued. The licensee must give written notice to the Community Development Department within five (5) business days after having legally transferred or otherwise disposed of the legal control of any licensed rental dwelling. Such notice must include the name and address of the person succeeding to the ownership or control of such rental dwelling or dwellings. The fee for transfer of a multiple dwelling license shall be established by City Council resolution. (Added, Ord. 731, 3-22-04; Amended, Ord. 802, 2-25-08)

Subd. 8. No license is transferrable during the pendency of a notice of violation issued pursuant to Chapter 1005 of the City Code. (Added, Ord. 802, 2-25-08)
1012.04. **DISCLOSURE OF LOCAL AGENT FOR RENTAL DWELLINGS:*** If the registered owner is not the person or entity authorized to manage the building and collect rents on behalf of the owner, or if the registered owner is not the local agent, then in addition to posting the rental dwelling license as required by Section 1012.03, Subdivision 5, the owner in whom is vested either a legal or beneficial interest in the premises shall post a typewritten or printed notification, resistant to weather and other elements, in a conspicuous place at or near the front door, containing the following information:  (Added, Ord. 802, 2-25-08)

Subd. 1. The name, street address, city and zip code of the person or entity authorized to manage the building and collect rent.  (Added, Ord. 802, 2-25-08)

Subd. 2. The name, street address, city and zip code of the local agent authorized to accept service of process and give receipt for notice and demands.  (Added, Ord. 802, 2-25-08)

Subd. 3. The information in Subdivisions 1 and 2 of this Section plus a telephone number for twenty-four (24) hour maintenance shall be made available to the tenant in written form at the commencement of the tenancy.  (Added, Ord. 802, 2-25-08)

1012.05: **CONDUCT ON LICENSED PREMISES:*** (Added, Ord. 802, 2-25-08)

Subd. 1. Conduct on Licensed Premises: It shall be the responsibility of the licensee to see that persons occupying the licensed premises conduct themselves in such a manner as not to cause the premises to be disorderly.  (Added, Ord. 731, 3-22-04; Amended, Ord. 802, 2-25-08)

a. For purposes of this Subdivision, a premises is disorderly when any of the following activities occur:  (Added, Ord. 731, 3-22-04; Amended, Ord. 802, 2-25-08)

1) Violation of Title 700, Chapter 702, Section 702.01, Subdivision 13h of the City Code (Crimes Against Public Safety and Health) or violation of laws relating to possession of controlled substances as defined in Minnesota Statutes.  (Added, Ord. 731, 3-22-04)

2) Violation of Title 700, Chapter 702, Section 702.01, Subdivision 14 of the City Code (Public Misconduct or Nuisance) or violation of laws relating to disorderly conduct as defined in Minnesota Statutes, Sections 609.72 and 609.74.  (Added, Ord. 731, 3-22-04)
(3) Violation of Title 500, Chapter 501, Section 501.02, Subdivision 1 and Section 501.02, Subdivision 2 of the City Code (General Liquor Provisions) or violation of laws relating to possession, sale, or consumption of liquor or alcoholic beverages. (Added, Ord. 731, 3-22-04)

(4) Violation of laws relating to gambling. (Added, Ord. 731, 3-22-04)

(5) Violation of Mounds View Ordinances or Minnesota Statutes relating to prostitution. (Added, Ord. 731, 3-22-04; Amended, Ord. 802, 2-25-08)

(6) Violation of Title 700, Chapter 702, Section 702.01, Subdivision 13b(2) of the City Code (Dangerous Weapons) or violation of laws relating to unlawful use or possession of a firearm. (Added, Ord. 731, 3-22-04; Amended, Ord. 802, 2-25-08)

(7) Violation of Minnesota Statutes, Section 609.705 (Unlawful Assembly). (Added, Ord. 731, 3-22-04)

(8) Violation of Minnesota Statutes, Section 609.71 (Riot) (Added, Ord. 731, 3-22-04; Amended, Ord. 802, 2-25-08)

(9) Violation of Minnesota Statutes, Section 609.713 (Terroristic Threat). (Added, Ord. 731, 3-22-04; Amended, Ord. 802, 2-25-08)

(10) Violation of Minnesota Statutes, Section 609.715 (Presence at Unlawful Assembly) (Added, Ord. 731, 3-22-04; Amended, Ord. 802, 2-25-08)

b. The Police Department and Community Development Department shall be responsible for enforcement and administration of this Subdivision. (Added, Ord. 731, 3-22-04)

c. Upon determination by the Police Department that a licensed premises was used in a disorderly manner, as described in Section 1012.05, Subdivision 1a, the Police Department shall cause notice to be made to the licensee of the violation and direct the licensee to take steps to prevent further violations. (Added, Ord. 731, 3-22-04; Amended, Ord. 802, 2-25-08)
d. If a second instance of disorderly use of the licensed premises occurs within three (3) months of an incident for which a notice in Subdivision 9c, was given, the Police Department shall notify the licensee of the violation and shall also require the licensee to submit a written report of the actions taken, and proposed to be taken, by the licensee to prevent further disorderly use of the premises. This written report shall be submitted to the Police Department within five (5) days of the receipt of the notice of disorderly use of the premises and shall detail all actions taken by the licensee in response to all notices of disorderly use of the premises within the preceding three (3) months. (Added, Ord. 731, 3-22-04)

e. If a third instance of disorderly use of the licensed premises occurs within three (3) months after any two (2) previous instances of disorderly use for which notices were given to the licensee pursuant to Section 1012.05, Subdivision 1, the license for the premises may be denied, revoked, suspended, or not renewed. Any action to deny, revoke, suspend, or not renew a license shall be initiated by the Police Department or Community Development Department who shall give to the licensee written notice of a hearing before the City Council to consider such denial, revocation, suspension or non-renewal. Such written notice shall specify all violations of this subdivision, and shall state the date, time, place and purpose of the hearing. The hearing shall be held no less than ten (10) days and no more than thirty (30) days after giving such notice. Following the hearing, the City Council may deny, revoke, suspend or decline to renew the license for all or any part or parts of the licensed premises or may grant a license upon such terms and conditions as it deems necessary to accomplish the purposes of this subdivision. (Added, Ord. 731, 3-22-04; Amended, Ord. 802, 2-25-08)

(1) For the purposes of this subdivision, second and third instances of disorderly use shall be those which occur at the same rental unit, involve tenants at the same rental unit, involve guests or invitees at the same rental unit, involve guests or invitees of the same tenant, or involve the same tenant. (Added, Ord. 731, 3-22-04)

f. A determination that the licensed premises has been used in a disorderly manner as described in Section 1012.05, Subdivision 1 shall be made upon substantial evidence to support such a determination. It shall not be necessary that criminal charges be brought in order to support a determination of disorderly use, nor shall the fact of dismissal or acquittal of such a criminal charge operate as a bar to adverse license action under this subdivision. (Added, Ord. 731, 3-22-04; Amended, Ord. 802, 2-25-08)
g. No adverse license action shall be imposed where the instance of disorderly use of the premises occurred during the pendency of an eviction action or within thirty (30) days of notice given by the licensee to a tenant to vacate the premises where the disorderly use was related to conduct by that tenant or by occupants or guests of the tenants unit.

(1) Exceptions: Eviction proceedings do not preclude license suspension or revocation unless the eviction proceedings are being diligently pursued by the licensee. Further, an action to deny, revoke, suspend or not renew a license based upon violations of this subdivision may be postponed or discontinued by the City at any time if it appears that the licensee has taken appropriate measures that will prevent further instances of disorderly use. (Added, Ord. 731, 3-22-04; Amended, Ord. 802, 2-25-08)

h. All notices given by the City under this Subdivision shall be personally served on the licensee, sent by certified mail to the licensee’s last known address or, if the last known address is unknown or personal service is ineffective, by posting on a conspicuous place on the licensed premises. (Added, Ord. 731, 3-22-04; Ord. 802, 2-25-08)

i. Enforcement actions provided in this Subdivision shall not be exclusive, and the City Council may take any action with respect to a licensee, a tenant, or the licensed premises as is authorized by the City Code, state or federal law. (Added, Ord. 731, 3-22-04)

Subd. 2. License Suspension, Revocation, Denial and Non-renewal: The City Council may suspend, revoke, deny, or not renew any license issued under this Chapter upon any of the following grounds: (Added, Ord. 731, 3-22-04; Amended, Ord. 802, 2-25-08)

a. False statements on any application or other information or report required by this Chapter and supplied by the applicant or licensee. (Added, Ord. 731, 3-22-04; Amended, Ord. 802, 2-25-08)

b. Failure to pay any license, fee, penalty, reinspection or reinstatement fee required by this Chapter and City Council resolution. (Added, Ord. 731, 3-22-04; Amended, Ord. 802, 2-25-08)

c. Failure to correct deficiencies noted in a notice of violation, issued pursuant to Chapter 1005 of this Code, within the time specified in the notice. (Added, Ord. 731, 3-22-04)

d. Any other violation of this Chapter. (Added, Ord. 731, 3-22-04; Amended, Ord. 802, 2-25-08)
e. A decision to suspend, revoke, deny or not renew a license shall be preceded by written notice to the applicant or licensee of the alleged grounds therefore and the applicant or licensee will be given the opportunity for a hearing before the City Council before final action to suspend, revoke, deny, or not renew a license. The Council shall give due regard to the frequency and seriousness of violations, the ease with which such violations could have been remedied or avoided, and good faith efforts to comply and shall issue a decision to suspend, revoke, deny or not renew a license only upon written findings. (Added, Ord. 731, 3-22-04)

f. The City Council may suspend, revoke, deny or not renew a license for part or all of a rental dwelling. (Added, Ord. 731, 3-22-04; Amended, Ord. 802, 2-25-08)

g. Upon decision to suspend, revoke, deny or not renew a license, no new application for the same facility will be accepted for a period specified in the Council’s written decision, not exceeding one (1) year. Such new applications must be accompanied by a reinstatement fee, as established by City Council resolution, in addition to all other fees required by this Chapter. (Added, Ord. 731, 3-22-04)

h. A written decision to suspend, revoke, deny or not renew a license or application shall specify the part or parts of the facility to which it applies. Thereafter, and until a license is reissued or reinstated, no rental units becoming vacant in such part or parts of the facility may be relet or occupied. Suspension, revocation, denial or non-renewal of a license shall not excuse the owner from compliance with all terms of this Chapter for as long as any units in the facility are occupied. Failure to comply with all terms of this Chapter during the term of such suspension, revocation, denial or non-renewal is a misdemeanor and grounds for extension of the term of such suspension, revocation, denial or continuation of non-renewal, or for a decision not to reinstate the license, notwithstanding any limitations of the period of suspension, revocation, denial or non-renewal specified in the City Council’s written decision. (Added, Ord. 731, 3-22-04)
1012.06: **INSPECTIONS:** (Amended, Ord. 802, 2-25-08)

Subd. 1. Inspections: The Enforcement Officer shall be authorized to make or cause to be made inspections to determine the condition of licensed premises in order to safeguard the health, safety, morals and welfare of the public. The Enforcement Officer, or authorized representatives, shall be authorized to enter any licensed premises at any reasonable time for the purpose of performing the officer’s duties under this Chapter. The owner, operator or the local agent of the licensed premises shall give the Enforcement Officer free access to such licensed premises at all reasonable times for the purpose of such inspection, examination and survey. If the owner, operator or person in charge thereof shall refuse to consent to the inspection, the license may be suspended, revoked, denied or non-renewed pursuant to Section 1012.05, Subdivision 2 of this Chapter. If the occupant refuses to consent to the inspection, a search warrant may be obtained where there is probable cause to believe that a violation exists within the particular structure. No warrant is needed for entry where an emergency condition exists which endangers persons or property and insufficient time is available to obtain a warrant and protect such endangered persons or property. (Added, Ord. 731, 3-22-04; Amended, Ord. 802, 2-25-08)

1012.07: **ROOMING HOUSES:** No person shall own or operate a rooming house or shall occupy or let to another for occupancy any rooming unit in any rooming house, except in compliance with the provisions of every subdivision of this Section. (Added, Ord. 802, 2-25-08)

Subd. 1. Water Closet, Hand Lavatory and Bath Facilities: (Added, Ord. 802, 2-25-08)

   a. At least one (1) water closet, lavatory basin and bathtub or shower shall be supplied for each two (2) rooming units within a rooming house, wherever said facilities are shared. (Added, Ord. 802, 2-25-08)

   b. Every water closet, lavatory basin and bathtub or shower required by Subdivision 1a shall be located within the rooming house and within rooms which afford privacy and are separate from the habitable rooms and are accessible from a common hall without going outside the rooming house structure. (Added, Ord. 802, 2-25-08)

Subd. 2. Shades, Drapes, Etc: Every window of every rooming unit shall be supplied with shades, drawn drapes or other devices or materials which, when properly installed and used afford privacy to the occupant of the rooming unit. (Added, Ord. 802, 2-25-08)

Subd. 3. Sanitary Maintenance: The owner of every rooming house shall be responsible for the sanitary maintenance of all walls, floors, and ceiling in common areas. (Added, Ord. 02, 2-25-08)

City of Mounds View
1012.08: **VIOLATION AND PENALTIES:** (Amended, Ord. 802, 2-25-08)

Subd. 1. Violation and Penalties: Any violation of any provision of this Chapter shall constitute a misdemeanor. Each day the rental dwelling or premise is in violation of this Chapter shall be deemed a separate offense. In addition to the punishment specified in this subdivision, the City may enforce this Code by an appropriate form of civil action and may enjoin violation of this Chapter and compel obedience thereto by mandatory orders and writs that cause the premises to be vacated, if occupied in violation thereof, and to remain vacant until the court shall find that the violation has ceased, and for these purposes, any court of competent jurisdiction may render, enter, make and issue any and every appropriate judgment, decree, writ and order and cause the same to be executed. (Added, Ord. 731, 3-22-04; Amended, Ord. 802, 2-25-08)