

**CITY OF LEXINGTON  
WORKSHOP AGENDA  
Thursday, October 20, 2022  
Immediately following Council meeting  
City Hall**

1. **Call to Order:** Mayor Murphy
2. **Roll Call:** DeVries – Harris – Winge - Benson

3. **Discussion Items:**

- A. Discuss
  - Business Regulation and Licensing

**pp. 1-19**

4. **Staff Input**
5. **Council Input**
6. **Adjourn**



# City of Lexington

9180 LEXINGTON AVENUE • LEXINGTON, MINNESOTA 55014 • (763) 784-2792 • FAX (763)785-8951

May 24, 2022

Dear Business Owner:

We appreciate you choosing the City of Lexington for your business. Obtaining a business license in Lexington is a simple process and City staff is ready to assist you. Business licenses will be issued once all completed forms are submitted to the City, City Council approvals are complete, and fees are paid.

**By City ordinance, your business license will NOT be approved until all related documents and fees are received and complete. Applications for business licenses must be submitted for approval by City Council by 12:00 Noon on June 9, 2022 before any business can be conducted (the application must be approved at the June 16th Council meeting).**

In order to be approved for a Business License in the City of Lexington, you must return the following COMPLETED forms/items:

- Business License Application
- Appropriate license fee
- MN Business Tax Identification Number /Social Security Number form (must provide at least one of these)
- Certification of Compliance MN Workers Compensation Law
- Public liability insurance certificate **listing the “City of Lexington” as loss payee** with liability limits of \$100,000.00 per persons, \$300,000.00 per accident for bodily injury, and \$100,000.00 for property damage
- 1st Response Building Information
- Annual fire sprinkler system inspection record (if applicable)
- General Authorization and Release form (if applicable)

**Please note that any incomplete forms will be not be accepted and will be returned to you. You will not be allowed to conduct business in the City of Lexington without an approved business license.**

Please feel free to contact me if you have any questions or need assistance. Thank you for your cooperation and have a prosperous year!

Sincerely,

Mary Vinzant  
Deputy City Clerk  
City of Lexington  
9180 Lexington Avenue  
Lexington, MN, 55014  
[mary.vinzant@cityoflexingtonmn.org](mailto:mary.vinzant@cityoflexingtonmn.org)



9180 Lexington Avenue  
 Lexington, MN 55014  
 Phone: (763) 784-2792  
 Fax: (763) 785-8951  
 www.ci.lexington.mn.us

**BUSINESS LICENSE APPLICATION**  
 9180 Lexington Avenue • Lexington, MN • 55014 Phone  
 (763) 784-2792 Fax (763) 785-8951

License Application for (please check all that apply):

- Amusement Devices \$15.00
- Commercial Business \$100.00
- Fireworks-Commercial \$350.00
- Fireworks-Retail \$100.00
- New/Used Car Sales \$500.00
- Tobacco Sales \$100.00
- Vending Machines \$150.00 (Each)
- Temporary Business \$75.00/mo. (Five Month Max.)
- Background Check \$100.00 (New Licensees Only)

CHECK ONE: NEW BUSINESS  RENEWAL

\*THE COMPLETED APPLICATION FOR RENEWAL MUST BE RECEIVED ON OR BEFORE 12:00 NOON ON THE 2nd THURSDAY IN JUNE (FOR APPROVAL AT THE 2ND JUNE COUNCIL MEETING). AN INCOMPLETE APPLICATION OR ANY PART THEREOF RECEIVED ON OR AFTER JULY 1 WILL INCURR A \$50.00 LATE FEE FOR EXPEDITED PROCESSING. Applications received on or after August 1st will incur a \$100.00 fee for expedited processing. \*See cover letter.

TOTAL FEE ENCLOSED \$ \_\_\_\_\_ Non-Profit Organization (exempt from fee)?

BUSINESS NAME: \_\_\_\_\_

BUSINESS ADDRESS: \_\_\_\_\_

BUSINESS PHONE: \_\_\_\_\_

TYPE OF BUSINESS: \_\_\_\_\_

APPLICANT NAME: \_\_\_\_\_

APPLICANT ADDRESS: \_\_\_\_\_

APPLICANT PHONE: \_\_\_\_\_

APPLICANT EMAIL: \_\_\_\_\_

EMAIL/WEBSITE: \_\_\_\_\_

**THE UNDERSIGNED APPLICANT MAKES THIS APPLICATION PURSUANT TO ALL THE LAWS OF THE CITY OF LEXINGTON, ANOKA COUNTY, STATE OF MINNESOTA AND SUCH RULES AND REGULATIONS AS THE CITY COUNCIL OF THE CITY OF LEXINGTON MAY FROM TIME TO TIME PRESCRIBE.**

Applicant's Signature \_\_\_\_\_ Date \_\_\_\_\_

**NOTE: License Expires June 30th of Each Year**

\*\*\*\*\*OFFICE USE ONLY\*\*\*\*\*

Lic. #: \_\_\_\_\_ Date Rec'd: \_\_\_\_\_ Amt. Pd.: \_\_\_\_\_ Late Fee Pd.: \_\_\_\_\_

Bkgd Chk \_\_\_P\_\_\_F\_\_\_ FD Insp.: \_\_\_\_\_ BO Insp.: \_\_\_\_\_ Council Appr.: \_\_\_\_\_

**MINNESOTA BUSINESS TAX IDENTIFICATION NUMBER  
AND  
SOCIAL SECURITY NUMBER**

Pursuant to Laws of Minnesota, 1984, Chapter 502, Article 8, Section 2 (270.72) (Tax Clearance; Issuance of Licenses), the licensing authority is required to provide to the Minnesota Commissioner of Revenue your Minnesota business tax identification number and the Social Security number of each license applicant.

Under the Minnesota Government Data Practices Act and the Federal Privacy Act of 1974, we are required to advise you of the following regarding the use of this information:

1. This information may be used to deny the issuance of renewal of your license in the event you owe Minnesota sales, employers withholding or motor vehicle excise taxes:

2. Upon receiving this information, the licensing authority will supply it only to the Minnesota Department of Revenue. However, under the Federal exchange of Information Agreement the Department of Revenue may supply this information to the Internal Revenue Service.

3. **FAILURE TO SUPPLY THIS INFORMATION MAY JEOPARDIZE OR DELAY THE PROCESSING OF YOUR LICENSE ISSUANCE OR RENEWAL APPLICATION.**

Please supply the following information and return along with your application to the licensing authority.

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<b>Applicant's Last Name</b>	<b>First Name</b>	<b>Middle Initial</b>
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**Applicant's Address**

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<b>Applicant's Social Security Number</b>	<b>Position (Officer, Partner, etc.)</b>
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**Business Name**

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<b>Business Address</b>	<b>City</b>	<b>State</b>	<b>Zip Code</b>
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**\*Minnesota Tax Identification Number**  **MN Tax ID Number NOT Required**

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**Signature**

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**Date**

\*If a Minnesota Tax ID Number is not required for the business being operated, indicate that by placing an X in the box.

**CERTIFICATION OF COMPLIANCE  
MINNESOTA WORKER'S COMPENSATION LAW**

Minnesota Statute, Section 176.182 requires every state and local licensing agency to withhold the issuance or renewal of a license or permit to operate a business or engage in an activity in Minnesota until the applicant presents acceptable evidence of compliance with the workers' compensation insurance coverage requirement of Chapter 176. The information required is: the name of the insurance company, the policy number, and dates of coverage or the permit to self-insure. This information will be collected by the licensing agency and retained in their files.

Law requires this information, and licenses and permits to operate a business may not be issued or renewed if it is not provided and/or is falsely reported. Furthermore, if this information is not provided or falsely stated it may result in a \$2,000 penalty assessed against the applicant by the Commissioner of the Department of Labor and Industry.

Insurance Company Name: \_\_\_\_\_  
(NOT the insurance agent)

Policy Number: \_\_\_\_\_

Dates of Coverage: \_\_\_\_\_ to \_\_\_\_\_

or

I am not required to have workers' compensation liability coverage because:

- I have no employees
- I am self-insured (include permit to self-insure)
- I have no employees who are covered by the workers' compensation law (these include: Spouse, Parents, Children and Certain Farm Employees)

I certify that the information provided above is accurate and complete and that valid workers' compensation policy will be kept in effect at all times as required by law.

Name: \_\_\_\_\_  
(Last, First, Middle)

Doing Business As: \_\_\_\_\_  
(Business Name)

Business Address: \_\_\_\_\_

City, State, Zip: \_\_\_\_\_ Phone: \_\_\_\_\_

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

**MINNESOTA STATUTE  
176.182 BUSINESS LICENSES OR PERMITS  
COVERAGE REQUIRED.**

**Every state or local licensing agency shall withhold the issuance or renewal of a license or permit to operate a business in Minnesota until the applicant presents acceptable evidence of compliance with the workers' compensation insurance coverage requirement of section 176.181, subdivision 2, by providing the name of the insurance company, the policy number, and dates of coverage or the permit to self-insure. The commissioner shall assess a penalty to the employer of \$2,000 payable to the assigned risk safety account, if the information is not reported or is falsely reported.**

**Neither the state nor any governmental subdivision of the state shall enter into any contract for the doing of any public work before receiving from all other contracting parties acceptable evidence of compliance with the workers' compensation insurance coverage requirement of section 176.181, subdivision 2.**

**This section shall not be construed to create any liability on the part of the state or any governmental subdivision to pay workers' compensation benefits or to indemnify the special compensation fund, an employer, or insurer who pays workers' compensation benefits.**

HIST: 1981 c 346 s 94; 1983 c 290 s 114; 1987 c 332 c 332 s 47; 1992 c 510 art 3 s 19; 1995 c 231 art 2 s 72

**MANDATORY**<sup>1<sup>st</sup></sup> Response Building Information (Please print)

Business Name: \_\_\_\_\_

Type of Business: \_\_\_\_\_

Address: \_\_\_\_\_

Business Phone: \_\_\_\_\_

Primary Contact

Name: \_\_\_\_\_ Phone: \_\_\_\_\_

Cell: \_\_\_\_\_

Emergency Contact / Key Holder

Name: \_\_\_\_\_ Phone: \_\_\_\_\_

Cell: \_\_\_\_\_

Please sketch building layout showing entrance and exit doors, utility shut offs and storage/office locations.

Please check any chemicals stored on premises of 5 gallons or more:

<input type="checkbox"/> Acids	<input type="checkbox"/> Cleaning Fluids	<input type="checkbox"/> Solvents
<input type="checkbox"/> Petroleum Products	<input type="checkbox"/> Paint Products	<input type="checkbox"/> Other

Do you have any compressed air / LP gas / oxygen / other cylinders on site?  Y  N

Do you have a fire sprinkler system (must provide proof of yearly inspection)?  Y  N

Completed by: \_\_\_\_\_ Date: \_\_\_\_\_



**CITY OF LEXINGTON**  
**GENERAL AUTHORIZATION AND RELEASE**  
Pursuant to MN Statute 13.05, Subd. 4  
Minnesota Data Practices Act

To: City of Lexington

I, \_\_\_\_\_, hereby authorize and grant my informed consent to permit you, BCA; FBI; NCIC; Department of Motor Vehicles; City Attorney and/or Centennial Lakes Police Department to release to and make available to the of City of Lexington, their agents or representatives, data classified as private which concerns me and which may be in your possession. The data which I authorize to be released consists of private data, as defined by Minn. Statute 13.02, Subd. 12, and has been collected by you as a result of my contacts and/or associations with you and/or your agents and representatives. The information for which release is authorized includes all data, which has been collected, created, received, retained or disseminated in whatever form, which in any way relates to my dealings with you or your agency. I understand that the purpose of permitting the City Attorney and/or Centennial Lakes Police Department to have access to this information is to determine my suitability for my business establishment to have a business license with the City of Lexington.

This authorization shall be valid for a period of one (1) year, but I reserve the right to, at any time prior to that expiration, cancel the written authorization by providing written notice to the City of Lexington or to you of that fact.

Please Print:

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First Name	Middle Name	Last Name
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Current Address	City/State/Zip
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Driver's License Number	Date of Birth
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Business Name	Address	City/State/Zip
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Signature	Date
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## **BUSINESS LICENSE APPLICATION CHECKLIST**

- Business License Application
- MN Business Tax Identification Number and Social Security Number Form
- Certification of Compliance MN Workers Compensation Law
- Public liability insurance certificate of \$100,000.00 per persons, \$300,000.00 per accident for bodily injury, and \$100,000.00 for property damage.
- 1st Response Building Information
- Copy of 1st Response Building Information to FD
- Appropriate License Fee(s)
- Annual fire sprinkler system inspection record (if applicable)
- Add Website
- Other:

## **BUSINESS LICENSE APPLICATION CHECKLIST**

- Business License Application
- MN Business Tax Identification Number and Social Security Number Form
- Certification of Compliance MN Workers Compensation Law
- Public liability insurance certificate of \$100,000.00 per persons, \$300,000.00 per accident for bodily injury, and \$100,000.00 for property damage.
- 1st Response Building Information
- Copy of 1st Response Building Information to FD
- Appropriate License Fee(s)
- Annual fire sprinkler system inspection record (if applicable)
- Add Website
- Other:

## CHAPTER 6

### OTHER BUSINESS REGULATION AND LICENSING

**SECTION 6.01. DEFINITIONS.** As used in this Chapter, the following words and terms shall have the meanings stated:

- A. **“Applicant”** - means any person making an application for a license under this chapter.
- B. **“Application”** - means a form with blanks or spaces thereon, to be filled in and completed by the applicant as his/her request for a license, furnished by the City and uniformly required as a prerequisite to the consideration of the issuance of a license for a business.
- C. **“Bond”** - means a corporate surety document in the form and with the provisions acceptable and specifically approved by the City Attorney.
- D. **“Business”** - means any activity, occupation, sale of goods or services, or transaction that is either licensed or regulated, or both, licensed and regulated, by the terms and conditions of this Chapter.
- E. **“License”** - means a document issued by the City to an applicant permitting him/her to carry on and transact a business.
- F. **“Licensee”** - means an applicant who, pursuant to his/her application, holds a valid, current, unexpired and unrevoked license from the City for carrying on a business.
- G. **“License Fee”** - means the money paid to the City pursuant to an application and prior to issuance of a license to transact and carry on a business.
- H. **“Sale”, “Sell” and “Sold”** - means all forms of barter and all manner or means of furnishing merchandise to persons.

### **SECTION 6.02. LICENSE APPLICATIONS – PROCEDURE AND ADMINISTRATION.**

**Subd. 1. General Application Requirements.** All activities licensed by the City are subject to the application process and requirements set forth in this Section, and as supplemented by other Sections of this Code or as otherwise required by law. All applications shall be made at the office of the City Clerk upon forms prescribed by the City, or if by the State of Minnesota, then together with such additional information as the Council may desire. Information required may vary with the type of business organization or person making application. All questions asked or information required by during the application process shall be answered fully and

truthfully by the applicant. The Council has determined that a comprehensive background investigation is necessary for of each applicant. Such an investigation must be performed during the initial application process and may be performed anytime during the pendency or renewal of a license. A licensee shall allow the City to examine its records or other data in its possession or control in order to verify or investigate owners of a business or other information related to licensure. Each person or business named in or as part of this application shall execute a written authorization allowing the city and/or the Chief of Police to verify all information disclosed as part of the application.

**Subd. 2. False Statements.** It is unlawful for any applicant to make a false statement or willful omission in any application form or document, or to any inquiry or assertion made during the application process. A license application or license is rendered void at the moment such false statement or willful omission is made, whether or not it is discovered by the City. A voided license application or licensee's not cured by a subsequent grant of license renewal or amendment by the City, nor does it protect the applicant or licensee from prosecution or civil penalties for violation of law or operating without a valid license. Upon discovery of such false statement or willful omission a license application or license is revoked effective immediately upon notice to the applicant or licensee.

**Subd. 3. Fees.**

- A. Application Fees. At the time of the initial application or license renewal, an applicant for each license type set forth in this Code shall pay the City a separate application fee as established by the Council.
- B. Investigation Fees. A the time of an initial application, license renewal or at any time during the pendency of a license the City may conduct a background investigation of each applicant. The applicant shall pay an investigation fee as established by Council. Should the City's investigation costs exceed the scheduled fee, the applicant shall reimburse the City for its actual costs to conduct the background investigation. During initial and renewal applications this fee is due before an application will be processed by the City.

**Subd. 4. License Action.**

- A. Granting. All licenses shall be issued on an annual basis as specified by each license type. The Council may approve a license application for a remaining period of the annual license year or for the entire ensuing license year. Prior to consideration of any application for a license, the applicant shall pay the license fee, and if applicable, pay the investigation fee.
- B. Issuing. If an application is approved, the City Clerk shall forthwith issue a license pursuant thereto in the form prescribed by the City or the property

agency of the State of Minnesota, as the case may be. For licenses issued and which are to become effective other than on the first day of the license year, the fee to be paid with the application shall be valid only at one location and on the premises therein described.

- C. Refundment. Fees are paid in full and not subject to a refund unless otherwise specified by statute. A quarterly pro-rata share of an annual license fee shall be paid for any license approved for a period of less than one year.
- D. Transfer. No license shall be transferable between persons without prior consent of the Council and payment of the investigation fee. No license shall be transferable to a different location without prior consent of the Council and payment of the fee for a duplicate license or other costs related to investigation of the transfer.
- E. Refusal and Termination. The Council may, in its sole discretion and for any reasonable cause, refuse to grant any application. The City shall only terminate a license by expiration or revocation. A licensee may terminate a license by failure to adhere to lawful requirements or by voluntary cancellation.
- F. Fine, Suspension or Revocation. The Council may, in its sole discretion and for any reasonable cause, proscribe a civil penalty not to exceed \$2,000.00 or suspend for a period not to exceed sixty days, any license granted under the provisions of this chapter. The Council may, in its sole discretion and for any reasonable cause, revoke any license granted under the provisions of this chapter. These penalties are independent from any criminal prosecution.
- G. Right to Hearing. No civil fine, suspension or revocation shall take effect until the licensee has afforded an opportunity for a hearing before the Council, a committee of the Council, or a hearing examiner, or as may be determined by the Council in action calling the hearing. Such hearing shall be called by the Council upon written notice to the licensee served in person or by certified mail not less than fifteen days prior to the hearing date, stating the time, place and purpose thereof.

**Subd. 5. Business Applicants & Licensees.**

- A. Business Ownership. An application for a license to be used by a business entity shall disclose all owners which have a beneficial interest in the business. It is presumed that any entity owning 5% or more of the business owns a beneficial interest. A business applicant must furnish the City with a list of all entities which own a beneficial interest and describe the extent of such interest. The list shall name all such owners, show the number of shares or percentage of ownership held by each, either individually or beneficially for others.

B. **Report Change of Ownership.** It is the duty of each business licensee to notify the Clerk of any change in legal ownership, beneficial interest or voting control in such corporation. Such notification is required for any corporation, partnership, limited liability corporation, trust, sole proprietorship, or any other form of business ownership. A transfer of stock or ownership of a beneficial interest of a business holding a license is deemed a transfer of the license, and transfer without prior approval of the City Council renders the license void. An application to transfer a license shall be provided to the City Clerk at least 90 days prior to the proposed transfer and shall be treated the same as an application for a new license. A transfer of ownership or beneficial interest in the type of shares entitled to vote at a meeting of the shareholders of a corporate licensee, which results in the change of voting control of the corporation by the persons owning the share(s) therein, shall be deemed equivalent to a transfer of the license issued to the corporation, and any such license shall be revoked thirty days after any such change in ownership or beneficial interest of shares unless the Council has been notified of the change in writing and has approved under the same standards as an application for a new license.

**Subd. 6. Duplicate Licenses.** Duplicates of all original licenses under this Chapter may be issued by the Clerk without action by the Council, upon licensee's affidavit that the original has been lost, and upon payment of a fee as established by the Council for issuance of the duplicate. All duplicate licenses shall be clearly marked DUPLICATE.

**Subd. 7. Posting.** All licensees shall conspicuously post their licenses in their places of business. If the licensee does not have a place of business the licensee shall conspicuously display the license on or about their person.

**Subd. 8. Agent.** Before a license is issued to an individual or to any business, corporation, partnership, or association, the applicant or applicants shall appoint in writing a natural person as its manager or agent. Such resident manager or agent shall, by the terms of his/her written consent, (1) take full responsibility for the conduct of the licensed premises, and, (2) serve as agent for service of the notices and other process relating to the license. Such manager or agent must be a person who, by reason of age, character, reputation, and other attributes, could qualify individually as a licensee.

**Subd. 9. Persons Disqualified.** No license may be issued, transferred, or renewed if the results of any investigation show, to the satisfaction of the Council, that such issuance, transfer, or renewal would not be in the public interest. It is presumed that is not in the public interest to issue a license to any person or any establishment owned (in whole or in part) to a disqualified person. The criteria of qualified and disqualified persons will vary depending on the type of license, and the Council shall set forth such criteria as it shall deem appropriate.

**Subd. 10. Delinquent Taxes and Charges.** Any license issued by the City is voided whenever taxes, assessments, or other financial responsibilities to the City or other government institution are delinquent or unpaid, either in whole, in part, or by failure to pay an installment by the licensee or related to a licensed premises.

***SECTION 6.03, INCLUSIVE, RESERVED FOR FUTURE EXPANSION.***

***SECTION 6.04. FIXING LICENSE FEES.*** Except as otherwise herein provided, all fees for licenses, late fee penalties, and investigation of applicants under this Chapter shall be fixed and determined by the Council, adopted by resolution, and uniformly enforced. Such license fees may, from time-to-time, be amended by the Council by resolution. A copy of the resolution setting forth currently effective license fees shall be kept on file in the office of the Clerk, and open to inspection during regular business hours. For the purpose of fixing such fees, the Council may subdivide and categorize licenses under a specific license requirement, provided, that any such subdivision or categorization shall be included in the resolution authorized by this Section.

***SECTION 6.05. CARRYING OR POSTING.*** All solicitors shall at all times when so engaged, carry their license on their person. All other licensees shall post their licenses in their place of business near the licensed activity. Provided, however, that in the case of machine or other device licensing, the City may provide a sticker for the current license year which shall be affixed to each machine or device requiring such sticker. All licensees shall display their licenses upon demand by any officer or citizen.

***SECTION 6.06. PENALTY FOR PROPERTY OWNER.*** It is unlawful for any person to knowingly permit any real property owned or controlled by him/her to be used, without a license, for any business for which a license is required by this Chapter.

***SECTION 6.07. RESPONSIBILITY OF LICENSEE.*** The conduct of agents or employees of a licensee, while engaged in performance of their duties for their principal or employer under such license, shall be deemed the conduct of the licensee.

***SECTION 6.08. CONDITIONAL LICENSES.*** Notwithstanding any provision of law to the contrary, the Council may, upon a finding of the necessity therefore, place such conditions and restrictions upon a license as it, in its discretion, may deem reasonable and justified.

***SECTION 6.09. RENEWAL OF LICENSES.*** Applications for renewal of all licenses shall be made at least 90 days prior to the date of expiration of the license, and shall contain such information as is required by the City. This time requirement may be waived by the Council for good and sufficient cause. The decision whether

or not to renew a license rest within the sole discretion of the Council. No licensee has a right to have a renewed license.

**SECTION 6.10. INSURANCE REQUIREMENTS.** Whenever insurance is required by a Section of this Chapter, after approval by the Council, but before the license shall issue, the applicant shall file with the Clerk a policy or certificate of public liability insurance showing (1) that the limits are at least as high as required, (2) that coverage is effective for at least the license term approved, and (3) that such insurance will not be cancelled or terminated without thirty days' written notice served upon the Clerk. Cancellation or termination of such coverage shall be grounds for license revocation.

**SECTION 6.11. LICENSE DENIAL AND FIXING RATES – HEARING.**

**Subd. 1. Right to Deny.** The Council reserves to itself the right to deny any application for a license to operate any business licensed or regulated under this Chapter where such business involves service to the public, rates charged for service, use of public streets or other public property by the applicant or the public, or the public health, safety and convenience. The Council may also consider the location of such business in making such determination. Provided, however, that before making such determination, the Council shall hold a public hearing thereon pursuant to such notice to interested parties and the public as it may deem necessary or proper in action calling for such hearing.

**Subd. 2. Rates.** Where, under specific provisions of this Chapter, the Council has reserved to itself the right to fix or approve fees, rates or charges of a licensed or regulated business, such rates shall be uniform for each category or class of service, and no licensee or proprietor of a regulated business shall claim or demand payment in excess thereof.

**Subd. 3. Hearing.** Any applicant or licensee under this Chapter who challenges denial of a license or rates fixed or approved by the Council shall have a right to a hearing before the Council upon written request therefore. Notice of time, place and purpose of such hearing shall be given to such persons and by such means as the Council may determine in calling the hearing.

**SECTIONS 6.12 THROUGH 6.29, INCLUSIVE, RESERVED FOR FUTURE EXPANSION.**

**SECTION 6.30. AMUSEMENT DEVICES.**

**Subd. 1. Definitions.** The following terms, as used in this Section, shall have the meanings stated:

- A. **“Game of Skill”** - Any device excepting pool and billiard tables, bowling alleys and shooting lanes, but including miniatures thereof, played by



# CHAPTER 11

## ZONING REGULATIONS

**Subd. 24. Signs.** The purpose of this Subdivision is to provide for necessary visual communication and to preserve and promote a pleasant physical environment on the streets and highways within the City, by regulating the type, number, structure, size, height, type of illumination, and the erection and maintenance of all outdoor signs and sign structures within the City.

### A. Non-Conforming Signs.

1) Temporary signs shall be permitted only to identify special, unique, or limited activities, services, products or sales of limited duration. A temporary sign shall not exceed thirty-two (32) square feet in gross surface area for each exposed face, nor exceed an aggregate gross surface area of sixty-four (64) square feet. A temporary sign shall be located only upon the lot(s) upon which the unique, special, or limited activities, services, or sales are to occur. Such signs may be located within required front, rear or side yards, but shall not extend over any lot line nor within fifteen (15) of any point of vehicular access to a public roadway. The temporary sign shall not project higher than eight (8) feet as measured from the base of the sign or the grade of the nearest adjacent roadway, whichever is higher. Permits are to be allowed for 30 day increments four (4) times per calendar year with a minimum 30 day waiting period between each increment. Permits can be issued for smaller increments of time each with a minimum 30 day waiting period between each increment for up to a maximum of 120 days per calendar year. Such temporary sign shall be removed within three (3) days of the termination of the advertised activity, service, product, or sale.

2) Other signs existing on the effective date of this Chapter and not conforming to its provisions, but which conform to previous laws, shall be regarded as nonconforming signs, which may be continued if properly repaired and maintained as provided in this Chapter, and if in conformance with other City Code provisions. If said signs are not so continued, they shall be removed in accordance with Section 11.10, Subd. 5.

3) All non-conforming signs which are structurally altered, relocated, or replaced shall comply immediately with all provisions of this Chapter.

### B. Prohibited Signs.

1) Signs that, by reason of position, shape or color would interfere with the proper function of a traffic sign or signal.

2) Signs within a public right-of-way or easement, except for signs installed by governmental subdivisions.

3) Signs that resemble any official marker erected by a governmental agency or that display such words as "Stop" or "Danger" which are not erected by legal authority.

4) Signs or sign structures that obstruct any window, door, fire escape, stairway or opening intended to provide ingress or egress for any building structure. With reference to commercial districts, signs painted on the inside glass portion of windows or doors are permitted.

5) Sign posters that are tacked or posted on trees, fences, utility posts, or other such supports.

- 6) Billboards.
- 7) All other signs not expressly permitted by this Chapter.
- 8) Projecting signs.

C. Permitted Signs. General requirements and standards for permitted signs:

- 1) Where a sign is illuminated, the beam of light shall not shine directly upon any part of a residence or into the street.
- 2) No sign shall extend more than two (2) feet above the eave or parapet of the building to which it is mounted.
- 3) No part of any permanent freestanding sign shall be closer than five (5) feet from the side lot line.
- 4) No part of any sign shall project over or beyond the property line of the property upon which the sign is located.
- 5) The supporting columns of a freestanding sign, exceeding sixteen (16) square feet in area, shall not materially impede vision between a height of two and one-half (2 1/2) and seven and one-half (7 1/2) feet above the center line grade of a street. Such a freestanding sign shall be set back ten (10) feet or more from the street right-of-way line. Freestanding signs located within twenty-five (25) feet of intersecting streets shall have a minimum vertical clearance of ten (10) feet above the center line grade of the intersecting streets.
- 6) When electrical signs are installed, their installation shall be subject to inspection by the State Board of Electricity.
- 7) Canopies and marquees shall be considered to be an integral part of the structure to which they are attached. If signs are attached to a canopy or marquee, the canopy or marquee shall be considered a part of the wall area used.

D. Permitted Signs - No Permit Required.

- 1) Identification signs for one and two family dwellings, provided that such signs are less than two (2) square feet in area.
- 2) Pedestrian, vehicular-traffic, and parking directional signs in parking lots, provided such signs are less than six (6) square feet in area.
- 3) Traffic control signs, non-commercial governmental signs, local notices, and temporary non-advertising safety or emergency signs.
- 4) Signs denoting the architect, engineer, contractor, or owner, when placed upon a worksite, which do not exceed an aggregate of forty-eight (48) square feet in area. Such signs must be removed ten (10) days after completion of construction.
- 5) Copy of message changing on a printed or painted sign, which is a permitted sign.
- 6) Political Campaign Signs. Signs designating candidates seeking political office and other data pertinent thereto shall be permitted, provided that the property owner's permission has been obtained, as follows: A maximum of nine (9) square feet for each premise in a residential zone and a maximum area of thirty-two (32) square feet in a

commercial or industrial zone. These signs shall be located on private property and shall not be less than thirty (30) feet from the nearest curb line intersection of any street or road. These signs may be displayed thirty (30) days prior and five (5) days after the election for which they are intended. In a state general election year (even years), this ordinance is overruled by Minnesota Statute 211B.045 (as may be amended) from 46 days before the primary until 10 days after the general election, and campaign signs may be posted in any size and number.

- 7) Signs or posters painted on or attached to the inside of a display window.
- 8) Flags, badges, or insignia of any government or governmental agency, or of any civic, religious, fraternal or similar organizations.
- 9) Emergency signs required by other governmental agencies.
- 10) Temporary displays which are erected to celebrate commemorate or observe a civil or religious holiday.
- 11) Real Estate Signs, as follows:
  - (a) Temporary signs for the purpose of selling or leasing individual lots or buildings provided that such signs are less than ten (10) square feet for residential property and thirty-two (32) square feet for other property and provided that only one sign is permitted for each property. The signs must be removed within ten (10) days following the least or sale.
  - (b) One sign per building for the purpose of leasing dwelling units in buildings containing two or more units provided such signs are limited to five (5) square feet in area.

#### E. Permitted Signs - Permit Required.

- 1) Commercial Business Districts.
- 2) Wall Signs and Roof Signs. Each establishment or enterprise may have wall signs and projecting signs on each wall, provided the aggregate area of such signs does not exceed thirty percent (30%) of the area of the wall supporting the signs.
- 3) Marquee Signs. Signs may be placed on the vertical faces of a marquee or may project below the lower side of a marquee not more than twenty-four (24) inches. The bottom of a sign placed on a marquee shall be no less than eight (8) feet above the sidewalk or grade at any point. No part of the sign shall project above the top of the vertical faces of a marquee. The signs shall not be permitted on a marquee which project over any public right-of-way, except that a variance may be granted for theater marquees by the Council.
- 4) Each establishment or enterprise eligible for a freestanding sign may instead elect to have a roof sign for identification, instead of a freestanding identification sign, provided that the sign does not extend more than ten (10) feet above the roof line, or more than thirty-five (35) feet, whichever is lesser. The sign may not exceed two hundred fifty (250) square feet in area.
- 5) Individual establishments or enterprises which are not located in a shopping center complex may have one freestanding sign not to exceed two hundred fifty (250) square feet in area and not to exceed thirty-five (35) feet in height.

6) Commercial establishments or those enterprises clustered in a shopping center complex may have a single freestanding sign not to exceed two hundred fifty (250) square feet in area and not to exceed thirty-five (35) feet in height.

7) Residential Districts.

8) Home occupations and special home occupations may have one freestanding or wall sign per dwelling, which may not exceed 2.5 square feet and which may not be more than six (6) feet above the ground.

9) Multiple family dwellings may have one wall or freestanding sign per building, which may not exceed ten (10) square feet in area.

10) Public and Semi-Public Places (All Zoning Districts).

11) Churches, synagogues, temples, and places of worship may have the following signs:

(a) One freestanding sign with the sign area not to exceed thirty-six (36) square feet. The sign shall not extend more than ten (10) feet above ground level. There may be a second such sign if the use abuts two or more streets.

(b) One wall sign immediately above or beside each public entrance to that part of the building which is used as a school and meets the requirements of the Minnesota Department of Education. The sign area shall not exceed ten (10) square feet.

12) Other Public and Semi-Public Uses.

(a) Freestanding signs as specified above for churches, synagogues, and temples.

(b) One wall sign with an area of not more than thirty-six (36) square feet.

F. Sign Permits. No sign shall hereafter be erected, re-erected or altered, unless a permit for each sign has been obtained, unless no permit is required pursuant to this Chapter. In addition, electrical permits shall be obtained for all electrical signs. Application for a sign permit shall be made in writing on forms furnished by the Building Inspector. Such application shall contain the location by street and number of the proposed sign structure, as well as the name and address of the owner and the sign contractor, or erector. The Building Inspector may require filing of plans or other pertinent information where such information is necessary to insure compliance with this Chapter.

G. Sign Permit Fees. The following fees are hereby established and shall be collected before issuance of any sign permit.

1) Sign Permit Fee established by fee schedule resolution each year.

H. Sign Variances. The procedure for obtaining a variance from the requirements of this Chapter shall be the same as set out in Section 11.20, Subd. 6 of this Chapter. The Planning Commission may recommend that the Council may grant variances from the literal provisions of this Chapter in instances where the strict enforcement would cause hardship because of circumstances unique and distinct as to the specific property or use under consideration. Circumstances caused by the property owner or the applicant or a predecessor in title may not constitute sufficient justification to grant a variance. A variance may be granted by the Council after demonstration by evidence that all of the following qualifications are met.

1) A particular hardship to the owner would result if the strict letter of the regulations were observed.

2) The circumstances upon which the application for a variance are based are unique to the parcel of land or the use thereof and are not common generally to other property or uses within the same zoning classification.

3) The granting of the variance will not be detrimental to the public welfare or injurious to other property or improvements in the neighborhood.

#### I. Repair and Removal.

1) Any sign or sign structure which may be, or may hereafter become rotted, unsafe, or unsightly, shall be repaired or removed by the lessee, licensee, owner, or agent of the owner of the property upon which the sign is located after receipt of written notice from the Building Inspector.

2) The Building Inspector may order the removal of any sign erected or maintained in violation of this Chapter. Ten (10) days notice in writing shall be given to the owners of such sign, or the owner of the building, structure or premises on which the sign is located, to either bring the sign into compliance with this Chapter, or effect its removal. Upon failure to remove the sign or to comply with this notice, the Building Inspector shall remove the sign immediately and without notice if it reasonably appears that the condition of the sign is such as to present an immediate threat to the safety of the public. Any cost of removal incurred by the City shall be assessed to the owner of the property on which such sign is located or may be collected in appropriate legal proceedings.

#### J. Sign Enforcement.

1) It shall be the responsibility of the Building Inspector to administer and enforce the sign provisions of this Chapter.

2) It is unlawful for any person to erect, alter, repair, move, equip, or maintain any sign or sign structure or cause or permit the same to be done in violation of any provisions of this Chapter.

