

# City of East Bethel

## City Council Work Meeting Agenda

City Council Work Meeting – 6:00 PM

Date: November 2, 2016



		<u>Item</u>
6:00 PM		1.0 Call to Order
6:00 PM		2.0 Adopt Agenda
6:01PM	p. 2-18	3.0 Predatory Offenders Residency Restriction Ordinance
6:20 PM	p. 19-45	4.0 Sign Ordinance
6:35 PM	p. 46	5.0 Oak Grove Building Official and Inspection Services Contract
6:50 PM		6.0 Adjourn



# City of East Bethel City Council Work Meeting Agenda Information

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**Date:**

November 2, 2016

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**Agenda Item Number:**

Item 3.0

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**Agenda Item:**

Predatory Requirement Restriction Ordinance

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**Requested Action:**

Information Item Only

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**Background:**

At the August 23, 2016 Planning Commission Meeting, the Commission discussed the need for an ordinance that would provide residency restriction requirement for Level III sexual predators. In recent months many Cities in Anoka County have adopted such an ordinance including Anoka, Andover, Columbia Heights, Coon Rapids, and St Francis. These ordinances have been in response to the potential release of sex offenders from civil commitment due to a Federal ruling that stated the State of Minnesota’s civil commitment program is unconstitutional (See Attachment 5 for a review of Minnesota’s Program).

At the Planning Commission meeting on September 28, 2016, the Commission reviewed an Ordinance restricting residency of Level III sexual predators. This ordinance is identical to those adopted by City of Anoka and Andover. The Planning Commission is recommending approval of an ordinance that provides residency restrictions for released Level III Sexual Offenders, subject to legal opinion.

The first City in the State of Minnesota to adopt a residency restriction requirement was Taylor Falls in Chisago County in 2006. Since that time 45 communities and one County (Chisago) have adopted residency restriction ordinances. Currently both South St. Paul and Rogers are considering adoption of the residential restriction ordinances.

These ordinances have never been through a judicial review process. Attached is an article from the Star Tribune that discusses this issue.

On October 5, 2016, Mark Bliven of the Minnesota Department of Corrections made a presentation to City Council relating to adoption of residency restriction ordinances. The Department has a different view of the intent of these ordinances. They feel that adoption of these restrictions may create a false sense of security in a community and pose issues relating to tracking of these persons.

Staff is seeking direction from Council as to this matter.

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**Attachments:**

Attachment 1, Adoption of Residency Restriction Ordinances by City

Attachment 2, Star Tribune Article

Attachment 3, Proposed Ordinance

Attachment 4, Location Map of Restricted Residency in East Bethel

Attachment 5, MinnPost Civil Commitment Article

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**Fiscal Impact:**

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**Recommendation(s):**

No action required at this time

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These are some Minnesota cities (and one county) that have an ordinance that restricts to some degree where some registered offenders may live in proximity to identified locations. These ordinances are all based on status of the registered offender. Some apply to only Level 3\* and some apply to both Level 3 and those with a minor victim regardless of risk level including non-risk level probation cases. Not all ordinances are considered enforceable either in their entirety or in selective areas by local jurisdictions so they must be reviewed on a case-by-case basis for actual applicability in any residential decision. The variety of restrictions and extent of restrictions is inconsistent throughout these ordinances so caution is urged when making decisions about applicability in regard to any specific ordinance or registrant.

1. Albertville
2. Andover\*
3. Anoka\*
4. Askov
5. Birchwood (temporary)\*
6. Brainerd\* -only concentration prohibited – 1000’
7. Brooklyn Center\*
8. Chisago City
9. Chisago Co.\*
10. Cleveland\*
11. Cloquet – concentration and proximity
12. Cohasset
13. Columbia Heights (temporary)\*
14. Coon Rapids\*
15. Courtland
16. Cuyuna
17. Duluth\*- with exceptions
18. Eagle Lake
19. Elysian
20. Finlayson
21. Grand Rapids\*
22. Grasston
23. Hilltop (temporary)\*
24. Kilkenny
25. Lake Crystal (all supervised offenders in state supported housing)
26. Le Center
27. Lindstrom
28. Linwood Township
29. Mahtomedi (temporary)\* -no exception for family members
30. Mankato (all supervised offenders in state supported housing)

31. Mapleton
32. Minnesota Lake
33. Moose Lake
34. Morristown (all supervised Level 2 or 3 offenders in supported housing)
35. North Branch
36. North Mankato (all supervised offenders in state supported housing)
37. Otsego
38. Pine Island
39. Proctor
40. Rochester (all supervised offenders in state supported housing) – with exceptions
41. Sandstone
42. Taylors Falls
43. Watertown\*
44. Willmar\*
45. Wyoming

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# Cities are rushing to restrict sex offenders

Efforts to limit housing spill over to State Capitol.

By Maya Rao (<http://www.startribune.com/maya-rao/137958973/>) Star Tribune

APRIL 4, 2016 — 10:49PM

After a convicted child molester moved to town, Minnesota Lake passed a law effectively banning sex offenders from most of the small community.

Mahtomedi approved restrictions on where convicted rapists could live after hundreds of residents signed a petition demanding action.

And in Birchwood, the City Council held an emergency meeting in order to place stricter limits on sex offenders after learning that a pedophile was moving there.

Minnesota has seen a dramatic rise in municipal laws restricting where sex offenders can live after they have served their terms, setting up a fight at the State Capitol. Some legislators want to give local communities more control to enact new restrictions, but state corrections officials say that such ordinances can be ineffective and that they invite legal challenges.

A group of legislators has proposed a measure allowing cities and counties to enact tougher laws to keep Level 3 sex offenders — considered the most likely to reoffend — away from schools, parks and other places frequented by children.

The chief sponsor, Rep. Jim Newberger, R-Becker, says he hopes the bill will give the towns stronger legal standing to defend their sex-offender ordinances in court.

Communities are bracing for the release of more sex offenders from forced civil commitment in response to a federal ruling that declared the state's program unconstitutional.

U.S. District Judge Donovan Frank has ruled that the program is essentially permanent confinement with no clear path to release.

The issue is politically perilous for leaders of both parties, who must weigh the constitutional questions vs. the political blowback from releasing potentially dangerous offenders into the community.

Gov. Mark Dayton has ordered the state to fight Frank's ruling, saying it posed a risk to public safety.

The growing concerns have prompted more cities to adopt ordinances spelling out where convicted offenders are restricted from living.

"What they're worried about is that eventually someone will challenge it," said Newberger. "There's no statute to back it up right now."

## 'A testy situation'

Corrections Commissioner Tom Roy told legislators his agency is "very concerned" that the number of laws restricting sex offenders has doubled to 39 over the last year. He said studies showed that bans on where sex offenders live do not reduce the likelihood of them committing more crimes. They only create barriers to officers supervising them, he said, noting that Minnesota has seen the number of homeless offenders rise dramatically in the last decade.

~~To read the rest of this article, please [SUBSCRIBE \(HTTPS://USERS.STARTRIBUNE.COM/PLACEMENT/6/ENVIRONMENT/3/SIGN-UP/START\)](https://users.startribune.com/placement/6/environment/3/sign-up/start) FOR MORE~~  
 that drawing circles around cities will decrease recidivism, but in actuality, it does not," Roy said.

Rep. Tony Cornish, R-Vernon Center, said during a hearing that people worried about their property values and children walking to the playground do not pay attention to statistics of recidivism. "You folks aren't doing a bang-up job right now of placing these people," he told Roy. And he criticized the move of a black rapist last year to Minnesota Lake, "a totally white, Anglo town. ... All of a sudden you've got all eyes on this poor person down there."

The city about 100 miles south of the Twin Cities swiftly passed an ordinance stating that it was unlawful for sex offenders to live within 2,000 feet of a school, child care center, public park, church, library or bus stop — a move that walled off much of the city's 2 square miles.

Sharon Grunzke, the city clerk, said residents were petrified about the first registered sex offender moving in. But the man has caused no problems after all, she said: "We hardly ever see him."

In December, Columbia Heights passed a one-year moratorium on any more sex offenders moving in while it studies whether to enact a permanent ordinance.

Mayor Gary Peterson said the city had no concerns about the measure's legalities. "You can't have sex offenders all over the place, and there are other communities that have none. ... We just wanted to stop it before it got to the point where it was really uncontrollable," he said.

### Suburb fights back

North Minneapolis has accumulated a high concentration of sex offenders, prompting pleas from its representatives to spread the burden around the metro area. Hennepin County stopped allowing offenders there a few years ago, a policy that Brooklyn Center has blamed for more convicted sexual predators spilling into its borders to the north.

Brooklyn Center officials testified in favor of the legislation the day after the city passed a law banning sex offenders from living within 2,000 feet of a school, playground or child care center.

"If the legislation passes, now we've got something we can point to and say, 'the state specifically says we can do that,'" said Brooklyn Center Mayor Tim Willson.

Rep. Joe Mullery, a DFLer who represents north Minneapolis, derided the legislation as "a very bad proposal. ... State law cannot override the U.S. Constitution." He said the protests by Brooklyn Center over having just six sex offenders is "ridiculous," and he called for more suburbs to take their fair share.

Last year, New York's appeals court determined that state laws overrode local prohibitions on where sex offenders could live.

Roy, the corrections commissioner, noted that courts in other states had been overturning residency restrictions on rapists and that Minnesota would have to address the matter soon.

"We can expect the courts to weigh in on this one, for sure," Roy told legislators.

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## PROPOSED ORDINANCE NO. XX

### AN ORDINANCE RESTRICTING THE RESIDENCY OF PREDATORY OFFENDERS

The City Council of the City of East Bethel, Minnesota ordains as follows:

#### SECTION:

- 5-1-1: Findings and Purpose
- 5-1-2: Definitions
- 5-1-3: Prohibitions; Measurement of Distance; Penalties; Exceptions
- 5-1-4: Official map of prohibited locations
- 5-1-5: Restrictions Relating to Rental Property; Penalties

5-1-1: **Findings and Purpose.** Repeat predatory offenders present an extreme threat to the public safety of a community as a whole, and especially to children. Predatory offenders are likely to use physical violence and to repeat their offenses. Most predatory offenders commit many offenses, have many more victims than are ever reported, and are prosecuted for only a fraction of their crimes. This makes the cost of predatory offender victimization to society at large, while incalculable, unmistakably steep.

It is the intent of this Chapter to serve the City's compelling interest to promote, protect and improve the health, safety, and welfare of citizens of the City of East Bethel by creating areas around locations where children regularly congregate in concentrated numbers and where certain predatory offenders are prohibited from establishing temporary or permanent residence.

5-1-2: **Definitions.** For the purpose of this Chapter, the following definitions will apply unless the context or intent clearly requires a different meaning:

DAY CARE: Any facility, public or private, licensed by the State of Minnesota or Anoka County, in which care, training, supervision, habilitation or developmental guidance for children is provided on a regular basis and for periods less than 24 hours per day.

CHILD OR CHILDREN: Any person or persons under 18 years of age, or individuals under age 21 who are in foster care.

FACILITIES FOR CHILDREN: All public parks, parkways, park facilities, parkland, public or private schools, designated public school bus stops, libraries, group homes, foster homes, day care and child care facilities, public recreation centers, non-profit or commercial recreation centers, public or private playgrounds, public or commercial swimming pools, public beaches, youth centers, athletic fields used by children, crisis centers or shelters, care facilities for children's skate park or rink, movie theaters, bowling alleys, facilities for children's clubs including municipal buildings, public recreational areas and trails including conservation areas, jogging trails,

hiking trails, walking trails, bicycle trails, Offices for Child Protective Services, places of assembly, and specialized schools for children, including but not limited to, tutoring, gymnastics, dance and music schools.

**DESIGNATED PREDATORY OFFENDER:** Any person who has been categorized as a Level III predatory offender under Minnesota Statutes 244.052, a successor statute, or a similar statute from another state in which that person's risk assessment indicates a high risk of re-offense.

**LICENSED CHILD CARE FACILITY:** Any facility, center, home or institution licensed by the State of Minnesota pursuant to Minn. Stat. 245A, where children are cared for pursuant to the requirements of a license issued by the Minnesota Department of Human Services.

**PERMANENT RESIDENCE:** A place where a person abides, lodges, or resides for 14 or more consecutive days. An ownership interest by the person in such residence is not required.

**PLACE OF ASSEMBLY:** A place of assembly, synagogue, temple, mosque, or other facility that is used for prayer by persons of similar beliefs or a special purpose building that is designated or particularly adapted for the primary use of conducting, on a regular basis, religious services and associated accessory uses by a religious congregation.

**SCHOOL:** Any public or non-public educational institution providing instructional services to children, which shall include any structure, land, or facility owned, leased or used for operation of the school or school activities.

**TEMPORARY RESIDENCE:** A place where a person abides, lodges, or resides for a period of 14 or more days in the aggregate during any calendar year, and which is not the person's permanent residence, or a place where the person routinely abides, lodges, or resides for a period of four or more consecutive or nonconsecutive days in any month and which is not the person's permanent residence.

**5-1-3: Prohibitions; Measurement of Distance; Penalties; Exceptions.**

- A. Prohibited location of residence: It is unlawful for any designated predatory offender to establish a permanent residence or temporary residence within 2,000 feet of any school, day care, licensed child care facility, place of assembly, or facility for children.
- B. Prohibition present in safety zone: It is unlawful for any designated predatory offender to be present within 100 feet of any facility for children or day care facility.

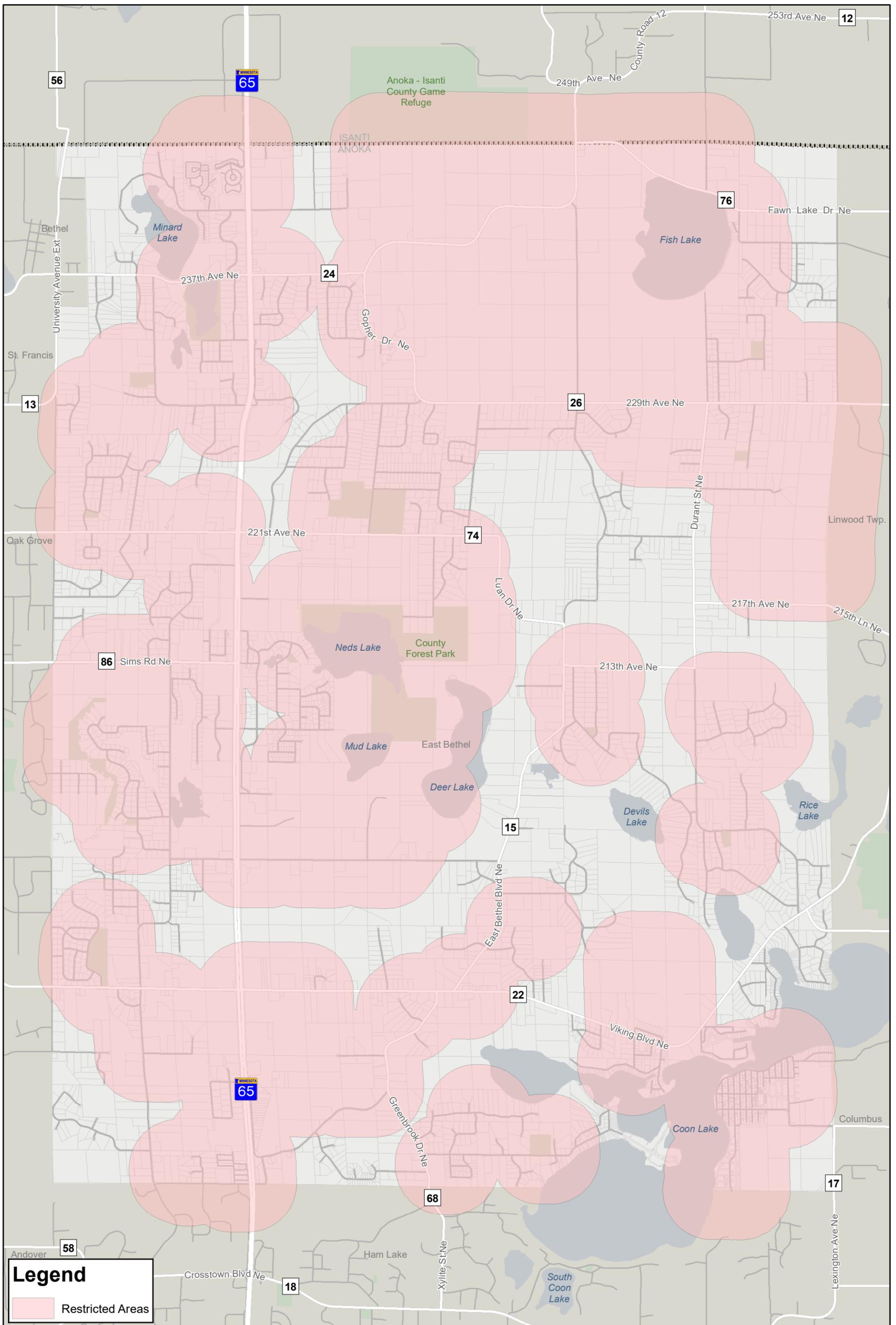
- C. Prohibited activity: It is unlawful for any designated predatory offender to participate in a holiday event involving children such as distributing candy or other items to children on Halloween, wearing a Santa Claus costume on or preceding Christmas or wearing an Easter Bunny costume on or preceding Easter. Holiday events in which the offender is the parent or guardian of the children involved, and no non-familial children are present, are exempt from this paragraph.
- D. Measurement of distance: For purposes of determining the minimum distance separation, the requirement shall be measured by following a straight line from the property line of the permanent residence or temporary residence to the nearest outer property line of the school, day care, licensed child care facility, place of assembly, facility for children, or park.
- E. Violations: A designated predatory offender who violates this Chapter shall be deemed guilty of a misdemeanor. Each day a designated predatory offender maintains a residence in violation of this Chapter constitutes a separate violation.
- F. Exceptions: A designated predatory offender residing within a prohibited location, as herein described, does not commit a violation of this Chapter if any of the following apply:
  1. The designated predatory offender established the permanent or temporary residence and reported and registered the residence pursuant to Minnesota Statutes Sections 243.166 and 243.167, or a successor statute, prior to \_\_\_\_\_, 2016 (*date of adoption of this ordinance*).
  2. The designated predatory offender was a minor when he/she committed the offense and was not convicted as an adult.
  3. The designated predatory offender is a minor.
  4. The school, day care, licensed child care facility, place of assembly, facility for children or park within 2,000 feet of the designated predatory offender's residence was opened after the designated predatory offender established their permanent or temporary residence, and reported and registered the residence pursuant to Minnesota Statutes, Sections 243.166 and 243.167, or a successor statute.
  5. The residence is also the primary residence of the designated predatory offender's parents, grandparents, siblings or spouse.
  6. The residence is a property purchased, leased, or contracted with and licensed by the Minnesota Department of Corrections prior to \_\_\_\_\_ (*date of adoption of this ordinance*).

5-1-4: **Official map of prohibited locations.** The City Administrator, or designee, shall maintain an official map showing prohibited locations of residences as defined by this Chapter. The City Administrator, or designee, shall review annually, and if appropriate, update the map to reflect any changes in the prohibited locations. The map shall not be deemed conclusive or all-encompassing since some prohibited locations change from time to time including, but not limited to, other places where children are known to congregate.

5-1-5: **Restrictions Relating to Rental Property; Penalties.**

- A. It is unlawful for a property owner to let or rent any place, structure, or part thereof, trailer or other conveyance, with the knowledge that it will be used as a permanent or temporary residence by any person prohibited from establishing such permanent or temporary residence pursuant to this Chapter if such place, structure, or part thereof, trailer or other conveyance, is located within a prohibited location as set forth in Section 5-1-4 above.
- B. A property owner violating Section 5-1-5 (A) above shall be guilty of a petty misdemeanor. Each day a property owner violates Section 5-1-5 (A) above constitutes a separate violation.
- C. If a property owner discovers or is informed that a tenant is a designated predatory offender after signing a lease or otherwise agreeing to let the designated predatory offender reside on the property, the owner or property manager may evict the offender without further liability to the offender.
- D. Violation of Section 5-1-5 may be cause to suspend or revoke the property owner's rental license.

5-1-6: **Severability.** Should any section, subdivision, clause, or other provision of this chapter be held invalid by any court of competent jurisdiction, such decision shall not affect the validity of this Title as a whole, or of any part thereof, other than the part held to be invalid.

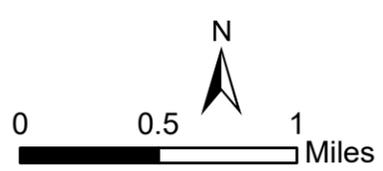


**Legend**

Restricted Areas



**Predator Residency Restriction  
City of East Bethel, MN**



# MINNPOST

Thank you for sharing this story. We appreciate your help.

## After years of indefinitely locking up sex offenders, Minnesota now faces a thornier issue: how to let them out

By Briana Bierschbach | 04/13/16



MinnPost photo by Briana Bierschbach

The Minnesota Sex Offender Program campus in Moose Lake.

On a recent Monday morning in a tiny courtroom in Hastings, Eric Terhaar sat on the witness stand, wiggling

uncomfortably in his seat.

An attorney from the state of Minnesota was asking Terhaar to revisit ugly details from his past: how he was sexually abused as a child; how he abused two sisters at age 10; his troubled stints in foster homes and juvenile treatment facilities.

But the 26-year-old Terhaar wasn't particularly interested in revisiting the circumstances that brought him to the courtroom that day, a history that landed him in Minnesota's sex offender treatment program since he was 19 years old.

“I don’t really want to get into all that,” he said quietly.

Instead, Terhaar wanted to talk about what he would do if he ever got out. He wanted to move back home with his dad, in Long Prairie, a small town in north central Minnesota. He’d like to go to college, to be an electrician or some other construction trade.

Terhaar is the poster child for what some experts say is wrong with the Minnesota Sex Offender Program (MSOP), a state-run, high-security treatment facility for rapists, pedophiles and other sex offenders with a history of almost never letting anyone out.

Last June, a federal judge ruled that MSOP — which confines more than 700 people on its campuses in Moose Lake and St. Peter — is unconstitutional for indefinitely locking people up. (Just this week, a federal appeals court in St. Louis heard oral arguments in the state’s appeal of that decision.)

Since the ruling, several offenders have been provisionally released or moved into the final phases of treatment. But awaiting many offenders outside of the program are more restrictions: confinement in group homes or nursing homes; restrictions from getting jobs, using vehicles or going online; and constant G.P.S. monitoring. They can face exile from entire communities in Minnesota, as more local governments place moratoriums on where they can live.

Terhaar is different, though. His only offenses were committed as a juvenile. He’s the first sex offender in the history of the 20-year-old MSOP to be recommended for full, unconditional release by a special review board. If the three-judge panel hearing his case in Hastings approves his release, he would no longer be subject to any monitoring or supervision by the state of Minnesota. It would also mean that Terhaar — who’s never had a driver’s license, a bank account, a relationship or a real job outside of the confines of institutions — would have no help from the state in transitioning back into society.

## A ‘gradual’ release into society

MSOP opened its campus in Moose Lake in the mid-1990s as a high-security treatment program for sex offenders who were finishing up their prison sentence but were still considered dangerous or to have “sexual psychopathic personalities.” Offenders were civilly committed to the program indefinitely — until experts decided they were ready for release.

But over the years, no one was ever let out of MSOP, and the number of offenders in the program steadily grew. In 2011, a group of offenders filed a federal class action lawsuit alleging the program had become a warehouse instead of a treatment program, thus violating their constitutional rights.

A year later, the state approved the first provisional release from the program: Clarence Opheim, a convicted child rapist in his 60s who had more than 30 victims. Community members and politicians opposed the move, but Opheim was placed in a halfway house in St. Paul under intense supervision. Over the next few years, two more offenders were also provisionally released. All told, six men have now been conditionally released from the program.

Nancy Johnston, a deputy commissioner with the Department of Human Services, which oversees MSOP, said she believes slow reintegration into society is the best way for many of the offenders to

prepare themselves for the real world.

“I believe that the safest way to have clients move back into the community is to do it in a gradual way,” she said. “That reintroduction into society is done with support right there. They can walk through that together. Just abruptly moving someone from a secure environment into a setting where there is not any security, that might be OK for some clients, but I think a gradual reintegration is good practice.”

That process starts before an offender even leaves MSOP. As part of the program’s three-phase treatment plan, offenders nearing release are moved to MSOP’s campus in St. Peter, where they can go on supervised community excursions, take money management classes, computer courses and workforce and vocational training.

“Minnesota is one of the only states with a step-down system in place where clients slowly prepare for re-entrance into the community,” Johnston said. “These are men who have been institutionalized for many, many years. Going on an outing doesn’t sound like a big deal, but it is.”

## **‘A heavy burden’**

The release of offenders is delicate balancing act for the state, which must keep the safety of its citizens at the top of mind while also trying to successfully reintegrate offenders back into society.

Yet of the 19 states that have civil commitment programs for sex offenders, Minnesota has the highest number of people committed per capita and the lowest number of releases. Next door in Wisconsin, officials have granted full release to more than 100 offenders and supervised release to nearly 200 others, with low rates of reoffending.

Experts say that the social and political environment outside the razor-wire sex offender institutions plays a big part in successful reintegration. In Minnesota, politicians have long opposed changes to the programs and local governments have sought to gain more legal cover in creating residency restrictions for communities. A bill currently traveling through the Minnesota Legislature would allow local governments to create 500- to 2,000-foot zones around things like schools, playgrounds, churches and daycare centers where offenders couldn’t reside. More than three dozen communities have already put such moratoriums in place, even if the state is the only entity allowed to place sex offenders under Minnesota law.

Rep. Jim Newberger, R-Becker, who is carrying the bill, said the state has done a poor job in placing offenders in small, rural communities. “We can wave state law around all we want, but at the end of the day, if it’s not going to stop a predator from doing the unthinkable to children, what good is the law?”

Most experts, however, say there’s no evidence that residency restrictions do anything to prevent sexual abuse, and in many cases just push sex offenders off the grid. “There’s a lot of questions about the wisdom of many politics regarding sexual offending, but there does not seem to be any dispute that residential restrictions are both ineffective and have detrimental unintended consequences,” said Eric Janus, a professor at Mitchell Hamline School of Law who has studied sex offender laws.

The six offenders released from MSOP so far have been sent to group homes or nursing homes in places like St. Paul, Rochester, and Le Center. In all cases, the offenders are under strict supervision. That includes ankle G.P.S. monitoring, 24-hour surveillance by staff, random searches of possessions and no Internet usage or unsupervised visits outside of the facilities.

St. Paul's Project Pathfinder, the state's largest program to treat sex offenders outside of MSOP, offers therapy to sex offenders as they are adjusting to life outside of an institution. That's where Opheim went when he was released in 2012.

"All the therapy they've gotten before this point, which has been very intense, they've never gotten to react on," said Warren Maas, president of the Minnesota Association for the Treatment of Sexual Abusers. "Now they have to deal with their first rejection or first time being intimate and how that feels."

He thinks supervision after release is oftentimes necessary and can be productive, but there's not a lot of flexibility in changing the terms of an offender's release. He thinks Minnesota should have something akin to a drug court for sex offenders, where they can regularly check in and show if they are making progress, or if they are experiencing setbacks. That way changes to the terms of their release can be relaxed or intensified in real time.

"They have such a heavy burden and there's no way for them to get it lightened up, or it takes them six months to a year to get it changed," Maas said. "If they had a problem solving court to file in, it wouldn't be that onerous."

## **'Stagnant' in MSOP**

Terhaar was moved to the St. Peter facility in 2014, and since then, he has taken at least 10 excursions out into the community. He went to the Walmart in Mankato — wearing a G.P.S. device on his ankle — where he picked up groceries and followed a strict list and budget he created himself. He also went to the mall in Mankato, still monitored, where he felt he "fit right in." He hasn't been home for a holiday or birthday in more than a decade, but he was allowed to make several supervised visits to his father's house.

But Terhaar has also had setbacks while in MSOP, which is why the DHS appealed the special review board's recommendation to release him from the program — the reason for his appearance before the three-judge panel that will make the final decision in his release.

Terhaar said his treatment has been "stagnant" and he stopped participating in polygraph tests because he felt the process was "biased." Last summer, he was part of a major disciplinary action in the St. Peter program after he made moonshine using yeast and sugars he stole from the facility.

Terhaar said part of the problem is he feels he never should have been placed in MSOP to begin with. He's part of a class of about 60 offenders in MSOP who have no adult offenses on their records and pose a low risk to reoffend. In 2014, a group of court-appointed experts from across the nation who

reviewed the controversial sex offender program singled out Terhaar, saying he should be released immediately — without any conditions attached.

“The carrot never stops moving,” he said. “You take three steps toward the carrot and it moves three steps away from you. I got tired of chasing carrots.”

So his attention has turned to the appeals process. His father, Ron, was in the courtroom this week to hear Eric Terhaar’s testimony. He has a bedroom waiting at his home in Long Prairie for Eric, if the judicial panel approves his unconditional release.

If approved, Terhaar knows he won’t have help from the state, but he fears that any strings attached to his release would also will make it harder for him to go back to school or get a job. He admitted he would rely heavily on his family to help him through his first struggles living in the world for the first time as an adult.

“I would have to take it slowly,” Terhaar admitted, “having new experiences, [ones I] haven’t ever done or haven’t done in a long time.”

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#### ABOUT THE AUTHOR:



#### **Briana Bierschbach**

Briana Bierschbach reports on public affairs, higher education, politics and other important topics and issues in the news.

#### COMMENTS (2)

**Unconscionable**

Work Meeting - Page 17

SUBMITTED BY RAY SCHOCH ON APRIL 13, 2016 - 1:27PM.

A life sentence AFTER one's prison term has been served is unconscionable. Much of the hysterical reaction to the prospect of sexual offenders being reintroduced to society comes from people terrified of their own, not to mention other people's, sexuality, combined with the still-prominent prudery of our Puritan forebears. That's not to say that the gates should be thrown open and everyone released on their own recognizance, but there are plenty of rehabilitation programs that apparently work, and in multiple states across the country, from which Minnesota authorities could learn if they so desired, and if they and their constituents would move beyond reflexive fear and punishment. I hope the federal court slaps the state upside its head.

### **I don't Get It**

SUBMITTED BY STEVE O'CONNOR ON APRIL 14, 2016 - 6:38AM.

I never understood the fear and hysteria over the label of "sex offender." It is only a label. 97% of sex crimes are committed by people NOT on the registry. Most sex crimes are committed by people well known and trusted by the victim and their parents, not strangers.

Good parenting will protect your children from predators. Don't leave them unattended, don't pawn them off on cousins, uncles, neighbors, step parents, coaches, teachers or baby sitters. If you have hormone enraged teens looking for sex, hopefully you taught them responsibility.

MinnPost | 900 6th Avenue SE | Minneapolis, MN 55414 | 612.455.6950



# City of East Bethel City Council Work Meeting Agenda Information

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**Date:**

November 2, 2016

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**Agenda Item Number:**

Item 4.0

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**Agenda Item:**

Sign Ordinance

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**Requested Action:**

None at this time

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**Background Information:**

At the October 5, 2016 City Council meeting, code enforcement issues were discussed during the Public Forum. Concerns regarding code enforcement were presented to the Council, particularly as they relate to the Sign Ordinance.

The issues relating to the sign ordinance involve:

- The size of and prohibition of changeable electronic signs in certain zoning districts
- The definition of a portable sign
- The time interval for changing messages on electronic signs
- The maximum height of signs
- Electronic signs in the City Center District for existing development

Our Sign Ordinance is need of a review and update to assess its currency with the advances in sign technology and communications needs of businesses.

Staff is seeking direction from Council as to amending this Ordinance.

**Attachments:**

City Sign Ordinance

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**Fiscal Impact:**

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**Recommendation(s):**

For Discussion Only

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# Code of Ordinances



East Bethel, Minnesota - Code of Ordinances / Chapter 54 - SIGNS



## East Bethel, MN Code of Ordinances

CODE OF ORDINANCES CITY OF EAST BETHEL MINNESOTA

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## Chapter 54 - SIGNS



### Sec. 54-1. - Purpose.



The purpose of this chapter is to protect the health, safety, and general welfare of the community through the establishment of a comprehensive, balanced, constitutionally sound system of sign control intended to achieve the following:

- (1) Provide a needed service through effective communication for those persons residing and working within and traveling through the community;
- (2) Encourage effective and orderly communications by reducing confusion and hazards caused by unnecessary and indiscriminate signage;
- (3) Encourage creativity and offer a reasonable degree of choice for those who design, display, or otherwise use signage;
- (4) Provide for signs that are architecturally compatible with and are proportioned to the scale of the principal structures;
- (5) Reflect the community's concern for an aesthetically pleasing and orderly environment by reducing visual clutter caused by indiscriminate and inappropriate signage;
- (6) Provide the community the opportunity to effectively communicate personal self-expression; and
- (7) Reflect the community's concern for protecting the night sky from unnecessary or

Code of Ordinances excessive light generated from signage.

(Ord. No. 41B, subd. 1, 9-5-2007)



## Sec. 54-2. - Definitions.



For purposes of this chapter, the following definitions will apply:

*Abandoned sign* means a sign which no longer identifies or advertises a bona fide business, tenant, service, owner, product or activity, and/or for which no legal owner can be found.

*Address sign* means a sign communicating the street address only, whether in script or in numerical form.

*Advertising copy* means the graphic content of a sign surface in either permanent or removable letter, pictographic, symbolic, or alphabetic form.

*Advertising sign* means a sign that directs attention to a business or profession, or to a commodity, service, or entertainment not sold or offered upon the premises where such sign is located or to which it is attached.

*Area identification sign* means a sign which identifies the name of any of the following:

- (1) A residential subdivision;
- (2) A multiple residential complex consisting of three or more structures;
- (3) A business or industrial structure containing two or more independent businesses or industrial enterprises;
- (4) A single business and/or industrial complex consisting of three or more separate structures existing on individual platted lots or as a planned unit development (PUD);
- (5) A mobile home park;
- (6) Any integrated combination of such developments or structures; or
- (7) A shopping center.

Such signs must identify an area or complex and may also name the principal business in a building or development.

*Awning/canopy/umbrella sign* means a sign constructed of flexible translucent or fabric-type material that incorporates a written message or logo on the exterior.

*Balloon sign* means a sign consisting of a bag or similar device of lightweight material supported by helium or hot or pressurized air and which is greater than 18 inches in diameter.

*Banners, pennants, streamers, and festoons* means a temporary sign or attention-getting device generally made of flexible materials such as paper, cloth, plastic, or any non-rigid material with no enclosing framework. National or state flags shall not be included in this definition.

*Billboard sign* means a sign over 24 square feet in display area which meets any one or more of the following criteria:

- (1) A permanent structure sign which is used for the display of off-site commercial messages;
- (2) A permanent structure sign which constitutes a principal, separate, or secondary use, as opposed to an accessory or ancillary use, of the parcel on which it is located;
- (3) An outdoor sign used as advertising for hire (i.e., on which display space is made available to parties, other than the owner or operator of the sign or occupant of the parcel, not including those who rent space from the sign owner, when such space is on the same parcel as the sign, such as tenant directories on shopping malls), in exchange for a rent, fee, or other consideration; or
- (4) An off-site outdoor advertising sign on which space is leased or rented.

*Business sign* means a sign that directs attention to a business or profession conducted, or to a commodity, service, or entertainment sold or offered on the premises where such sign is located or to which it is affixed.

*Changeable sign, electronic*, means an electronically controlled sign, including a time, temperature, or date sign, or a message center, or a reader board, where different message changes are shown on the same panel.

*Changeable sign, manual*, means a sign on which the message is changed manually.

*Commercial speech sign*. See *Advertising sign*.

*Community promotion sign* means an attention-getting device such as a banner or seasonal decorations that are installed and maintained by the city.

*Construction sign* means any sign that displays information regarding the construction or development of the site on which it is displayed.

*Directional sign* means a sign that serves primarily to direct traffic to the location of a place, area, or activity.

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

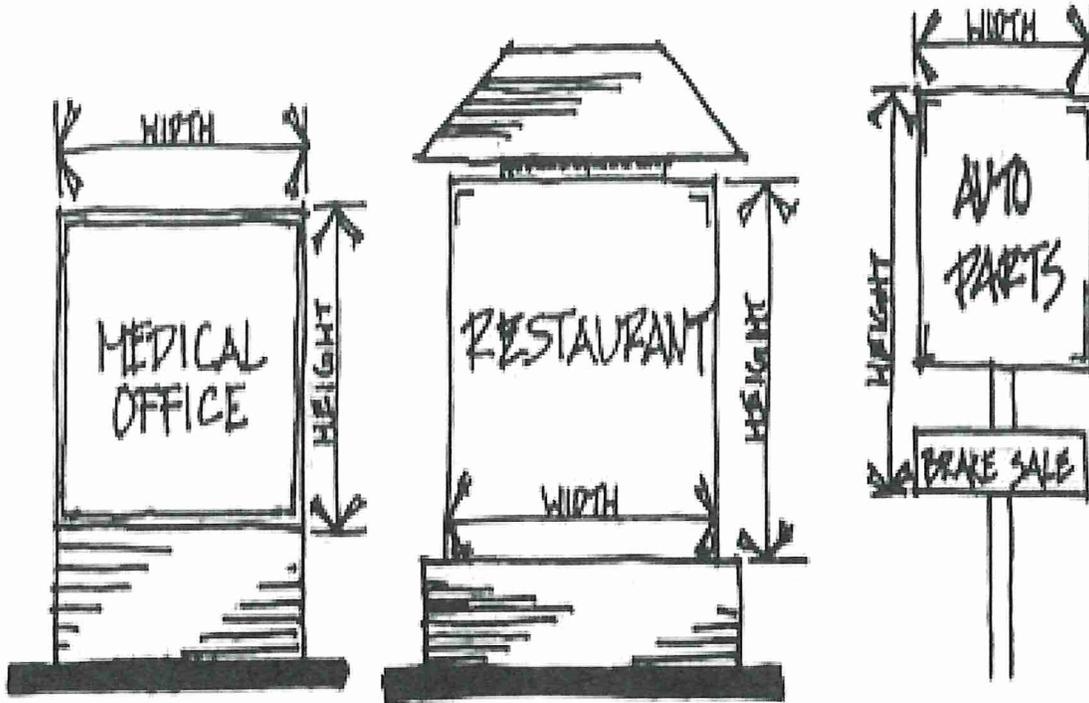
*Flashing sign* means an illuminated sign which has intermittent flashing lights, revolving beacons, zip flashers, or exhibits a noticeable change in color or light intensity. The term "flashing sign" does not include electronic signs.

*Freestanding sign* means a sign that is self-supporting and affixed to a frame structure and not attached to a building.

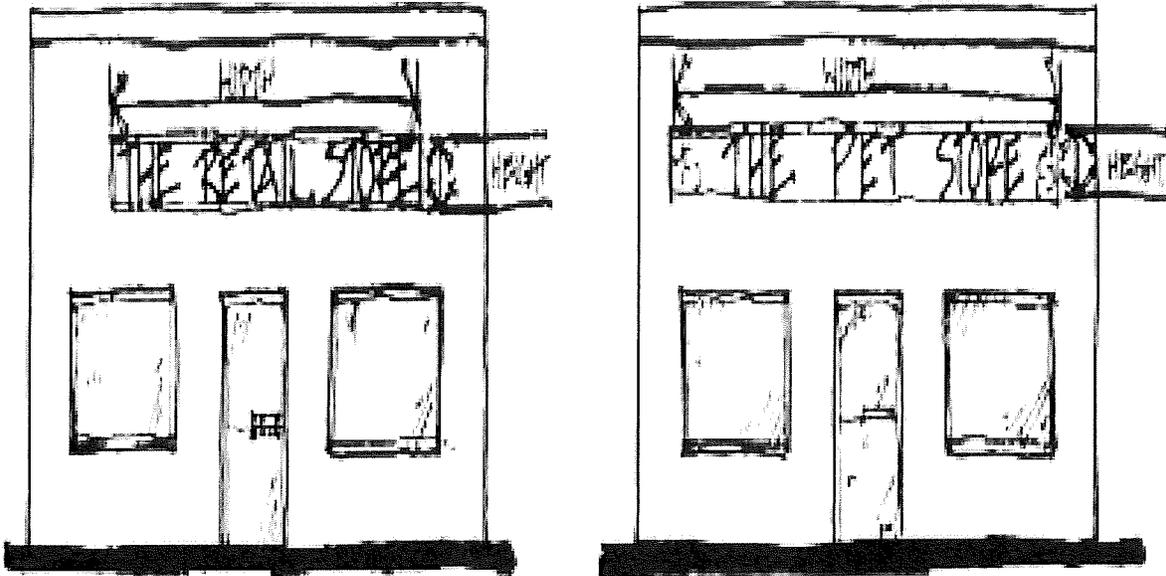
*Front, building*, refers to the primary building wall and main entrance, which may not necessarily front directly onto a public right-of-way. There may be only one building front for signage calculation.

*Front lot line* refers to the boundary of a lot that abuts an existing dedicated street. For lots abutting more than one street, the front shall be the side with the minimum street frontage. For lots abutting more than one street with the same frontage, the city will determine the front lot line.

*Height of sign* means the vertical distance from the elevation at the centerline of the street upon which the sign fronts, measured at the nearest point to such sign and to the top of the sign structure, or from the elevation of the ground surface at the base of the sign to the top of the sign structure, whichever is higher.



*Identification sign* means a sign containing principally the name of the individual or establishment occupying the premises and which also may include the street address, telephone number, or other information identifying the use.



*Illuminated sign* means any sign that has characters, letters, figures, designs, or an outline illuminated by electric lights or luminous tubes as a part of the sign proper.

- (1) *Backlit*. A light source contained within the sign element or sign cabinet that illuminates by shining through a translucent surface or sign face, except where only the letters of the sign copy are illuminated.
- (2) *External*. A light source outside the sign element or sign cabinet that illuminates by directing light onto the sign surface, such as by floodlights or spotlight.
- (3) *Internal*. A light source contained within the sign cabinet or sign element that illuminates by directing light onto the sign surface, or that illuminates only the letters of the sign copy, and which is not backlighting.
- (4) *Neon*. A light source supplied by neon or other gas in which the light tube is bent to form letters, symbols, or other shapes.

*Institutional sign* means a sign that identifies the name and other characteristics of a public or semipublic institution on the site where the sign is located.

*Logo* means an identifying graphic which may or may not be a registered trademark but which is the official graphic identifier for a business organization.

Code of Ordinances *Marquee sign* means a building sign painted on or attached to a marquee.



*Message center/time/temperature display sign* means a sign having electronically changing copy that displays current time, temperature, and/or public service announcements.

*Monument sign* means a sign not supported by exposed posts or poles which is architecturally designed and located directly at grade where the base width dimension is at least as wide as the sign.

*Motion sign* means a sign which revolves, rotates, has moving parts, or gives the illusion of motion. The term "motion sign" does not include automatic changeable signs.

*Multitenant center* means a group of commercial retail, service, or professional establishments with a designed occupancy of two or more tenants with shared parking and visual appearance as a contiguous structure which may or may not be planned, constructed, or managed as a total entity.

*Nameplate* means a sign indicating the name and address of a building or the name of an occupant therein.

*Noncommercial speech* means dissemination of messages not classified as commercial speech which include, but are not limited to, messages concerning political, religious, social, ideological, public service, and informational topics.

*Nonconforming sign* means a sign that does not conform to the requirements of this chapter.

- (1) *Legal*. A legal sign is a sign which lawfully existed at the time of the passage of the ordinance from which this chapter is derived and amendments thereto, but which does not conform to the regulations of the chapter.
- (2) *Illegal*. An illegal sign is a sign which was constructed after the passage of the ordinance from which this chapter is derived or amendments thereto, but which does not conform to the regulations of this chapter, or a sign which existed prior to the adoption of the ordinance from which this chapter is derived which did not conform to the regulations then in effect.
- (3) *On-premises sign*. An on-premises sign is a sign that pertains to the occupant of the premises and/or property on which it is located.
- (4)

- Code of Ordinances **Portable (trailer) sign.** A portable (trailer) sign is a sign with or without copy and/or graphics which is constructed or placed upon a chassis with wheels, legs, or skids in order to be movable from one location to another, such as may be mounted on an automobile or trailer. The term "portable (trailer) sign" does not include permanent identification signs painted directly on vehicles, principally used for transportation, but does include such signs if the vehicles are not used for transportation purposes but are intended rather as a structure to support a sign.
- (5) *Projecting sign.* A projecting sign is a sign with a face perpendicular to the wall of a building upon which it is attached.
  - (6) *Projection sign.* A projection sign is a sign that is projected by means of a light on an exterior wall or other exterior surface.
  - (7) *Pylon sign.* A pylon sign is any permanent, freestanding sign mounted on posts or columns.
  - (8) *Real estate sign.* A real estate sign is any sign pertaining to the sale, lease, or rental of land or buildings.
  - (9) *Roof sign.* A roof sign is a sign which is mounted on the roof of a building or which projects above the top of the wall of a building with a flat, gambrel, gable, or hip roof, or deck line of a building with a mansard roof.
  - (10) *Informational sign.* An informational sign is any device, structure, fixture, or placard using graphics, symbols, and/or written copy for the primary purpose of identifying, providing directions, or advertising any establishment, products, goods, or services. This includes symbols, flags, pictures, wording, figures, or other forms of graphics painted on or attached to windows, walks, awnings, freestanding structures, suspended by balloons or kites, or on persons, animals, or vehicles.
  - (11) *Temporary sign.* A temporary sign is a sign which is designed or intended to be displayed temporarily.
  - (12) *Temporary window sign.* A temporary window sign is a sign which is displayed on the inside of a window and is designed for the purpose of advertising goods, specials, and sales for a short period of time and is not permanently installed. Temporary window signage may include vinyl, paint, and banners.
  - (13) *Wall-mounted sign.* A wall-mounted sign is a sign attached essentially parallel to and extending not more than 24 inches from the wall of a building with no copy on the sides or edges.
  - (14)

Code of Ordinances *Off-premises sign.* An off-premises sign is a commercial speech sign which directs the attention of the public to a business, activity conducted, or product sold or offered at a location not on the same lot where such sign is located. For the purpose of this chapter, easements and other appurtenances shall be considered to be outside such lot, and any sign located or proposed to be located in an easement or other appurtenance shall be considered an off-premises sign.

*Sign gross area.*

- (1) *Area of freestanding sign* means the area of the actual sign. It does not include embellishments such as the monument base, pole covers, framing, or decorative roofing provided there is no advertising copy on or attached to such embellishments. If the freestanding sign is double-faced, only one face is used to calculate sign area.
- (2) *Area of wall sign* means the total area of the sign, including all structures framing the sign, background embellishments or area contained within a rectangle or square drawn completely around the display surface, even if the sign consists of individual letters and graphics.

(Ord. No. 41B, subd. 2, 9-5-2007)

### Sec. 54-3. - General provisions.

- (a) *Scope of regulations.* The sign regulations set forth in this chapter shall apply to all structures and all land uses in the city.
- (b) *Compliance with standards.* No person shall place, erect, or maintain a sign, nor shall a lessee or owner permit property under his control to be used for any sign that does not conform to the requirements of this chapter.
- (c) *Permitted districts—Electronic changeable signs.* Electronic changeable signs are allowed in the limited business (B-1), central business (B-2), highway commercial (B-3), light industrial (I), and public/institutional (P/I) districts, and may occupy the sign area allowed for freestanding monument signs.
  - (1) The changeable sign must not exceed 32 square feet.
  - (2) The changing message must be no more than one time every three minutes.
  - (3) The changeable sign must not have intermittent flashing lights or exhibit a noticeable change in color or intensity.
  - (4) The changeable sign must not give the illusion of motion.

Code of Ordinances (5) One changeable sign is allowed per parcel.



(d) *Same—Manual changeable signs.* Manual changeable signs are allowed in the limited business (B-1), central business (B-2), highway commercial (B-3), light industrial (I), and public/institutional (P/I) districts, and may occupy 20 square feet of the sign area allowed for freestanding monument signs.

(e) *General regulations.* The following general regulations shall apply to all signs and districts:

- (1) *Comprehensive sign plan.* A comprehensive sign plan shall be required for multitenant buildings and shopping centers. The comprehensive sign plan for the structure shall be submitted to the city and shall be of sufficient scope and detail to permit a determination as to whether or not the plan is consistent with the regulations of this chapter. The effect of the comprehensive sign plan is to require the owner of a structure to determine and have approved by the city the specific individual tenant sign requirements.
- (2) *Illumination.* Symbols, statues, sculptures, and integrated architectural features on nonresidential buildings may be illuminated by floodlights provided the source of light is not directed toward the public right-of-way or any adjacent residential district. Such artwork will have 25 percent of the area considered as a sign.
- (3) *Prohibited in public rights-of-way or easements.* Signs, other than governmental signs, are prohibited within the public rights-of-way or easements.
- (4) *Nonconforming use.* Signs existing on the effective date of the ordinance from which this chapter is derived that do not conform to the regulations set forth in this chapter are a nonconforming use.
- (5) *Permanent signs.* No permanent sign shall be constructed on any lot prior to the time of construction of the principal building to which it is accessory.
- (6) *Maximum sign base.* The sign base, decorative roof, or other embellishments not included in the sign area shall not exceed 50 percent of the allowable square footage.
- (7) *Hours of illumination.* The city may specify the hours any sign may be illuminated. The hours of illumination may be specified on the permit. Illuminated signs must have a shielded light source.
- (8) *Compliance with National Electrical Code.* All signs, other than temporary signs, shall meet the National Electrical Code requirements.
- (9) *Exempt signs.* All signs under two square feet are exempt from the requirements of this chapter.

Code of Ordinances (10) *Permitted accessory uses.* Signs are a permitted accessory use in all zoning districts. 

(f) *Prohibited signs.* The following signs and advertising devices are prohibited:

- (1) Computer-controlled electronic changeable signs with a changing message no more than one time every three minutes.
- (2) All noncommercial signs may be posted in any number from 46 days before the state primary in a general election year until ten days following the state general election.
- (3) Any sign that by reason of its location, shape, movement, color, lighting intensity, or any other manner interferes with the proper and safe functioning of a traffic sign or signal, obstructs the vision of pedestrians, cyclists, or motorists traveling on or entering public streets, or otherwise constitutes a traffic hazard, as defined by the city.
- (4) Balloon signs.
- (5) Banners, pennants, ribbons, streamers, and strings of light bulbs used as an attention getting device on commercial properties are prohibited except for special events as permitted by subsection (h) of this section.
- (6) Flashing signs.
- (7) Motion signs.
- (8) Portable (trailer) signs.
- (9) Roof signs, including signs mounted on a roof surface or projecting above the roof line, or on a wall of a structure if either attached to the structure or cantilevered over the structure.
- (10) With the exception of "No Trespassing" and/or "No Hunting" signs, signs painted on or attached to trees, rocks, or other natural surfaces, or attached to public utility poles, bridges, or similar public structures are prohibited except for those signs found on fences (inside) of baseball parks.
- (11) Search lights, strobe lights, or projection signs.
- (12) Projecting signs except in the city center (CC) district.
- (13) Signs painted directly on building walls (wall graphics).
- (14) Signs which advertise an activity, business, product, or service no longer produced or conducted on the premises upon which the sign is located. Where the owner or lessor of the premises is seeking a new tenant, such signs may remain in place for not more than 30 days from the date of vacancy.
- (15)

Code of Ordinances Temporary window signs used for the purpose of advertising goods and/or services, which signs occupy more than 25 percent of the window space of the premises displaying the sign.

- (16) Signs with unshielded light that directly illuminate the night sky.
  - (17) Off-premises signs.
  - (18) Billboard signs.
- (g) *Temporary signs—No permit required.* No permit shall be required for the following temporary signs:
- (1) Temporary political campaign signs.
  - (2) Temporary construction signs identifying the parties involved in the construction to occur or occurring on a parcel shall be allowed only as an accessory to an approved building permit for a project or development, and may be installed upon a construction site in any district provided the following requirements are met:
    - a. The sign must not exceed 32 square feet in commercial and industrial districts and six square feet in residential districts.
    - b. One temporary sign for each project or development will be permitted along each directly abutting street.
    - c. The temporary sign may be erected and maintained for a period not to exceed 30 days prior to the commencement of construction and shall be removed within 14 days of the issuance of the certificate of occupancy.
  - (3) Temporary window signs. No more than 25 percent of the glass area within a window opening may be used for the display of a temporary sign message.
  - (4) No trespass/no hunting signs. "No Trespassing" and "No Hunting" signs and similar warning or restrictive signs, not to exceed two square feet in area, may be placed upon private property by the owner.
  - (5) Public event signs. Ground signs not exceeding 32 square feet in area for each sign may be erected and maintained for a period not to exceed 30 days before the first day of the event, celebration, or festival, and shall be removed immediately upon completion of the event. Signs permitted under this subsection may be located in any zoning district.
- (h) *Same—Permit required.* Temporary signs, as defined and regulated in this chapter, in B-1, B-2, B-3, I, PBD, and CC districts must further comply with the following provisions:
- (1)

Code of Ordinances No more than one special event banner not exceeding 75 square feet in area may be placed on an outside building wall more than three times per calendar year. Each special event sign may be permitted to be displayed for a maximum period of ten consecutive days with an approved temporary sign permit.

- (2) One sandwich board-style sign may be used in conjunction with any banner event as described in this section **in areas outside the CC district and PBD**. Sandwich board signs may be located no closer than ten feet to any property line. Signs may be constructed of wood or other material approved by the city. Sandwich board style signs shall not exceed six square feet in area nor shall they exceed five feet in height.
- (3) Balloons 18 inches in diameter may be used in conjunction with a banner event as described in this section. Balloons may not be elevated more than 20 feet above ground elevation.
- (4) Other temporary sign requirements.
  - a. *Responsibility for temporary signs.* Temporary signs located on private property must have the consent of the property owner who with the owner-manager of the sign or civic sponsor of the event will be jointly responsible for the proper location, maintenance, and ultimate removal of the sign.
  - b. *Placement restrictions.* Signs must not be placed in the public right-of-way.
  - c. *Waiver of setback requirements.* Setback requirements may be waived for temporary signs if the site configuration makes it difficult or impractical to conform to the standard setback requirements provided they are located entirely on the business property in which the temporary sign is intended and the location is approved by city staff.
- (5) Sign construction and maintenance.
  - a. *Conformance with the building code.* The construction of all signs permitted by this chapter shall be in accordance with the provisions of the building code as administered by the city and the National Electrical Code.
  - b. *Safety.* No sign or structure may be erected in such a manner that any portion of its surface and/or supports will interfere in any way with the free use of any fire escape, exit, or standpipe. No sign shall obstruct any window. Signs shall be so located as to maintain all required clearances from overhead power and service lines.
  - c.

Code of Ordinances *Posts and columns.* Sign support structures for all freestanding signs, except ground signs, must be limited to posts or columns not in excess of that commonly required to support the size and weight of the sign.

- d. *Sign maintenance.* All signs and sign structures must be properly maintained and kept in a safe and presentable condition. Vegetation around, in front of, behind, and underneath the base of ground signs for a distance of ten feet shall be neatly trimmed and kept free of weeds. No accumulation of rubbish or debris shall be permitted.

(Ord. No. 41B, subds. 2, 3, 9-5-2007; Ord. No. 26, Second Series, 7-7-2010)

#### **Sec. 54-4. - Signs in rural residential (RR), single-family residential (R-1), and single-family and townhome (R-2) residential districts.**

Within the residential districts, the following signs are permitted:

- (1) *Single-family residential use.* For single-family residential use, one address/nameplate sign for each dwelling that shall not exceed three square feet in area per surface, and no sign shall be so constructed as to have more than two surfaces.
- (2) *Residential developments.* For residential developments, one nameplate sign and one monument identification sign per roadway access point to a residential development, unless approved as part of a PUD, with the following regulations:
  - a. The area identification sign shall not exceed 32 square feet in area per surface, and no sign may be constructed as to have more than two surfaces.
  - b. The maximum height shall be six feet.
  - c. The sign must be located at least 20 feet from the public right-of-way.
- (3) *Home occupations.* For home occupations, one identification sign is permitted, and the sign shall not exceed two square feet.

(Ord. No. 41B, subd. 4, 9-5-2007)

#### **Sec. 54-5. - Signs in public/institutional (P/I) district located within a residentially zoned district and/or abutting local or county roads.**

(a) The total aggregate square footage of all sign space per parcel shall not exceed the sum of three square feet for each front foot of building. The maximum area per individual sign placed on a building shall not exceed 40 square feet. One freestanding monument sign shall be allowed with a surface area not to exceed 40 square feet. The maximum height for all signs will be the lowest point of the roof or parapet of the building associated with the sign.

(b) No sign, or any part thereof, shall be located closer than 20 feet to the front property line, five feet to the side property line,<sup>1</sup> or five feet to the rear property line.<sup>2</sup>

<sup>1</sup>Exception: 15 feet when abutting a side street, or 35 feet when abutting a residential district.

<sup>2</sup>Exception: 15 feet when abutting a residential district.

(Ord. No. 41B, subd. 5, 9-5-2007)

## **Sec. 54-6. - Signs in public/institutional (P/I) district abutting trunk Highway 65.**

(a) The total aggregate square footage of all sign space per parcel shall not exceed the sum of three square feet for each front foot of building. The maximum area per individual sign placed on a building shall not exceed 40 square feet. One freestanding monument sign to be placed perpendicular to Highway 65 and not to exceed 100 square feet. The maximum height for all signs will be the lowest point of the roof or parapet of the building associated with the sign.

(b) No sign, or any part thereof, shall be located closer than 20 feet to the front property line, five feet to the side property line,<sup>3</sup> or five feet to the rear property line.<sup>4</sup>

<sup>3</sup>Exception: 15 feet when abutting a side street, or 35 feet when abutting a residential district.

<sup>4</sup>Exception: 15 feet when abutting a residential district.

(Ord. No. 41B, subd. 6, 9-5-2007)

## **Sec. 54-7. - Signs in the limited business (B-1) district.**

Within the B-1 district, nameplate signs and business signs are permitted subject to the following regulations:

Code of Ordinances (1) On a parcel with a building containing one principal use, the total aggregate square footage of all sign space per parcel shall not exceed the sum of three square feet for each front foot of building. The maximum area per individual sign placed on a building shall not exceed 40 square feet. One freestanding monument sign shall be allowed with a surface area not to exceed 40 square feet. The maximum height for all signs will be the lowest point of the roof or parapet of the building associated with the sign.

(2) On parcels of land with a building containing more than one principal use, the owner of the building shall submit a comprehensive sign plan for the total building signage for approval by the planning commission. The square footage of all signs per parcel shall not exceed the sum of three square feet for each front foot of building. The maximum area per individual sign placed on a building shall not exceed 40 square feet. One freestanding monument sign will be allowed with a surface area not to exceed 40 square feet. The maximum height for all signs shall be the lowest point of the roof or parapet of the building associated with the sign.

(3) No sign, or any part thereof, shall be located closer than 20 feet to the front property line, five feet to the side property line,<sup>5</sup> or five feet to the rear property line.<sup>6</sup>

<sup>5</sup>Exception: 15 feet when abutting a side street, or 35 feet when abutting a residential district.

<sup>6</sup>Exception: 15 feet when abutting a residential district.

(Ord. No. 41B, subd. 7, 9-5-2007)

## **Sec. 54-8. - Signs in central business (B-2) district.**

Within the B-2 district, nameplate and business signs are permitted subject to the following:

(1) On parcels with a building containing one principal use, aggregate square footage of sign space per lot shall not exceed the sum of three square feet per front foot of building. The maximum area per individual sign placed on a building shall not exceed 40 square feet, nor shall two or more signs be so arranged and integrated as to cause an advertising surface exceeding 80 square feet. One freestanding monument sign with a surface area not to exceed 40 square feet shall be allowed. The maximum height for all signs shall be the lowest point of the roof or parapet of the building on which the sign is located or associated with.

Code of Ordinances (2) On parcels with a building containing more than one principal use, the owner of the building must submit a comprehensive sign plan for the total building signage to be approved by the planning commission. The square footage of all signs per parcel shall not exceed the sum of three square feet for each front foot of building. The maximum area per individual sign placed on a building shall not exceed 40 square feet. One freestanding monument sign with a surface area not to exceed 100 square feet shall be allowed. The maximum height of all signs shall be the lowest point of the roof or parapet of the building associated with the sign.

- (3) No sign, or any part thereof, shall be located closer than 20 feet to the front property line, five feet to the side property line,<sup>7</sup> or five feet to the rear property line.<sup>8</sup>

<sup>7</sup>Exception: 15 feet when abutting a side street, or 35 feet when abutting a residential district.

<sup>8</sup>Exception: 15 feet when abutting a residential district.

- (4) Business park monument identification signs. Business park monument identification signs are permitted per roadway access point to a business park and shall be in addition to any other ground sign permitted upon the parcel on which it is located. Business park signs will be subject to site plan approval by city council and the following criteria will apply:

- a. The sign shall be of the monument variety and may be placed at all roadway entrance points within the development provided the sign applicant controls the property by easement or title.
- b. Information on the sign shall contain no more than the name and address of the park and the manager or the developer thereof.
- c. Stylized logos may be incorporated into the sign and shall be included in the allowable square footage.
- d. The gross surface area may not exceed 40 square feet for each exposed face.
- e. Sign height may not project higher than ten feet above grade.
- f. Landscaping plans for the area around the base of the sign shall be completed and reviewed as part of the site plan approval process.

- (5)

Code of Ordinances

Parcels within 200 feet of Highway 65 are allowed one additional freestanding monument sign not to exceed 100 square feet per parcel. The parcel is limited to one freestanding monument sign to be placed perpendicular to Highway 65. The maximum height for all signs shall be the lowest point of the roof or parapet of the building on which the sign is located or associated with.

(Ord. No. 41B, subd. 8, 9-5-2007)

## Sec. 54-9. - Signs in the highway commercial (B-3) district and the light industrial (I) district.

Within the B-3 district and the I district, nameplate and business signs are permitted subject to the following:

- (1) On parcels with buildings containing one principal use, the aggregate square footage of sign space per parcel shall not exceed the sum of four square feet for each front foot of building. The maximum area per individual sign placed on a building shall not exceed 200 square feet. One freestanding monument sign shall be allowed for each parcel with a surface not to exceed 100 square feet. The maximum height for all signs shall be the lowest point of the roof or parapet of the building on which the sign is located or associated with.
- (2) On parcels with buildings containing more than one principal use, the owner of the building must submit a comprehensive sign plan for total building signage for approval by the planning commission. The total signage for such a building shall not exceed four square feet for each front foot of building. The maximum area per individual sign placed on a building may not exceed 200 square feet. One freestanding monument sign shall be allowed for each total parcel with a surface not to exceed 100 square feet. The maximum height for all signs shall be the lowest point of the roof or parapet of the building on which the sign is located or associated with.
- (3) No sign or any part thereof shall be located closer than 20 feet to the front property line, five feet to the side property line,<sup>9</sup> or five feet to the rear property line.<sup>10</sup>

<sup>9</sup>Exception: 15 feet when abutting a side street, or 35 feet when abutting a residential district.

<sup>10</sup>Exception: 15 feet when abutting a residential district.

(4)

## Code of Ordinances Business park monument identification signs. Business park monument identification signs

signs are permitted per roadway access point to a business park and shall be in addition to any other ground sign permitted upon the parcel on which it is located. Business park signs will be subject to site plan approval by city council, and the following criteria will apply:

- a. The sign shall be of the monument variety and may be placed at all entrance points within the development provided the sign applicant controls the property by easement or title.
  - b. Information on the sign shall contain no more than the name and address of the park, and the management or developer thereof.
  - c. Stylized logos may be incorporated into the sign and shall be included in the allowable square footage.
  - d. The gross surface area shall not exceed 40 square feet for each exposed face.
  - e. Sign height shall not project higher than ten feet from grade. Landscaping plans for the area around the base of the sign shall be completed and reviewed as part of the site plan approval process.
- (5) Parcels within 200 feet of Highway 65 are allowed one additional freestanding monument sign not to exceed 100 square feet per parcel. The parcel is limited to one freestanding monument sign to be placed perpendicular to Highway 65. The maximum height for all signs shall be the lowest point of the roof or parapet of the building on which the sign is located or associated with.

(Ord. No. 41B, subd. 9, 9-5-2007)

### Sec. 54-10. - Signs in the city center (CC) district and the planned business district (PBD).

A developer or subsequent owner of a development project shall submit a comprehensive sign plan. The city council shall approve the comprehensive sign plan or amendment for each development. Such plan shall set down the standards guiding the installation of all signs within the development.

- (1) *Design standards.*
  - a. All wall signs shall be comprised of individual letters.
  - b.

The sign plan may adopt portions of this chapter by reference, but shall result in a more integrated sign design for the development than is required by this chapter.

- c. If the city council determines that a sign plan does not provide an integrated sign design, city council may deny the plan.
  - d. If the sign plan approved by city council is unacceptable to the developer, the developer may choose to resubmit a plan and have this chapter serve as the sign control for the development.
- (2) *Projecting signs.* Projecting signs shall only be allowed in the CC district and shall meet the following requirements:
- a. Projecting signs may extend four feet into a required yard setback.
  - b. Projecting signs must be at least eight feet above a sidewalk.
  - c. The maximum area of a projecting sign is eight square feet.
- (3) *A-frame or sandwich board signs.* A-frame or sandwich board signs shall only be permitted in the PBD and the CC districts and shall meet the following requirements:
- a. The sandwich board shall be located no further than ten feet from the principal structure.
  - b. The sign must be constructed of a material approved by the city council.
  - c. The sign shall not exceed six feet in area.
  - d. The sign shall not exceed five feet in height.

(Ord. No. 41B, subd. 10, 9-5-2007)

## **Sec. 54-11. - Nonconforming sign regulations.**

- (a) *Nonconformities.* Any nonconforming sign may be continued, including through repair, replacement, restoration, maintenance, or improvement, but not including expansion, unless:
- (1) The nonconforming sign is discontinued for a period of more than one year.
  - (2) The nonconforming sign is destroyed to the extent of greater than 50 percent of its market value.
  - (3) The sign is relocated on the building and/or parcel.
- (b)

Code of Ordinances *Signs erected under comprehensive sign plan requirements.* Any signs erected under a comprehensive sign plan approved by city council shall not be considered nonconforming.

- (c) *Existing nonconforming signs.* Except as otherwise provided in this chapter, the provisions of this chapter are not intended to alter, diminish, increase, or otherwise modify any rights or liabilities imposed upon nonconforming or prohibited signs existing prior to adoption of the ordinance from which this chapter is derived. Any act done, offense committed, or rights accruing or accrued, or liability or penalty incurred or imposed prior to adoption of the ordinance from which this chapter is derived, is not affected by this chapter.
- (d) *Maintenance and repair.* Nothing in this chapter will be construed as relieving the owner or user of a legal nonconforming sign or the owner of the property on which the legal nonconforming sign is located from the provisions of this chapter regarding safety, maintenance, and repair of signs contained in this chapter provided, however, that any repainting, cleaning, and other normal maintenance or repair of the sign or sign structure shall not modify the sign structure or copy in any way which makes it more nonconforming or the sign will lose its legal nonconforming status.
- (e) *Signs for nonconforming uses.* Based upon the city's zoning ordinance set forth in Appendix A to this Code, in cases where a use is legally nonconforming, all existing or proposed signs will be considered conforming if they are in compliance with the sign provisions for the most restrictive zoning district in which the use is allowed.

(Ord. No. 41B, subd. 11, 9-5-2007)

## Sec. 54-12. - Application procedure.

Permanent and temporary signage shall be approved by the city prior to the installation and display of signage.

- (1) *Permanent sign.* Application for a sign permit shall be made to the city on an official city application form. Such application shall include:
  - a. Completed sign permit application.
  - b. Site plan, drawn to scale, of the following:
    - 1. Existing conditions: location and dimensions of property lines, structures, curb cuts, driveways, access roads, parking, off-street loading areas, septic system, and well.

Code of Ordinances <sup>2</sup> Proposed conditions: Location of proposed sign and setback from property lines. 

- c. Sign design, drawn to scale and in color, showing the following: type of sign (freestanding, wall, roof, etc.), height, width, message, materials constructed of, light source, location on structure or property.
- d. Copy of job estimate from sign contractor.

(2) *Temporary sign.* Application for a temporary sign permit shall be made to the city on an official city application form. Such application shall include:

- a. Completed temporary sign permit application.
- b. Sign design, drawn to scale and in color, showing the following: type of sign (freestanding, wall, roof, etc.), height, width, and location of proposed sign.

(Ord. No. 41B, subd. 12, 9-5-2007)

### **Sec. 54-13. - Fees.**

The fees for applications and for all permits shall be established by the city council by resolution. The issuance of sign permits shall not occur until a complete application has been filed and the appropriate fees have been paid.

(Ord. No. 41B, subd. 13, 9-5-2007)

### **Sec. 54-14. - Variance.**

Requests for variances from the literal provisions of this chapter shall be processed through a formal variance process as prescribed by the city's zoning ordinance, set forth in Appendix A to this Code. Before the city council and/or assigned shall grant a variance, it is the responsibility of the applicant to prove an undue hardship. The term "undue hardship," as used in connection with the granting of a variance, means the property in question cannot be put to a reasonable use if used under conditions allowed by the official controls, the plight of the landowner is due to circumstances unique to the property not created by the landowner, and the variance, if granted, will not alter the essential character of the locality.

(Ord. No. 41B, subd. 14, 9-5-2007)

### **Sec. 54-15. - Enforcement.**

(a)

*Inspection.* City staff has the authority to enter or inspect any building, structure, or parcel in the city for the purpose of inspection of a sign and its structural and electrical connections to ensure compliance with all applicable codes and ordinances.

- (b) *Written order.* When city staff determines a violation exists, a written repair or removal order shall be issued. The repair or removal order shall be issued to the owner of the sign and/or the owner of the property upon which the sign is located. The order shall specify those sections of the Code involved, describe the violation, and shall direct that the violation be corrected within 30 days from the date of the order, unless otherwise specified. Where a safety hazard exists or the sign is temporary in nature, the order may specify immediate repair or removal.

(Ord. No. 41B, subd. 15, 9-5-2007)

### **Sec. 54-16. - Removal of signs by the city.**

- (a) The city may cause the removal of any sign after the sign owner and/or property owner has failed to timely comply with written orders of repair or removal. Abandoned signs or signs within public right-of-way may be removed without notice.
- (b) After removal or demolition of a sign by the city, salvageable remnants of the sign will be stored for no more than 30 days, and a notice shall be mailed to the sign owner and property owner if different. Said notice shall state the nature of the work and demand reimbursement of all costs together with an additional 25 percent administration fee.
- (c) If the amount specified in the notice is not paid and all sign remnants are not reclaimed within 30 days after mailing, the sign remnants shall be disposed of and balance due, including cost of disposal, shall become a lien against the parcel where the sign was located. Said lien shall be certified as an assessment against the property.
- (d) The owner of the parcel upon which any sign is located shall be presumed to be the owner of all signs thereon unless facts to the contrary are brought to the attention of the city.
- (e) In case of emergency or immediate hazard, city staff may cause the immediate removal of a dangerous or defective sign without notice. Signs removed in this manner must present an immediate hazard to the public health, safety, and welfare.

(Ord. No. 41B, subd. 16, 9-5-2007)

### **Sec. 54-17. - Appeals.**

To provide for a reasonable interpretation of the provisions of this chapter, a permit applicant who wishes to appeal an interpretation by city staff may file a written request for appeal with the city administrator. If said appeal is the result of a violation notice, the city shall receive the request within 20 days of the date of initial violation notice. The city council will hear the appeal, make findings, and take its action.

(Ord. No. 41B, subd. 17, 9-5-2007)

### **Sec. 54-18. - Penalty.**

Any violation of this chapter is a misdemeanor and, upon conviction thereof, may be punished as provided in section 1-14. Each day of continued violation will constitute a separate offense.

(Ord. No. 41B, subd. 19, 9-5-2007)

### **Sec. 54-19. - Substitution clause.**

The owner of any sign which is otherwise allowed by this chapter may substitute noncommercial speech in lieu of any commercial speech or noncommercial speech. This substitution of copy may be made without any additional approval or permitting. The purpose of this provision is to prevent any inadvertent favoring of commercial speech over noncommercial speech, or favoring of any particular noncommercial speech over any other noncommercial speech. This provision prevails over any more specific provision to the contrary.

(Ord. No. 41B, subd. 21, 9-5-2007)

< Sec. 50-11. - No retaliation.

Chapter 58 - SOLID WASTE >



# City of East Bethel City Council Work Meeting Agenda Information

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**Date:**

November 2, 2016

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**Agenda Item Number:**

Item 5.0

\*\*\*\*\*

**Agenda Item:**

Oak Grove Building Official and Inspection Services Contract

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**Requested Action:**

None at this time

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**Background Information:**

City Staff will be meeting with Oak Grove on Monday, October 31, 2016 to discuss continuation of the Building Official and Inspection Services Contract for 2017. Materials related to that discussion will be forwarded to you later on that date.

**Attachments:**

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**Fiscal Impact:**

\*\*\*\*\*

**Recommendation(s):**

For Discussion Only

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