

TITLE XV: LAND USAGE

Chapter

- 150. BUILDING REGULATIONS; CONSTRUCTION**
- 151. MOBILE HOMES AND PARKS; TRAILERS**
- 152. FLOOD HAZARD PROTECTION**
- 153. ZONING REGULATIONS**

CHAPTER 150: BUILDING REGULATIONS; CONSTRUCTION

Section

150.01 International Property Maintenance Code adopted; revisions

150.02 Dwelling places

150.99 Penalty

§ 150.01 INTERNATIONAL PROPERTY MAINTENANCE CODE ADOPTED; REVISIONS.

(A) A certain document, 3 copies of which are on file in the City Finance Office, being marked and designated as the *International Property Maintenance Code* as published by the International Code Council, Inc., be and is hereby adopted as the *Property Maintenance Code* of the city, for the control of buildings and structures as herein provided; and each and all of the regulations, provisions, penalties, conditions and terms of the *Property Maintenance Code* are hereby referred to, adopted, and made a part hereof, as if fully set out in this section, with the additions, insertions, deletions and changes, if any, prescribed in division (B) of this section.

(B) The following sections are hereby revised:

- (1) Section 101.1. Insert: City of Gregory.
- (2) Section 103.6. Insert: The City Council shall set the appropriate fees by council resolution.
- (3) Section 303.14. Insert: May 1 to October 15.
- (4) Section 602.3. Insert: October 1 to May 1.
- (5) Section 602.4. Insert: October 1 to May 1.

(C) Nothing in this section or in the *Property Maintenance Code* hereby adopted shall be construed to affect any suit or proceeding impending in any court, or any rights acquired, or liability incurred, or any cause or causes of action acquired or existing, under any act or ordinance hereby repealed as cited in division (B) of this section; nor shall any just or legal right or remedy of any character be lost, impaired or affected by this section.

(Ord. 178, passed 2-27-2004)

§ 150.02 DWELLING PLACES.*(A) Certain facilities required.*

(1) All buildings being used as dwelling places within the city limits shall have the following facilities:

- (a) Hot and cold running water;
- (b) Toilet facilities; and
- (c) Either a shower or a bathtub.

(2) The toilet facilities and shower or bath shall be kept in good working order and in good sanitary condition.

(Prior Code, § 15.08.010) (Ord. 104, passed - -1993)

(B) Complaint; inspection. Upon receiving a complaint of non-working or non-existent toilet facilities, an inspection team made up of the City Health Officer, city police officer; 1 Council Member; and the landowner or his or her representative shall inspect the dwelling place. The inspection visit shall be made after the owner of the residence is notified.

(Prior Code, § 15.08.020) (Ord. 104, passed - -1993)

Penalty, see § 150.99

§ 150.99 PENALTY.

Any violations of § 150.02 as noted in the inspection report shall be fixed within 30 days or the landowner will be fined \$10 a day until all the noted violations are fixed.

(Prior Code, § 15.08.030) (Ord. 104, passed - -1993)

CHAPTER 151: MOBILE HOMES AND PARKS; TRAILERS

Section

General Provisions

- 151.01 Definitions
- 151.02 Minimum area
- 151.03 Administration
- 151.04 Location outside parks
- 151.05 Permanent occupancy

Licensing and Permit Provisions; Inspections

- 151.20 License; application and issuance
- 151.21 Inspection fee
- 151.22 Grandfather clause
- 151.23 Plan submission
- 151.24 Placement permit
- 151.25 Annual compliance plan review

Regulations

- 151.40 Water supply and sanitary sewer
- 151.41 Refuse disposal
- 151.42 Plumbing, heating and electrical repair work
- 151.43 Skirting required
- 151.44 Additions
- 151.45 Register of occupants
- 151.46 Management, maintenance and control; owner
- 151.47 Fire extinguishers required
- 151.48 Unlawful occupancy

GENERAL PROVISIONS**§ 151.01 DEFINITIONS.**

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

MOBILE HOME. A detached single-family dwelling unit with all of the following characteristics:

(1) Designed for long-term occupancy, and containing sleeping accommodations, a flush toilet, a tub or shower bath, and kitchen facilities, with plumbing and electrical connections provided for attachment to outside systems.

(2) Designed to be transported after fabrication on its own wheels, or on flatbed or other trailers or detachable wheels.

(3) Arriving at the site where it is to be occupied as a dwelling complete, including major appliances and furniture, and ready for occupancy except for minor and incidental unpacking and assembly operations, location on foundation supports, connection to utilities, and the like.

MOBILE HOME PARK. Any park, trailer park, trailer court, camp, site, lot, parcel or tract of land designed, maintained or intended for the use of supplying a location or accommodation for two or more mobile homes, and upon which the mobile homes are parked permanently or temporarily, and shall include all buildings and utilities used or intended for use as part of the equipment thereof, whether a charge is made for the use of the trailer park and its facilities or not. **MOBILE HOME PARK** shall not include travel trailer parks or trailer sales lots.

TRAVEL TRAILER. A vehicular portable structure designed as a temporary dwelling for travel, recreational and vacation uses, which:

(1) Is identified on the unit by the manufacturer as a travel trailer;

(2) Is not more than 8 feet in body width;

(3) Can operate independent of connections to external sewer, water and electrical systems;

and

(4) Does not include automobiles, trucks or buses adapted for vacation use but not identified by the manufacturers as travel trailers.

TRAVEL TRAILER CAMPGROUND. Any plat or ground on which a camper, travel trailer, motor home or tent is located for short-term occupancy regardless of whether or not a charge is made for the accommodation. However, the definition shall not include the premises of one who stores thereon a single trailer of which he or she is the owner.

(Ord. 124, passed 2-7-1994)

§ 151.02 MINIMUM AREA.

No mobile home park as defined herein shall be located on any parcel of ground having surface area of less than 5 acres unless abutting an existing mobile home park. A minimum of 15 mobile home spaces must be provided for occupancy under the initial construction of a mobile home park to ensure that streets, parking and other facilities are completed for the first occupants.

(Ord. 124, passed 2-7-1994)

§ 151.03 ADMINISTRATION.

(A) The administration and enforcement of this chapter shall be under the supervision and jurisdiction of the Building Inspector.

(B) The Building Inspector shall have the right and is hereby empowered to enter upon any premises on which any mobile homes, travel trailers or campers are or about to be located and inspect the same and all accommodations connected therewith at any reasonable time.

(Ord. 124, passed 2-7-1994)

§ 151.04 LOCATION OUTSIDE PARKS.

(A) Except as otherwise provided, it shall be unlawful, within the limits of the city, to park any mobile home or travel trailer on any street, alley or highway, or other public place, or on any tract of land owned by any person occupied or unoccupied, within the city, except for persons now having located on his or her premises pursuant to a valid permit previously granted and except as provided in this chapter.

(B) No owner or occupant of a mobile home located or placed outside a licensed park in the city shall locate or install the same on any premises in the city without first having obtained a building permit therefor from the building official. The building official shall not issue a building permit to any applicant for the permit unless the applicant shall locate the mobile home on a permanent foundation on a lot or parcel of real property, meeting all the area requirements of a building lot for a single-family dwelling in the residential zone of the city, and shall locate the same on a lot fronting on a dedicated street and on the lot so as to meet all the requirements of the front, side and rear yard areas in a residential zone as provided by the zoning ordinance; and further provided that no permit shall be issued to any applicant

who shall not first have secured the written consent of 75% of the owners of real property located within 150 feet of any part of the premises upon which the mobile home shall be located. All mobile homes located in the city and outside a licensed park or campground shall be directly connected to the public water supply and to the public sanitary sewer outlet, or to a septic system in the event the same shall be more than 200 feet from any sewer outlet. The value of any mobile home, as installed, for which a permit is granted under this division shall not be less than \$1,000 less than the average full fair market value of the dwelling houses located within a 150-foot radius of any part of the lot or parcel on which any trailer shall be located, the values to be determined from the current tax record.

(C) Emergency or temporary stopping or parking is permitted on any street, alley, or highway for not longer than 1 hour subject to any other or further prohibitions, regulations, or limitations imposed by the traffic and parking regulations for that street, alley or highway.

(D) (1) No person shall park or occupy any mobile home or travel trailer on the premises of any occupied dwelling, or on any lot which is not a part of the premises of any occupied dwelling, either of which is situated outside an approved mobile home park or travel trailer campground; except the parking of only 1 unoccupied travel trailer in an accessory private garage building or in a rear yard in any district is permitted providing no living quarters shall be maintained or any business practiced in the travel trailer while so parked or stored.

(2) Temporary parking of an occupied or unoccupied travel trailer for a period not to exceed 7 consecutive days is permitted on private property.

(E) (1) It shall be lawful to locate 1 occupied mobile home on a mobile home sale lot, provided the mobile home shall be served by an approved public water supply and an approved sanitary system.

(2) Normal utility and inspection fees shall apply.

(3) Permission for the location of a mobile home may be granted by the building official which the sales lot is operated.

(Ord. 124, passed 2-7-1994)

§ 151.05 PERMANENT OCCUPANCY.

Mobile homes may be used as permanent places of abode or as permanent dwellings for an indefinite period of time only in the following cases:

(A) Where the mobile home is lawfully located and maintained in a licensed park as herein defined.

(B) Where the owner thereof shall locate and install the same on a permanent foundation on real property of which he or she shall be the owner or lessee.

(Ord. 124, passed 2-7-1994)

LICENSING AND PERMIT PROVISIONS; INSPECTIONS

§ 151.20 LICENSE; APPLICATION AND ISSUANCE.

(A) It shall be unlawful for any person to establish, operate or maintain or permit to be established, operated or maintained upon any property owned or controlled by him or her, a mobile home park or travel trailer campground within the limits of the city without having first secured a license for each of them from the city granted and existing in compliance with the terms of this chapter. All licenses shall expire on the first day of January of each year; but may be renewed under the provisions of this chapter for additional periods of 1 year. Each application for a license shall include a showing that the applicant's premises comply with this chapter or any amendment of the same, except as provided in state law. A license fee of \$50 or \$1 for each mobile home lot in the mobile home park whichever is greater shall accompany each application for a new license or the renewal of an existing license.

(B) The initial application for the license shall be made in conjunction with the building permit application. The renewal of the license shall be filed with the Finance Officer. The application for a license or a renewal thereof shall be made on printed forms furnished by the Finance Officer and shall include the name and address of the owner in fee of the tract, if the applicant, a duly verified statement by that person, that the applicant is authorized by him or her to construct or maintain the mobile home park and make the application and the legal description of the premises, upon which the mobile home park is or will be located as will readily identify and definitely locate the premises. The application shall be accompanied by 4 copies of the park plan showing the following, either existing or as proposed:

- (1) The extent and area used for park purposes;
 - (2) Roadways and driveways;
 - (3) Location of sites or units for mobile homes;
 - (4) Location and number of sanitary conveniences, including toilets, washrooms, laundries and utility rooms to be used by occupants;
 - (5) Method and plan of sewage disposal;
 - (6) Method and plan of garbage removal; and
 - (7) Plan for electrical power for units.
- (Ord. 124, passed 2-7-1994)

§ 151.21 INSPECTION FEE.

(A) Each mobile home moved onto a mobile home park lot shall be inspected by the Building Inspector and a \$5 inspection fee paid by the mobile home owner to the Finance Officer prior to occupancy of the mobile home. The inspection shall insure compliance with the provisions of this chapter.

(B) Licenses issued under the terms of this chapter convey no right to erect any building, to do any plumbing work or to do electrical work, and are not transferable.
(Ord. 124, passed 2-7-1994)

§ 151.22 GRANDFATHER CLAUSE.

(A) The following mobile home parks in existence on March 1, 1994 shall be exempt from the provisions of this chapter until 6 months after the mobile home parks are no longer used for mobile home parking: Brumbaugh Trailer Court described as the S 25 feet of Lot 5, Lot 6 of BLK 39; Nemer Trailer Court described as: E 90 feet of lots 15 to 18 of BLK 62; Shaffer Trailer Court described as: Lot A in SE $\frac{1}{4}$ NE $\frac{1}{4}$ less north part of E 123 feet in Sec. 13-97-73 Hills First Addition to City of Gregory; Harrison Trailer Court described as Lot B of Outlot in SE $\frac{1}{4}$ of the NE $\frac{1}{4}$ of the NE $\frac{1}{4}$ of Sec. 13-97-73 in Hills First Addition to Gregory; Wendell Trailer Court described as Lot 3-12 in Logan Acre's Addition to Gregory. The grandfather clause will exempt any owner of the above named and described location of the property.

(B) In addition all existing mobile homes placed in the city limits prior to March 1, 1994 shall be exempt from the restrictions in this code that apply to them.
(Ord. 124, passed 2-7-1994)

§ 151.23 PLAN SUBMISSION.

The applicant for a mobile home park license shall submit with his or her application a plan of construction within the proposed park adhering to and observing the space limitations and requirements hereinafter prescribed and within a mobile home park, the following space regulations and other requirements shall apply:

(A) Area requirements:

- (1) Minimum lot area shall be 3,200 square feet.
- (2) Minimum lot width at building line shall be 35 feet.

(3) Minimum space between mobile homes shall be 10 feet if a 1-hour fire resistive wall 8 feet in height is constructed on the lot line between the front yard and rear yard lines. In the absence of a wall, the minimum space between mobile homes shall be 20 feet. Except, mobile homes located on lots within mobile home parks at the time of passage of this code shall be required to have a minimum distance between mobile homes or structures attached thereto of 16 feet so long as the mobile home remains on the same lot.

(4) Maximum projection of an attached structure to 1 side shall be 5 feet and a carport may be attached; the projections shall not be included in side yard measurements. Any projection other than the 2 above specified instances shall be counted in determining side yard requirements.

(5) Side yards and rear yards for the mobile home park shall be at least 25 feet; except, when adjacent to other mobile home parks or campgrounds or to zones other than R-1 and R-2, the side and rear yards shall be at least 10 feet.

(6) Front yards of 30 feet shall be provided on dedicated streets measured from the lot line, or 10 feet on private streets measured from the edge of the roadway or back of curb.

(7) In no case shall any mobile home occupy more than 1/3 the total area of any lot.

(8) Exceptions to area requirements for lots established in mobile home parks prior to October 11, 1972:

(a) Minimum lot area shall be 2,200 square feet.

(b) Minimum lot width at building line shall be 31 feet.

(c) Front yards of 25 feet shall be provided on dedicated streets measured from the lot line.

(9) The maximum building site of each mobile home shall be shown on the park plan for each mobile home lot.

(10) **BUILDING SIZE** in division (A)(9) of this section is defined as the outside measurements of the mobile home excluding the trailer hitch and tongue.

(B) Street and access requirements:

(1) Minimum roadway widths within a mobile home park shall be:

(a) Twenty feet with no parking permitted.

(b) Thirty feet with parking permitted on 1 side only.

(c) Forty feet with parking permitted on both sides.

Gregory - Land Usage

(2) All mobile home space shall abut upon hard surfaced streets. Surfacing shall be Portland cement concrete or asphaltic concrete. Completion of surfacing shall be within 2 years of the first occupancy.

(3) All dead-end streets shall terminate in an open space having a 60-foot minimum diameter. No dead-end street shall exceed 500 feet in length.

(4) Streetlights of 175 watt luminaires at 150 feet maximum spacing shall be provided for the safe movement of pedestrians and vehicles at night.

(5) Sidewalks shall be provided within the mobile home park between the individual mobile homes, the park streets and all community facilities provided for park residents. Interior sidewalks and individual walks shall be of Portland cement concrete at least 4 inches in thickness and 2½ feet in width; except, individual walks 2 feet in width may be retained where they exist on the date of passage of this code. Exterior sidewalks and sidewalks along public streets shall comply with the requirements of the ordinances of the city pertaining to public sidewalks.

(6) The owner of a mobile home park shall provide a roadway which shall be at least 20 feet in width with no parking permitted, or 30 feet in width with parking permitted on 1 side only, or 40 feet in width with parking permitted on both sides for the purpose of connecting the roadway system within the mobile home park with the public highway system.

(7) It shall be unlawful and a violation of this chapter for any person to obstruct any roadway required by the provisions of this section.

(C) Every mobile home park shall be located on a well-drained area, and the premises shall be properly graded so as to prevent the accumulation of storm or other waters.

(D) Car parking areas shall be provided at the rate of at least 2 car spaces for each mobile home lot, and at least one of the spaces shall be located on the lot. The car parking spaces shall be surfaced with Portland cement concrete or asphaltic concrete completed in place before occupancy. In no case shall parking be permitted on interior drives within 25 feet of exterior driveways or interior intersections.

(E) Exposed ground surfaces in all parts of every mobile home park shall be paved, or covered with stone screenings, or other solid material or protected with a vegetative growth that is capable of preventing soil erosion and of eliminating objectionable dust.

(F) Each mobile home space shall be provided with a hardstand of sufficient size and depth to adequately accommodate a mobile home.

(G) Anchors such as deadmen, screw augers or arrowhead anchors approved by the Building Inspector shall be provided and installed by the owner of each mobile home.

(H) Each lot in the mobile home park shall be identified by a clearly visible number the size of which shall be at least 3 inches in height.

(Ord. 124, passed 2-7-1994)

§ 151.24 PLACEMENT PERMIT.

The mobile home court owner shall submit a permit application to the Building Inspector before a mobile home is allowed to be placed in a new or vacated space in the owner's court. The permit shall include the mobile home owner's name, mobile home make/model/size, date and time of anticipated arrival, and the court lot location assigned.

(Ord. 124, passed 2-7-1994)

§ 151.25 ANNUAL COMPLIANCE PLAN REVIEW.

Prior to the annual licensing of all mobile home courts, an inspection shall be conducted of each mobile home court to determine the court owner's conformance with the signed mobile home court ordinance compliance plan. The inspection shall include a review of all variances granted in the plans to determine the status and/or continued need for those variances.

(Ord. 124, passed 2-7-1994)

REGULATIONS

§ 151.40 WATER SUPPLY AND SANITARY SEWER.

Within any mobile home park the following regulations applicable to water supply and sanitary waste removal shall be observed:

(A) All units in any mobile home park shall be individually served by a connection with the public water supply, an adequate supply of pure water, furnished through a pipe distribution system connected directly with the city water system.

(B) All units in any mobile home park shall be equipped with flush-type toilets and be connected to the city sewer system.

(Ord. 124, passed 2-7-1994)

§ 151.41 REFUSE DISPOSAL.

Within any mobile home park the following regulations relating to the collection and disposal of solid and semisolid waste shall be observed:

(A) The storage, collection and disposal of refuse in the mobile home park shall be so managed as to create no health hazards, rodent harborage, insect breeding areas, accident or fire hazards, or air pollution.

(B) All refuse shall be stored in flytight, watertight, rodentproof containers, which shall be located not more than 150 feet from any mobile home space. Containers shall be provided in sufficient number and capacity to properly store all refuse.

(C) All refuse shall be collected in accordance with existing ordinances.
(Ord. 124, passed 2-7-1994)

§ 151.42 PLUMBING, HEATING AND ELECTRICAL REPAIR WORK.

All plumbing, heating and electrical alterations or repairs in a mobile home park shall be made in accordance with applicable local regulations.

(Ord. 124, passed 2-7-1994)

§ 151.43 SKIRTING REQUIRED.

Every mobile home owner shall cause the home to be skirted with material approved by the building official after placement of the home. Areas enclosed by skirting shall be maintained so as not to provide a harborage for rodents, or create a fire hazard.

(Ord. 124, passed 2-7-1994)

§ 151.44 ADDITIONS.

No additions shall be built onto or become a part of any mobile home unless approved by the building official.

(Ord. 124, passed 2-7-1994)

§ 151.45 REGISTER OF OCCUPANTS.

(A) It shall be the duty of each licensee to keep a register containing a record of all mobile home owners and occupants located within the park. The register shall contain the following information:

- (1) The name and address of the owner of each mobile home;
- (2) The name and address of the mobile home renter, if not the owner;
- (3) The make, model, year, lot number, license number and exterior dimensions of each mobile home;
- (4) The state, territory or country issuing the licenses; and
- (5) The date of arrival and of departure of each mobile home.

(B) The park shall keep the register available for inspection at all times by law enforcement officers, public health officials and other officials whose duties necessitate acquisition of the information contained in the register. The register record for each occupant registered shall not be destroyed for a period of 3 years following the date of departure of the registrant from the park.

(Ord. 124, passed 2-7-1994)

§ 151.46 MANAGEMENT, MAINTENANCE AND CONTROL; OWNER.

(A) An office, denoted by a sign, should be maintained in every mobile home park in which shall be located a person in charge of the park. A copy of the park license and of this chapter shall be posted therein and the park register shall at all times be kept in the office. A map of the mobile home park shall be displayed showing the location of each lot. In the event no office is maintained in the mobile home park, illuminated signs shall be maintained at each entrance to the mobile home park showing the name of the mobile home park and a map showing the location and lot number of each lot in the mobile home park.

(B) It is hereby made the duty of the attendant or person in charge together with the licensee, to:

- (1) Keep at all times the register of all occupants as hereinbefore provided;
- (2) Maintain the park in a clean, orderly and sanitary condition at all times;
- (3) Cut and control all noxious weeds;
- (4) Post speed limit signs meeting the specifications of the city engineer at the entrances of the park restricting motor vehicle traffic to not more than 15 mph;

(5) Notify the Building Inspector whenever a space is vacated;

(6) Notify the Building Inspector before a mobile home is placed in a new or vacated space;

(7) See that the provision of this chapter and all other applicable laws and ordinances are complied with; and

(8) Cap all sewers not connected to a mobile home trailer.

(Ord. 124, passed 2-7-1994)

§ 151.47 FIRE EXTINGUISHERS REQUIRED.

Fire extinguishers of class B, C, with a UL rating of 5 shall be furnished in operating condition by the mobile home owner at the time of occupancy and maintained by the mobile home occupant thereafter in all mobile homes in the city.

(Ord. 124, passed 2-7-1994)

§ 151.48 UNLAWFUL OCCUPANCY.

It shall be unlawful and a violation of this chapter for any person to occupy for residential purposes or for the purpose of a home occupation any mobile home which is not so located, maintained or equipped as to fully comply with the provisions and requirements of this chapter.

(Ord. 124, passed 2-7-1994)

CHAPTER 152: FLOOD HAZARD PROTECTION

Section

- 152.01 Council to maintain flood-control measures
- 152.02 City Superintendent; duties
- 152.03 Record of elevations of new structures
- 152.04 Review of building permits
- 152.05 Review of subdivision proposals
- 152.06 New water supply systems and on-site waste disposal

§ 152.01 COUNCIL TO MAINTAIN FLOOD-CONTROL MEASURES.

(A) The City Council assures the Federal Insurance Administration that it will meet as necessary, and maintain in force for these areas having flood hazards, adequate land use and control measures with effective enforcement provisions consistent with the criteria set forth in Section 1910 of the National Flood Insurance Program Regulations.

(B) The City Council agrees to take other official action as may be reasonably necessary to carry out objectives of the program.
(Prior Code, § 15.04.010)

§ 152.02 CITY SUPERINTENDENT; DUTIES.

The City Council vests the City Superintendent with the responsibility, authority and means to:

(A) Assist the administrator, at his or her request, in delineating the limits of the areas having special flood hazards on available local maps of sufficient scale to identify the location of building sites;

(B) Provide information as the administrator may request concerning present uses and occupancy of the floodplain;

(C) Cooperate with federal, state and local agencies and private firms which undertake to study, survey, map and identify floodplain areas, and cooperate with neighboring communities with respect to management of adjoining floodplain areas in order to prevent aggravation of existing hazards; and

(D) Submit on the anniversary date of the community's initial eligibility an annual report to the administrator on the progress made during the past year within the community in the development and implementation of floodplain management measures.

(Prior Code, § 15.04.020) (Ord. 121, passed - -1993)

§ 152.03 RECORD OF ELEVATIONS OF NEW STRUCTURES.

The City Council appoints the City Superintendent to maintain for public inspection and to furnish upon request a record of elevations (in relation to mean sea level) of the lowest floor (including basement) of all new or substantially improved structures located in the special flood hazard areas. If the lowest floor is below grade on 1 or more sides, the elevation of the floor immediately above must also be recorded.

(Prior Code, § 15.04.030) (Ord. 121, passed - -1993)

§ 152.04 REVIEW OF BUILDING PERMITS.

The Building Inspector shall review all building permits and applications for new construction or substantial improvements to determine whether proposed building sites will be reasonably safe from flooding. If a proposed building site is in a location that has a flood hazard, any proposed new construction or substantial improvement (including prefabricated and mobile homes) must:

(A) Be designed (or modified) and anchored to prevent flotation, collapse or lateral movement of the structure;

(B) Use construction materials and utility equipment that are resistant to flood damage; and

(C) Use construction methods and practices that will minimize flood damage.

(Prior Code, § 15.04.040) (Ord. 35, passed - -1975)

§ 152.05 REVIEW OF SUBDIVISION PROPOSALS.

The Supervisor/Finance Officer shall review subdivision proposals and other proposed new developments to assure that:

(A) All proposals are consistent with the need to minimize flood damage;

(B) All public utilities and facilities such as sewer, gas, electrical and water systems are located, elevated and constructed to minimize or eliminate flood damage; and

(C) Adequate drainage is provided so as to reduce exposure to flood hazards.

(Prior Code, § 15.04.050) (Am. Ord. 35, passed - -1975)

§ 152.06 NEW WATER SUPPLY SYSTEMS AND ON-SITE WASTE DISPOSAL.

The Supervisor/Finance Officer shall require new or replacement water supply systems and/or sanitary sewage systems to be designed to minimize or eliminate infiltration of flood waters into the systems and discharges from the systems into flood waters, and require on-site waste disposal systems to be located so as to avoid impairment of them or contamination from them during flooding.
(Prior Code, § 15.04.060) (Am. Ord. 35, passed - -1975)

CHAPTER 153: ZONING REGULATIONS

Section

General Provisions

- 153.01 General regulations
- 153.02 Nonconforming users
- 153.03 Permits; guidelines for signs
- 153.04 Buildings to be of excellent structural condition
- 153.05 Use of city water supply or sewer system
- 153.06 Exception to permit requirement

Board of Adjustment

- 153.20 Members; term of office
- 153.21 Chairperson and Secretary
- 153.22 Meetings
- 153.23 Powers
- 153.24 Appeals

Zoning Districts Generally

- 153.35 Districts
- 153.36 Boundaries

Residence District

- 153.50 Use regulation
- 153.51 Accessory and auxiliary uses
- 153.52 Criteria for granting permit
- 153.53 Trailer houses
- 153.54 Driveways

Business District

- 153.70 Permitted activities

GENERAL PROVISIONS**§ 153.01 GENERAL REGULATIONS.**

Except as hereinafter provided, no building or part thereof shall be erected, constructed, reconstructed, converted, altered, enlarged, extended, raised, moved or used, and no land shall be used except in conformity with the regulations prescribed in this chapter for the district in which the building or land may be situated.

(Prior Code, § 17.04.010)

§ 153.02 NONCONFORMING USERS.

Any lawful use existing at the time of the adoption of this chapter of any building or premises may be continued, even though in conflict with the provisions of this chapter, provided that no nonconforming use shall be substantially enlarged unless a permit is granted therefor by the Board of Adjustment. (In the event that any nonconforming use is hereafter discontinued, any future uses of the premises shall comply with this chapter.)

(Prior Code, § 17.04.020)

§ 153.03 PERMITS; GUIDELINES FOR SIGNS.**(A) *Permits.***

(1) No person or business shall cause any building or structure to be erected, constructed, reconstructed, converted or substantially enlarged, extended or raised, or moved onto any premises within the city limits of the city, unless a permit therefor is obtained from the Board of Adjustment.

(2) Application for a permit shall be made to the City Finance Officer and at the time of making application, the applicant shall furnish in writing the following information:

- (a) The name of the applicant;
- (b) The location of the premises on which the building or structure shall be located;
- (c) The nature of the work or construction to be done;
- (d) The estimated cost of the work to be done;
- (e) The size of the lot or lots upon which the work or construction is to be done;
- (f) The size of the proposed building or structure;

(g) The distance the building or structure will be located from the front, rear and side lot lines;

(h) The approximate time in which construction will begin and the date on which the construction will be completed;

(i) What the outside walls of the building or structure will be made of and, if of used or old materials, the exact nature of the materials;

(j) A statement by the applicant that all work done will conform with the zoning ordinance of the city.

(3) The application must be accompanied by a deposit payment of cash, certified check or a check approved by the Board of Adjustment, made payable to the city equal to 1% of the total estimated building cost, including labor, but in 1 case shall the payment be less than \$25, the deposit to be returned when the building or improvement is completed if it has been done in accordance with the regulations of the city zoning and other ordinances. The application shall also be accompanied by a payment of \$5, for the making of the application, payable to the city which is nonrefundable.

(4) The application shall come on for hearing at the next regular scheduled meeting of the Zoning Board, at which time the applicant shall be heard along with any objections to the granting of the permit.

(5) Within 48 hours after the hearing, the Zoning Board shall notify the applicant as to whether his or her permit has been granted.

(6) The permit will consist of a written statement signed by the City Finance Officer and presiding officer of the Board of Adjustment stating that the application is allowed, and that the applicant may proceed in accordance with the plan submitted with his or her application.

(7) In the event a permit is not granted, a written statement signed by the City Finance Officer and presiding officer of the Zoning Board shall be delivered to the applicant, stating that his or her application for a permit is denied and shall describe the reason therefor.

(8) Upon the granting of a permit, the applicant shall pay \$5 to the Zoning Board for the purpose of covering the expenses the Board or its agents incur in checking to see that the applicant is in fact following the requirements of the plan for which the permit was granted.

(Prior Code, § 17.04.030) (Ord. 41, passed - -1977)

(B) *Permit guidelines for signs.*

(1) *Definitions.* For the purpose of this section, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

BILLBOARD. A free standing sign with an advertising area of more than 50 square feet which is supported by one or more uprights, poles, or braces in or upon the ground.

OFF-PREMISES SIGN. Any sign with a maximum advertising area of 50 square feet not located on the same property for which the advertisement is intended.

PORTABLE SIGN. Any sign with a maximum square footage of 32 square feet and is not permanently anchored to the ground or permanently mounted to a building, which is capable of being moved from location to location.

SIGN. Any permanent object, including its structure and component parts, which is used or intended to be used to attract attention to the subject matter for advertising or other purposes and does not include paint on the surface of a building relating to the activity conducted in the building.

TEMPORARY SIGN. Any sign, banner, pendant, valance, or other advertising display constructed of cloth, canvas, light fabric, cardboard, paper, wallboards or other light materials, with or without frames, which may only be displayed not more than 30 days within a calendar year.

(2) *Building permit required.* No sign, other than a temporary sign, bill board or off-premises sign shall hereafter be erected, re-erected, constructed, altered or maintained within the zoning jurisdiction of the city unless a building permit has been issued by the City Superintendent for the specific sign and location. No off-premises sign or bill board may be issued a building permit without prior approval of the City Council.

(3) *General sign regulation.*

(a) *Height and location of sign.* All signs that are within 100 feet of a public approach or intersection shall be at least 20 feet away from the street or the lowest part of the sign and 7 feet above grade for traffic visibility considerations. No sign may be located in a manner that obstructs or otherwise interferes with the view of an official traffic sign, signal, or device or to obstruct or interfere with a driver's view of approaching, merging or intersecting traffic.

(b) *Sign illumination.* All sign illumination shall be from the interior or from floodlight projection shielded which may not shine directly upon public rights-of-way and neighboring properties.

(c) *Public right-of-way.* No sign shall encroach upon or overhang any public right-of-way. No sign shall be attached to any utility pole, light standard, street sign or any other public facility.

(d) *Condition and maintenance.* All signs shall be maintained in good condition. Every sign, together with all of its supports, braces, guys and anchors shall be kept in good repair and in safe state of preservation. The display surface of each sign shall be kept neatly painted or covered at all times.

(e) *Billboards.* All billboards shall have a maximum height from adjacent grade of 36 feet; a maximum advertising area of 300 square feet; minimum ground clearance of 8 feet; minimum distance from residential zones of 200 feet measured along the street; minimum distance from other billboards of 300 feet; minimum distance from street intersection of 100 feet as measured from the right-of-way; and the maximum number per parcel of property is one.

(f) *Off-premises signs.* All off-premises signs shall have a maximum height from adjacent grade of 15 feet; a maximum advertising area of 50 square feet; minimum ground clearance of 7 feet; minimum distance from residential zones of 100 feet measured along the street; minimum distance from street intersection of 20 feet as measured from the right-of-way; and the maximum number per parcel of property is one.

(4) *Exemptions.* The following signs shall be exempt from licensing provisions of this chapter: official notices authorized by a court, public body or public safety official; directional, warning or information signs authorized by federal, state, or local government; memorial plaques, building identification signs and building cornerstones when made an integral part of the building or structure; flag of a government or non-commercial institution, religious symbols and non-commercial seasonal decorations appropriate to the holiday season; real estate for sale signs provided that all signs shall be located upon the property to which they apply and shall not have a maximum advertising area greater than 4 square feet; and community event message signs owned by a non-profit, civic organization or a governmental entity.

(Ord. 153, passed 4-3-2000)

§ 153.04 BUILDINGS TO BE OF EXCELLENT STRUCTURAL CONDITION.

No person shall cause any building or structure to be established, reconstructed or altered or moved into either the residence or business district which is not of excellent physical structural condition, unless the person shall indicate in his or her plan as given to the Zoning Board, that he or she will convert the same to meet the qualifications, and any building or structure shall not be established in any neighborhood unless the same substantially complies with the architectural norms and standards existing in the neighborhood. Nor shall any building or structure be established which does not meet any building code provision which may now or hereafter be approved by the City Council.

(Prior Code, § 17.04.040)

§ 153.05 USE OF CITY WATER SUPPLY OR SEWER SYSTEM.

No person shall make available to any owner of any building to be established, reconstructed or altered or moved into the city the use of the city water supply or sewer system until the specifications for granting a permit to the owner are in complete accordance with this chapter.

(Prior Code, § 17.04.050) (Ord. 24, passed - -1973)

§ 153.06 EXCEPTION TO PERMIT REQUIREMENT.

A building permit is not required if the following conditions are met:

(A) The building or structure is not placed on a permanent foundation;

(B) The building or structure is 160 square feet or less in size;

(C) There is no water or permanent electric service to the building/structure; and

(D) The building or structure meets the set back criteria as listed in § 153.52.

(Ord. 192, passed 8-7-2006)

BOARD OF ADJUSTMENT**§ 153.20 MEMBERS; TERM OF OFFICE.**

The duly elected members of the City Council for the city shall be the Board of Adjustment, each to serve without compensation, and during their term of office, as Council members, when they retire and are replaced, they shall automatically fill the position of their predecessor. The Mayor of the city shall be a member of this board, and shall only have the power to vote on the Board of Adjustments should there be a deadlock or tie of the 6-member board.

(Prior Code, § 17.08.010) (Ord. 41, passed - -1977)

§ 153.21 CHAIRPERSON AND SECRETARY.

The Mayor shall act as Chairperson of the Board of Adjustment, and the City Auditor shall act as Secretary of the Board and keep its minutes and other records.

(Prior Code, § 17.08.020) (Ord. 41, passed - -1977)

§ 153.22 MEETINGS.

(A) Meetings of the Board may be held at the call of the Chairperson or at other times as the Board may determine.

(B) The meetings of the Board shall be conducted in accordance with statute and the rules as may be adopted by the Board, or in the event there are no statutory or adopted rules, then in accordance with Roberts Rules of Order insofar as the same are applicable.

(C) Special meetings can be called at the request of 2 members of the Board, but personal notice, either written or oral, of the meeting shall be given to the other members thereof at least 24 hours before a meeting.

(D) The Board shall meet in the City Council meeting room, and all meetings shall be open to the public.

(E) Three members of the Board shall constitute a quorum, and the Secretary shall keep accurate minutes of its proceedings and the votes taken by each member thereof on each question.
(Prior Code, § 17.08.030)

§ 153.23 POWERS.

(A) The Board shall have the power to require the taking down of any advertising signs, billboards or illustrations which the Board finds to be unsightly or detrimental to the neighborhood.

(B) Upon a proper showing of benefit to the community and a showing of lack of public disapproval, the Board may, subject to appropriate safeguards, make special exceptions to the terms of this chapter, in harmony with its general purpose and intent; or the Board may act to meet any situation not clearly contemplated by the terms of this chapter, or may act contrary to its strict terms where the carrying out of the strict letter of this chapter would result in practical difficulties or unnecessary hardships.

(C) The Zoning Board shall have all those powers and be bound by all the restrictions and laws regulating boards of adjustment in South Dakota as prescribed by SDCL Chapter 11-4 as amended.
(Prior Code, § 17.08.040) (Ord. 117, passed - -1993)

§ 153.24 APPEALS.

The Board of Adjustment shall permit and entertain appeals from its decisions or those of any administrative official: that notice of the appeal shall be given to the Board within 10 days from the time that the appellant is given notice of the decision, but in no event later than 60 days after the making of the decision.

(Prior Code, § 17.08.050)

ZONING DISTRICTS GENERALLY**§ 153.35 DISTRICTS.**

For the purpose of this chapter, the city is divided into a residential district and a business district.
(Prior Code, § 17.12.010)

§ 153.36 BOUNDARIES.

(A) The business district shall comprise Blocks 46, 47, 52, 53, 60, 61, 66, 67, 73, 74, 75, 80, 81, 88 and 89; all property within the city being within 150 yards from the right-of-way of U.S. Highway 18; and all property within the city limits and within 150 feet from the right-of-way of South Dakota State Highway No. 47.

(B) The residential district shall comprise the remainder of the city.
(Prior Code, § 17.12.020)

RESIDENCE DISTRICT**§ 153.50 USE REGULATION.**

Except as otherwise provided in this chapter, no building or land situated in the residence district shall be used for other than one or more of the following purposes:

- (A) Dwelling houses;
- (B) Apartment houses;
- (C) Churches;

(D) Libraries;

(E) Parks;

(F) Private garages;

(G) Club, lodge or community center buildings not used to make profits;

(H) Playgrounds, gardens and farms;

(I) Motels and trailer courts, provided that the plans and specifications for the motels or trailer courts are submitted to and approved by resolution of the City Council.

(Prior Code, § 17.16.010)

§ 153.51 ACCESSORY AND AUXILIARY USES.

(A) Any use of property in the residence district, other than residence thereon, shall be permitted therein where the Zoning Board finds that such use is one customarily incidental to the use of residential districts and grants a permit therefor.

(B) No professional person or person conducting any other business within his or her residence shall conduct the business in a residential district unless the business activity does not occupy more than 50% of the floor area of 1 story of the building, and unless there is no attempt to display goods or display to the public advertising signs larger than a 1-foot square; and unless the premises occupied by a business shall not be rendered detrimental to the residential character of the neighborhood due to odors, smoke, dust or noise, and shall not include features or designs not customarily found in residential buildings.

(Prior Code, § 17.16.020)

§ 153.52 CRITERIA FOR GRANTING PERMIT.

(A) No residence building or structure shall hereafter be established within the residence district of the city unless the same is situated on a lot including at least 5,000 square feet.

(B) Front yard. No residence building or structure shall be established or an existing building reconstructed or altered on any premises within the residence district which is bordered by a city street or proposed city street in a manner that the front of the building or structure shall be less distance from the front lot line than the average improved building front on that street in that block, but in no case shall the setback line be less than 20 feet from the front lot line. This minimum setback line may be increased for any single block by the Board of Adjustment upon its approval of a petition of 3/4 of the owners of the lots fronting the street requesting an increase.

(C) Side yard. No building or structure shall hereafter be constructed or reconstructed on any premises in the residence district so that any portion thereof shall be closer to the sideline of the building lot than 8 feet. Provided that when the side lot shall abut upon a side street, the Board may require a side yard of not less than 8 feet nor more than 20 feet on the side abutting the street.

(D) No private garage or accessory building shall be built within 15 feet of the front lot line and the garage or accessory building shall be at least 8 feet from the side lot line.

(E) Rear yard. If the rear of a building lot abuts upon an alley that is used and open to the public, a residence shall not be established nearer the rear lot line than 5 feet. If the building lot does not abut upon an alley, no residence shall be established nearer the rear lot line than 15 feet.
(Prior Code, § 17.16.030)

§ 153.53 TRAILER HOUSES.

Hereafter, no trailer court shall be established on premises within the residence district of the city which are not part of a trailer court. The trailer house or mobile home shall be established only in a manner as to comply with all requirements of this chapter just as any other building or structure hereafter built, reconstructed or altered within the residence district.
(Prior Code, § 17.16.040)

§ 153.54 DRIVEWAYS.

Any person hereafter seeking to establish a private residence within the residence district shall provide a driveway to the lot where the building is established so as to permit parking of motor vehicles thereon.
(Prior Code, § 17.16.050)

BUSINESS DISTRICT

§ 153.70 PERMITTED ACTIVITIES.

Unless otherwise provided in this chapter, or by other laws, all activities commonly associated with business may be conducted in the business district, provided that no business or industry which inherently involves the accumulation of undesirable byproducts or the production of undesirable odors, smoke, dust or noise, or the accumulation of large amounts of unsightly and bulky raw materials,

equipment or storage facilities shall hereafter be allowed to conduct its activities in the business district unless suitable safeguards are arranged in connection therewith to prevent the same from becoming a public nuisance.

(Prior Code, § 17.20.010)

