

CHAPTER 150: GENERAL PROVISIONS

Section

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150.01 MINNESOTA ACCESSIBILITY CODE

(A) The Minnesota Accessibility Code, established pursuant to M.S. ' ' 326B.01 - 326B.998, as they may be amended from time to time, and as provided for in Minn. Rules Ch. 1341, as it may be amended from time to time, is adopted as the building code for accessibility in this city. M.S. ' 326B.16 provides that a city which has not adopted the Uniform State Building Code is nevertheless responsible for the enforcement of the Minnesota Accessibility Code, and this section is intended to comply with that requirement.

(B) No building subject to the provisions of the Minnesota Accessibility Code shall be constructed, reconstructed or substantially altered, or undergo a change in use within the city unless the building will comply with the Minnesota Accessibility Code after the construction or alteration is completed or the change in use occurs.

(C) Any person who constructs reconstructs or substantially alters any building subject to the Minnesota Accessibility Code, or changes the use of any such building shall, before construction or alteration begins, certify to the City Clerk that the applicable provisions of the Minnesota Accessibility Code will be complied with.

(D) No person shall be issued a building, zoning or land use permit unless they certify that any structure to be located on the property shall be constructed or reconstructed in compliance with the handicapped accessibility provisions, if they apply to the structure to be constructed, substantially altered or reconstructed.

(E) A violation of this section is a misdemeanor punished as provided for in ' 10.99.

150.02 CONTRACTOR'S LICENSE REQUIRED

No residential building contractor, residential remodeler, or other person who is required to be licensed by the state under the provisions of M.S. ' ' 326B.805 B 326B.89, as they may be amended from time to time, and no person employing a residential contractor, who is required to be licensed, shall be issued a building, zoning or land use permit unless that contractor is licensed. Any person applying for a permit who is required to have a state license but who does not have a state license shall be reported to the State Commissioner of Commerce, who may begin an action against the person.

Penalty, see ' 10.99

150.03 MANUFACTURED HOMES

After the date of the adoption of this code, only manufactured homes which comply with the Manufactured Home Building Code established by M.S. ' 327.31 may be located in and used as a dwelling within the city. A mobile home, manufactured home, house trailer or other mobile dwelling which does not comply with the Manufactured Home Building Code and which is used as a residence after the date of the adoption of this code is a nonconforming use as defined by M.S. ' 462.357, Subd. 1e, as it may be amended from time to time, and this nonconforming use may be continued, including through repair, maintenance, replacement, restoration or improvement but if the nonconformity or occupancy is discontinued for a period of more than one year, or the nonconforming use is destroyed by fire or other peril to the extent of greater than 50% of its market value and no building permit is applied for within 180 days of when the property is damaged, any subsequent use or occupancy of the land or premises shall be a conforming use or occupancy.

Penalty, see ' 10.99

150.04 AMATEUR RADIO SUPPORT TOWERS

Amateur radio support structures (towers) shall not exceed a height above ground level of 70 feet, unless a conditional use permit has been granted by the City Council. They shall be mounted on the roof of a dwelling or other building or located in the rear yard unless there is not sufficient space to erect them in those locations. They shall be installed in accordance with the instructions furnished by the manufacturer of that tower model. Because of the experimental nature of the amateur radio service, antennas mounted on a tower may be modified and changed at any time so long as the published allowable load on the tower is not exceeded and the structure of the tower remains in accordance with the manufacturer's specifications.

150.05 LOCATION OF SEXUALLY ORIENTED BUSINESSES

(A) *Findings.* The City Council makes the following findings regarding the effect sexually oriented businesses have on the character of the city's neighborhoods. In making these findings, the City Council accepts the recommendation of the *Report of the Attorney General's Working Group on the Regulation of Sexually Oriented Businesses* dated June 6, 1989, a copy of which is adopted by reference and included in Appendix II of Chapter 119 of this code. This ' 150.05 shall have no force and effect until the City Council accepts these recommendations by resolution of a majority of its members, using the model resolution contained in Appendix I of Chapter 119 of this code.

(1) Sexually-oriented businesses have an impact on the neighborhoods surrounding them which is distinct from the impact caused by other uses.

(2) Residential and commercial neighborhoods located within close proximity to sexually oriented businesses experience the following negative impacts:

(a) Increased crime rates, particularly in sex-related crimes such as rapes, prostitution, indecent exposure and other lewd and lascivious behavior;

(b) Property values which are either diminished or fail to appreciate at the rate of other comparable properties not located in proximity to sexually oriented businesses;

(c) Increased transiency and decreased stability of ownership;

(d) Deteriorated neighborhood appearance from litter and graffiti;

(e) Sex-related harassment of residents and customers by motorists and pedestrians;

(f) A perception that the area is unsafe; and

(g) Difficulty in attracting and retaining customers, employees, and desirable tenants.

(3) The adverse impacts which sexually oriented businesses have on surrounding areas diminish as the distance from the sexually oriented business increases.

(4) The adverse impacts of sexually-oriented businesses are exacerbated when the uses are located near each other.

(5) The presence of liquor establishments in the immediate vicinity of sexually oriented businesses also compounds the adverse impacts on the neighborhood.

(6) Sexually oriented businesses can exert a dehumanizing influence on persons attending places of worship, children attending day care centers or schools, and people using public parks and libraries.

(7) Sexually oriented businesses can significantly contribute to the deterioration of residential neighborhoods and can impair the character and quality of the residential housing in the area where they are located, thereby exacerbating the shortage of affordable and habitable housing for city residents.

(8) The concentration of sexually oriented businesses in one area can have a substantially detrimental effect on that area and on the overall quality of urban life. A cycle of decay can result from the influx and concentration of sexually oriented businesses. The presence of such businesses is perceived by others as an indication that the area is deteriorating and the result can be devastating: other businesses move out of the vicinity and residents flee from the area. The resulting decline in real estate values erodes the city's tax base and contributes to overall urban blight.

(9) Land use regulations are appropriate to minimize the detrimental effects that sexually oriented businesses have on adjacent land uses.

(B) If the city has not adopted zoning regulations for sexually oriented businesses, as defined by ' 153.03, then a sexually oriented business may locate only in those areas of the city which the City Council determines that the predominant use of the land is for commercial or industrial purposes.

(C) No person may operate a sexually oriented business on property, any part of which is within the area circumscribed by a circle that has a radius of 250 feet from any of the uses listed below. Distances must be measured by following a straight line, without regard to intervening structures or objects, between the closest points on the boundary lines of the property parcels where the two uses are located. This distance requirement applies to the following uses:

(1) Property used or zoned for residential uses;

(2) A day care facility, school, library, park, playground, state or federal wildlife area or preserve, religious institution, or other public recreational facility;

(3) Premises licensed under Chapter 112, Liquor Regulations; and

(4) Another sexually-oriented business.

(D) These provisions, along with Ch. 119, are intended to supersede the provisions of M.S. ' 617.242, as it may be amended from time to time, and render M.S. ' 617.242 inapplicable as authorized by the statute.

150.06 HISTORIC PRESERVATION

SECTION 1 Declaration of Public Policy and Purpose.

The Lanesboro City Council hereby declares as a after of public policy that the preservation, protection, perpetuation and use of areas, places, buildings, structures, and other objects having special historical interest or value is a public necessity, and is required in the interest of the health, safety, welfare and prosperity of the people. The purpose of this ordinance is to:

- (A) Safeguard the heritage of the City of Lanesboro by preserving sites and structures which reflect elements of the city's cultural, social, economic, political, visual or architectural history.
- (B) Protect and enhance the City of Lanesboro's appeal to residents, visitors and tourists, and serve as a support and stimulus to business and industry.
- (C) Foster civic pride in the beauty and notable accomplishments of the past; and
- (D) Promote the preservation and continued use of historic sites and structures for the education and general welfare of the people of the City of Lanesboro.

SECTION 2 Heritage Preservation Commission Established.

- (A) **Creation.** A Commission is hereby established for the purpose of assisting the City Council in identifying and preserving buildings and lands, within the City of Lanesboro, as said City limits shall change from time to time by lawful annexation or lawful detachment.
- (B) **Membership.** There shall be five members of the Commission herein established. Each member shall be appointed for one term each. Terms shall commence upon appointment. The first term of said first members shall be one year from appointment for two of the members and two years from appointment for the remaining three members. Thereafter all terms shall be for two years. Members may serve for three successive terms. Nothing shall prevent members of the Lanesboro Historical Preservation Association, Inc. from serving as members of this Commission. However, no control shall be exercised over the internal affairs of said Lanesboro Historical Preservation Association, Inc., either directly or indirectly, by the City of Lanesboro or the Commission herein established. One member of this Commission shall, at all times, be a member of the Fillmore County Historical Society, as provided in Minnesota Statutes Annotated Section 471.193 Subd. 5.

The Heritage Preservation Commission membership shall be from persons with demonstrated interest and/or expertise in historic preservation. If available in the community, at least two members of the Heritage Preservation Commission shall be preservation related professionals (including the professions of history, architecture, architectural history, archaeology planning, real estate, design, building trades, landscape architecture, or law).

- (C) **Powers and Duties.** The powers and duties of the Commission shall be as enumerated under M.S.A. Section 471.193, as amended. In addition to these powers and duties, the City of Lanesboro can delegate or assign such farther powers or duties as prescribed by amendments to this ordinance.
- (D) **Organization.** The Commission when formed shall elect from its members such officers as it may deem necessary. The Commission shall have the power to designate and appoint from its members various committees with powers and duties of the Commission. The Commission shall make rules and regulations as it may deem

advisable and necessary for the conduct of its affairs, for the purpose of carrying out the intent of this ordinance, which are not inconsistent with the laws of the City of Lanesboro and the State of Minnesota. The Commission shall make an annual report, containing a statement of its activities and plans, to the Mayor, the City Council, the City Clerk/Administrator, the Building Official, and the Chairperson of the Fillmore County Historical Society.

SECTION 3 Designation of Heritage Preservation Sites

(A) Reports. The Council, upon request of the Heritage Preservation Commission, may direct the City Planning Department in co-operation with the Division of Housing and Building Code enforcement to prepare studies which catalog buildings, land, areas, districts, or other objects to be considered for designation as a Heritage Preservation site.

(B) Criteria. The Commission shall recommend to the City Council areas, buildings, districts or objects to be designated Heritage Preservation Sites. In considering the designation of Heritage Preservation Sites the Commission shall apply the following criteria:

- (1) Its character, interest or value as part of the development, heritage or cultural characteristics of the City of Lanesboro, State of Minnesota, or the United States.
- (2) Its location as a site, or contributing element in proximity to a site of a significant historic event or process.
- (3) Its embodiment of distinguishing characteristics of architectural style, period form or treatment.
- (4) Its identification with a person or persons who significantly contributed to the culture and development of the City of Lanesboro.
- (5) Its embodiment of elements of architectural design, detail, materials, or craftsmanship which represents distinctive architectural innovation.
- (6) Its unique location or singular physical characteristics representing an established and familiar aspect of a view, vista, site, area, or district in the City of Lanesboro.

(C) Planning Commission Review. The Heritage Preservation Commission shall advise the City Planning Commission of the proposed designation of a Heritage Preservation Site, including boundaries and a program for the preservation, restoration, or rehabilitation of the Site, and secure from the City Planning Commission its recommendation with respect to the relationship of Heritage Preservation designation to the Comprehensive plan of the City of Lanesboro, its opinions as to the effect of the proposed designation upon the surrounding neighborhood, and its opinion and recommendation as to any other planning consideration which may be relevant to the proposed designation, together with its recommendation of approval, rejection, or modification of the proposed designation. The said recommendation shall become part of the official record concerning the proposed designation and shall be submitted by the Heritage Preservation Commission along with its recommendation concerning the proposed designation to the City Council. The Heritage Preservation Commission may make such modifications, changes, and alterations concerning the proposed designation as it deems necessary in consideration of the recommendations of the City Planning Commission.

(D) Communication with State Historical Society. A copy of the Heritage Preservation Commission's proposed designation of a Heritage Preservation Site, including boundaries and a program for the preservation,

restoration, or rehabilitation of the Site shall be sent to the State Historical Society in accordance with Minnesota Statutes Annotated Section 471.193, Subd. 6.

(E) Findings and Recommendations. The Heritage Preservation Commission shall determine if the proposed Heritage Preservation Site is eligible for preservation as determined by the criteria specified in Subparagraph A of this section, and if the Heritage Preservation Commission recommends to the City Council that the site be designated for heritage preservation. The Commission shall transmit to the City Council its recommendations and proposed program for the Heritage Preservation Site.

(F) Council Designation, Hearings. The City Council, upon the request of the Heritage Preservation Commission, may by resolution designate a Heritage Preservation Site. Prior to such designation the City Council shall hold a public hearing, notice of which shall have been published in a newspaper of general circulation at least 20 days prior to the date of the hearing, and notice of the hearing shall be sent to all owners of property which is proposed to be designated a Heritage Preservation Site and to all property owners abutting the boundary of the area to be designated a Heritage Preservation Site.

(G) Acquisition. The Heritage Preservation Commission may recommend to the City Council, after review and comment by the City Planning Commission, that certain property eligible for designation as a Heritage Preservation Site be acquired by gift, by negotiation, or other legal means as provided for in Chapter 117 of Minnesota Statutes.

SECTION 4 Additional Powers and Duties of the Commission

The Commission shall have the following powers and duties in addition to those otherwise specified in this ordinance.

- (A) The Commission shall conduct a continuing survey of all areas, places, buildings, structures, or objects in the City of Lanesboro which the Commission, on the basis of information available or presented to it, has reason to believe are significant to the cultural, social, economic, political, or architectural history of Lanesboro.
- (B) The Commission shall conduct general preservation planning to determine needed and desirable improvements of historic building throughout Lanesboro, acting in a resource and advisory capacity to owners of such buildings regarding their preservation, restoration, and rehabilitation.
- (C) The Commission shall work for the continuing education of the citizens of the City of Lanesboro with respect to the civic and architectural heritage of the City. It shall keep current and public a register of all properties which have been designated Heritage Preservation Sites, along with the plans and programs that pertain to them. The Commission may also make recommendations as to additional buildings or structures to be designated as Heritage Preservation Sites.
- (D) The Commission may accept the services, on a permanent or part-time basis, of technical experts and such persons as may be required to perform its duties, subject to requirements and prior approval of the City Council.

- (E) The Commission may have authority to accept gifts and contributions to be made to the City and to assist the City staff in the preparation of applications for grant funds to be made by the City for the purpose of Heritage preservation.
- (F) The Commission shall on a continuing basis collect and review all City Planning and Development records, documents, studies, models, maps, plans and drawings to be entered in the Public Library Historical Archives as a permanent record of City history and development.

SECTION 5 Review of Permits

The Heritage Preservation Commission shall review and advise the city Council upon the issuance of City permits. Every application for a building permit in relation to property in Lanesboro which has been designated as a Heritage Preservation Site shall be accompanied by detailed plans for the work to be done, immediately referred by the City Building Official's office to the Commission.

- (A) Type of Building Activity to be reviewed.
 - (1) Remodel or repair in any manner that will change the exterior appearance of the building or site;
 - (2) Construction;
 - (3) Moving a building;
 - (4) Demolition in whole or part;
 - (5) Repair, removal, replacement, or erection of exterior signs.

(B) City Activity. The Heritage Preservation Commission shall review and make recommendations concerning all activity in the City to change the nature or appearance of any building, structure or sign within any designated Heritage Preservation Site.

(C) Standards. NO building or structure, including- signs shall be erected, reconstructed, substantially altered, or restored, which have been designated a Heritage Preservation Site or a part thereof, unless the same is reviewed by the City Council acting upon the advice of the Commission herein established as being architecturally compatible with historical and/or architectural aspects of the site. In reviewing any proposed erection, reconstruction, alteration, or restoration, the general purpose shall be to maintain the integrity of the designated sites. The Secretary of the Interior's Standards shall be utilized in developing and implementing these standards of review. In reviewing any proposed erection, reconstruction, alteration or restoration, the general purposes shall be to maintain the integrity of designated properties as follows, as long as said general purposes are consistent with the Secretary of Interior's Standards:

- (1) Every reasonable effort shall be made to provide a compatible use for a property which requires minimal alteration of the building, structure, or site and its environment, or to use a property for its originally intended purpose.
- (2) The distinguishing original qualities or character of a building, structure, or site and its environment shall not be destroyed. The removal or alteration of any historic material or distinctive architectural features should be avoided when possible.

- (3) All buildings, structures, and sites shall be recognized as products of their own time. Alterations that have no historical basis and which seek to create an earlier appearance shall be discouraged.
- (4) Changes which may have taken place in the course of time are evidence of the history and development of a building, structure, or site and its environment. These changes may have acquired significance in their own right, and this significance shall be recognized and respected.
- (5) Distinctive stylistic features or examples of skilled craftsmanship which characterize a building, structure, or site shall be treated with sensitivity.
- (6) Deteriorated architectural features shall be repaired rather than replaced, wherever possible. In the event replacement is necessary, the new material should match the material being replaced in composition, design, color, texture, and other visual qualities. Repair or replacement of missing architectural features should be based on accurate duplications of features, substantiated by historic, physical, or pictorial evidence rather than on conjectural designs or the availability of different architectural elements from other buildings or structures.
- (7) The surface cleaning of structures shall be undertaken with the gentlest means possible. Sandblasting and other cleaning methods that will damage the historic building materials shall not be undertaken.
- (8) Every reasonable effort shall be made to protect and preserve archaeological resources affected by, or adjacent to any project.
- (9) Contemporary design for alterations and additions to existing properties shall not be discouraged when such alterations and additions do not destroy significant historical, architectural or cultural material, and such design is compatible with the size, scale, color, material, and character of the property, neighborhood, or environment.
- (10) Wherever possible, new additions or alterations to structures shall be done in such a manner that if such additions or alterations were to be removed in the future, the essential form and integrity of the structure would be unimpaired.
- (11) Promulgations, rulings, or advisory comments from the State of Minnesota and County of Fillmore Historical Societies as to the conditions and considerations shall be considered.

(D) Public Comment. Before the City can issue a City permit for any activity subject to review under paragraph (A) above, public comment shall be solicited, heard, and considered.

SECTION 6 Penalty for Violation

Any person or entity violating any provision of this ordinance shall, upon conviction, be punished by a fine of not more than \$100.00. This ordinance shall also be enforceable by the provision made in Section 7 of this ordinance.

SECTION 7 Injunctions

Upon any violation of any provision of this ordinance, the City of Lanesboro can enjoin said violator from further continued violation, as well as compel the violator to rectify, at his, her, or its' sole expense, the violation

complained of. Costs of enforcing this provision shall be chargeable and collected against the violator as in a civil action.

150.07 TEMPORARY FAMILY HEALTH CARE DWELLINGS

Pursuant to authority granted by Minnesota Statutes, Section 462.3593, subdivision 9, the City of Lanesboro opts-out of the requirements of Minn. Stat. §462.3593, which defines and regulates Temporary Family Health Care Dwellings.

150.08 COMPLIANCE WITH CODE

No person shall erect, alter or replace any structure within the city unless the structure complies with the applicable requirements of this code and the person has obtained a land use permit from the City Clerk certifying compliance with all of the applicable requirements of this code. No person shall use any structure or premises for any purpose other than as permitted by this code, except that lawful nonconforming uses as of the date of the adoption of this code may continue only as provided in M.S. ' 462.357, Subd. 1e, as it may be amended from time to time.