

TITLE XV: LAND USAGE

Chapter

150. BUILDING CODE

151. SIGNS

152. ZONING

CHAPTER 150: BUILDING CODE

Section

Permits

- 150.001 Building permit required
- 150.002 Moving, destruction; permit required
- 150.003 Granting of permits
- 150.004 Posting premises; failure to post
- 150.005 Failure to comply with building permit
- 150.006 Contents of permits
- 150.007 Record of permits; how kept

Building Regulations

- 150.020 Building regulations established by Council
- 150.021 Building Code adopted

Building, Electrical and Plumbing Committee

- 150.035 Building, Electrical and Plumbing Committee; members

Practical Difficulties

- 150.050 Practical difficulties; how met
- 150.051 Decision; recording

Streets and Alleys

- 150.065 Obstructions prohibited

Setbacks

- 150.080 Setback requirements
- 150.999 Penalty

PERMITS

§ 150.001 BUILDING PERMIT REQUIRED.

It shall be unlawful to build or begin the construction of any new wall, structure, building or any part thereof, or to make any alteration, change or enlargement in any existing wall, structure, building or any part thereof, without first securing a permit to

do so.

(Prior Code, § 2:1:1) Penalty, see § 10.99

§ 150.002 MOVING, DESTRUCTION; PERMIT REQUIRED.

It shall be unlawful to move from one location to another, any existing wall, structure, building or any portion thereof, or to begin the destruction, dismantling, raising or demolishing of any existing wall, structure, building or any part thereof, without first securing a permit to do so.

(Prior Code, § 2:1:2) Penalty, see § 10.99

§ 150.003 GRANTING OF PERMITS.

The City Council shall at the first regular meeting after application for permits have been filed, or if the application is presented in person, then at that meeting, consider all applications and shall upon the recommendation of the Building Committee, either grant or deny all applications. If the permit is granted, the Mayor shall cause the same to be issued immediately, under the corporate seal and countersigned by the City Finance Officer. In the event any application is denied, the applicant shall be notified of the denial immediately and in writing, the notice giving the reason for the denial and, whenever practical, a statement of what changes would be necessary for the application to be approved. Any application which has been denied may be resubmitted at any time and the denial of a first application shall in no way prejudice the granting of the same on its second or subsequent submission. Building permits shall expire at the end of two years unless otherwise specified by the Council.

(Prior Code, § 2:1:3)

§ 150.004 POSTING PREMISES; FAILURE TO POST.

All permits issued under the provisions of this subchapter shall be posted or displayed in a conspicuous place at the site of the proposed work, or

in the case of a moving permit, shall be displayed on the structure to be moved, and in a manner so that they may be easily examined by any person having authority to do so. Any person in authority may demand to see the permit at any reasonable time and a failure to display the permit on demand may result in the revocation of the permit if the Council by a majority vote shall determine the action to be warranted. In the event a permit once granted is revoked for failure to comply with the above provisions, the holder of the permit shall be subject to the penalties provided elsewhere in this subchapter. (Prior Code, § 2:1:4) Penalty, see § 10.99

§ 150.005 FAILURE TO COMPLY WITH BUILDING PERMIT.

Any person who fails to comply with the terms of any building permit issued shall be guilty of an offense punishable as provided in § 10.99. In addition, any portion of the construction which is not in compliance with the permit shall be placed in compliance within 30 days following notice to the holder of the permit by the city. Upon failure to come into compliance with the terms of the permit following the expiration of 30 days after notice from the city, the city may put the construction into compliance and the cost shall be a lien against the property or, at its option, the city may have the construction dismantled at the expense of the holder of the permit, which shall also be a lien upon the property.

(Prior Code, § 2:1:5)

§ 150.006 CONTENTS OF PERMITS.

All permits issued in accordance with the provisions of this subchapter shall contain the following information:

(A) The conditions and requirements under which the permit is issued;

(B) The name and address of the person to whom the permit is issued;

(C) The date of issuance;

(D) The expiration date, if there be one, of the permit;

(E) The legal description of the property for which the permit is issued or in the case of a moving

permit, the legal description of the new location of the structure to be moved; and

(F) An agreement on the part of the person in whose name the permit is issued not to engage in any construction except in accordance with the permit and the provisions of the ordinances.

(Prior Code, § 2:2:1)

§ 150.007 RECORD OF PERMITS; HOW KEPT.

It shall be the duty of the City Finance Officer to keep a file of all applications upon which permits are granted together with the dates of their filing and an appropriate index for the same.

(Prior Code, § 2:3:1)

BUILDING REGULATIONS

§ 150.020 BUILDING REGULATIONS ESTABLISHED BY COUNCIL.

The City Council shall be empowered by resolution to establish from time to time rules and regulations and standards regarding the building, construction, removal or alteration of existing or proposed new structures as it may deem necessary and proper for the safety, health and welfare of the city.

(Prior Code, § 2:4:1)

§ 150.021 BUILDING CODE ADOPTED.

The standards set forth in the latest edition of the Uniform Building Code shall be the standard used by the City Council in determining any questions in regard to the issuing of permits as required by the provisions of this subchapter. The city is not responsible for enforcing the full Uniform Building Code although the code will be used to determine questions as may arise.

(Prior Code, § 2:4:2)

BUILDING, ELECTRICAL AND PLUMBING COMMITTEE

§ 150.035 BUILDING, ELECTRICAL AND

PLUMBING COMMITTEE; MEMBERS.

The Building, Electrical and Plumbing Committee shall be appointed by the Mayor in the same manner as all other committees and shall consist of the following:

(A) The Chief of the Fire Department and the Water Superintendent, if there be one or both; and

(B) Two members of the City Council.
(Prior Code, § 2:5:1)

PRACTICAL DIFFICULTIES

§ 150.050 PRACTICAL DIFFICULTIES; HOW MET.

Whenever there are practical difficulties encountered in carrying out the strict letter of the Building Code, the Building Committee or City Council may, upon the written application by the owner or lessee of the building, vary or modify any provision of this subchapter.
(Prior Code, § 2:6:1)

§ 150.051 DECISION; RECORDING.

All decisions to alter or modify the ordinances or standards, together with the reasons therefor shall be endorsed upon or attached to the application filed by the City Finance Officer in an appropriate place in his or her record of permits.
(Prior Code, § 2:6:2)

STREETS AND ALLEYS

§ 150.065 OBSTRUCTIONS PROHIBITED.

It shall be unlawful for any person, firm, company, partnership, corporation or association, to build any permanent building, structure, stairway, wall or fence or any portion thereof in any manner or way so that any portion of any street, avenue or alley is obstructed so that its entire width cannot be used by the public.
(Prior Code, § 2:7:1) Penalty, see § 10.99

SETBACKS

§ 150.080 SETBACK REQUIREMENTS.

(A) Setback requirements for structures, must be measured from the overhang of the roof not the actual structure.

(1) *Setback along property lines.* Five feet from adjoining property.

(2) *Setback along street fronts for structures.*

<i>Street</i>	<i>Setback</i>
Fifth Street	No setback, allowable to right-of-way line
Main Street from Railroad Street to Third Street	No setback, allowable to right-of-way line (sidewalk)
All other and residential	10 feet from front of house or garage to right-of-way

(3) *Setback in alleys.*

(a) For the purposes of this section, the following definition shall apply unless the context clearly indicates or requires a different meaning.

RIGHT-OF-WAY FOR ALLEYS.

A 20-foot width or ten feet from the center of the alley

(b) All structures must be five feet from the right-of-way.

(c) Garages and carports (vehicle entrance doors only). Fifteen feet from alley right-of-way.

(4) *Setbacks for fences.*

<i>Fence Location</i>	<i>Setback</i>
Street fronts	Allowable on right-of-way line
Alleys	2 feet from right-of-way line
Between properties	Allowable right on property lines

(B) All existing structures and fences are grandfathered in. Any removal and replacement will have to comply with the conditions set out in this section as per a building permit approved by the city. Variances for the setback requirements may be issued on a case by case basis by the City Council on request and with adjoining property owner's permission.
(Ord. 2120, passed 8-2-2004)

CHAPTER 151: SIGNS

Section

- 151.01 Purpose and intent
- 151.02 Regulations and limitations of permitted signs
- 151.03 Nonconforming signage
- 151.04 Sign maintenance
- 151.05 Abandoned signs
- 151.06 Building permits

- 151.99 Penalty

§ 151.01 PURPOSE AND INTENT.

(A) *Generally.* Signs use private land and sight lines created by the public right-of-way to inform and persuade the public by message. The intent of this chapter is to prevent the uncontrolled use of signs and to promote their safe use within the city limits and city controlled land and rights-of-way.

(B) *Safety.*

(1) Signs must not create a traffic hazard by confusing, distracting or impairing the driver's ability to see pedestrians, obstacles or other vehicles, or to see and interpret any official sign, signal or device.

(2) Signs must not create a hazard due to collapse, fire, collision, decay or abandonment. (Ord. 2007, passed 2-6-1989; Ord. 2039, passed 9-3-1991)

§ 151.02 REGULATIONS AND LIMITATIONS OF PERMITTED SIGNS.

(A) For advertising purposes only, the city shall be divided into four districts.

(1) *Commercial District.* This District shall comprise of all of Fifth Street from a point beginning at the east edge of the city limits extending to the west edge of the city limits. Also included in this District shall be Kennedy Avenue beginning at Third Street south to the south city limits. Also the first block of Main Street north of Fifth Street extending to Fourth Street.

(2) *Uptown District.* This District consists of Main Street from Fourth Street north to the city limits.

(3) *Other District.* This District consists of Main Avenue from Fourth Street north to the city limits.

(4) *Residential District.* This district includes all of the city except the districts listed above.

(B) *Regulations and limitations of permitted signs by District.*

(1) *Commercial District.*

(a) Any signs constructed in this District shall be no more than 75 feet in height and no more than 800 square feet in surface area.

(b) All signs shall have a ground clearance, if necessary, as not to be hazardous to public sight and safety.

(c) Any sign built over 400 square feet or over 30 feet high shall be of steel construction of the main foundation and frame.

(2) *Uptown District.*

(a) Freestanding signs constructed in this District shall not exceed more than 100 square feet in surface area.

(b) Any sign, whether freestanding, attached to or extending from any building shall not extend over the roof-line of the building it is on or surrounding buildings.

(3) *Other District.* Any construction in this District requires a building permit and Council approval of a land use license.

Signs

(4) *Residential Districts.* Any signs constructed in the District shall be no more than 32 square feet in surface area and constructed in a manner as not to distract from the rest of the neighborhood.

(C) *Proposed signs larger in surface.* Any future proposed new sign which is larger in surface square feet or height, as stated for its District, may be brought before the City Council on a per case basis to be approved or disapproved.

(D) *Compliance.* All signs shall comply with the regulations stated in the existing right-of-way contract which the city has with the state. (Ord. 2007, passed 2-6-1989; Ord. 2039, passed 9-3-1991) Penalty, see § 151.99

§ 151.03 NONCONFORMING SIGNAGE.

Any sign existing prior to October 1, 1988, which does not conform with the provisions of this chapter, is eligible for classification as a legal nonconforming sign and will be permitted to remain except as specified below. Any sign erected prior to July 1, 1991, without a building permit shall not be found out of compliance solely for that reason.

(A) If the sign is removed, relocated or destroyed, it must, to be replaced, come into compliance with this code and with the state contract relating to rights-of-way.

(B) If the sign is abandoned, it no longer qualifies for legal nonconforming status.

(C) If the structure, shape or size is changed, it must be brought into immediate compliance. (Ord. 2007, passed 2-6-1989; Ord. 2039, passed 9-3-1991) Penalty, see § 151.99

§ 151.04 SIGN MAINTENANCE.

(A) Signs shall be maintained in a safe and legible condition at all times, including the replacement of defective or damaged parts, painting, repainting, cleaning and other services required for proper maintenance.

(B) The City Council, at its discretion, may activate a sign committee consisting of some Council

members and Chamber of Commerce members to investigate and designate signs which are out of compliance with this chapter.

(C) Unsafe signs shall be brought into immediate compliance upon written request. (Ord. 2007, passed 2-6-1989; Ord. 2039, passed 9-3-1991)

§ 151.05 ABANDONED SIGNS.

Abandoned signs shall be removed or brought into compliance within 60 days of written notice from the City Council.

(Ord. 2007, passed 2-6-1989; Ord. 2039, passed 9-3-1991) Penalty, see § 151.99

§ 151.06 BUILDING PERMITS.

(A) A building permit approved by the City Council is mandatory prior to construction of any sign or billboard within the city limits and city controlled land and rights-of-way.

(B) An application of building permit of any sign of 100 square feet of surface area or more must be accompanied by completed drawings and specifications of the design and materials to be used in construction.

(Ord. 2007, passed 2-6-1989; Ord. 2039, passed 9-3-1991) Penalty, see § 151.99

§ 151.99 PENALTY.

(A) Any person violating any provision of this chapter, for which no other penalty is provided, shall be subject to the penalty provisions of § 10.99.

(B) Any sign not brought into compliance by the date ordered by the city shall incur a \$5 per day noncompliance fee. (Ord. 2039, passed 9-3-1991)

CHAPTER 152: ZONING

Section

Zoning Districts Created

152.01	District One
152.02	Residential
152.03	Highway Commercial
152.04	Residential permitted use
152.05	General commercial permitted uses
152.06	Highway commercial permitted uses
152.07	Industrial permitted uses
152.08	Zoning districts outlined

ZONING DISTRICTS CREATED

§ 152.01 DISTRICT ONE.

All property within three miles of the corporate limits of the city on both sides of Interstate 90 for a distance of 660 feet outside of and parallel to the right-of-way and all property on both sides of Highway 83 for a distance of 660 feet outside of and parallel to the right-of-way is designated as District One and zoned Highway Commercial.
(Prior Code, § 2:8:1)

§ 152.02 RESIDENTIAL.

All property in District One occupied by a dwelling and all the property contained in the lot or lots or other plat designation on which a dwelling is situated is zoned Residential.
(Prior Code, § 2:8:2)

§ 152.03 HIGHWAY COMMERCIAL.

All property in District One occupied by a building used for commercial purposes is zoned Highway Commercial or General Commercial according to its present use.
(Prior Code, § 2:8:3)

§ 152.04 RESIDENTIAL PERMITTED USE.

The following uses are designated permitted uses in Residential Districts:

- (A) One- and two-family dwellings;
- (B) Multiple dwellings;
- (C) Home occupations;
- (D) Accessory uses and buildings customarily and usually incidental to the uses listed above;
- (E) Churches and schools; and
- (F) Mobile home parks and professional offices.
(Prior Code, § 2:8:4)

§ 152.05 GENERAL COMMERCIAL PERMITTED USES.

The following uses are designated permitted uses in General Commercial Districts:

- (A) Retail stores;
- (B) Personal, business, repair services;
- (C) Offices, private and public;
- (D) Commercial entertainment places;
- (E) Churches, semi-public buildings;
- (F) Billboards, outdoor advertising signs; and
- (G) Accessory uses and buildings customarily and usually incidental to the uses listed above.
(Prior Code, § 2:8:5)

§ 152.06 HIGHWAY COMMERCIAL PERMITTED USES.

The following uses are designated permitted uses in Highway Commercial Districts:

- (A) Eating and drinking places;

(B) Truck stops, gas stations and repair garages;

(C) Motels and motor courts;

(D) Animal clinics;

(E) Billboards and outdoor advertising signs;

(F) Accessory uses and buildings customarily and usually incidental to the uses listed above; and

(G) Other retail and service uses.
(Prior Code, § 2:8:6)

§ 152.07 INDUSTRIAL PERMITTED USES.

The following uses are designated permitted uses in Industrial Districts:

(A) Meat packing plants, slaughter houses and commercial feedlots;

(B) Rubbish dumps, landfills and junkyards;

(C) Extraction of mineral materials including topsoil, sand and gravel;

(D) Wholesale warehouse and open storage;

(E) Manufacturing; and

(F) Parking spaces.
(Prior Code, § 2:8:7)

§ 152.08 ZONING DISTRICTS OUTLINED.

The portion of the following described land shall

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Section 8	North half southwest quarter, southeast quarter northwest quarter, northeast quarter
Section 4	Southwest quarter, northeast quarter southeast quarter, south half northeast quarter
Section 3	West half northwest quarter

comprise District One and is zoned as previously set forth, to wit:

(A) Township 2 South, Range 28, E.B.H.M., Jones County.

Section 25	East half
Section 24	East half
Section 13	East half
Section 12	Lot A in southeast quarter southeast quarter, south half southeast quarter, part northwest quarter southeast quarter and southwest quarter
Section 11	North half southeast quarter, north half southwest quarter
Section 10	North half southeast quarter, south half northeast quarter, north half southwest quarter, south half northwest quarter
Section 9	Southeast quarter northeast quarter, northeast quarter southeast quarter

(B) Township 2 South, Range 29, E.B.H.M., Jones County.

Section 30	East half
Section 19	East half
Section 18	East half
Section 7	East half southwest quarter, north half southeast quarter, Lots 3 and 4

(C) City of Murdo.

Weber's Outlot 1, Lot 2 in southwest quarter Section 12, Township 2 south, Range 28

(D) East front addition, City of Murdo.

Lots 1, 2, 3, 4 and 5 of Lot C

Lots 1 and 2 of Lot D
Lots E and F

(E) Brackett's First Addition to the City of Murdo.

Blocks 8, 9, 10, 11, 12, 13, 14, 15 and 16
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(Prior Code, § 2:8:8)

