

## SUB-ANALYSIS

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additional conditions for the proposed use. Treatment, storage (stockpiling) or disposal of petroleum contaminated soils without an approved conditional use permit may constitute grounds for denial of a conditional use permit based on, but not limited to, potential damage and adverse effects upon the subject property and adjoining properties and other matters affecting the public health, safety and general welfare. Violation of applicable regulations, City Code provisions and conditions shall be subject to the penalties established by the MPCA, City Code provisions and/or other governmental agencies.

Source: Ordinance No. 192, 2nd Series  
Effective Date: 5-20-92

**Subd. 4. State Standards.** The State of Minnesota Pollution Control Standards shall take precedence over the above regulations except where City standards are more stringent. Current State regulations shall be kept on file in the office of the Zoning Administrator, and shall be the determining standard in resolving questions regarding performance standards.

**Subd. 5. Compliance.** In order to insure compliance with the performance standards set forth above, the Zoning Administrator, with approval of the Council, may require the owner or operator for any use to have made such investigations and tests as may be required to show adherence to the performance standards. Such investigations and tests as are required to be made shall be carried out by an independent testing organization as may be selected by the City. Where compliance is determined, incurred costs shall be divided equally between the use and the City; where a violation exists, said use shall remit full payment for all incurred costs.

Source: Ordinance No. 148, 2nd Series  
Effective Date: 8-9-86

**SEC. 11.54. SPECIAL PROVISION: GRADING, FILLING OR EXCAVATION.**

**Subd. 1. GENERAL.**

**A.** No person shall undertake, authorize, or permit any of the following actions without first having obtained a grading permit from the City:

1. Any excavating, grading, filling, or other change in the earth's topography resulting in the movement of material. Under no circumstance shall grading permits be required for a City Council approved conditional use permit for gravel or borrow pit operations; mining operations under the approval authority of federal and state governmental agencies; construction or repair projects for roads, highways, or bridges, including any work in or improvement to a public right-of-way or easement as authorized by any federal, state, local governmental agency, or public utility.

Provided no excavation, grading, filling, or other change in the earth's topography resulting in the movement of material takes place in a wetland, floodplain, or Shoreland District grading permits are not required for the following: any project not requiring or involving a zoning or building permit where the grade of the property in question is restored to its original condition following completion of such project; any such movement of material strictly for agricultural crop or pasture land purposes where the property in question is not less than one (1) acre in total area and is zoned for farming activities and assessed by the local assessor as such; any yard maintenance based on a formula of 0.0065 cubic yards of fill per square foot of the total lot area, provided the maximum limit based on said formula shall not exceed 100 cubic yards.

**2.** Earthwork undertaken in accordance with grading plans approved in conjunction with a zoning or building permit site plan review, or plat approval;

**3.** Any excavation, grading, or filling in a wetland, designated floodplain, or Shoreland District in compliance with all applicable regulations stipulated in this Section, Chapter and other Chapters of the City of Hibbing Code of Ordinances, including the rules and regulations of other federal and state governmental agencies.

**B.** All grading permits which result in the moving of more than 1000 cubic yards of material per acre of site area shall be reviewed as a conditional use permit when not in conjunction with a mining permit, preliminary plat, development plan or site plan review process.

**C.** The plan must be approved, where required, by appropriate watershed districts, the United States Army Corps of Engineers, the Minnesota Department of Natural Resources, and any other governmental agency that has jurisdiction.

**D.** In addition to all other plan requirements in this Chapter, any applicant disturbing an amount of total land area to or exceeding the threshold amount described by current National Pollution Discharge Elimination System (NPDES) requirements shall comply with the following additional requirements:

**1.** The property owner shall apply for and be issued an NPDES general stormwater permit from the Minnesota Pollution Control Agency (MPCA); and

**2.** The property owner or applicant shall submit to the City an approved copy of the erosion and sediment control plan as required for the NPDES by the MPCA.

**Subd. 2. GRADING PERMIT APPLICATIONS.** Application for Grading Permit approval may be initiated by the owner; user or potential user of the subject property by making application in writing to the Building Department, on such forms as may be designated.

The application shall include four (4) copies of clearly legible blue or black lined copies of all drawings on bond paper. The maximum size shall be thirty inches by forty inches (30"x40"), and the minimum size shall be eleven inches by seventeen inches (11"x17").

The Grading Plan shall contain the following minimum information and any other items that the Building Department, considers necessary for the proper consideration of the application:

**A. General Information:**

- 1.** The legal description of the property and evidence of ownership or an interest in the property;
- 2.** A signature by the permittee, or his authorized agent, and the property owner;
- 3.** Names, addresses, and phone numbers of the record owner, any agent having control of the land, the land surveyor, the engineer, and the designer of the plan;
- 4.** A location map, including area within one-half mile of site;
- 5.** Property survey with boundary line of property and property dimensions; and arrow indicating direction north; a scale, using a graduated line, which represents the drawn dimensions in relation to actual size of the project site, usually in number of feet per inch;
- 6.** Date of plan, preparation; and
- 7.** A signature by a registered engineer or land surveyor.

**B. Site Information.**

- 1.** Existing and proposed final grades utilizing a minimum of two-foot contour interval (at least 100 feet beyond the property boundary);
- 2.** All hold-down elevations;
- 3.** The location of any existing or proposed buildings, structures, fences and retaining walls, walks, roads, drives, and parking areas on the property where the work is to be performed and those on land of adjacent owners which are within 15 feet of the property or which may be affected by the proposed grading operations;

4. A delineation of all streams, rivers, ponds, public waters, designated flood plain, shoreland, and wetlands located on and immediately adjacent to the site, including depth of water, a statement of general water quality and any classification given to the water body or wetland by the Minnesota Department of Natural Resources (include MN DNR number and Ordinary High Water Level), the Minnesota Pollution Control Agency, the Fish and Wildlife Service, and/or the U.S. Corps of Engineers; and

5. Utilities and utility right-of-way and easements, including electric, natural gas, telephone, water (domestic and fire), and sewer (sanitary and storm).

**C. Additional Information.** The following plans are also required and may either be included on the site plan or separately, meeting the general application requirements and formation:

1. A drainage plan that includes the direction flow for the different drainage areas, any engineering work for stormwater control and retention that may be necessary;

2. A tree preservation plan consistent with the application requirements;

3. An erosion control plan indicating the type and location of temporary and permanent erosion control measures to be used and a progress schedule addressing the critical dates of completion for erosion control, grading, seeding and related site work; and

4. A landscaping and site restoration plan including species, sizes, descriptions, and locations.

**D. Fees And Financial Guarantee.**

1. The fee required in the permit application as adopted by the annual City Council Resolution Establishing Fees.

2. In lieu of payment by the applicant as provided in this Subdivision at D.1., applicant may furnish an annual payment and performance bond which shall be the greater of (1) \$10,000.00 or (2) the amount of all investigation and estimated costs computed pursuant to this Subdivision at D.1. for all such work to be made by applicant within the twelve month period commencing with the date of the payment and performance bond. All such bonds are subject to the prior approval of the City Attorney.

3. Applicant agrees to hold City harmless from all damages and claims for damages that may arise by reason of any negligence or violation of the law on the part of Applicant, Applicant's agents or employees, while engaged in excavating, grading, filling or other changes in the earth's topography resulting in the movement of material pursuant to a grading permit issued under this Section and

agrees to take all precautions necessary to protect the public against injury. In addition, Applicant agrees to keep in force statutory workers compensation insurance. Additionally, Applicant shall maintain liability coverage in at least the amount of \$300,000 per claimant and \$1,000,000 for each incident and shall name the City as an additional insured.

**E.** In addition to the items enumerated above, the City may require submission of the following:

1. A development concept plan indicating how the recontoured parcel may be developed in a manner consistent with City ordinances and the City's Comprehensive Plan;

2. A description of traffic movements to and from the site to ensure grading activity does not have a significant adverse affect on roads, intersections, or development in the area; and

3. Such other information as may be required by the City.

**Subd. 3. ADMINISTRATIVE REVIEW.**

**A.** Grading plans that would result in moving less than 1,000 cubic yards of material per acre must be approved by the Building Department (NOTE: In order to determine any such movement of material complies with this Section the Building Department may consult with the City Engineer, City Attorney, or any federal, state or local governmental authority as needed). Grading plans within Wetland, Flood Plain or Shoreland Districts will also be administratively reviewed unless City Council review is required by ordinance or state regulations.

**B.** Individual items on the Grading Plans may be waived only with the approval of the City Building Official.

**C.** Upon receipt of a completed application, the City shall review the application and notify the applicant by mail of the decision to approve or deny the application. Grading permits shall be issued only for grading plans providing for adequate drainage, stormwater retention, and erosion and sediment control measures. The Building Department may impose such modifications and conditions as may be necessary to protect the public interest.

**D.** Any applicant aggrieved by a decision of the Building Department may appeal the determination to the Planning Commission for the matter to be reviewed in accordance with the procedures as for a conditional use. Application and fee as for a conditional use permit petition shall be required.

**E.** The owner shall arrange for a meeting with City Building staff to discuss the project schedule and to address other matters of concern before the grading permit is issued.

**F.** The City shall have the authority to revise a grading permit if on-site conditions or changing conditions make the original grading permit ineffective.

**G.** The City shall inspect the site for installation of appropriate erosion control, tree protection barriers, and other devices prior to issuance of the final grading permit.

**H.** The permittee shall notify the Building Department when the grading operation is ready for final inspection. Final approval shall not be given until all work, including installation of all drainage facilities and their protective devices, and all erosion and sediment control measures have been completed in accordance with the final approved grading plan signed by the City.

**Subd 4. GRADING, FILLING, AND EXCAVATING STANDARDS.**

**A. Vegetation And Ground Cover.** The plan shall maximize the preservation of trees and existing vegetation on the property and the following:

**1.** Prior to commencement of grading, all trees identified for preservation shall be field identified and grading limits cordoned with a suitable barrier such as snow fencing by the applicant and verified by the City staff. The barrier shall be located to coincide to the extent practicable with the drip line of trees to be preserved;

**2.** Finished grades shall have a minimum topsoil of at least four inches;

**3.** All areas altered because of grading activity shall be permanently seeded or sodded within 10 days of site grading completion. The City may approve an extension of this deadline, if appropriate, but in no case shall site restoration be delayed beyond October 1;

**4.** All exposed soil areas within 100 feet of a water of the state or storm drain inlet, or conveyance channel within 100 feet of a water of the state, shall have a temporary or permanent cover, consistent with current NPDES permit guidelines; and

**5.** In instances where an existing natural or created buffer will be impacted by grading or filling operations, site restoration shall be completed by the permittee in a manner which resembles, to the extent possible, the original vegetative and topographic state of the property, when deemed appropriate by the City; and

**6.** Any activity which changes the land surface, including removing vegetative cover, excavating, filling, grading, construction of any structure, or alteration of the topographic state of the property, and creates erosion or sedimentation problems, flooding,

ponding and/or negatively alters water drainage shall be corrected by the owner, or designee as determined by City staff.

7. Permanent sediment basins should be designed and constructed with a maintenance access route from an established public right-of-way,. This route shall be a minimum of twenty-five (25) feet in width and be at a maximum grade of 5:1 at the point of-access to the basin. Sediment basins and their maintenance shall be completed in accordance with accepted design criteria, standards and specifications found in the MPCA publication "Storm Water Manuel".

8. Temporary basins may be required as part of erosion and sediment control during construction operations. The duration of the basins is dependent upon the time of excavation and revegetation of the site.

**B. Grading Or Development Activities.** The plan and grading activity must comply with the following:

1. Land shall be developed in phases of workable size such that adequate erosion and sediment control measures can be provided as construction progresses. The smallest practical area of land shall be exposed at any one period of time;

2. For stockpiles greater than ten (10) cubic yards, the toe of the stockpile must be at least thirty (30) feet from any road, drainage channel, stormwater inlet, or water of the state. Erosion from stockpiles shall be controlled by placing appropriate barriers around the stockpile as necessary to contain sediments. If these measures do not adequately control the erosion, the piles shall be stabilized by mulching, vegetative cover, tarps, or other means. In street utility repair or construction, all stockpiles located closer than 30 feet of a roadway, drainage channel, stormwater inlet or water of the state must be covered with tarps or suitable alternative control. Any stockpile that is intended to be left over winter, must have a temporary vegetative cover established, and shall have adequate sediment control measures surround the perimeter by October 31;

3. All storm drain inlets shall be protected during construction, until permanent control measures are in place, with a temporary measure such as straw bales, silt fence or equivalent barrier meeting accepted design criteria, standards and specifications found in the MPCA publication "Storm Water Manuel";

4. A temporary rock pad entrance must be installed at all points where vehicles enter a land alteration site and must be constructed prior to commencement of grading activity. The rock pad is to be maintained to accommodate the continuous removal of mud from vehicles. The rock pad shall meet design criteria, standards and specifications found in the MPCA publication "Storm Water Manuel";

5. Streets abutting the site shall be swept as needed to remove any sediment and/or debris that may accumulate due to land alteration activities. The City may require street sweeping within 24-hours of verbal or written notification. If the street is not swept, the City shall clean the street and bill the owner or permittee, as determined by the Public Works Director.

6. Corrective action and landscape preparation for erosion or sedimentation problems on neighboring properties, or any location other than permitted site, shall commence within 24-hours of written or verbal notification. Sediment removal from wetlands, should commence without prior approval of the plan.

7. Under no circumstance shall organic material or construction debris from the site be buried;

8. Water pumped from the site, or from any dewatering operation associated with the permitted activity, shall be treated by temporary sedimentation basins, grit chambers, sand filters, upflow chambers, hydro-cyclones, swirl concentrators or other appropriate controls as appropriate, as determined by the City. Water may not be discharged in a manner that causes erosion, sedimentation or flooding of the site or receiving channels or a wetland;

9. The grading plan shall adhere to erosion and sediment control standards and specifications contained in the MPCA publication "Storm Water Manual" and the "Minnesota Construction Site Erosion and Sediment Control Planning Handbook";

10. All erosion and sediment control devices including silt fence, gravel, hay bales or other measures must be installed, consistent with the approved plan, and verified by the City prior to commencement of grading activity. All erosion and sediment control devices shall be removed from the construction site and properly disposed of or recycled within 30 days of the establishment of permanent vegetative cover on the disturbed areas;

11. The plan shall not result in sites that are unsatisfactory for development of permitted uses. The development of potential of a site shall not be adversely impacted by such matters as unsuitable finished grades, poor soil stability, unsatisfactory drainage or exposure to deleterious influences such as highway frontage for residential property;

12. The plan shall include dust control measures such as daily or more frequent watering if needed for dust suppression.

13. Drainage swales shall be constructed to divert stormwater runoff towards a stormwater conveyance system or infiltration area for property treatment. Minimum grades on drainage swales should be 1.5 percent; and

**14.** Site grading activity cannot occur between the period of 7 p.m. and 7 a.m. except by special exception granted by the City Council.

**C.** Residential Standards. In general, residential developments should be designed to reduce potential runoff to the extent practicable. Specific design issues, in addition to those regulations found within this Section, may be addressed by the City during review of a formal planning application. Residential Development must comply with the following additional standards:

**1.** Downspouts and drainage must be diverted away from impervious surfaces, steep slopes and ravines to the greatest extent possible;

**2.** Side slopes between adjacent houses should not be greater than 3:1 slope unless the original soil and vegetation is left undisturbed or there is sufficient area to construct a drainage swale to convey water away from the houses;

**3.** Prior to approval of a certificate of occupancy by the City, the owner and permittee shall certify that lot grades meet the standards set in the original grading plan. Such certification shall be completed by a registered surveyor. Lots occupied after November 15 and before April 30 of each year shall come into compliance by May 31 of each year. Survey certification requirements shall be guaranteed as part of the subdivision agreement; and

**4.** For grades greater than 4:1, a vegetative ground cover shall be established within 30 days of certificate of occupancy or no later than June 1 for homes occupied between October 1 and May 1.

**D. Slopes.**

**1.** No natural hillsides steeper than eighteen (18) percent shall be graded;

**2.** Slope protection shall consist of mulch, sheets of plastic, burlap or jute netting, sod blankets, fast growing grasses, or temporary seeding of annual grasses. Mulch consists of hay, straw, wood chips, corn stalks, bark, or other protective material. Mulch shall be anchored to slopes with stakes and netting, or shall be worked into the soil to provide additional slope stability;

**3.** At the foot of each slope, a channel and berm shall be constructed to control runoff. The channeled water shall be diverted to a sedimentation basin (debris basin, silt basin or silt trap) before being allowed to enter any natural drainage system; and

**4.** Along the top of each slope, a berm shall be constructed to prevent runoff from flowing over the edge of the slope if determined necessary by the City. Where runoff collecting behind the

berm cannot be diverted elsewhere and must be directed down the slope, appropriate measures shall be taken to prevent erosion. Such measures shall either consist of an asphalt paved flow apron or drop chute laid flow apron. A riprap energy dissipater shall be installed to prevent erosion at the discharge end.

**E. Modification Of Plan.** Control measures other than those specifically stated above, or contained in the Erosion and Sediment Control Plan approved by the City, may be used only upon review and approval of the City, based on the determination that they will effectively protect against erosion.

**F. Right Of Entry And Inspection.** The permittee and property owner shall allow the City and their authorized representatives:

1. To enter upon the permitted site for the purpose of obtaining information, examination of records, conducting investigations or surveys;

2. To bring such equipment upon the permitted site as is necessary to conduct such surveys and investigations;

3. To examine and copy any books, papers, records, or memoranda pertaining to activities or records required to be kept under the terms and conditions of the permitted activity;

4. To inspect the erosion and sediment control measures required by the permit;

5. To sample and monitor any items or activities pertaining to permits issued by the City and State;

6. To enter upon the permitted site for the purpose of correcting any grading condition that presents an imminent hazard to persons or property. Except in the case of emergencies, the City must notify the permittee of the condition to be corrected and provide the permittee a reasonable opportunity (not less than 24 hours) to correct the condition prior to entering the permitted site and performing the corrective work;

7. To enter upon the permitted site after the suspension or revocation of the permit for the purpose of correcting violations or providing appropriate stabilization and ground cover to address any erosion concerns.

**Subd. 5. SUSPENSION OR REVOCATION.** The City may suspend or revoke a grading permit whenever the permit is issued in error or on the basis of incorrect information supplied, or is found to be in violation of any local, state, or federal ordinance or regulation or any of the provisions of this ordinance or the permittee shall not allow the City, by and through its authorized representatives, to

enter or inspect the property as provided in Subd. 4.F. The City will provide written notice of the intent to suspend or revoke the permit based upon the above criteria. If within 7 days of notification to the permittee, the situation related to the revocation or suspension has not been brought into compliance the permit will be considered null and void. The permittee may request a hearing before the Board of Adjustment and Appeals upon notice of the violation.

The City may suspend grading activity if it is found that the grading activity is in violation with this Section or any conditions stated on the face of the approved grading permit. To assure that the grading activity is being conducted in accordance the conditions stated on the permit and with the requirements of this Subdivision, the City Building Official may make, at the expense of the person or firm conducting the land alteration, those field measurements the City Building Official deems necessary to assure that such conditions and requirements are being followed, such work to be done at the direction of the City Building Official on an hourly basis at the time charge fixed by the City Finance Director.

**Subd. 6. VIOLATIONS.** Any person, company or organization who violates, fails to comply with, or assists, directs, or permits the violation of the terms or conditions of an approved site and building plan, landscape plan, or grading plan shall be guilty of a misdemeanor. Such violation shall be a violation of the approved site and building plan, landscape plan, or grading plan and shall render the approval or plan null and void.

**Subd. 7. GRAVEL/BORROW PIT(S) AND RELATED OPERATIONS PERMITS.** The use of land for the removal or relocation of topsoil, sand or gravel, and/or other material is not permitted except by the granting of a Gravel/Borrow Pit(s) and Related Operations Permit by the Council following a public hearing by the Planning Commission. The hearing shall be in accordance with procedures for conditional use permit issuance, and shall be required in all cases where the removal or relocation of sand, gravel, rocks, minerals, peat, dirt, or materials of any kind will substantially alter the existing ground contour, would change existing drainage patterns or would cause flooding or erosion, or where dynamite or other explosives are used generally or incidentally in said gravel/borrow pit(s) and related operations, or where such operations affect the value, use and enjoyment of other property in the City.

**A.** Unless exempted in this Section or regulated in other Chapters of this Ordinance, all gravel/borrow pits and related operations shall be conditional uses in F-A, A-1, A-R, R-R Districts, including the O, Open District, and I-1, Light Industry District, and permitted uses in the I-2, General Industry District. All such gravel/borrow pits and related operations shall comply with the standards stipulated in Subdivisions 7 through 13 of this Section.

**B. Prohibition.** In no case shall any materials consisting of and/or containing contaminated, toxic, or hazardous elements as defined by the Minnesota Pollution Control Agency (MPCA) be allowed for fill and/or grading purposes.

**C. Compliance.** The applicant shall assume complete responsibility to comply with all applicable Federal, State, County regulations and City Code provisions regarding wetlands, shorelands and floodplains.

**Subd. 8.** Applications for a gravel/borrow pit(s) and related operations conditional use permit shall contain the following information:

**A.** Legal description of the land to be filled, graded or excavated.

**B.** Nature of the proposed gravel/borrow pit(s) and related operations and plan of intent as to the future use of the property.

**C.** Development plans showing pit or fill/grading locations, proposed elevations, drainage, access routes to be used in hauling to or from the site and daily hours intended for equipment operation on the site.

**D.** Whether dynamite or other explosives will be used either incidentally or generally during the operations.

**E.** The names and addresses of all owners of the subject land.

**F.** Dates for the projected period of filling, grading or excavation, and an approximate completion date of the operation, otherwise state if intended for continuous year-around and/or seasonal use.

**Subd. 9. Safety Precautions.** If, during the gravel/borrow pit(s) and related operations work, it becomes necessary for the person responsible as per permit issuance terms to create a condition of grade or drainage not in the interest of health or safety, it shall become that person's duty to immediately correct the dangerous situation created, as well as fence such area from the general public during the period of danger. No water or other waste shall be allowed to run off from any pit or depression into any stream, lake or pond so as to pollute the same.

**A.** Operations shall be limited to reasonable hours that will not interfere with the health, safety or welfare of surrounding residents and the premises and activities shall be designed and operated so as not to create a nuisance.

**B.** When explosives are used and the permittee so authorized, all necessary precautions and care shall be taken so as not to endanger life and/or damage and destroy property.

**C.** All explosives shall be stored in a reasonably secure and safe place or places, and all such storage places shall be clearly marked "Dangerous - Explosives" and shall have appropriate warning symbols.

**D.** The method of storing and handling explosives and highly inflammable materials shall conform with current standards of the State of Minnesota.

**E.** A log of the time and day and personnel familiar with the work shall be kept of all blasting and a copy of said log shall be made available to the Zoning Administrator.

**F.** In the case of extraction operations, at the end of each season's operations and no later than the last day of December of each year, the pit is to be left in a neat and orderly condition, with reasonable uniform slopes without overhang.

**G.** Following the completion of the gravel/borrow pit(s) and related operations, the person responsible for said operation shall restore the land to a usable and safe condition by means approved at the time of issuance of the conditional use permit.

**H.** The applicant shall certify at the time of permit issuance that, at the completion of the project, all excavation shall crest at property lines (either private or public) and slopes from property lines shall be at a maximum slope of 3::1, all embankments shall toe at property lines (private or public), and back slopes shall be at a maximum slope of 3::1. Stipulated slopes may be subject to change upon the recommendation of the City Engineer. This provision shall not apply where the excavation or embankment is continuous across the property line.

**Subd. 10. Bonding.** It shall be necessary for the person securing a gravel/borrow pit(s) and related operations conditional use permit to present adequate proof of bonding to the City in the form of a performance bond, sufficient in value to cover the expenses of the completion of the development plan for site grade or to bring such portion of the completed project to a safe grade and elevation so as to be in the best interests of the health and welfare of the general public, and to provide adequate drainage of the site.

**Subd. 11.** Any filling, grading or extraction operation not consistent with the regulations stipulated herein or with the intent and purpose of this Section are declared to be a public nuisance.

**Subd. 12.** The Zoning Administrator may submit a gravel/borrow pit(s) and related operations permit application to the City Engineer for review and approval where this is deemed necessary. Such conditions or limitations as may be suggested by the City Engineer may be attached to, and become a part of, the conditional use permit. Permit applications submitted in the above manner shall be processed and returned to the Zoning Administrator within ten (10) days of the date received.

**Subd. 13.** The Council may, in addition to any or all other remedies available for violations of this Section, declare the premises to be a public nuisance and public hazard, and after a public hearing held after a minimum of ten (10) days notice by registered mail to the last known address of the owner or owners of the property, and by placement of such hearing notice in the official newspaper at least ten (10) days in advance of the hearing, may proceed to have the necessary work done to comply with the provisions of this Section and stipulations of the permit as issued, and assess all the costs and expense thereof against said property.

**Subd. 14.** Iron ore/taconite mining operations and operations of government agencies for road and bridge projects shall be exempt from the regulations of this Section in all cases where Rules and Regulations of the State of Minnesota NR 401-411, as amended, are applicable.

Source: Ordinance No. 327, 2nd Series  
Effective Date: 08-16-2006

#### **SEC. 11.55. SPECIAL PROVISION: JUNK YARDS.**

**Subd. 1. Purpose.** The purpose of this Section is to provide standards for the location and control of junk and salvage yards. Adequate protection of the public health, safety, and welfare requires that these uses be regulated and controlled.

**Subd. 2. Requirements.** These standards shall be held to be the minimum requirements for junk and salvage yards. If the requirements of the zoning district in which a junk or salvage yard is located impose greater restrictions than those of this Section, the requirements of the zoning district in which the junk or salvage yard is located shall be controlling.

- A. Minimum Lot Area** - One (1) acre.
- B. Minimum Lot Width** - One hundred (100) feet.
- C. Minimum Lot Depth** - One hundred twenty-five (125) feet.
- D. Fences** -

**1.** A 100% opaque fence shall be constructed to completely enclose the junk or salvage yard. The fence shall be painted one color and kept in good repair. It shall be the responsibility of the

occupant to maintain the fence. The Building Inspector, in making inspection of such fencing, may order special repair to be made in order that the good appearance and safety of the fence may be maintained.

**2. Front Yard Fence Height** - Minimum height of six (6) feet. However, when such front yard is fronting on any State primary or secondary highway, such fence height shall be a minimum of eight (8) feet.

**3. Side Yard Fence Height** - Minimum height of six (6) feet.

**E. Setbacks From Property Lines -**

**1.** Junk and salvage yards shall be buffered from adjoining properties by a separation of open space which shall have a minimum depth of twenty-five (25) feet.

**2. Minimum Fence Setback:**

Front and corner yard - thirty five (35) feet.  
Rear yard - twenty-five (25) feet.  
Side yard - twenty-five (25) feet.

**3. If a building is proposed to be located outside the fence, the following building setbacks shall be observed:**

Front and corner yard - thirty-five (35) feet.  
Rear yard - twenty-five (25) feet.  
Side yard - twenty-five (25) feet.

**F. Storage of Junk and Salvage Materials -**

1. All storage shall be within the fenced area.

2. At no time shall any items be piled higher than the fence.

**G. Residential dwellings shall not be located within junk and salvage yards. Residential dwellings on the same site shall be separated from junk and salvage yard operations by a minimum of twenty-five (25) feet.**

**Subd. 3.** The City shall be without authority to grant a conditional use permit for a junk yard in any district except such districts that specifically allow a junk yard as a conditional use.

**SEC. 11.56. SPECIAL PROVISION: FIREWOOD STORAGE.**

**Subd. 1. Purpose.** The use of renewable resources including wood is increasing. In order to protect public health and safety, wood piles must be erected, located, and maintained in a safe and orderly fashion.

**Subd. 2. Scope.** This Section applies to the storage of wood in Residential Zone Districts (R-R through R-4) and other legally platted areas except for the exemptions noted below. This Section shall apply to any wood or wood product usually used or intended to be used as firewood in the residence or any accessory structure.

**Subd. 3. Conditions of Storage.** Firewood shall be stored in the following fashion:

A. In neat and secure stacks.

B. The height of a wood pile over three feet high shall be no more than twice its width. The maximum height allowed is 6 feet.

**C.** In a manner and location to minimize possible problems of rat or other pest infestation.

**D.** No wood shall be stored within the required minimum area of setback from a street right-of-way or within 5 feet of a side lot line. In no case shall wood be stored within a street right-of-way.

**E.** No wood shall be stored in a front yard or yard that is commonly considered the front yard.

**F.** The maximum amount of wood that may be stored at one time is 20 cords (4' x 4' x 8'). The area covered by the stored wood shall be included in lot coverage requirements.

**Subd. 4. Exemptions.** Wood storage under the following circumstances shall be exempt from the conditions outlined above:

**A.** Wood stored or kept in a covered structure impervious to the elements.

**B.** Temporary storage of logs for up to thirty (30) days outside of the required areas of setback from property lines and street is allowed for the purpose of cutting and splitting logs to a size usable in the residence's wood burning device.

**Subd. 5. Existing Wood Piles.** Any wood pile in existence as of the effective date of this Chapter which does not comply with the provisions of this Section must be removed or placed in compliance with this Section's provisions within one year after written notice to comply by the Zoning Administrator. Such notice shall be in writing and shall be served upon the property owner either in person or by mail.

Source: Ordinance No. 148, 2nd Series  
Effective Date: 8-9-86

**SEC. 11.57. SPECIAL PROVISION: SIGNS.**

**Subd. 1. Purpose.** The purpose of this Section is to provide standards for the use and display of signs. It is recognized that signs serve an important function and, therefore, reasonable and adequate display of signs is permitted under the provisions of this Section. At the same time, this Section recognized that there is a definite need to regulate such display, as signs utilize the visual element of the public right-of-way to bring messages to the public. Limitations and standards are established herein consistent with the type of the district and the uses and activities in the district. These limitations and standards are intended to encourage sound practices with respect to size, type, and placement of signs for the purpose of safeguarding and enhancing properties in residential business, and industrial areas; providing an environment which will promote the growth and development of business in the City; protecting

of property values; protecting public investment in public buildings, open spaces, and thoroughfares; reducing hazards to motorists and pedestrians on the public ways; and promoting the public safety and general welfare. With respect to signs advertising business uses, such regulations have been devised after considering, among other matters, shopping habits, extent of trade area, and means of access to such uses, and are specifically intended, among other things, to avoid excessive competition among sign displays in their demand for public attention.

**Subd. 1.A. Sign classifications.** The following classifications of signs are hereby established:

**A. Class A: On-Site Advertising.** Class A signs are signs that advertise a business, product, service, commodity or profession located on the same premises as the sign.

**B. Class B: Off-Site Advertising.** Class B signs are outdoor advertising signs that direct the attention of the general public to a business, product, service, commodity or profession that is conducted, sold or offered at a place other than on the premises on which the sign is located.

**C. Class C: Temporary Advertising.** Class C signs are signs that advertise a business, product, service, commodity or profession located on the same premises as the sign and that are not permanently affixed to the premises.

**D. Class D: Exempt Signs.** Class D signs are signs that do not require a permit as long as the pertinent performance standards are satisfied. Class D signs include, but are not limited to, the following: signs required by the governing body having jurisdiction, but not limited to, City of Hibbing, St. Louis County Highway Department, and the Minnesota Department of Transportation; informational signs used to inform the general public in a non-advertising message; temporary construction and real estate signs; election signs, posters or banners, place of worship directional signs, public service signs, garage / yard / rummage sale signs, name plate or identification signs, window signs and farm signs."

**Subd. 2. General Requirements.** Except as otherwise provided by this Section, signs, where permitted, shall comply with the following requirements:

**A. Permit Required.** Except as otherwise specifically authorized, no sign shall be located, erected, moved, reconstructed, extended, enlarged, or structurally altered within the City until a permit has been issued by the Zoning Administrator. No permit shall be issued for a sign not in conformity with the size, type, number, location, and use regulations affecting each zoning district unless

authorization is granted by the Zoning Board of Appeals and Adjustments.

**B.** No freestanding sign shall be allowed within the initial 5 feet of required front setback space. Where no setback is required, a freestanding sign may be erected with the leading edge of the sign not more than 8 feet into the street right-of-way or 3 feet from the curb, whichever is less, provided that no sign shall be located within 20 feet of any intersection.

**C.** Wall signs placed against, painted on, or attached to the exterior walls of buildings shall not extend beyond 15 inches of the wall surface. Such signs shall not exceed 40 square feet in area unless made of incombustible materials approved by the Building Inspector.

**D.** Advertising and business signs shall not face residential districts where the non-residential property abuts, is across a side street from, or is adjacent to such residential district, excepting where a residential district is immediately across from the front of the property.

**E. Design Characteristics:**

**1. Wind:** The effect of special local wind pressures shall be thoroughly considered in the design; but in no case shall the wind load be assumed less than 20 pounds per square foot of net exposed area for roof signs, 20 pounds per square foot for freestanding signs over 30 feet in height, and 15 pounds per square foot for freestanding signs.

**2. Illumination:** No sign shall be illuminated by other than electrical means and electrical devices. In no case shall any open spark or flame be used for display purposes. The light from any illuminated sign or from any light source, including interior of a building, shall be so shaded, shielded, or directed that the light intensity or brightness shall not adversely affect surrounding or facing residential districts, or adversely affect safe vision of operators or vehicles moving on public or private roads, highways, or parking areas. Light shall not shine or reflect on or into residential structures.

**3. Obstructions:** No sign shall be erected, constructed or maintained so as to obstruct any fire escape, required exit-ways, window or door openings used as a means of egress or to prevent free passage from one part of a roof to another part thereof or access thereto. Also, no sign shall be attached in any form, shape or manner which will interfere with any opening required for ventilation.

**4. Use of Combustibles:** Wood or approved plastic or other materials of combustible characteristics similar to wood may be used for moldings, cappings, nailing blocks, letters, latticing, and for purely ornamental features of signs. Sign facings, themselves may be made of approved combustible plastics provided the area of each face is not more than 100 square feet and the wiring for electric lighting is entirely enclosed in metal conduit and installed with a clearance of not less than 2 inches from the facing material.

**5. Location:** No sign shall be placed in the front 5 feet of any required setback in any district. Where an existing building occupies any part or all of the front 5 feet of a lot, signs shall be allowed to project up to 8 feet from said building face or 3 feet from the curb, whichever is less, even if extended over the street right-of-way.

**6. Traffic Hazard:** No sign shall be erected near or at any intersection of any streets in such manner as to obstruct free and clear vision, or at any location where by reason of position, shape, or color, it may interfere with, obstruct the view of, or be confused with any authorized traffic sign, signal, or device.

**F. Maintenance.** It shall be the duty of the owner of any sign or awning to maintain the same constantly in a state of good repair and safety. The Building Official, in making an inspection of any awning or sign, may order special repair to be made in order that the good appearance and safety of the same may be maintained. The Building Official may order repairs to be done within a set time. In all cases where any sign is imminently or obviously unsafe, the Building Official is authorized forthwith to remove such sign as a public nuisance without any demand for the removal of the same upon the owner or any person maintaining such sign. Notification of such removal action shall be made to the owner or responsible party within ten (10) days of the action taken.

**1.** No cloth, paper or advertising matter shall be permitted to hang loose from any billboard. It shall be the duty of every person maintaining a billboard to keep and preserve the lot or parcel of land on which such billboard is erected at all times clean, inoffensive and free and clear of any garbage, refuse, weeds, rubbish, paper or other offensive material of any kind and description, which may be deposited or gather thereon and to keep the same removed at all times for a space equal to 20 feet from any portion of such billboard. Billboards shall be kept in good repair and with displays thereon. No billboard shall be left blank for a period of more than seven (7) consecutive days. Where no client is found for the lease of the available billboard space, the lessor shall provide public service advertising on the billboard.

**2.** Any billboard not maintained in accordance with this Chapter may be ordered removed by the Building Official. Notice

of removal shall be sent to the owner of the billboard, if known, and if not known then by certified mail to the owner of the parcel of property on which the billboard is located as shown by the public records. If no action is taken in reference to removal within thirty (30) days, the Council may order the Building Official to physically remove the billboard and the costs of such removal shall become a lien against the property on which it is located.

**H. Signs Permitted in Planned Development.** Signs permitted in planned developments shall be as approved by the Planning Commission for such development. In no case shall signs in a residential planned development exceed the sign requirements stipulated in Subparagraph C herein, nor signs in a commercial planned unit development exceed the requirements of the C-1 District.

**Subd. 3. Sign Requirements by Type.**

**A. Marquees and Fixed Awnings.**

**1. Projection Over Street.** No marquee or fixed awning shall hereafter be so erected as to project over public property within the City until a permit shall have been first secured from the Building Official to erect such marquee or fixed awning.

**2. Load Capacity.** Every marquee or fixed awning shall have its framework constructed of metal or other suitable material approved by the Building Inspector, and shall be so designed as to safely sustain a load of at least 40 pounds per superficial foot of its upper surface. Wherever glass is used as the roof of a marquee or fixed awning, it shall be wire glass and not less than 3/8ths of an inch in thickness.

**3. Extending Over Curb.** No marquee or fixed awning shall extend nearer than 3 feet to the curb line, nor be of greater length than the width of the building.

Source: Ordinance No. 338, 2nd Series  
Effective Date: 10-7-2007

**4. Minimum Height.** No marquee or fixed awning shall be, at any point at a less height than 8 feet above the sidewalk, and each marquee or fixed awning shall be provided with proper gutters and rain leaders to conduct the water from its roof. Such permit application shall include a proper drainage system plan to be submitted to the City Engineer for any marquee or fixed awning, including any remodeling, alteration, or improvement of an existing marquee or fixed awning. Further, as part of such plan and for any work done on or over public property, the owner of the property in question shall be required to sign a hold harmless agreement releasing the City of Hibbing and the Hibbing Public Utilities Commission, including their contractors and agents of all liabilities concerning all such work and installation of the approved drainage system plan. The City Engineer shall have the authority to approve, disapprove, or require changes to any such plan, and to order

repairs and remedies to ensure the property owner's full conformance with the applicable regulations as stipulated herein.

**a.** The City Engineer may determine and authorize where a fixed awning may not require such gutters and/or rain leaders to conduct the water from its roof, and including where a fixed awning may not require a hold harmless agreement.

**b.** Notwithstanding the above, in any case the property owner shall be responsible to promptly remove snow and/or ice from the public sidewalk, and to maintain such public property in a manner which is in conformance with the applicable regulations of the City of Hibbing Code of Ordinances.

**5. Support Required.** Except as hereinafter provided, every such marquee or fixed awning shall be supported by properly designed and properly anchored cantilever beams, extending into the building, or by chains or steel rods properly fastened to its outer side or front and extending from thence at an angle of at least 40 degrees with the horizontal plane, to the wall of the building, and securely anchored to said wall and to the floor or roof construction or the columns of said building. No marquee or fixed awning shall be supported by columns or other support below the minimum awning height, except where a permit which includes a proper plan for such support has been approved by the City Engineer as per the procedures and regulations stipulated above in part 4 of this subdivision.

Source: Ordinance No. 376, 2nd Series  
Effective Date: 08-17-2010

**6. Signs Permitted.** Any marquee or fixed awning projecting over public property may have a sign on each or any face thereof, but every such sign shall be built as an integral part of the marquee or fixed awning, except that signs not exceeding 6 square feet in area and allowing a minimum of 8 feet clearance below the sign may be permitted under a marquee.

**7. Materials.** Marquee signs shall be constructed entirely of metal or other approved non-combustible materials, except that the Building Official may approve acceptable alternate combustible materials upon special application.

**8. Height.** Marquee signs shall not exceed the height of the architectural facing on which it is mounted.

**9. Length.** Marquee signs may extend the full length but in no case should they project beyond the ends of the marquee.

## **B. Electric Signs.**

**1.** An electric sign, within the meaning of this Chapter, shall be any sign the illumination of which, in whole or in part, is

accomplished by electric wiring, materials and/or devices installed on, in or in any manner attached to or connected with such sign.

**2.** Bottoms of signs for outdoor use, or otherwise exposed to dampness, must have sufficient drain holes at least 1/4 inch in diameter.

**3.** Transformers, tubing and other electrical sign equipment shall be installed and operated so as to not cause radio and television interferences, and interference with communication systems.

**4.** No section of any sign hereafter erected or attached against the wall of a building shall prevent access to electrical boxes and fittings.

**5.** No more than one electric sign shall be attached to each face of the building for any one occupant thereof; nor shall two such signs or portions thereof be placed together so as to form a "V" - shaped sign. No electric sign placed at any angle over public property shall exceed 200 square feet in area.

**6.** Before any electric sign is installed in place or the wiring in the same concealed, the erector or manufacturer thereof shall notify the Building Official who shall make or have made an inspection of such sign within forty-eight (48) hours. Thereafter,

if approved and certified by the Inspector, said sign may then be installed in place. After such sign is erected or installed in place, the Building Official shall again be notified that a final inspection and acceptance thereof is desired.

Source: Ordinance No. 338, 2nd Series  
Effective Date: 10-7-2007

#### 7. Electronic changeable signs.

(a) Electronic changeable signs that only indicate time, temperature, or the price of automotive gasoline are permitted as part of the allowable signage for a parcel in the C-1, C-2, C-3, I-1 and I-2 districts.

(b) Electronic changeable signs are allowed in residential districts if they meet the definition of an institutional sign and then only after the issuance of a conditional use permit subject to the minimum conditions of subparagraph 7 (d) herein.

(c) Electronic changeable signs are allowed in the C-1, C-2, C-3, I-1 and I-2 districts only after the issuance of a conditional use permit subject to the minimum conditions of subparagraph 7 (d) herein.

(d) Electronic changeable signs must meet the following minimum conditions:

1. Conformance to the sign requirements within that district.
2. Electronic changeable signs are to be included in the appropriate calculations for allowable signage on a parcel.
3. For signs located within 300 feet of a State Highway, the message shall not change more than once every 6 seconds.
4. For signs located in the C-1, C-2, C-3, I-1 and I-2 Districts, the message shall not change more than once every 2 seconds.
5. For institutional signs located in residential districts, the message shall not change more than once every hour.
6. For gasoline pricing signs, the message shall only change when the price changes.

Source: Ordinance No. 343, 2nd Series  
Effective Date: 1-19-2008

#### C. Projecting Signs.

1. **Materials.** Projecting signs shall be constructed entirely of metal or other approved non-combustible materials, except

that the Building Official may approve acceptable alternate combustible materials upon special application.

**2. Clearance.** A clear space of not less than 10 feet shall be provided below all parts of such signs.

**D. Freestanding Signs.**

**1. Height.** Freestanding signs may have a height not to exceed 35 feet.

**2. Obstruction to Traffic.** No freestanding sign shall be erected so as to obstruct free access to or egress from any building.

**3. Bottom Clearance.** The bottom capping of all freestanding signs shall be at least 36 inches above the ground for signs 15 feet or less in height. Signs exceeding 15 feet in height must maintain a 10-foot bottom clearance.

**4. Construction Materials.** No freestanding sign shall be constructed of combustible materials except as approved by the Building Official following special application.

**E. Roof Signs.**

**1. Materials.** All roof signs shall be constructed entirely of metal or other approved non-combustible materials, except that the Building Official may approve acceptable alternate combustible materials upon special application. Provisions shall be made for electric ground of all metallic parts, and where combustible

materials are permitted in letter or other ornamental features, all wiring and tubing shall be kept free and insulated therefrom.

**2. Bottom Clearance.** There shall be a clear space of not less than 6 feet between the lowest part of the sign and the roof level except for necessary structural supports.

**3. Roof Sign Supports.** The supporting members of a roof sign shall appear to be free of any extra bracing angle iron, guy wires, cables, etc. The supports shall reasonably appear to be an architectural and integral part of the building. Supporting columns of round, square or shaped steel members may be erected if required bracing, visible to the public, is minimized or covered.

**Subd. 4. Sign Standards by Zoning Districts.**

**A. General.** The following sign standards by zoning district shall apply to every existing zoning district and new zoning district hereafter created unless otherwise expressly provided in such zoning districts. Only signs as described herein shall be permitted in each particular zoning district.

**B. Class A On-Site Signs.**

1. Signs in Residential Districts. Subject to the other conditions of this Section, the following signs shall be permitted in the following Districts: F-A, A-1, A-R, R-R, S-R, R-1, R-2, R-3, R-4, O, and O-1:

- (a) Signs advertising a new subdivision plat, provided such signs do not exceed 60 square feet in aggregate surface area, identifying only the plat in which they are located, are non-illuminated, and are erected only at street entrances to the new subdivision. Such signs shall be removed if construction of subdivision improvements is not in progress on the plat within sixty (60) days following the date of the sign erection, or as soon as eighty percent (80%) of the lots are developed and sold.
- (b) Residential Housing Development Sign. One permanent residential development identification sign facing each bordering street shall be permitted for each development of twenty or more units. Such sign shall not exceed 32 square feet. Such signs shall be erected only at the street entrance, may be indirectly illuminated, and shall not exceed a height of 8 feet over the grade.

- (c) Club, Lodge, Office Signs. One non-illuminated identification sign not to exceed 32 square feet in area in the F-A, A-1, A-R, R-R, S-R, O, and O-1 districts or 12 square feet in area in the R-1, R-2, R-3, and R-4 districts for the following uses: clubs, fraternities, and professional offices where permitted.
- (d) Civic, Religious Organizations, and Other Permitted Non-Residential Uses. One illuminated or non-illuminated sign not to exceed 32 square feet in area. Such sign may include the following uses: offices of a civic, religious, or charitable organization; trade associations, labor unions, insurance companies or agencies, banks, financial institutions, real estate offices, funeral home.
- (e) Public and Quasi-Public Use Signs. One illuminated or non-illuminated identification sign or bulletin board not to exceed a total of 32 square feet in area for the following uses: public schools, parochial schools, college, public libraries, museums, social and religious institutions, churches, cemeteries, governmental office buildings, rural industries, commercial harvesting and forestry operations, utilities and public service operations.

2. Signs in Commercial and Industrial Districts. The following signs shall be permitted in Commercial (except Neighborhood Commercial) and Industrial Districts where such uses are otherwise permitted in the District.

- (a) One freestanding sign indicating only the name and nature of the occupancy for each developed parcel not to exceed one square foot of sign surface area for each linear foot of street frontage abutting the developed portions of said parcel provided that:
  - (1) Where a developed parcel has in excess of 300 feet of street frontage, one additional freestanding sign may be erected, based on a per-foot formula, for each additional 300 feet of street frontage or portion thereof in excess of the first 300 feet of street frontage abutting the developed portion of said parcel.
  - (2) Where a developed parcel is permitted to have more than one freestanding sign under these regulations, the distance between said

signs on each parcel shall not be less than 300 feet.

(3) The total area of all freestanding signs on each parcel shall not exceed one square foot of sign area for each linear foot of street frontage of the developed portion of said parcel.

(b) Wall or facia signs indicating only the name and nature of the occupancy, for each occupancy within the developed parcel. Said signs shall not exceed a total area of three square feet of sign surface area for each linear foot of structural dimension of the principal use facing the street. If such occupancy is on a corner or other location where two faces of a building are visible, wall signs will be permitted on each face based on a formula of a total of two square feet of sign surface area for each linear foot of structural dimension adjacent to the street property lines with the smaller of the building faces allowed a total sign surface area not to exceed thirty percent (30%) of the total sign surface area allowed for both faces.

(c) Roof signs shall be allowed as a substitute, or in combination with freestanding, wall or facia signs only to such extent as the total allowable square footage for all signs as computed in Items 1 and 2 above, is not exceeded. No roof sign shall be constructed, however, unless application is made and approval received for a conditional use permit.

(d) No projecting signs shall be permitted to be constructed in any of the Commercial (excluding Neighborhood Commercial) or Industrial Districts. Projecting signs existing after the effective date of this Subparagraph C, Items 1, 2, 3, shall be deemed to be non-conforming provisions of this Section.

**C. Class B Off-Site Signs.** Off-site signs shall be allowed as permitted or conditional uses provided the following standards and criteria are adhered to:

1. Class B Off-Site signs shall only be allowed in commercial and industrial zoning districts except that within W-2 and W-3 Waterfront Zone Districts, off-site signs shall only be allowed upon determination by the Planning Commission that the sign's advertising message will relate only to services and accommodations

available from specific establishments within the same general neighborhood as the sign.

2. The maximum area of a sign face, whether a single sign or each face of two back to back or V-type signs, shall not exceed 750 square feet including border and trim, but excluding base and apron supports and other structural members. The maximum size limitation stated herein shall apply to each side of a sign structure, and signs may be placed back to back, side by side, or in a V-type arrangement, provided that they shall be considered as one sign.

3. Off-site signs shall not be erected or maintained in such a place or manner as to obscure or otherwise physically interfere with an official traffic control device or a railroad safety signal or sign, or to obstruct or physically interfere with a driver's view of approaching, merging or intersecting traffic for a distance of 500 feet.

4. No off-site sign shall be erected closer to any other off-site sign on the same side of the same roadway facing traffic proceeding in the same direction than (1) 500 feet on any interstate highway or fully controlled freeway, (2) 300 feet on any other highway or roadway.

5. On interstate highways or fully controlled access freeways, no off-site signs may be erected or located adjacent to or within 500 feet of an interchange, at-grade intersection, or safety rest area. Said 500 feet shall be measured along such highway from the beginning or ending of pavement widening at the exit from or entrance to the main traveled way.

6. On primary highways no off-site sign may be located closer than 300 feet from the intersection of any primary highway at grade with another highway or with a railroad, provided that advertising may be affixed to or located adjacent to a building at such intersection in such a manner as not to cause any greater obstruction of vision than that caused by the building itself.

7. No off-site sign shall be erected or maintained in, or within 500 feet of national parks, State parks, local parks, historical sites, and public picnic or rest areas, nor shall any off-site sign be erected or maintained within 300 feet of a church or school.

**D. Class C Temporary Signs.**

1. Class C signs shall be limited to banners, pennants, and portable signs.

2. The maximum square footage for the total of Class C signs on a single lot of record shall be 1 square foot of sign area for every 1 lineal foot of lot frontage.

3. The maximum height for all Class C signs not attached to buildings shall not exceed 10 feet.

4. Class C signs shall be allowed by permit for a period of time not to exceed 30 consecutive days within any 180 day period.

5. No temporary sign shall be attached to a light standard or the supporting pylon of a freestanding sign.

**E. Class D Exempt Signs.** Subject to the other conditions of this Chapter, the following signs shall be permitted in any zoning district within the City.

1. **Temporary Construction Signs.** One non-illuminated temporary sign facing each bordering street, identifying all parties engaged in the construction of a building, provided that the sign shall not exceed 35 square feet in area, does not obstruct the vision in any public way, and is removed within thirty (30) days following occupancy of building under construction.

2. **Temporary Real Estate Signs.** One non-illuminated real estate sign not over 16 square feet in surface area, except in commercial and industrial districts where signs may not exceed 32 square feet in surface area, advertising the sale, rental, or lease of only the building or premises on which it is located. These signs may be placed in any yard.

3. **Political Signs.** Political signs shall be permitted on each lot for a period of sixty (60) days prior to and ten (10) days after an election. These signs may be placed in any yard with the owner's permission.

4. **Owner-Occupant Sign.** One residential name sign not to exceed 1 square foot in area, identifying only the name of the owner or occupant of a residential building.

5. **Home Occupation Sign.** One non-illuminated identification sign, not to exceed 4 square feet in area, for the following permitted uses: resident professional offices, home occupations, home businesses, and boarding-lodging houses.

6. **Directional and Private Traffic Control Signs.** Directional and private traffic control signs indicating traffic movement onto a private property, or within a private property, not exceeding 3 square feet of surface area for each sign, are permitted. No advertising message may be incorporated on such signs.

7. **Government Signs.** Government signs shall be allowed in any zone district as required by the governing body having jurisdiction including, but not limited to, City of Hibbing, St. Louis County Highway Department, and the Minnesota Department of

Transportation. Class D government exempt signs include fire numbers and emergency (9-1-1) identification numbers. Size, height, spacing and other requirements shall conform to those set by the appropriate governing body.

8. Place of Worship Directional Signs. Signs directing people to places of worship shall be allowed in all districts provided the total area of such signs shall not exceed 8 square feet and provided the sign does not constitute a Class B sign.

9. Public Service Signs. Temporary signs which advertise a special event of a public service nature may be displayed in any commercial or industrial district for 30 days or less each calendar year.

10. Garage / yard / rummage Sale Signs. Signs advertising garage, yard or rummage sales shall be permitted in all districts provided that the signs shall be located on private property and shall not be placed on the public right-of-way, shall not exceed 4 square feet in total surface, and may be placed at nor more than 1 day prior to sale and shall be removed within 1 day of termination of sale.

11. Window Signs. Signs located on or inside a window shall be permitted in all districts.

12. Farm Signs. Signs identifying the name of a farm or identifying farm related products are permitted provided these signs do not exceed 50 square feet.

**Subd. 5. Prohibited Signs and Sign Characteristics.** The following described signs and sign characteristics are hereby declared a public safety hazard and a nuisance and shall be prohibited in all districts of the City.

Source: Ordinance No. 338, 2nd Series  
Effective Date: 10-7-2007

**A. Motion, Revolving and Flashing Signs.** Automatic or electronic changeable signs are allowed provided they conform to the provisions of Subd. 3 B. (7) of this Section. Motion signs or signs which revolve or flash or consist of lights which revolve or flash are prohibited with the exception that on-site motion, but not flashing, signs which are attached to the primary building, for theaters, but not life adult entertainment theaters, may be permitted as interim uses for businesses located not closer than 500 feet to a State Highway.

Source: Ordinance No. 343, 2nd Series  
Effective Date: 1-19-2009

**B. Signs Imitating Official Signs.** Signs which imitate an official traffic sign or signal or which contain the words "stop", "go slow", "caution", "danger", "warning", or similar words.

**C. Confusing Signs.** Signs which are of a size, location, movement, content, coloring or manner of illumination which may be

confused with or construed as a traffic control device; which hide from view any traffic or street sign or signal; which obstruct the view in any direction at a street or road intersection; or signs graphically designed so as to detract from patterns, extensive test or other devices.

**D. Signs Advertising Terminated Businesses.** Business signs which advertise an activity, business, product, or service no longer produced or conducted on the premises upon which the sign is located. Where the owner or lessor of the premises is seeking a new tenant, such signs may remain in place for not more than ninety (90) days from the date of vacancy.

**Subd. 6. Non-Conforming Signs or Awnings.**

**A. Non-Conforming Signs May Be Removed.** The Building Official may order the removal of signs or awnings which do not comply with the requirements of this Chapter, provided the same have not been erected in conformity with permits issued by the City after the effective date of this Chapter. All awnings must be brought up to the standards of this Chapter within six (6) months after date of notification to comply with these standards has been given the owner or lessee of such awnings.

**B. Other signs existing on the effective date of this Subdivision and not conforming to the provisions of this Chapter, but which did conform to previous laws shall be regarded as non-conforming signs which may be continued for the life of such signs, if properly repaired and maintained as provided in this Chapter. Any structural change or copy change of any non- conforming sign (other than repair and maintenance to restore such sign to a safe condition) shall constitute a major change, and said sign shall be designed in such a manner as to be conforming to the standards and requirements of this Chapter thereafter.**

**C. Nothing in this Chapter shall prevent the Council from granting temporary permits for lights, banners, signs, or decorations relating to civic or community celebrations, subject to such conditions as the Council may see fit to impose.**

**D. Any permit, right or privilege to extend any sign, marquee, or awning into or over the public right-of-way under the provisions of this Chapter, or by amendment thereto, are mere licenses revokable at any time by the Council.**

Source: Ordinance No. 338, 2nd Series  
Effective Date: 10-7-2007

**SEC. 11.58. SPECIAL PROVISION: RURAL RESIDENTIAL, LIGHT INDUSTRIAL REGULATIONS.**

**Subd. 1. R-R, Rural Residential District.** The following may be permitted as a conditional use:

**A.** Light industrial uses listed as permitted uses in the I-1 Light Industry District; subject to submission of a site plan conforming to the following design standards and a statement agreeing to performance or maintenance of those standards:

1. Minimum lot line setbacks for all structures shall observe front and corner yard setback - all arterial streets, 100 feet; all other streets, 35 feet. Side yard setback, 25 feet; rear yard setback 50 feet. No industrial activity within 50 feet of adjacent residential properties.

2. Minimum lot area and width respectively shall be two and one-half acres (2.5) and 200 feet with maximum depth not to exceed 1,320 feet.

3. Maximum lot coverage shall be twenty percent (20%). Building height up to 40 feet for principal structure and 25 feet for accessory structure.

**4. Landscaping, Storage and Screening.** All open areas of any site shall be maintained to provide proper drainage. Trees, shrubs or planted ground cover may be required. All raw materials, supplies, finished or semi-finished products and equipment shall be stored within a completely enclosed building or within the confines of a one hundred percent (100%) opaque wall or fence not less than six feet (6') high. All activities shall be screened from adjacent properties by whatever means approved by the Planning Commission and the Council.

**5. Parking and loading facilities** shall be subject to City Code requirements applicable to I-1 District uses found in Section 11.51.

**6. Development** shall be restricted to legal parcels fronting Highways 169, 73 and 37 with no development within any Waterfront District boundary.

**7. All signage** shall be determined by the Council upon Planning Commission recommendation for each case. The Council shall apply reasonable restrictions to be compatible with surrounding site conditions.

Source: Ordinance No. 155, 2nd Series  
Effective Date: 1-26-88

**SEC. 11.59. SPECIAL PROVISION: RECREATIONAL VEHICLE/GENERAL CAMPGROUND FACILITY.**

**Subd. 1. Conditional Uses.** In the F-A, A-1, A-R Agricultural Districts, R-R, S-R, R-3, R-4 Residence Districts, C-3 Highway Service Commercial District, W-1, W-2, W-3 Waterfront Districts, the following may be permitted as a conditional use:

**A. Campgrounds** solely intended for tourists and transient guests using recreational vehicles, trailers and tents subject to the requirement that along with the application for conditional use permit the applicant or owner shall also submit to the Zoning Administrator a site plan conforming to the following design standards and a statement agreeing to the performance and maintenance of applicable standards and conditions:

**1. Minimum lot line setbacks** for all structures shall observe front and corner yard setbacks - all arterial streets/roads, 150 feet; all other streets, 35 feet. Side yard setbacks, 50 feet for principal structure, 25 feet for accessory structure; rear yard setback, 50 feet. Building

height requirements shall conform to applicable zoning district controls. No lodging, camping, buildings or associated activities shall be allowed within 50 feet of adjacent residential properties and a tree buffer screen of evergreen trees to completely screen adjacent residential properties shall be planted and maintained by the owner. Said buffer screen shall be approved by the Council. Applicable Waterfront Zoning District Regulations shall also be observed.

2. Minimum total lot area shall be 5 acres. Minimum lot width shall be 300 feet. Lot area and width requirements shall be strictly observed as it is the intent not to locate such facilities in high density population areas.

3. Campground facilities as stated herein shall meet "Compliance Standards For...Recreational Camping Areas" or updated applicable standards as enforced/stipulated by the St. Louis County Health Department. Said facilities shall be subject to applicable local, State and Federal regulatory authorities and all permit requirements.

4. Site plan shall include the following: area for buffer screen; location and dimensions of all buildings, facilities and amenities. All campsites with dimensions, parking areas/lots and driveways, shall be delineated. Driveways and parking lots except individual campsites for said facilities located within the Urban Service District shall be covered with a dust-free all-weather surface with proper drainage. Pavement and buffer screen shall be installed as part of the initial construction. Areas proposed to be filled in or otherwise altered shall be delineated on the site plan (natural topography shall be maintained as much as possible). The site plan shall be drawn-to-scale and shall be completed in a neat legible manner. A professionally designed site plan is preferred and may be required by the Zoning Administrator in such cases but not limited to when natural drainage patterns, lakes, streams or wetlands are proposed to be altered.

5. Combined facilities shall comply with applicable zoning regulations. Any change or expansion that would change said use or increase capacity shall comply with all updated applicable standards and shall require a new conditional use permit if listed as a conditional use.

6. **Lighting and Signage.** Lighting shall not be directed upon the public right-of-way and nearby or adjacent properties. Signage shall comply with applicable State and local regulations.

7. One single-family dwelling for caretakers shall be allowed where said facility is located in the C-3 District. The Planning Commission shall reserve the right to control the type of such construction in order to insure compatibility with surrounding uses.

**SEC. 11.60. FLOOD PLAIN MANAGEMENT.**

**Subd. 1. Statutory Authorization, Findings of Fact and Purpose.**

**A. Statutory Authorization.** The Legislature of the State of Minnesota, has, in Minnesota Statutes Chapter 103F and Chapter 462, delegated the responsibility to local government units to adopt regulations designed to minimize flood losses.

**B. Findings of Fact.**

1. The flood hazard areas of the City are subject to periodic inundation which results in potential loss of life, loss of property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base, all of which adversely affect the public health, safety, and general welfare.

2. **Methods Used to Analyze Flood Hazards.** This Section is based upon a reasonable method of analyzing flood hazards which is consistent with the standards established by the Minnesota Department of Natural Resources.

**C. Statement of Purpose.** It is the purpose of this Section to promote the public health, safety, and general welfare and to minimize those losses described in this Subdivision by provisions contained herein.

**Subd. 2. General Provisions.**

**A. Land to Which Section Applies.** This Section shall apply to all lands within the jurisdiction of the City shown on the Official Zoning Map as being located within the boundaries of the Floodway, Flood Fringe, or General Flood Plain Districts.

**B. Establishment of Official Zoning Map.** The Official Zoning Map together with all materials attached thereto is hereby adopted by reference and declared to be a part of this Section. The attached materials shall include the Flood Insurance Study for the City of Hibbing prepared by the Federal Insurance Administration dated September 27, 1991, herein. The Official Zoning Map shall be on file in the office of the City Clerk and the Zoning Administrator.