

CHAPTER SIX

ZONING

ARTICLE 1 - INTRODUCTION - BOUNDARIES

This chapter provides for City zoning and empowers the City Council to establish zoning priorities; to secure the orderly development of the City; to regulate and restrict therein the location, erection, construction, demolition, reconstruction, alteration, and use of buildings, structures, and land for industry, business, trade, residence, and other uses; to regulate all facets of construction to preserve the historical integrity of the City of Medora; to prevent structures which detract from the aesthetic harmony, style, form, color, proportion, texture or material of the district; to provide for the change in boundaries of the district and to provide regulations for the subdivision of land; to provide minimum specifications for the construction of buildings and sanitary facilities and to provide enforcement of the provisions hereunder.

The area to be included in this chapter shall be as follows:

TOWNSHIP 140 NORTH, RANGE 102 WEST, BILLINGS COUNTY, ND:

- Section 22: Southeast Quarter (SE/4); East Half of the Southwest Quarter (E/2 SW/4);
- Section 23: Southwest Quarter (SW/4); West Half of the Southeast Quarter (W/2 SE/4);
- Section 26: West Half (W/2); West Half of the East Half (W/2 E/2);
- Section 27: East Half (E/2); East Half of the West Half (E/2 W/2);
- Section 34: North Half of the Northeast Quarter (N/2 NE/4); Northeast Quarter of the Northwest Quarter (NE/4 NW/4);
- Section 35: North Half of the Northwest Quarter (N/2 NW/4); Northwest Quarter of the Northeast Quarter (NW/4 NE/4);

and such areas outside the corporate limits as allowed by the law of the State of North Dakota.

6.0101 Purpose and Intent

To promote the economic, cultural, and general welfare of the people of the City of Medora and to insure the harmonious and efficient growth and development of the municipality. It is the purpose of this ordinance to insure the historical preservation and

new construction within the Medora Historic Integrity District possess cultural, historic or aesthetic significance within the City and to discourage alterations of existing structures or the construction of new structures which detract from the aesthetic harmony, style, form, color, proportion, texture or materials of the district. The regulation of signs, being the most prominent visual element, must be regulated to conform with the purposes of this ordinance. It is also the intent of the City of Medora that state and federal agencies administering land within the City's jurisdiction will comply with these standards.

6.0102 Interpretation and Application

In interpreting and applying the provisions of this ordinance, they shall be interpreted for the promotion of the public health, safety and general welfare, and to preserve the aesthetic significance of the City of Medora.

It is not intended by these provisions to interfere with, abrogate or annul rules or permits previously adopted according to the law relating to the use of buildings or premises; nor is it intended to interfere with, abrogate or annul any easements, covenants or agreements between parties; provided, however, that where these provisions conflict with this ordinance, the ordinance shall apply.

6.0103 Severability

If any section, subsection, sentence, clause or phrase of this ordinance is, for any reason, held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of said ordinance. The City Council of the City of Medora, North Dakota, hereby declares that it would have passed this ordinance and each section, subsection, sentence, clause or phrase thereof irrespective of the fact that any one or more sections, subsections, sentence, clauses or phrases may be declared invalid or unconstitutional.

ARTICLE 2 - GENERAL PROVISIONS

6.0201 Temporary Uses

Uses of lands or structures which are deemed allowable by the Medora City Council for a prescribed length of time shall be known as temporary uses and shall require a permit from the Zoning Commission. Temporary uses shall not exceed 30 days.

6.0202 Set Backs and Side Yards

Unless modified by the Zoning Commission by the affirmative vote of four members, any portion of all buildings shall have minimum side yards of five (5) feet and be set back at least fifteen (15) feet from the edge of any road or street. Consideration must be given to the positioning of nearby buildings when considering set-back requirements.

ARTICLE 3 - HISTORICAL INTEGRITY DISTRICT

6.0301 Historical Integrity District

The City of Medora finds that the health, welfare, and economic foundation of the residents of the City of Medora depends to a great extent upon the continuity of the City's history, its buildings, appurtenances, and appearance. In order to protect the City's historical integrity, the entire City and the areas under its zoning jurisdiction are hereby zoned as a Historical Integrity District. All construction, alteration, relocation, appearance and demolition of buildings, and appurtenances shall conform to this ordinance and the procedures specified herein.

6.0302 Permitted Uses

Any building, structure, or alteration thereof as described herein, existing or proposed within the City, may be permitted for residential, commercial or public use, provided that it conforms with the purpose and intent as stated in this ordinance. Any request for a change, addition, deletion, signing, or new construction as described herein must be submitted to the Zoning Commission, except those modifications declared exempt from full zoning regulation.

Notwithstanding any other provision of this ordinance, for all signs, a person wishing to erect or modify a sign must first apply to the Zoning Commission for a permit. If the Zoning Commission and City Council finds the signs comply with this ordinance a permit shall be issued. Upon violation of this ordinance the City Council may take any action specified in this ordinance or any applicable laws in any appropriate court or any remedy that may be justified under this ordinance or the laws of the State of North Dakota. Any sign not permitted under this ordinance shall be removed by the owner, or by a city designee upon order of the City Council.

ARTICLE 4 - ADMINISTRATION AND ENFORCEMENT

6.0401 Zoning Commission

The governing body of the City of Medora shall appoint a commission to be known as the Zoning Commission to counsel the City and apply appropriate regulations to be enforced therein. In addition to the six (6) residents appointed by the City, the Zoning Commission shall include at least one person residing outside the corporate limits. Such person shall be appointed by the Board of County Commissioners of Billings County and shall reside within the territorial limits of the zoning regulation authority exercised by the City, if such persons are available and will serve on the Zoning Commission. In the event that such persons are not available, the City shall appoint a Zoning Commission member until an appropriate member is appointed by the Billings County Commission. The person appointed by the Billings County Commission shall hold office for five (5) years. If a member is appointed by the City Council pursuant to this section, the first member appointed shall hold office for two years, the second for three years, and thereafter the member shall be appointed for a term of five (5) years.

6.0402 Zoning Commission - Organization

The Zoning Commission shall elect a president at the regular February meeting each year. The City Auditor shall act as the secretary for the Zoning Commission and the city attorney and other city officials shall advise the commission. Any member of the Zoning Commission who, without good cause, is absent for four meetings in any year shall be removed as a member of the Zoning Commission or City Council, except that the member of the commission appointed by the county may be removed only by the county authorities.

The City Council may establish the remuneration for commission members by resolution of the council.

6.0403 Zoning Commission - Procedure

The Zoning Commission shall consider each application at a public hearing. The commission may seek any expertise it deems necessary to consider the application and may appoint such persons to investigate the application's merits. The commission shall delay, approve, deny, table or attach such conditions it considers appropriate to conform to the application and subsequent zoning permit to comport with the intentions of this ordinance.

6.0404 Term of Permit

Any zoning permit granted shall expire after one year unless substantial construction in accordance with the permit has occurred.

6.0405 Appeal

Any five affected citizen(s) in the zoning area, any member of the Zoning Commission, adjacent property owners, or any city official may appeal a zoning permit to the City Council, which shall act as a Board of Adjustment. A written Notice of Appeal shall be filed with the City Auditor within five (5) business days of the decision of the Zoning Commission. The City Council, as Board of Adjustment, may appoint an alternate member who shall sit as an actual member when and if a member of said Board is unable to serve. When the City acts as a Board of Adjustment, the Mayor may vote as a regular member and four votes are necessary to reverse any order, requirement, decision or determination of the Zoning Commission. Requirements may be added to or deleted from the zoning permit by a majority decision. The City Council shall hear the appeal within 30 days. The secretary of the Zoning Commission shall deliver all documents and materials considered by the Zoning Commission and the City Council may require more information from the applicant or affected citizen. The City Council shall then approve, deny, table or modify the zoning permit in accordance with the intentions of this ordinance. The decision of the City Council may be subject to review by certiorari by any affected citizen. The application for Writ of Certiorari shall be made to the Billings County District Court within fifteen days after notice of decision by the Board. The court may take such evidence as may be required to determine the question presented. The Supreme Court, upon application filed within 15 days after the determination by the District Court, shall review the action of the District Court.

ARTICLE 5 - PERMITS

6.0501 Granting of Permit

A permit approved by the City of Medora shall be required prior to the start of any construction or site alteration of any property within the city limits or extraterritorial zoning jurisdiction of the City of Medora. Such permit shall be required for construction, or alteration of all structures, whether buildings, fences, or other improvements to any real property. A permit shall not be required for ordinary maintenance and repair of a building, fence or other improvement to real property; nor shall a permit be required for demolition or removal of an existing fence structure

The City of Medora may grant a permit application upon a showing by the applicant as follows:

Continuity

1. All buildings, structures, fences, or other improvements to real property, whether new construction or ~~addition~~ alteration to an existing structure, shall be positioned on the property in a similar manner as adjacent buildings, structures, fences, or other improvements to the real property. The relationship of height and width, ~~or individually,~~ shall include roof shape, signs, facades, windows, door openings, ornaments, scale, and open spaces.

2. The streets shall be arranged as extensions of adjoining streets whenever possible so as to not create any undue traffic loan on existing adjacent streets; and shall be of a grade and pitch to allow for proper surface drainage, and shall be designed and constructed in accordance with City Engineer specifications.

3. All buildings, structures, fences, or other improvements to real property, whether new construction or ~~addition~~ alteration to an existing structure, shall promote the aesthetic values of the City of Medora, as evidenced by the existing structures and the desire to conform existing property to the aesthetic significance of the area, including color, style, form, proportion, materials, and texture.

Materials

The materials and quality of material which comprise a new ~~structure~~ building, structure, fence, or other improvement to real property, whether new construction or alteration to an existing structure, shall complement and blend with adjacent buildings and the surrounding landscape. The materials and their quality shall include color, texture, trim, direction, size, and grade.

Details

The details of a new building, structure, fence, or other improvement to real property, whether new construction or alteration to an existing structure, shall complement the existing architecture.

Landscaping

Landscaping shall be complementary to the Historical Integrity District. Native grasses and trees shall be used whenever possible.

6.0502 Exemptions

This ordinance shall not include the rehabilitation of windows or doors, insulating

of structures, a sidewalk, adding rain gutters that are of matching color to the trim or main color of the building, or a replacement when such replacement exactly duplicates the existing physical characteristics, material, and details of the thing replaced. It shall include fences and appurtenant buildings.

6.0503 Variances

Where the City Council finds that the strict compliance with the regulations of the chapter would cause undue hardship because of unique conditions affecting the development, the Zoning Commission may relax certain provisions of this chapter, with the concurrence of the City Council.

All conditional or temporary uses granted shall be documented in writing by the City Council. Guidelines established in the City of Medora Zoning Ordinance or other chapters of this ordinance shall not be relaxed through authority of this section unless designated by the City Council as an emergency.

6.0504 Construction Permit Procedures

Any person wishing to establish a subdivision or alter an existing site shall follow the provisions within this chapter affecting construction/building plan approval. All applications for a development permit shall be signed by and filed with the City Auditor. Initial contact is with the City Auditor and final action is taken by the Zoning Commission unless appealed as contemplated by this ordinance.

6.0505 Plan Submission

Any person wishing to initiate a construction plan or site alteration shall contact the City Auditor:

1. To receive pertinent materials on zoning regulations;
2. To clarify development submission procedures;
3. To investigate compatibility with adjacent plats, properties, land uses, and zoning;
4. To examine and investigate area public services including sewer, water, streets, and parks;
5. The submission of a plan application which shows topographic and physical

- (a) The time and place of the hearing;
 - (b) A description of any property involved in any zoning change, by street address if streets have been platted or designated in the area affected;
 - (c) A description of the nature, scope, and purpose of the proposed regulation, restriction, or boundary and the reason for the emergency designation;
 - (d) A statement of the time at which the application will be available to the public for the inspection and copying at the office of the City Auditor.
3. Prior to the public hearing the City Auditor may seek comments and recommendations on the construction or building plan from such city officials as he or she deems appropriate.
4. Any construction plan submitted shall contain such information as required by the Zoning Commission or City Council.

6.0507 Notice of Public Hearing

A public hearing on construction application(s) shall be required unless it is determined by the Zoning Commission that an emergency exists. The City Council may override the Zoning Commission's emergency decision if such action is taken within five days. The reasons for any emergency shall be recorded in the minutes of the Zoning Commission and notice of the proposed emergency request shall be posted in the U. S. Post Office.

Notice of public hearing of an emergency request shall be published at least seven (7) days prior to the time set for said hearing in the official newspaper of the City as required by Section 6.0506 (2). Such notice shall be posted in the U. S. Post Office in Medora and shall contain the following items:

- 1. The time and place of the hearing;
- 2. A description of any property involved in any zoning change, by street address if streets have been platted or designated in the area affected;
- 3. A description of the nature, scope, and purpose of the proposed regulation, restriction, or boundary and the reason for the emergency designation;

4. A statement of the times at which the application will be available to the public for inspection and copying at the office of the City Auditor.

6.0508 Approved Construction Permit

The approved construction/building permit shall be signed by the City Auditor, filed in the office of the City Auditor, and be available for inspection by the public at the construction site.

ARTICLE 6 - SIGNS

6.0601 Definitions

Sign: A lettered, pictorial, or symbolic representation for the purpose of identifications, advertising, direction, etc., whether painted or otherwise inscribed on the surface of a movable object (such as a board, or painted or otherwise inscribed directly upon a buildings, etc., or hung as a banner, or displayed visibly in a window).

Applied Sign: A sign mounted or attached flat on a building.

Projecting Sign: A sign which projects at a 90° angle from a building, one end attached to the building and the other either self-supporting or supported by wires, cables, chains; or a similar sign which is hung from a beam or similar support fastened to the front of a building.

Projecting Sign With a Support: A sign projecting from the front of a building, across the sidewalk, one end of which is supported by the building and the other end being supported by a pole or post extending to the ground.

Pole Supported Sign: A sign which is supported by a free-standing post or pole permanently set into the ground and not attached to a building. The sign itself may be mounted directly on the pole or supported by a staff projecting from the pole.

Free Standing Sign: A free-standing, permanent structure, the primary purpose of which is that of being a sign, though it may incorporate other features such as planters, benches, etc.

Billboard Signs: As those generally displayed along highways are prohibited.

Signs Painted Directly on Walls: A sign painted directly upon the exterior material of a building (such as brick, stone, or siding boards) or on a fence or similar structure.

Plaque: A type of sign of purely historical information. It could be either in the form of a framed paper sign or a painted sign or made of other material.

Cast Metal Plaque: A plaque made of metal, signifying to the importance and permanence of its information.

Historical Sign: A painted sign conveying purely historical information, rather than advertising.

Nationally Distributed Sign: Any sign using nationally recognized trademarks or symbols.

Historic Nationally Distributed Sign: A sign using nationally recognized trademarks or symbols which is either an original or a reproduction of such a sign from past period - for purpose of this ordinance - before 1920.

Sign Listing Goods and Services: A handmade sign listing a number of details about what type of goods or services may be found in a business.

Window Sign: A window sign painted directly on the inside of the glass of a window, which is intended to be permanent.

Temporary Window Sign: A sign on paper, cardboard, etc., displayed in a window, but easily removed there from.

Neon Window Sign: A neon electric sign hung or displayed inside a window and, while not easily portable, yet not affixed to the glass in a permanent manner.

Spot Lighted Sign: An ordinary sign illuminated at night by a separate incandescent electric light bulb, spot light bulb, or flood light bulb, not part of the actual sign but only shining against and thereby illuminating an ordinary opaque sign.

Internally Illuminated Sign: A sign with translucent parts with internal illumination.

Cartoon Sign: A sign including a representation of cartoon characters of animals, people, or objects.

Cartoon Lettering: Lettering having some of the same features as a cartoon sign, generally not carefully or accurately painted.

Facade: The front of a building facing the street.

Architectural Features: Any interest feature on a building, including windows, doors, arches, panels in brick, wood, etc., brackets, cornice, moldings, etc.

Ridge Mounted Signs: A sign mounted on the ridge of a gable roof.

Banner: A cloth or cloth-like material with a sign or graphic representation thereon.

Banner Across the Street: A banner made to be suspended completely across a street or hung from a wire across the street.

Banner on Front of Building: A temporary cloth sign mounted in various ways on the front of a building.

Street Furniture: Various objects, both movable and immovable, that are found along the street, including benches, horse troughs, hitching rails, ornamental ore cars or small pieces of machinery, wooden sculptures, barrels, etc.

Sandwich Board: A sign which can be placed on the sidewalk and which is easily portable.

Portable: Capable of being easily carried by human power at frequent intervals, such as daily.

Historically Documented Type of Sign: A type of sign which can be historically documented by a photograph to have been in use between 1860 and 1900 and is generally compatible with this ordinance.

Icon Sign: A sign depicting a physical object such as a shoe.

Directional Sign: A sign erected by a municipality, government agency, or another organization (such as the Vigilance Club) to provide directions to historic attractions, parking, etc., or information about laws, speed limit, no parking, etc.

Historically Documented Sign for the City of Medora, North Dakota: A sign that was in actual use in Medora, North Dakota, any time between 1863 and 1900, as shown by an actual photograph of such sign.

Historically Documented Sign for a Particular Building in Medora, North Dakota: A sign that was actually used on a certain, particular building in Medora, North Dakota any time between 1863 and 1900 as shown by a photograph of the particular building including such sign.

V-Shaped Sign: A sign in a V shape when viewed from above, that is a sign consisting of 2 sign boards, the inside ends anchored to a building and both outside ends supported by pole or post.

Vending Machines: All machines by which money is deposited and goods are dispensed, including ice machines used for ice storage.

6.0602 General Conditions of Signs

1. No new exterior signs or signs inside windows shall be permitted except as authorized by this ordinance.
2. All new signs shall require a permit from the Zoning Commission.
3. Reproduction of historically documented original signs to be encouraged.
4. Existing Signs:
 - (a) Existing signs erected before zoning was implemented or under due and proper permit, are hereby “grandfathered” and allowed to remain in place until this designation expires on January 1, 2008. When “grandfathered” signs are in need of replacement, repairing, or repainting a zoning permit must be obtained.
 - (b) If lettering or colors, etc., on a sign is changed in any way, even if the sign board itself is not moved, it shall be considered to be a new sign and a permit required.
 - (c) Signs which are removed in the winter and put up again in the spring, or on an annual basis with no changes in lettering, colors, etc., need not obtain a new permit every year, but must obtain a permit the first time they are re-erected after the passage of this ordinance.
5. Electric Signs:
 - (a) No electric signs shall be permitted except incandescent bulbs, flood lights or spot lights may be used to illuminate ordinary painted signs by directing the light upon them.
 - (b) No flashing lights, blinking lights, or “moving” lights shall be allowed.

(c) No internally illuminated signs, exterior neon signs, or exterior fluorescent lights shall be allowed for signing.

(d) Strings of light bulbs (such as are sometimes used on used car lots) are prohibited for commercial purposes, as are signs or building features outlined in lights; however, this provision shall not be construed to prohibit the use of "Christmas Lights" to outline windows or architectural features during the period of November 15 of one year to January 15 of the next year. Other holiday lighting shall be by special permit.

(e) Spot, flood, or other lights shall be so arranged so as to not shine into the eye of motorists, cause confusion with traffic signals, or shine or reflect into private residences.

(f) No neon signs shall be allowed except small "Open" signs, not exceeding 34" x 14". Such neon "open" signs shall be permitted only from ~~October 1 to April 1 of each year~~ Labor Day through Memorial Day each year. No information shall be allowed on neon "open" signs except language indicating whether the business is opened or closed. A permit shall be required prior to display of neon "open" signs.

6. The color of signs shall not conflict with traffic signals.

7. Signs shall be properly mounted and maintained so as not to be a hazard.

8. To enhance the photographic qualities of the historic area and reduce visual clutter, a minimum of directional, as well as other types of signage is encouraged. Directional signs shall adhere to color, lettering, and other rules as well as business signs.

9. Because they have no historic precedent, cartoon signs, both permanent and temporary, are specifically prohibited by this ordinance.

This is not to be construed to prohibit signs which have a realistic representation or silhouettes of an object, animal, or person.

10. Materials for Signs:

(a) The following materials for the construction of signs are permitted: Wood (3/4" thick to 2" thick); steel; cast metal; sheet metal; brass; bronze; canvas; paint; glass; gold leaf.

(b) The following materials are prohibited: Plastic, styrofoam, vinyl, plastic decals, shiny metal surfaces (other than brass and gold leaf), sequins, shimmering and similar surfaces.

11. Materials for the Support of Signs:

- (a) Historic materials are to be encouraged.
- (b) Use of pipe should be avoided.
- (c) No unpainted, galvanized or shiny pipe, chains, plumbers tape, etc.
- (d) Support material should show good craftsmanship, and shall be colored or painted to compliment the overall architectural integrity of the building.

12. Colors:

- (a) Since the colors and lettering styles probably have more effect of the authentic look of signs than almost any other factor, it is important to address them in this ordinance. Colors shall be subdued.
- (b) Signs should have two major colors only - the background and a contrasting color for the letters.
- (c) Two minor colors, used for shading and ornaments, may also be used.
- (d) All colors used on a sign should harmonize with each other, and with the building and the general feeling of the historic district.
- (e) Fluorescent colors are prohibited.
- (f) The color of signs shall not conflict with traffic signals.

13. Lettering:

- (a) In order for new signs to convey the atmosphere of the past that is desirable to attract visitors, authentic lettering styles are essential.
- (b) Lettering should relate to the architectural character of the building upon which it is displayed, and the overall historic atmosphere.

- (c) New signs should have lettering and overall dimensions scaled in proportion to the location.
 - (d) Lettering should occupy about 65% of the sign board or less.
 - (e) Lettering styles prohibited: Generally those styles that have become popular after 1900: Cartoon, art deco, “frontier”, sloppy script (a sort of cartoon type), quick “show card writers’ style”, and letters of generally uneven-type appearance.
 - (f) Signs should avoid overusing the styles called “playbill” (which has heavy tops and bottoms) and “Barnum” or circus type letters which are overly ornate. While both these styles were in use during the period, they were little used for business signs.
14. Pornographic signs or any language that would be offensive on signs is hereby prohibited.
15. Special Types of Signs:
- (a) Applied Signs - (signs flat against the front of the building).
 - (1) Applied signs may be affixed on the front of a building in any location so long as it does not obscure the architectural features (windows, arches, etc.).
 - (2) Applied signs are limited in area to 10% of any wall area not to exceed 32 square feet.
 - (b) Projecting Signs (signs at 90° angle to building, projecting over the sidewalk, supported by wires, chain, etc., outer end).
 - (1) Projecting signs shall be kept back 18 inches from a vertical line raised from the outer edge of the curb.
 - (2) Projecting signs shall be limited to 25 square feet per side, and should not exceed 30 inches in height, exclusive of small ornamental projections.
 - (c) Projecting signs with a support (signs projecting over the sidewalk affixed to the building on the inside end and supported by a pole or

post to the outer end are prohibited.

- (d) Pole Supported Signs: (Signs which have a single pole in place of a building as a support).

- (1) If projecting over the sidewalk, this type of sign shall meet the same restrictions as a projecting sign.

- (2) If the sign projects to the side, parallel with the street, the sign size is limited to 25 square feet and the extension is limited to eight feet.

- (3) The supporting pole shall not encroach on public property.

- (e) Free Standing Signs - (Signs which are permanent structures and free standing).

- (1) No free standing signs shall be allowed except as may be authorized by a special variance after due review by the Zoning Commission and City Council.

- (f) Bill Board Signs: All bill board signs shall be treated as a variance.

- (g) No Trespassing Signs

No Trespassing signs and other small informational signs such as No Hunting signs shall be allowed in the area outside the City limits as allowed by law and taking into consideration the objectives of this ordinance.

- (h) Plaques and Historical Signs (Signs of a purely historical nature, not advertising goods and/or services)

- (1) Cast metal historical plaques are exempt from the regulations of this ordinance.

- (2) Small framed or painted plaques of purely historic information, not to exceed three square feet in size, will be allowed to be attached flat against the front of a building at approximately eye level, there being allowed no more than one such plaque per historic business or building.

- (3) Purely historic informational signs shall be permitted without need of fee.
- (j) Small Nationally Distributed Signs (Such as credit card signs, Kodak, etc.)
 - (1) Nationally distributed signs are to be avoided.
 - (2) Historical nationally distributed signs (c. 1920 or before) are preferred.
 - (3) Size is limited to 12 inches by 18 inches (1-1/2 square feet per side).
 - (4) Each business is limited to two (2) such signs.
 - (5) Exception for Credit Card Stickers: Small stickers indicating a business accepts credit cards or the credit card logo shall be allowed, keeping in mind the objectives of this ordinance.
 - (j) Sandwich Boards: A communal civic bulletin board shall be established and maintained by the City for public information. All others, with the exception of temporary convention boards, are prohibited.
 - (k) A Shadow Box affixed to a building shall not be larger than nine (9) square feet and shall be covered.
 - (l) Window Signs (Signs painted on the glass of windows. As window signs have almost as much visual impact as applied or projecting signs, they are to be regulated by this ordinance.)
 - (1) Window signs shall not obscure visibility.
 - (2) Shall not occupy more than 25% of the glass area.
 - (3) Should be limited to signs of a permanent nature, and very simple, such as the name of the business or the name of the proprietor.
 - (4) Historically documented signs are to be encouraged.

- (5) Gold leaf is to be encouraged for use on window signs.
 - (6) No cartoon window signs are allowed, even temporarily.
 - (7) Signs painted on window shades shall meet criteria of window signs, but may occupy up to 50% of the area of the shade.
- (m) Guidelines and suggestions for window displays and signs of a temporary nature displayed in windows - such as sale signs. Temporary is two weeks or less.
- (1) Window displays should be in keeping with the historic atmosphere.
 - (2) The use of vinyl or stick-on letters shall not be permitted.
 - (3) The display of nationally distributed signs should be avoided.
 - (4) No cartoon signs shall be displayed, even temporarily.
 - (5) Paper “sale” posters shall not be left up for more than two (2) weeks.
 - (6) Items, large posters, etc., should be displayed set back about six inches or more from the glass instead of fastened to the glass.
 - (7) Open neon signs hung in windows are covered under the section on electric signs.
- (n) Ridge Mounted Signs (Signs mounted on the ridge of a roof).
- (1) No ridge mounted signs shall be allowed unless specifically authorized by a special variance for each individual sign.
- (o) Trailer Mounted Signs (Signs which are mounted on a trailer, vehicle, etc.) are prohibited.
- (p) Banner (A sign painted on cloth - of a temporary nature).
- (1) Banners across the street: Only for a civic purpose by approval of the City Council.

- (a) Banners across the street must have an individual permit.
 - (b) The lowest point must not be below the legal limit for wires crossing the street (15' 6" above the street).
 - (c) Shall be erected so as not to blow down.
 - (d) Should not detract from the historic atmosphere.
 - (e) Are limited to cloth like materials such as canvas, nylon, reinforced type materials, etc., i.e., they may not be made of stiff or solid type material.
- (2) Banners on the front of buildings: For a civic purpose on approval of the City Council.
- (a) Temporary in nature, being allowed to remain up for two weeks or less.
 - (b) Should be erected in substantial enough manner that they will not blow down.
 - (c) Are subject to the same height restrictions as permanent signs.
 - (d) Permit is required.
 - (e) Colors and lettering styles should not detract from the historic atmosphere.
- (q) Flags:
- (1) Flying of the U.S. flag, Canadian flag, and North Dakota flag is to be encouraged, thus no permit will be required to erect a flag, provided it shall meet the following restrictions:
 - (a) U.S. flags shall be flown only in the manner prescribed in standard U. S. Flag etiquette.
 - (b) Flags shall be flown in such a manner that the pedestrian way is never blocked by the flag. The lowest point

of a hanging flag shall be at least 6' 6" above the sidewalk.

(c) Flags shall be flown in such a manner so as to show respect for the flag. They shall be substantially fastened or affixed to their staff so as to remain securely attached. Flags shall not be allowed to work loose in their holders and dip downward. Anyone who flies the U. S. flag in a disrespectful manner or allows it to remain to be flown in any but a respectful manner shall be subject to a fine.

(d) Bunting and other similar decorations shall be used in the same manner as can be historically documented, shall remain in place for 10 days or less, and shall be used respectfully. Only red, white, and blue bunting shall be used. It shall not be allowed to come loose and fall in the street or block the sidewalk in any manner. No strings or triangular flags, shiny tinsel, etc., shall be permitted.

(r) Icon Signs (Signs which have a symbolic representation of an item, such as a shoe. These signs shall be subject to the following restrictions:

(1) No cartoon signs allowed.

(2) Projecting icon signs shall meet the requirements of projecting signs, etc.

16. Height Restrictions

Projecting signs and projecting signs with support - the top of the sign shall be no higher than 12 feet above the sidewalk, except in the case where the distance to the top of the first floor windows of a building is greater than 9' 6". In that case the bottom of the sign may be at the height of the tip of the first floor windows, and the top of the sign, where anchored to the building, may be 2' 6" above the top of the first floor windows. Small ornamental projections of one foot or less in height may be allowed above the top of the sign.

17. Size Limits of Signs:

(a) Projecting signs, projecting signs with a support, projecting signs supported by a pole, may have 25 square feet of area on each side, and shall

not exceed 2' 6" in height, except for minor small ornamental projections, which may be one foot or less above the top of the sign.

(b) Projecting signs supported by the pole with the sign parallel with the street - 25 square feet on the front side, and the sign shall not extend more than 8' from the supporting pole.

18. Total Signs Per Business:

Each business may be allowed two (2) applied signs plus one projecting sign; or one (1) V-shaped sign.

19. Street Furniture - Objects of Interest Along the Street. All outside furniture must meet these standards by January 1, 2008.

(a) Benches and other objects along the street, such as barrels, small pieces of historic machinery, horse troughs, etc., are called Street Furniture.

(b) Street furniture shall not be painted in bright colors. Color restrictions shall be the same as for signs. Rust color or black is considered an appropriate color for metal or iron objects.

(c) Historic objects shall not be defaced for commercial purposes.

(d) Authentic wooden sculptures are allowed. Other types of wooden or cast metal representations of people, animals or objects, quite realistic, may be permitted.

(e) Amusement games, excluding children's mechanical horses, shall be inside an enclosure.

20. Vending Machines. Outside vending machines are a particular visual problem in this City. All machines shall be camouflaged to reflect the aesthetics of the surrounding area and all lighting shall be held to a bare minimum. The placement and necessity for the machine shall be taken into consideration to determine if a vending machine shall be allowed. This ordinance will come into effect on May 1, 2003.

21. Maintenance, Repair, Vesting. The City of Medora must be held Harmless as a result of any action taken under this ordinance.

- (a) All signs and supports shall be constructed and maintained in a safe manner and in case the same shall remain in an unsafe condition for more than ten days after notice of such condition is given to the owner or manager of the permittee by the City or any of its officers, the City may at its option put the same into a safe condition or remove the structure at the expense of the owner or permittee.
- (b) These regulations shall be deemed retroactive as well as prospective in operation.

22. Enforcement.

- (a) These actions shall be in addition to those enforcement options and subject to the penalties described in Article 9:
- (b) All signs shall be brought into compliance with the provisions of this ordinance by January 1, 2008.
- (c) Signs in violation of this ordinance:
 - (1) The City Council, upon recommendation of the Zoning Commission and vote of the council, shall cause a notice to be served upon the owner of signs not meeting the criteria of this ordinance.
 - (2) The owners of signs wishing to be “grandfathered” shall be allowed until the January, 1998, meeting of the City Council to document the existence of his or her “grandfathered” sign, that it was issued under due and proper permit (or provide a picture to the Council), and shall have the opportunity at that City Council meeting to present the facts regarding their signs.
 - (3) If, after this presentation, it still appears that the said sign is in location violation, the owner shall remove it within 30 days, or apply for a permit to revise it so as to be within the provisions of the ordinance.
 - (4) If said sign is not removed within this time, upon expiration of thirty days a second notice shall be sent to the owner by certified mail with return receipt requested. After 10 days from the mailing of such notice the City shall declare the sign a public nuisance and the penalty will be enforced as prescribed in Article 9 of this

ordinance.

ARTICLE 7 - MOBILE HOMES

6.0701 Mobile Homes

Mobile Homes existing within the limits of the city of Medora or its extra territorial jurisdiction as of the date of enactment of this ordinance shall be allowed without permit; provided, however, that any such mobile home shall not be allowed to be replaced.

A Mobile Home shall mean any factory-built home, not entirely built and constructed on site, produced prior to 1976.

Section 2: Section 6.0702 entitled “Trailers and Recreational Vehicles” is hereby amended and re-enacted as follows:

6.0702 Trailers and Recreational Vehicles

It shall be unlawful, within the limits of the City of Medora, for any person to park any trailer, semi truck or semi trailer, or other recreational vehicle on any street, alley, or highway or other public place, or on any tract of land owned by any person within the City of Medora except as follows:

- a. Emergency or temporary stopping or parking is permitted on any street, alley, or highway for not longer than one (1) six-hour period subject to any other and further prohibitions, regulations or limitations imposed by the traffic and parking regulations of this Code.
- b. The parking of one unoccupied trailer or recreational vehicle in an accessory private garage building or in a rear yard in any district is permitted providing no living quarters shall be maintained or any business practiced in the trailer while the trailer is so parked.
- c. In a designated campground designed and licensed by the State of North Dakota as an area for travel trailers and recreational vehicles.
- d. Travel trailers and recreational vehicles of registered guests of motels in the city provided the travel trailer or RV is parked on motel property and is unoccupied.

ARTICLE 8 - ANNEXATION AND PLATTING

6.0801 Annexed Property - Excluded Property

In the annexation or exclusion of property to or from the City of Medora, as the case may be, the provisions of Chapter 40-51.2 NDCC and any subsequent amendments thereto shall be followed.

Source: Chapter 40-51.2 NDCC

6.0802 Platting of Subdivisions

In the laying out of additions or subdivisions of land to the City of Medora the provisions of Chapter 40-50.1 NDCC and any subsequent amendments thereto shall be followed and complied with. Any platting of additions or subdivisions of land to the City of Medora shall be in accordance with such procedure as established in this chapter.

Source: Chapter 40-50.1 NDCC

ARTICLE 9 - VIOLATIONS/PENALTIES

6.0901 Enforcement

The erection, construction, reconstruction, alteration, repair, conversion or maintenance of any building or structure, or the use of any building, structure or land in violation of this chapter, or of any regulation, order, requirement, decision or determination made under authority conferred by this article shall constitute the maintenance of a public nuisance, and any appropriate action or proceeding may be instituted by the City through any administrative official, department, board, or bureau charged with the enforcement of this article:

1. To prevent such unlawful erection, construction, reconstruction, alteration, repair, conversion, maintenance or use;
2. To restrain, correct, or abate such violation;
3. To prevent the occupancy of the building, structure of land; or
4. To prevent any illegal act, conduct, business, or use in or about such premises.

A violation of any provision of this article or a violation of or refusal or failure to comply with any regulation, order, requirement, decision or determination made under the authority conferred by this article shall be punishable as provided by law.

Source: Section 40-47-12 NDCC

6.0902 Penalty

Any person, firm, corporation or limited liability company violating any of the provisions of this chapter and the same shall be proven by a preponderance of the evidence, shall be punished by a fine of not more than One Hundred Dollars (\$100.00) for each and every day such violation of this ordinance shall continue. Each and every day shall constitute and be considered a separate offense.