

ORDINANCE NO. 38

AN ORDINANCE REGULATING THE ERECTION OF SIGNS

SECTION 1. PURPOSE AND DEFINITIONS

I. Findings, purpose and effect.

A. Findings. The city council hereby finds as follows:

1. Exterior signs have a substantial impact on the character and quality of the environment.
2. Signs provide an important medium through which individuals may convey a variety of messages.
3. Signs can create traffic hazards, aesthetic concerns and detriments to property values, thereby threatening the public health, safety and welfare.
4. The city's regulating of signs is in an effort to provide adequate means of expression and to promote the economic viability of the business community, while protecting the city and its citizens from a proliferation of signs of a type, size, location and character that would adversely impact upon the aesthetics of the community and threaten the health, safety and welfare of the community. The regulation of the physical characteristics of signs within the city has a positive impact on traffic safety and the appearance of the community.

B. Purpose and intent: It is not the purpose or intent of this sign ordinance to regulate the message displayed on any sign; nor is it the purpose or intent of this article to regulate any building design or any display not defined as a sign, or any sign which cannot be viewed from outside a building. The purpose and intent of this article is to:

1. Regulate the number, location, size, type, illumination and other physical characteristics of signs within the city in order to promote public safety.
2. Maintain, enhance and improve the aesthetic environment of the city by preventing visual clutter.
3. Improve the visual appearance of the city while providing for effective means of communication, consistent with constitutional guarantees and the city's goals of public safety and aesthetics.
4. Provide for fair and consistent enforcement of the sign regulations set forth herein under the zoning authority of the city.

C. Effect: A sign may be erected, mounted, displayed or maintained in the city if it is in conformance with the provisions of these regulations. The effect of this sign ordinance, as more specifically set forth herein, is to:

1. Allow a wide variety of sign types in commercial zones, and a more limited variety of signs in other zones, subject to the standards set forth in this sign ordinance.

2. Allow certain small, unobtrusive signs incidental to the principal use of a site in all zones when in compliance with the requirements of this sign ordinance.
3. Prohibit signs whose location, size, type, illumination or other physical characteristics negatively affect the environment and where the communication can be accomplished by means having a lesser impact on the environment and the public health, safety and welfare.
4. Provide for the enforcement of the provisions of this sign ordinance.

D. Severability.

If any section, subsection, sentence, clause, or phrase of this Sign Ordinance is for any reason held to be invalid, such decision shall not affect the validity of the remaining portions of this Sign Ordinance. The City Council hereby declares that it would have adopted the Sign Ordinance in each section, subsection, sentence, or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses, or phrases be declared invalid.

D. Definitions. The following words and terms, when used in this Sign Ordinance, shall have the following meanings, unless the context clearly indicates otherwise:

Abandoned sign - any sign and/or its supporting sign structure which remains without a message or whose display surface remains blank for a period of one (1) year or more, or any sign which pertains to a time, event or purpose which no longer applies, shall be deemed to have been abandoned. Signs applicable to a business temporarily suspended because of a change in ownership or management of such business shall not be deemed abandoned unless the property remains vacant for a period of one (1) year or more. Any sign remaining after demolition of a principal structure shall be deemed to be abandoned. Signs which are present because of being legally established nonconforming signs or signs which have required a conditional use permit or a variance shall also be subject to the definition of abandoned sign.

A-Frame Sign – A moveable free standing sign hinged at the top, or attached in a way that forms a shape similar to the letter “A” when viewed from the side, also known as a sandwich board. This would also include a springboard sign.

Awning - a roof-like cover, often of fabric, plastic, metal or glass designed and intended for protection from the weather or as a decorative embellishment, and which projects from a wall or roof of a structure primarily over a window, walk, or the like. Any part of an awning which also projects over a door shall be counted as an awning.

Awning sign - a building sign or graphic printed on or in some fashion attached directly to the awning material.

Balloon sign - a sign consisting of a bag made of lightweight material supported by helium, hot, or pressurized air which is greater than twenty-four (24) inches in diameter.

Banner - A sign constructed of cloth, paper, plastic or other material upon which copy is written and supported either between poles or fastened to buildings or other structures.

Bench Sign – A sign located on any part of the surface of a bench or a similar type of outdoor furniture or seating, placed usually on or adjacent to a public right-of-way.

Billboard – A large outdoor structure mounted on one or more legs and designed to display posters, composite graphics and electronic (Dynamic Displays) advertisements not necessarily related to the premises on which it is located or to which it is affixed.

Building - any structure used or intended for supporting or sheltering any use or occupancy.

Building sign - any sign attached or supported by any structure used or intended for supporting or sheltering any use or occupancy.

Cabinet sign - any wall sign that is not of channel or individually mounted letter construction.

Canopy - a roof-like cover, often of fabric, plastic, metal, or glass on a support, which provides shelter over a doorway.

Canopy sign - any sign that is part of or attached to a canopy, made of fabric, plastic, or structural protective cover over a door or entrance. A canopy sign is not a marquee and is different from service area canopy signs.

Changeable copy sign - a sign or portion thereof with characters, letters, or illustrations that can be changed or rearranged without altering the face or the surface of the sign. Changeable copy signs do not include signs upon which characters, letters or illustrations change or rearrange only once in a 24-hour period.

Changeable copy sign, electronic – A sign or portion thereof that displays non-pictorial text information in which each letter, number, graphic or symbol is defined by a small number of matrix elements using different combinations of light emitting diodes (LEDS), fiber optics, light bulbs or other illumination devices within the display area.

Commercial Speech - speech advertising a business, profession, commodity, service or entertainment.

Directional Sign – A sign which contains no advertising and is intended to facilitate the safe movement of pedestrians and vehicles into, out of and around the site on which the sign is located.

Display Surface – The area made available by the sign structure for the purpose of displaying the advertising or other commercial or non-commercial message.

Dissolve – A mode of message transition on an electronic message display sign accomplished by varying the light intensity or pattern, normally through the use of light pixels, where the first message gradually appears to dissipate and lose legibility simultaneously with the gradual appearance and legibility of the next message.

Dwelling Unit – A single unit providing complete independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking and sanitation.

Electronic Message Display (EMD) – A sign capable of displaying words, symbols, figures, or images that can be electronically or mechanically changed by remote or automatic means. This includes LED signs.

Elevation - the view of the side, front, or rear of a given structure(s).

Elevation area the area of all walls that face any lot line.

Erect - activity of constructing, building, raising, assembling, placing, affixing, attaching, creating, painting, drawing or any other way of bringing into being or establishing.

Event Signs – An informational sign that announces or advertises an organized happening, occasion or other function occurring in the City.

Exterior Sign – A sign on or for the outside of a building, structure or outdoor display area outside a building or structure.

Fade – A mode of message transition on an Electronic Message Display sign accomplished by varying the light intensity where the first message gradually reduces intensity to the point of not being legible. As soon as the first message has completely disappeared, the next message gradually increases intensity to the point of legibility.

Flag - any fabric or similar lightweight material attached at one end of the material, usually to a staffer pole, so as to allow movement of the material by atmospheric changes and which contains distinctive colors, patterns, symbols, emblems, insignia, or other symbolic devices.

Flashing sign - a directly or indirectly illuminated sign which exhibits changing light or color effect by any means, so as to provide intermittent illumination which includes the illusion of intermittent flashing light by means of animation. Also any mode of lighting which resembles zooming, twinkling, or sparkling.

Freestanding sign - any sign which has supporting framework that is placed on, or anchored in, the ground and which is independent from any building or other structure.

Front Foot – The measurement of the frontage of a lot abutting a public street. In cases where a lot abuts two (2) public streets, only one side of the lot will be used in determining the front footage of a lot. The side of the lot used in determining the front footage shall be the side parallel to the primary entrance to the property.

Frontage - the line of contact of a property with the public right-of-way.

Garage Sale - a sale of used household or personal articles (as furniture, tools, or clothing) held on the seller's own premises.

Grade - grade shall be construed to be the final ground elevation after construction. Earth mounding criteria for landscaping and screening is not part of the final grade for sign height computation.

Ground sign - any freestanding sign with its sign face mounted on the ground or mounted on a base at least as wide as the sign and which has a total height not exceeding eight (8) feet.

Height of sign - the height of the sign shall be computed as the vertical distance measured from the base of the sign at grade to the top of the highest attached component of the sign.

Holiday Sign – A sign or display which contains or depicts related messages pertaining to a national, state or religious holiday and no other matter.

Hotel, motel, motor hotel - any building or combination of buildings contained six or more rooms used for sleeping purposes by guest on a transient basis.

Illuminated sign - any sign which contains an element designed to emanate artificial light internally or externally.

Industrial District – Any district zoned for industrial use.

Interior sign - a sign which is located within the interior of any building, or within an enclosed lobby or court of any building, and a sign for and located within the inner or outer body, court or entrance of any theater.

Issuing Authority – the City of Royalton.

Kiosk – For purposes of this ordinance, a kiosk is considered a frame used to post advertisements, announce events or to dispense information in the form of maps, pamphlets and other literature.

Legally established nonconforming sign - any sign and its support structure lawfully erected prior to the effective date of this ordinance which fails to conform to the requirements of this ordinance. A sign which was erected in accordance with a variance granted prior to the adoption of this ordinance and which does not comply with this ordinance shall be deemed to be a legal nonconforming sign. A sign which was unlawfully erected shall be deemed to be an illegal sign.

Light Emitting Diode (LED) – A sign or portion thereof that electronically displays static images, static graphics, or static pictures, with or without text information. It has a display area where the message change sequence is accomplished electronically. Signs must include computer programmable, microprocessor controlled electronic or digital displays.

Marquee - any permanent roof-like structure projecting beyond a theater building or extending along and projecting beyond the wall of that building, generally designed and constructed to provide protection from the weather.

Marquee sign - any building sign painted, mounted, constructed or attached in any manner, on a marquee.

Menu/Order Board Sign – A sign installed in a drive-through facility and intended for drive-through customers advertising the products available at the facility.

Monument sign - any freestanding sign with its sign face mounted on the ground or mounted on a base at least as wide as the sign and which has a height exceeding eight (8) feet.

Multiple tenant site- any site which has more than one (1) tenant, and each tenant has a separate ground level exterior public entrance.

Mural – A design, image or expression painted or applied on the exterior of a building wall(s) or other permanent structure, generally for the purpose of decoration or artistic expression, including, but not limited to paintings, markings, and etchings and does not include any on or off –site advertisement.

Nameplate Sign– A wall sign which state only the name or address or both of the business or occupant of the lot where such sign is placed. Letters and/or numbers must be at least 4 inches in height and the maximum sign area shall not exceed four (4) square feet.

Newspaper receptacles and mailboxes – Specially constructed devices intended for use solely for the receipt of mail or newspapers.

Non-commercial speech - dissemination of messages not classified as Commercial Speech which include, but are not limited to, messages concerning political, religious, social, ideological, public service and informational topics.

Off-premise sign - a commercial speech sign which directs the attention of the public to a business, activity conducted, or product sold or offered at a location not on the same premises where such business sign is located. For purposes of this sign ordinance, easements and other appurtenances shall be considered to be outside such platted parcel of land and any sign located or proposed to be located in an easement or other appurtenance shall be considered an off-premise sign.

On-premise messages - identify or advertise an establishment, person, activity, goods, products or services located on the premises where the sign is installed.

Parapet (wall) - that portion of building wall that rises above the roof level.

Pennants – Pieces of cloth, paper, plastic or similar material intended to be individually supported or attached to each other by means of rope, string or other material, and intended to be hung on buildings or other structures or between poles, and does not include any written or graphical, or other form of copy.

Pole sign - see Pylon Sign.

Portable sign - any sign which is manifestly designed to be transported, including by trailer or on its own wheels, even though the wheels of such sign may be removed and the remaining chassis or support is converted to another sign or attached temporarily or permanently to the ground since this characteristic is based on the design of such a sign.

Porte cochere - a roofed structure or roof-like cover, extending from the entrance of a building and which provides shelter over a doorway.

Principal building - the building in which the principal primary use of the lot is conducted. Lots with multiple principal uses may have multiple principal buildings, but storage buildings, garages, and other clearly accessory uses shall not be considered principal buildings.

Principal Entrance – The main doorways, lobby or access leading or entering into a building or structure.

Projecting sign - any sign which is affixed to a building or wall in such a manner that its leading edge extends more than two (2) feet beyond the surface or such building or wall face.

Property owner - legal owner of property as officially recorded by Morrison County.

Public notices - official notices posted by public officers, employees or their agents in the performance of their duties, or as directed by such officers, employees or agents.

Public street right-of-way - the planned right-of-way for a public street.

Pylon sign - any freestanding sign which has its supportive structure(s) anchored in the ground and which has a sign face elevated above ground level by pole(s) or beam(s) and with the area below the sign face open.

Residential district - any district zoned for residential uses.

Residential Property – A piece of land or real estate, consisting of one or more lots or parcels, where a residential dwelling and its associated accessory buildings or structures are located

Roof - the exterior surface and its supporting structure on the top of a building or structure. The structural make-up of which conforms to the roof structures, roof construction and roof covering sections of the Uniform Building Code.

Roof line - the upper-most edge of the roof or in the case of an extended facade or parapet, the upper-most height of said facade.

Roof sign - any sign erected and constructed wholly on and above the roof of a building, supported by the roof structure, and extending vertically above the highest portion of the roof.

Roof sign, integral - any building sign erected or constructed as an integral or essentially integral part of a normal roof structure of any design, so that no part of the sign extends vertically above the highest portion of the roof and so that no part of the sign is separated from the rest of the roof by a space of more than six (6) inches.

Rotating beam sign – a navigational beam with one or more beams that rotate.

Rotating sign - a sign or portion of a sign which turns about on an axis.

Rummage Sale – (See Garage Sale)

Sandwich Board – (See A-Frame)

Scroll – A mode of message transition on an EMD sign where the message appears to move vertically across the display surface.

Setback, front - the minimum horizontal distance permitted between the public right-of-way and a structure on the premises. In instances in which a property fronts on more than one (1) street, front setbacks are required on all street frontages.

Setback, rear - the minimum horizontal distance permitted between the property line opposite the principal street frontage and a structure on the premises.

Setback, side - the minimum horizontal distance permitted between the side lot line and a structure on the premises.

Shimmering signs - a sign which reflects an oscillating sometimes distorted visual image.

Sign - any letter, word or symbol, poster, picture, statuary, reading matter or representation in the nature of advertisement, announcement, message or visual communication, whether painted, posted, printed, affixed or constructed, including all associated brackets, braces, supports, wires and structures, which is displayed for informational or communicative purposes. **Excludes memorial plaques and donation plaques not to exceed 50 sq. inches.**

Sign face - the surface of the sign upon, against, or through which the message of the sign is exhibited.

Sign structure - any structure including the supports, uprights, bracing and framework which supports or is capable of supporting any sign.

Site - a plot or parcel of land, or combination of contiguous lots or parcels of land, which are intended, designated, and/or approved to function as an integrated unit.

Static Message – A message on an EMD sign that has no motion, other than scrolling, traveling, fading or dissolving and is continuously lit. Every letter of the message is on the same line and no individual word or letter shall move in any direction other than scrolling, traveling, fading or dissolving.

Stringer - a line of string, rope, cording, or an equivalent to which is attached a number of pennants.

Suspended sign - any building sign that is suspended from the underside of a horizontal plane surface and is connected to this surface.

Total site signage - the maximum permitted combined area of all freestanding and wall identification signs allowed on a specific property.

Transition – Changing from one message to another on an EMD display sign.

Travel - A mode of message transition on an EMD sign where the message appears to move vertically across the display surface.

Visible - capable of being seen by a person of normal visual acuity (whether legible or not) without visual aid.

Wall - any structure which defines the exterior boundaries or courts of a building or structure and which has a slope of sixty (60) degrees or greater with the horizontal plane.

Wall sign - any building sign attached parallel to, but within two (2) feet of a wall, painted on the wall surface of, or erected and confined within the limits of an outside wall of any building or structure, which is supported by such wall or building, and which displays only one (1) sign surface.

Window sign - any building sign, pictures, symbol, or combination thereof, designed to communicate information about an activity, business, commodity, event, sale, or service, that is placed inside a window or upon the window panes or glass and is visible from the exterior of the window.

Under Canopy Sign – Any sign hanging below a building canopy, awning or building overhangs.

II. ADMINISTRATION

A. Permit Application – No sign, except as otherwise specified herein, shall be erected, altered, reconstructed, maintained or moved in the City without first securing a permit from the City. The content of the sign shall not be reviewed or considered in determining whether to approve or deny a sign permit. Applications for a permit shall be in writing, addressed to the issuing authority and shall contain the following:

1. Name and address of the owners of the display structure and property.
2. The address at which any sign(s) are to be erected.
3. The lot, block and addition at which the sign(s) are to be erected and the street on which they are to front.
4. A complete set of plans showing the necessary elevations, distances, size and details to fully and clearly represent the construction and place of the sign(s).
5. The cost of the sign(s)
6. Type of sign(s), (i.e. wall sign, monument sign, etc)
7. Certification by applicant indicating the application complies with all requirements of this chapter.
8. The only signs allowed in the state, interstate or county rights-of-way are state, interstate or county signs.
9. Name, address and telephone number of the person constructing or erecting the sign(s)

The issuing authority shall approve or deny the sign permit in an expedited manner no more than thirty (30) days from the receipt of the completed application, including applicable fees. All permits not approved or denied with thirty (30) day shall be deemed approved. If the permit is denied, the issuing authority shall prepare a written notice of such within ten (10) days of its decision, describing the applicant's appeal rights under section "X", Subsection B of this ordinance, and send it by certified mail, return receipt requested, to the applicant.

B. Signs Exempt from a Permit. The following signs shall not require a permit. These exemptions, however, shall not be construed as relieving the owner of the sign from the responsibility of its erection and maintenance and its compliance with the provisions of this ordinance or any other law or ordinance regulating the same.

1. Up to two (2) signs on a residential zoned or used property whose total accumulative area is eight (8) square feet or less in size and a maximum height of four (4) feet.
2. Newspaper receptacles and mailboxes.

3. Traffic, directional, parking and snow removal signs erected by governmental authority.
4. The changing of the display surface on a sign for which a permit has been issued. This exemption, however, shall apply only to poster replacement and/or on-site changes not involving sign painting or printing directly on a building.
5. Flags and emblems of a political, civic, religious, or other non-commercial in nature. The number shall follow the sign regulations of the zoning district in which the flag(s) is located and displayed. Flags that do not meet these requirements shall be considered banners and be regulated as such.
6. Construction and Real Estate Signs. These signs shall follow the sign regulations of the zoning district in which they are located.
7. Nameplate Signs.
8. Window Signs.
9. Signs which are affixed on City owned property which contain information advertising the City itself, City events or City owned flags and have been approved by the City Council. A City Event sign shall not exceed thirty-two (32) square feet, and shall be removed within five (5) days after the date of such event.
10. Murals which have been approved by the City Council and not visible within 150 feet of property zoned for residential use, and maintained by the property owner or his/her designee.
11. Holiday display lights and decorations that may contain a related non-commercial holiday message.
12. Garage sale signs that follow the rules for residential zoning. These signs may be erected for the purpose of the garage sale but must be removed within 24 hours of the end of the sale or a maximum of four (4) days, whichever is shorter.

13. Signs for advertising at baseball fields, football fields and other sport related areas.

C. **Fees.** Sign permit fees shall be established by Resolution of the City Council.

D. **Repairs.** Any sign located in the City which may now be or hereafter become out of order, rotten or unsafe, and every sign which shall hereafter be erected, altered, resurfaced, reconstructed or moved contrary to the provisions of this ordinance, shall be removed or otherwise properly secured in accordance with the terms of this ordinance by the owners thereof or by the owners of the grounds on which said sign shall stand, upon receipt of proper notice to do so, given by the issuing authority. No rotten or other unsafe sign shall be repaired or rebuilt except in accordance with the provisions of this ordinance and upon a permit issued by the issuing authority.

E. **Removal.** Signs which may be or may hereafter become rotted, unsafe or unsightly shall be repaired or removed by the owner or lessee of the property upon which the sign stands upon reasonable notice by the City. The owner, lessee or manager of any sign that contacts the ground and the owner of the land on which the same is located shall keep grass, weeds and other growth cut and shall remove all debris and rubbish from the area beneath the sign. If the owner, lessee or of the property fails to act in accordance with this paragraph, the City may seek injunctive relief through a motion for summary enforcement, or obtain an administrative search and seizure warrant for removal of the sign in question. All costs incurred for removal may be charged to the owner of the sign and/or property owner and if unpaid, certified to the Morrison County Auditor as a lien against the property on which the signs was located.

III. General Provisions

A. **Size.** No sign shall exceed 300 square feet in area. A-Frame signs shall not exceed four (4) feet in height and two (2) feet in width. All signs on the property shall be include in the square footage measurement with the exception of A-Frame signs. There shall be no more than one (1) A-Frame sign allowed per principal building.

B. Regulation.

1. **General.** Except as hereinafter provided, no signs shall be erected or maintained at any angle to a building or structure which sign extends or projects of the street or highway. No sign shall be erected or maintained at an angle to a building or structure which sign extends or projects over the alleyway more than four (4) feet and shall be a minimum of seventeen (17) feet above the ground. No sign shall be erected or maintained at any angle to a building or structure which sign shall extend or project more than four (4) feet over the sidewalk and shall be a minimum of ten (10) feet from the ground.

2. **Exceptions.** The provisions of this subsection do not prohibit:

- a. The erection and maintenance of signs, either illuminated or non-illuminated, which are on the sides of a marquee which are firmly attached to and a part of a theatre or other building, providing such signs are an integral part of the marquee and do not project above or below the marquee; or
- b. The erection and maintenance of signs, not illuminated, which are attached to the marquee and which do not project more than sixteen (16) inches above the marquee.
- c. Traffic, directional, parking and snow removal signs erected by governmental authority.

C. **Below Marquee.** No sign, either illuminated or non-illuminated, may project below a marquee.

D. **Electrical Signs.** Electrical signs must be installed in accordance with the current electrical code and all necessary electrical and building permits must be obtained prior to placement.

E. **Unauthorized Signs.** The following signs are unauthorized signs:

- 1. All off premise signs, except real estate, construction signs and garage sale signs provided they meet the sign regulations of the zoning district in which the sign is

located.

2. Any sign, signal, marking or device which purports to be or is an imitation of or resembles any official traffic control device or railroad sign or signal, or emergency vehicle signal, or which attempts to direct the movement of traffic or which hides from view or interferes with the effectiveness of any official traffic-control device, roadway, intersection or any railroad sign or signal.
 3. Bench signs.
 4. Billboard signs, except as provided in this ordinance.
 5. Kiosks, except as provided in this ordinance
 6. Roof signs.
 7. Signs painted, attached, engraved, etched or in any other manner affixed to trees, rocks or similar natural surfaces, or attached to public utility poles, bridges, towers, streetlights, or similar public structures except as otherwise provided herein.
 8. Signs advertising or promoting the sale or usage of tobacco or tobacco related products. Signs bearing the name of any tobacco or tobacco related products or any trademark or brand name of such products.
- F. **Setbacks.** Signs shall conform to building yard regulations for the zoning districts in which the signs are located, except as otherwise specified in this section.

	Residential	C-1	C-2	C-3	Industrial
Front Yard lot line	5'	10'	10'	10'	10'
Side Yard lot line	5'	10'	10'	10'	10'
Rear Yard lot line	5'	10'	0'	10'	10'
Rear Yard lot line abutting R district	n/a	10'	10'	10'	20'

- G. **Area.** The area within the frame shall be used to calculate the square footage except that the width of a frame exceeding twelve (12) inches shall constitute sign face, and if such letters or graphics be mounted directly on a wall or fascia or in such way as to be without a frame, the dimensions for calculating the square footage shall be the area extending six (6) inches beyond the periphery formed around such letters or graphics in a plane figure bounded by straight lines connecting the outermost points thereof. Each surface utilized to display a message or to attract attention shall be measured as a separate sign and shall be calculated in the overall square footage. Symbols, pictures, wording, figures or other forms of graphics painted on or attached to walls, awnings, free-standing structures, or suspended by balloons are considered a sign and are included in calculating the overall square footage.
- H. **Canopies, Marquees and Fixed Awning.** Canopies, marquees and fixed awnings are an integral part of the structure to which they are attached. They are allowed in the Business and Industrial Districts if they meet the following requirements and the applicable square footage requirements.
1. An awning, canopy or marquee may not project into the public right-of-way nearer than thirty (30) inches to the roadway curb or curb line;
 2. Awnings, may have no part of the structure other than supports nearer the ground surface than seven (7) feet;
 3. The architectural style of the awning, canopy or marquee must be consistent with the building be served;

- 4. Awnings, canopy or marquees projecting into the required yards may not be enclosed except with a transparent material permitting through vision; and
- 5. Awnings, canopies or marquees built over the public right-of-way must be included in a liability insurance policy holding the City free of all responsibility
- I. **Illumination.** External illumination for signs shall apply to all sign applications applied for and /or pending prior to its enactment.
- J. **Retroactive Affect.** This sign ordinance shall apply to all sign applications applied for and /or pending prior to its enactment.
- K. **Non-Commercial Speech.** Notwithstanding any other provisions of this ordinance, the non-commercial speech exemption provided by Minnesota statute §211B.045 is hereby incorporated by reference, which shall also include the period of time thirteen (13) weeks prior to any special election until ten (10) days following the special election.

IV. Specific Regulations by Zoning District:

A. Signs Allowed by Permit.

1. Residential Districts: Total site signage for a residential zoned property is eight (8) square feet, unless otherwise allowed in this section.

Residential Zoning Districts	Maximum Sign Area Of Single Sign	Maximum Number Of Signs	Total Areas Of All Signs	Maximum Height Of Sign
R-1, R-1-A	8 sq. ft.	2	8 sq. ft.	4'
R-2	8 sq. ft.	2	8 sq. ft.	4'
R-3, R-4	8 sq. ft.	2	8 sq. ft.	4'

2. Residential Districts: Within residential zoning districts, where there is multi-family housing of three-units or more, signs are allowed by permit as follows:

Residential Zoning Districts	Maximum Sign Area of single Sign	Maximum Number of Signs	Total Area of All Signs	Max Ht
R-3, R-4 (≤80' frontage)	8 square Ft.	2	8 Square Ft.	4'
R-3, R-4 (>80' - 150' frontage)	16 Square Ft.	2	16 Square Ft	4'
R-3, R-4 (>150' frontage)	32 Square Ft.	3	32 Square Ft	4'

The following types of signs are not permitted in residential zoning district:

- a. Awning Signs;
- b. Backlit awning signs;
- c. Balloon signs;
- d. Canopy signs;
- e. Electronic Message Display signs;
- f. Flashing signs;
- g. Illuminated signs;
- h. Marquee signs;
- i. Murals;
- j. Portable signs;
- k. Shimmering signs.

3. Permitted Non-Residential Uses in Residential Districts: Non-residential uses in Residential Districts allowed by conditional use permit may be approved for a ground or monument sign on the premises in certain residential-zoned districts. Such signage is allowed as follows:

Non Residential Uses in Residential Zoning Districts	Maximum Sign Area of Single Sign	Max. Height	Display Source of all Signs (Accum)
R-1, R-1-A ($\leq 150'$ frontage)	32 Square ft/surface	8'	Multiple Signs not permitted
R-2 ($\leq 150'$ frontage)	32 Square ft/surface	8'	Multiple Signs not permitted
R-1, R-1-a ($>150'$ - 300' frontage)	32 Square ft/surface	8'	40 Square ft
R-2 ($>150'$ - 300' frontage)	32 Square ft/surface	8'	40 Square ft
R-1, R-1A ($>300'$ frontage)	40 Square ft/surface	8'	40 square ft
R-2 ($>300'$ frontage)	40 Square ft/surface	8'	40 square ft

4. Business Districts: Within Business zoning districts, signs are allowed by permit as follows:

Business Zoning Districts	Maximum Sign Area of Single Sign	Maximum Sign Ht.	Total Area of All Signs
C-1 Commercial	100 sq ft per surface	15'	1 sq ft per front ft of property abutting a public right-of-way 50 ft or more in width
C-2 - Community Commercial	100 sq ft per surface	20'	2 sq ft per front ft of property abutting a public right-of-way 50 ft or more in width
C-3, Regional Commercial	300 sq ft per surface	30'	3 sq ft per front ft of lot (narrowest footage on a corner lot) abutting a public right-of-way 50 ft or more in width not to exceed 1200 sq ft.

The following types of signs are not permitted in C-2 Community commercial districts:

- a. Awning signs;
- b. Backlit awning signs;
- c. Balloon signs;
- d. Canopy signs;
- e. Electronic Message display signs;
- f. Flashing signs;
- g. Illuminated signs;
- h. Marquee signs;
- i. Portable signs;
- j. Shimmering signs;
- k. Electronic signs.

5. Industrial Districts: Within industrial zoning district, signs are allowed by permit as follows:

Industrial Zoning Districts	Maximum Sign Area of single Sign	Maximum Sign Height	Total Area of All Signs (Accum)
General Industrial, I-1	300 Sq ft per surface	30'	4 Sq Ft per front foot of building plus 1 sq ft per front foot of property not occupied by the building
Heavy Industrial, I-2	300 Sq ft per surface	30'	4 Sq Ft per front foot of building plus 1 sq ft per front foot of property not occupied by the building

V. Billboards:

A. Billboards shall not be permitted in any zoning district within the city, except as specifically allowed within this subsection.

1. Billboards are only allowed along Highway 10.

VI. Kiosks

A. The City may erect Kiosks as permitted by the City Council on public property for public information purposes.

B.

1. No sign shall be allowed that is a hazard to public health, morals, safety, convenience, welfare, or that prevents ingress or egress from any door, window, or fire escape, or that tends to accumulate debris as a fire hazard, or that is attached to a standpipe or fire escape.
2. No sign shall be erected that, by reason of position, shape, movement, color, or any other characteristic, interferes with the proper functioning of a traffic signal or otherwise constitutes a traffic hazard. No sign shall be permitted which would interfere with traffic control.
3. Private signs are prohibited within the public right-of-way of any street or public easement.
4. Any ground level flashing signs are prohibited.
5. Signs giving off an intermittent or rotating beam or ray of light are prohibited.
6. No off premise signs, except as otherwise stated herein.

VII. Non-Conforming signs, Compliance

It is recognized that signs exist within the zoning districts which were lawful before this sign ordinance was enacted, which would be prohibited, regulated or restricted under the terms of this chapter or future amendments. It is the intent of this sign ordinance that legal, nonconforming signs shall not be enlarged upon, expanded or extended, nor be used as grounds for adding other signs or uses prohibited elsewhere in the same district. It is further the intent of this sign ordinance to permit legal nonconforming signs existing on the effective date of this sign ordinance, or amendments thereto, to continue as legal nonconforming signs provided such signs are safe, are maintained so as not to be unsightly, and have not been abandoned or removed subject to the following provisions:

- A. No sign shall be enlarged or altered in a way which increases its nonconformity.
- B. Should such sign or sign structure be destroyed by any means to an extent greater than fifty percent (50%) of its replacement cost and no building permit has been applied for within 180 days of when the property was damaged, it shall not be reconstructed except in conformity with the provisions of this ordinance.
- C. Should such sign or sign structure be moved for any reason for any distance whatsoever, it shall thereafter conform to the regulations for the zoning district in which it is located after it is moved.
- D. No existing sign devoted to a use not permitted by the zoning code in the zoning district in which it is located shall be enlarged, extended or moved except in changing the sign to a sign permitted in the zoning district in which is it located.
- E. When a structure loses its nonconforming status all signs devoted to the structure shall be removed and all signs painted directly on the structure shall be repainted in a neutral color or a color which will harmonize with the structure.

VIII. Noncommercial Speech. Notwithstanding any other provisions of this ordinance, the non-commercial speech exemption provided by Minnesota Statute §211B.045 is hereby incorporated by reference, which shall also include the period of time thirteen (3) weeks prior to any special election until ten (10) days following the special election.

A. Substitution Clause

The owner of any sign which is otherwise allowed by this sign ordinance may substitute noncommercial copy in lieu of any other commercial or non-commercial copy. This substitution of copy may be made without any additional approval or permitting. The purpose of this provision is to prevent any inadvertent favoring of commercial speech over non-commercial speech, or favoring of any particular non-commercial message over any other non-commercial message. This provision prevails over any more specific provision to the contrary.

IX. Violations.

- A. Violation of this ordinance is a misdemeanor. Each day that the violation continues shall constitute a separate offense.

X. Enforcement

- A. Administration. Provisions of this chapter shall be administered and enforced by the City Council.

- B. Appeals. The City Council constitutes the Boards of Appeals and shall determine, in harmony with the general purpose of this ordinance and the City’s Comprehensive Plan, by resolution, all appeals from any order, requirement, permit or decision made by (administrator) under this section, and from any interpretation of the text of this ordinance. At any time within forty-five (45) days after the decision of the (Administrator) under the provisions of this ordinance, except in connection with the prosecutions for violations thereof, the applicant or other person or office of the City affected thereby may appeal to the City Council by filing a written notice stating the grounds appealed from and stating the specific grounds upon which the appeal is made. The City Council will act upon the appeal within thirty (30) days of receipt of said notice.

THIS ORDINANCE SHALL SUPERSEDE AND REPEAL ALL PRIOR AND CONSISTENT ORDINANCES. THIS ORDINANCE SHALL BE EFFECTIVE UPON PASSAGE AND PUBLICATION REQUIRED BY LAW.

DATED: _____

CLERK

MAYOR