

## **ORDINANCE NO. 417**

### **AN ORDINANCE OF THE CITY OF LACRESCENT REGULATING SIGNS IN THE CITY**

The City Council of the City of La Crescent, Houston County, Minnesota, hereby ordains:

#### **SECTION I. PURPOSE**

The purpose of this ordinance is to protect and promote the public health, safety, and welfare within the City by the establishment of comprehensive standards, regulations and procedures governing the erection, use or display of devices serving as visual communications media. Furthermore, enactment of the ordinance will serve to preserve the residential character of residential neighborhoods, to preserve order and cleanliness, to avoid the appearance of clutter, to provide for necessary visual communication, to preserve and promote a pleasant physical environment, to ensure that the constitutionally guaranteed right of free speech is protected, to protect public and private property, and to encourage safety upon the streets and highways within the City of La Crescent by preserving the sight lines and reducing distractions to motorists. Finally, these rules and regulations are intended to support local businesses and to enhance the appeal of this area to residents and visitors.

The City is located at the center of three National Scenic By Ways, between bluffs, valleys and protected wetlands. These regulations are designed to balance the need for signage with the impact of such signage on the environment by establishing standards regarding the type, number, structure, size, location, height, lighting and maintenance of all permitted outdoor signs and sign structures.

#### **SECTION II. APPLICABILITY**

These provisions shall apply to and be binding upon all persons, firms, corporations, associations, partnerships, governmental units and other entities, whether in the capacity of owner, tenant, proprietor, manager, custodian, guardian or agent of lands lying and being within the corporate limits of the City of La Crescent.

#### **SECTION III. DEFINITIONS**

To the extent used in the administration and enforcement of this ordinance, the language set forth in the text of this ordinance shall be interpreted in accordance

with the following definitions. Other words shall have their common meaning. Words used in the present tense shall include the future; words used in the singular shall include the plural and the plural includes the singular.

Awning - A structure attached to a permitted building, extending over and designed to provide cover or shade for windows, entrances, exits or walkways. Similar to an attached canopy.

Banner - A flexible material on which copy or graphics may be displayed.

Billboard - See Off-Premises Advertising Sign.

Building - Any structure erected for the support, shelter, or enclosure of persons, animal, chattels or movable property of any kind.

Business - Any establishment, occupation, employment or enterprise wherein merchandise is manufactured, exhibited or sold, or where services are offered for compensation.

Canopy - A roof-like structure either attached to or detached from a permitted building, open on all sides, other than where attached; which is located over and designed to provide cover for entrances, exits, walkways, and approved off-street vehicle service areas.

Copy - Those letters, numerals, figures, symbols, logos and graphic elements comprising the content or message of a sign, excluding numerals identifying a street address only.

Dwelling - A building, or portion thereof, designed or used predominantly for residential occupancy of a continued nature, including one-family dwellings, two-family dwellings, and multiple family dwellings; but not including hotels, motels, commercial boarding or rooming houses, tourist homes and trailers.

Establishment - Any of the following definitions shall apply:

1. A distinct business entity situated in a single building;
2. A distinct business entity located in a structure attached to other similar structures by common walls and ceilings or floors, or attached by means of an enclosed arcade;
3. A distinct business entity contained within a single structure and not separated by walls other physical barriers but made distinct due to its existence as a single lease space and operation by separate entrepreneurs or by its singularity of purpose (such as clothing sales, furniture sales, and so on) carried on by a single or separate proprietors.

Fascia - A horizontal piece covering the joint between the top of a wall and the projecting eaves.

Home Occupation - An occupation or enterprise conducted in a dwelling unit that is located within a residential district. Such uses include professional offices, photo or art studios, or similar uses.

Industry - An enterprise that involves the production, assembly, processing or storage of materials, goods or products.

Lot - A parcel or portion of land in a subdivision or plat of land separated from other parcels or portions by description, as on a subdivision or record of survey map or by metes and bounds for the purpose of sale or lease or separate use thereof.

Lot Line - A property boundary line of any lot held in single or separate ownership.

Off-Premise Advertising Sign - A sign structure advertising an establishment, merchandise, service or entertainment which is not sold, produced, manufactured or furnished at the property on which the said sign is located, e.g., billboards or outdoor advertising.

Pennant - Any lightweight plastic, fabric or other material, whether or not containing a message of any kind, suspended from a rope, wire, or string, usually in a series, designed to move in the wind. See also Streamer-Sign, Animated.

Roof Line - The top edge of a peaked roof or, in the case of an extended façade or parapet, the uppermost point of said façade or parapet.

Setback - The minimum horizontal distance from a building, hedge, fence, wall or structure to the street or lot line.

Sign - Any device visible from a public place that displays either commercial or noncommercial messages by means of graphic presentation of alphabetic or pictorial symbols or representations. Noncommercial flags or any flags displayed from flagpoles or staffs will not be considered to be signs.

Sign, Animated - Any sign which uses movement, reflection or change of lighting to depict action or to create a special effect or scene.

Sign, Animated. A sign employing actual motion, the illusion of motion, or light and/or color changes achieved through mechanical, electrical, or electronic means. Animated signs, which are differentiated from Electronic Message Center or Dynamic signs as defined and regulated by this Code, include the following types:

- Environmentally Activated: Animated signs or devices motivated by wind, thermal changes, or other natural environmental input. Includes spinners, pinwheels, pennant strings, streamers and/or other devices or displays that respond to naturally occurring external motivation.
- Mechanically Activated: Animated signs characterized by repetitive motion and/or rotation activated by a mechanical system powered by electric motors or other mechanically induced means.
- Electrically Activated: Animated signs producing the illusion of movement by means of electronic, electrical, or electromechanical input and/or illumination capable of simulating movement through employment of the characteristics of one or both of the classifications noted below:
- Flashing: Animated signs or animated portions of signs whose illumination is characterized by a repetitive cycle in which the period of illumination is either the same as or less than the period of non-illumination. For the

purposes of this ordinance, flashing will not be defined as occurring if the cyclical period between on-off phases of illumination exceeds four (4) seconds.

- **Patterned Illusionary Movement:** Animated signs or animated portions of signs whose illumination is characterized by simulated movement through alternate or sequential activation of various illuminated elements for the purpose of producing repetitive light patterns designed to appear in some form of constant motion.

Sign, Campaign - A temporary sign promoting the candidacy of a person running for a governmental office or promoting a position on an issue to be voted on at a governmental election.

Sign, Canopy or Awning - An identification sign affixed to or printed upon the visible surfaces of an attached or freestanding canopy, awning or marquee. Such identification signery signage shall be considered a type of wall sign provided the canopy, awning or marquee and the sign upon it meet the requirements set forth in Section VI.

Sign, Changeable Copy - A sign on which copy is changed either manually in the field. Such signs may be portable or permanently installed,—or automatically through electronic or mechanical means (e.g. electronic time and temperature units).

Sign, Directional - A sign, the primary function of which is to provide locational directions.

Sign, Electronic Message Center (EMC) - An electrically activated changeable sign whose variable message and/or graphic presentation capability can be electronically programmed by computer from a remote location. Also known as a Dynamic Sign. EMCs typically use light emitting diodes (LEDs) as a lighting source.

Sign, Flashing - A sign, which contains an intermittent or sequential flashing light source, used primarily to attract attention. Does not include changeable copy signs, animated signs, or signs which, through reflection or other means, create an illusion of flashing or intermittent light. Compare to Signs, Animated or Changeable Copy.

Sign, Freestanding - A sign which is not affixed to any part of any building and which is rather supported by upright braces or posts placed in the ground.

Sign, Gross Surface Area of - The area of a sign face or element (which is also the sign area of a wall sign or other sign with only one face) shall be defined as the area of the smallest square or rectangle that will encompass the extreme limits of the writing, representation, emblem, or other display, together with any material or color forming an integral section of the background of the display or used to differentiate the sign from the backdrop or structure against which it is placed. Gross surface area of the sign does not include any supporting framework, bracing or decorative fence or wall when such supporting device otherwise meets the regulations of this Ordinance and is clearly incidental to the display itself. Where the sign faces of a double-faced sign are parallel or the interior angle formed by the faces is 45 degrees or less, only one display face shall be

counted in computing the sign area. If the two faces of a double-faced sign are of unequal area, the area of the larger sign face shall be counted as the sign's area. In all other cases, the areas of all faces of a multi-faced sign shall be added together to compute the area of the sign.

Sign, Height of - The height of a freestanding sign shall be calculated from the point at which the signpost or posts meets or enters the ground, to the top of the uppermost component of the sign structure.

Sign, Identification - A sign, the primary function of which is to identify an establishment located upon the premises where such sign is located, or to which such sign is affixed. Signs identifying industrial establishments may secondarily call attention to the products, goods or materials, which are produced, processed, assembled, or stored, upon the premises.

Sign, Illuminated - Any sign upon which artificial light is directed or which has an interior light source.

Sign, Incidental - A sign, generally informational, that has a purpose secondary to the use of the lot on which it is located. Examples: "Entrance", "Exit", "No Parking", "No Trespassing", "ATM", etc. No sign with a commercial message that is legible from a position off of the lot will be considered as incidental.

Sign, Noncommercial Opinion or Expression - A sign which does not advertise products, goods, businesses or services and which expresses an opinion, statement or point of view.

Sign, Portable - A sign mounted on a frame or chassis, designed to be easily relocated, and not meant to be permanently affixed to buildings, poles or the ground.

Sign, Projecting - A sign which is affixed to the wall of a building and which extends outward from the building wall.

Sign, Roof - A sign erected or attached in whole or in part upon the roof of a building, or a non-freestanding sign which projects above the roof line of the building to which it is affixed.

Sign, Snipe - A temporary sign or poster affixed to a tree, fence, utility pole or other vertical surface which is not intended to be a signboard.

Sign, Structure - The supports, uprights, bracing and framework for a sign including the sign surface itself. In the case of a wall sign, the sign surface constitutes the sign structure. In the case of a sign structure consisting of two or more sides, where the interior angle formed between any of the sides exceeds 45 degrees each side shall be considered a separate sign structure.

Sign, Temporary - A sign or advertising display that is used only temporarily and is not embedded in the ground or permanently mounted to a building or sign structure that is permanently embedded in the ground. permanently mounted. Rummage/garage sale signs and retailers' signs temporarily displayed for the purpose of informing the public of a special event, grand opening, sale or special offer are examples of considered temporary signs. If a sign display area is permanent

but the message displayed is subject to periodic changes, that sign shall not be considered temporary. A portable sign shall not be considered a temporary sign.

Sign, Wall or Fascia - A sign that is in any manner affixed to any exterior wall of a building or structure and that projects not more than 18 inches from the building or structure wall, including signs affixed to architectural projections from a building provided the copy area of such signs remains on a parallel plane to the face of the building facade or to the face or faces of the architectural projections to which it is affixed.

Sign, Window - A sign installed inside a window and intended to be viewed from the outside. Window graphics are to be considered window signs and are subject to the applicable standards. Signs propped in, or taped to, windows and not permanently mounted, are considered to be temporary signs.

Spinner - Any device consisting of lightweight vanes that are designed to revolve or attract attention in general. Also referred to as a pinwheel. See Signs, Animated.

Streamer - Any fluttering or flexible material designed to move in the wind and to attract attention. Usually made of a lightweight plastic, fabric or other material and suspended in serial fashion from a rope, wire or string. See also Signs, Animated Pennant.

Street Line - The common boundary line of a street right-of-way and abutting property.

Use - the purpose or activity, for which the land or building thereon is designed, arranged or intended, or for which it is occupied or maintained.

Wall Area - The square footage of the side of a building, including doors and windows, taking into account only the first two stories. The fascia is considered to be part of the wall. Each street frontage is considered separately when determining whether or not size limitations are being met.

#### **SECTION IV. GENERAL SIGN STANDARDS**

General sign standards apply to all permitted and legal nonconforming signs.

- A. Construction and Attachment - All signs in the City shall be designed and constructed or affixed to buildings in such a manner as to comply with the most current State of Minnesota building codes as they pertain to signage. All electrical aspects thereof are to be consistent with and as required by the State of Minnesota Electrical Code.
- B. Maintenance - All signs shall be maintained and repaired, as necessary, to keep them in good repair. Any sign or sign structure which may be, or may hereafter become rotted, unsafe or unsightly shall be repaired or removed by the licensee, owner, or agent of the owner of the property upon which the sign stands upon written notice of the Building Official. Window graphics must not become unsightly or illegible. Chipped or peeling areas must be removed, repaired or replaced.

- C. Sign Area - The gross surface area of signs shall be no greater than as specified herein (see Sections V and VI).
- D. Sign Height - The height of the top edge of a freestanding sign shall not exceed the limits as specified herein (Sections V and VI). Furthermore, the height of the lowest edge of a projecting sign shall be no lower than as specified herein (Sections V and VI).
- E. Setbacks - All signs shall be setback on the front, rear and side yards as stated in Section VI. At the discretion of the Building Official, setbacks in any district may be increased at intersections or other areas where signs may obstruct vehicular sight lines.
- F. Illumination - All illuminated signs shall have a shielded light source and concealed wiring and conduit and shall not interfere with traffic signalization. The beam of light shall not shine directly upon any part of a residence or into the street. No revolving beams or beacons shall be used. Signs with light sources or reflective qualities of such brightness that constitute a hazard or nuisance as determined by the building official are prohibited.
- G. Electronic Message Centers - All EMC signs shall comply with the following special requirements:
  - a. Such signs may be used only to advertise activities conducted on the premises or to present time, date, temperature, or information concerning civic events.
  - b. Signs may have multiple static displays or segmented messages, subject to all of the following restrictions:
    - i. Each change of message shall be accomplished in one (1) second or less.
    - ii. Each message shall remain in a fixed position for at least eight (8) seconds.
    - iii. Fade or dissolve techniques employed during transition may not have the appearance of moving text or images.
  - c. Brightness: not to exceed .3 footcandles above ambient light. Such measurements are to be taken using a footcandle meter at an appropriate distance, depending on sign area, from the sign. (See table below.) Signs shall be equipped with automatic dimmer controls to automatically adjust brightness in correlation with ambient light conditions.
  - d. The following display features and functions are prohibited: continuous scrolling and/or traveling, flashing, spinning, rotating, and similar moving effects, and all dynamic frame effects or patterns of illusory movement or simulating movement. Full motion video or film display via an electronic file imported into the EMC software or streamed in real time into the EMC is also prohibited.

- e. Signs must be equipped with a feature that will turn off the display if the sign malfunctions.
- f. EMC signage must be placed at least 50 feet from a residential lot line.
- g. Brightness Measurement Table:

Sign Area (square feet)	Measurement Distance (feet)	Sign Area (square feet)	Measurement Distance (feet)
10	32	55	74
15	39	60	77
20	45	65	81
25	50	70	84
30	55	75	87
35	59	80	89
40	63	85	92
45	67	90	95
50	71	95	97
55	74	100	100

- H. Placement of Signs - No sign shall obscure any traffic-control signal from the vision of any motorist in a moving traffic lane, or be placed within 150 feet of such signal. Signs shall not be attached to public utility poles, fences or other vertical surfaces, which are not intended to be signboards. No signs shall be placed within the public right-of-way, nor shall any sign obstruct access to fire escapes of required windows, doors, exits or standpipes. Signs erected or affixed on roofs are prohibited, as are wall signs that project more than 12 inches above the building soffit or eave height. Signs and/or logos shall not be painted directly upon any natural surface such as rocks or trees, nor shall any signs be painted directly on the roof or walls of a building.
- I. Content of Signs - Except for traffic signs and legal notices, no sign visible from the street shall use words, phrases, symbols or characters with the intent of simulating a public safety warning or traffic sign. No signs shall contain images, profanity or other language that is considered to be obscene or offensive to the general public.
- J. Sign Labeling - Every freestanding on- or off-premises sign structure erected in the City shall have noted, in a conspicuous place thereon, the name of the firm that manufactured the sign and the permit

number. Wall, window and awning or fascia signs are exempt from this requirement.

- J. MNDOT Compliance - If approval from MNDOT (Minnesota Department of Transportation) is required, evidence of such approval must be submitted as part of the City of La Crescent sign permit application. MNDOT approval does not supersede or in any way replace City approval that in all cases will still be required.

## **SECTION V. ALLOWED SIGNS - No Permit Required**

The following types of signs do not require a permit as long as they comply with the general sign standards set forth in Section IV. Some additional restrictions may apply and are herein described.

- A. Governmental Signs - Signs erected by the City or other governmental agency (school district) identifying and/or informing residents and visitors of the location of municipal and other public buildings, as well as signs advertising the City. The square footage and height of any such sign shall not exceed the dimensions outlined for signage in the Central Business District, and all relevant setback requirements for the district shall be followed.
- B. House/Name/Address Signs - Identification signs, clearly displaying street addresses of properties, not to exceed 2 square feet in area for each dwelling unit. For the benefit of emergency and delivery personnel, house numbers must be written in numeric symbols of at least 4" in height. The numbers must be placed in such a way as to be clearly visible from the street. The best location is on the home itself.
- C. Legal Notices - Legal notices, danger and other such temporary, emergency or non-advertising signs as may be approved by the City Council Building Official.
- D. Noncommercial Opinion or Expression Signs - One sign is allowed on any property, with the consent of the property owner; provided that it is not an illuminated sign, it does not exceed 4 square feet, it is erected and maintained in accordance with General Sign Standards (Section IV), and it is not otherwise prohibited by City Ordinances.
- E. Religious/Patriotic Signs - Decorations connected with civic, patriotic or religious holidays.
- F. Incidental Signs - Incidental signs, provided that they are limited to less than 4 square feet in area.
- G. Outdoor Product Price Signs - Such signs are allowed provided that they are contained in a freestanding low profile (less than 4 feet in height) display, and each sign is no larger than 1 square foot in area. This applies only to products displayed for sale or dispensed outdoors.
- H. Temporary Signs - Temporary signs are allowed as follows:

- a. Garage or Rummage Sale Signs - Garage or rummage sale signs are allowed on the day of the sale only, and must be removed within 24 hours of the conclusion of the sale. The signs may be placed on the premises of the sale or on other privately owned property with the permission of the property owner. No signs shall be affixed to utility poles, traffic signs or other vertical surfaces in the public right of way.
- b. Construction Signs - Contractor signs are allowed on any property where a building permit has been issued. The sign area of such signs shall not exceed 16 square feet in the aggregate for single residential lots and 30 square feet in the aggregate for multiple residential lots or a residential subdivision. Signs shall be removed upon building completion.
- c. Political Signs - Portable and freestanding campaign signs of any size are allowed pursuant to MN Statutes Chapter 211B.045 from the period August 1 through 10 days after the election. Freestanding campaign signs may be installed only upon private property with the permission of the property owner who shall be responsible for removal thereof. The candidate or his agents shall be held responsible for any improperly placed or otherwise illegal campaign signs.
- d. Portable Signs - Portable signs are allowed for up to twenty (20) days in one location provided they: are less than 36 square feet on each face; are placed on private property; do not obstruct the view of motorists; are either not externally illuminated or, if internally illuminated, are not operated between the hours of 10 PM and 6 AM; and comply with all other parameters of the sign ordinance.
- e. Real Estate Signs - Temporary freestanding or wall signs for the purpose of selling or leasing individual lots or entire buildings; provided that such signs shall not exceed 9 square feet in area for single residential lots and 32 square feet in area for multiple residential lots, residential subdivisions or commercial and industrial property. Only one such freestanding or wall sign is permitted for each property. The sign must be removed within 10 days following the lease or sale. Temporary freestanding off-site real estate signs announcing an "open house" or similar activity for the purpose of showing or displaying a home for sale are permitted provided that: the off-site sign is located on privately-owned residential property and there is no objection to the display of the sign on the part of that property owner, the off-site sign is displayed only during the time of the "open

house” or showing, and the size of the off-site sign does not exceed 6 square feet in area.

- f. Sidewalk Signs - One sidewalk sign per business location is allowed in all but residential districts. Sidewalk signs must not exceed 6 square feet in area, may not take up more than one quarter of the sidewalk area and must be made of weatherproof material. A sidewalk sign may only be displayed during normal working hours of the business being advertised.
- g. Special Promotion, Event and Grand Opening Signs - Signs, streamers, pennants or banners temporarily displayed to advertise special promotions, sales, events and grand openings shall be permitted for nonresidential uses in a residential district, and in all commercial and industrial districts subject to the following limitations:
  - i. Such signs shall be permitted only on the premises of the event, sale or grand opening.
  - ii. Any sign remaining for an uninterrupted period of more than 60 days, or erected more than 2 times per year, shall be considered a permanent sign, and will require a permit. Businesses with frequent promotions are encouraged to use permanently installed changeable copy signs.
  - iii. The total area of all such signs shall not exceed 4 square feet in any residential district, and 20 square feet in the central business, commercial or industrial districts.
  - iv. All such signs or banners shall be securely fastened to walls, to the ground or to other fixed surfaces so that they remain in place, in good repair, for the duration of the event, sale or promotion. Temporary window signs are permitted if they are fastened to, or set against, the interior of the window.
- h. Seasonal lighting and/or displays.
- I. Traffic Signs - All official traffic signs legally erected by, pursuant to and consistent with Federal Highway regulations and the laws and regulations of the State of Minnesota and/or the City of La Crescent.

## **SECTION VI. ALLOWED SIGNS - Permit Required**

The following types of signs must comply with the General Sign Standards outlined above as well as meet the restrictions outlined below and also require a permit from the City. See SECTION XI. Permit Process. Electronic Message Center (Dynamic) signage is allowed only in the Commercial/Industrial District.

### Central Business District

1. Freestanding Signs - One on-premise freestanding sign per building, provided that said sign does not exceed 48 square feet in area for a single tenant building or 60 square feet in area for a multiple tenant building. Signs shall not exceed 15 feet in height. Posts or anchoring mechanisms for the sign shall not be located on public property. Front, rear and side back setback requirements for the District must be followed when positioning sign. Posts or anchoring mechanisms for the sign shall not be located on public property.
  2. Wall or Fascia Signs - Wall signs are permitted on each street frontage provided that the area of all signage on each street or alley frontage does not exceed 25 percent of the wall area. This limitation is to be applied individually to each street frontage. Additionally, wall signs not exceeding 10 percent of said wall are permitted on each building frontage abutting a public parking lot accommodating 25 or more cars providing that all land abutting all sides of the parking lot is either public right-of-way or commercially zoned property. All wall signs shall be installed consistent with the provisions for General Sign Standards (SECTION IV).-
  3. Projecting Signs - A projecting sign may not exceed 20 square feet in area, nor may it project more than 6 feet out from the wall to which it is affixed. No projecting sign shall extend beyond the curb line of any public street or right-of-way. Projecting signs must maintain a minimum clearance between the bottom of the sign and the finished grade of 8.5 feet.
  4. Window Signs - Window signs are permitted provided that the area of the signage does not exceed 25 percent of the window area; and that the total area of all window, wall and fascia signage on the same street frontage does not exceed 25 percent of the wall area. Windowpanes on entrance doors may not have more than 25% of the gross surface area of the glass pane covered by signage in order to avoid obstructing the view of persons entering and exiting the building.
  5. Canopy or Awning Signs - Canopy or awning signs shall not exceed 75 percent of the exterior, viewable surfaces of the canopy or awning. In the case of a canopy or awning that is attached to the building, the area of canopy/awning signage, together with the area of all wall, window and fascia signage on the same street frontage, shall not exceed 25 percent of the wall area.
- B. Commercial and Industrial Districts
1. Freestanding Signs - One on-premises freestanding sign per building is permitted provided said sign does not exceed 150 square feet in area, 25 feet in height, and is not placed closer than 10

feet from any street right-of-way. Front, rear and side back setback requirements for the District must be followed when positioning sign. Posts or anchoring mechanisms for the sign shall not be located on public property.

2. Projecting Signs - Projecting signs are allowed when the sign is to be attached to a building that has a setback of 10 feet or less from the street right-of-way. Such projecting signs shall not overhang the right-of-way. A projecting sign may not exceed 24 square feet in area, and must maintain a minimum clearance between the bottom of the sign and the finished grade of 8.5 feet.
3. Wall or Fascia Signs - Wall signs are permitted on each street or alley frontage provided said signs do not exceed 25 percent of the wall area. This limitation is to be applied individually to each street frontage. Additionally, wall signs not exceeding 10 percent of said wall area are permitted on each building frontage abutting a public parking lot accommodating 25 or more cars providing that all land abutting all sides of the parking lot is either public right-of-way or commercially zoned property. All wall signs shall be installed consistent with the provisions for General Sign Standards (SECTION IV).
4. Window Signs - Window signs are permitted provided that the area of the signage does not exceed 25 percent of the window area; and that the total area of all window, wall and fascia signage on the same street frontage does not exceed 25 percent of the wall area. Windowpanes on entrance doors may not have more than 25% of the gross surface area of the glass pane covered by signage in order to avoid obstructing the view of persons entering and exiting the building.
5. Canopy or Awning Signs - Canopy or awning signs shall not exceed 75 percent of the exterior, viewable surfaces of the canopy or awning. In the case of a canopy or awning that is attached to the building, the area of canopy/awning signage, together with the area of all wall, window and fascia signage on the same street frontage, shall not exceed 25 percent of the wall area.
6. Off-Premises Signs - Off premise or billboard signs shall be allowed on a modified "cap and replace" basis.
  - a. Capitation - As of the date of the adoption of this ordinance, a complete inventory of existing off-premise signs shall be prepared. The inventory shall contain information pertaining to the size, height, location, ownership and permit number of the sign. All inventoried signs may remain in place, as legal non-conforming signs, for as long as they are properly maintained and utilized (Section VIII). No additional signs are allowed. The inventoried signs may not be altered in such a manner as to

enhance their size, to raise their height or to change their location.

- b. Replacement - Inventoried signs may be replaced at the end of their useful lives, or earlier if destroyed by circumstances out of the control of the owner of the sign. They may also be replaced if they are required to be removed by a governmental agency or by the owner of the property. All replacement signs must meet the sign requirements outlined in Section VI. B. 6. c. below. Any signs which are allowed to fall into disrepair, or which carry no commercial or public service message for more than 6 continuous months will be considered abandoned. Abandoned signs are a nuisance, must be removed pursuant to Section X under this Ordinance and will not be eligible for replacement.
- c. Requirements for Replacement Signs - All replacement signs must meet the following requirements, as well as any requirements set forth in regulations promulgated by State or Federal governmental agencies.
  1. Location -
    - a. Highway 14/61 (the Pike) from 1,400 feet west of Twilite Street east to the City limits, on the south side of the roadway.
    - b. Highway 14/61 from Houston County 6 north to the City limits.
  2. Height - Maximum height is 20 feet above the centerline of the adjacent roadway.
  3. Size - Maximum sign area is 300 square feet per facing, not to exceed two facings. Double-sided signs shall be attached back to back. Signs connected at one edge, with the two faces forming an interior angle of 30 degrees or less shall be considered to be back to back.
  4. Spacing - 300 linear feet from any other such sign on either side of the street or roadway. Not closer than 300 linear feet from the intersection of two or more streets or highways as measured from the centerlines of the roadway intersection.
  5. Identification - All billboard signs shall have noted on their face the name of the firm, which manufactured the sign, and the sign permit number.

### C. Residential

1. Home Occupations and Special Home Occupations - One wall sign per dwelling, the maximum size to be 2 square feet. Standard house numbers used to identify the property are not considered to be home occupation signs.

2. Multiple Family Dwellings - One wall or freestanding identification sign per building not to exceed 10 square feet in area. Freestanding sign must not exceed 5 feet in height nor be placed within 10 feet of any right-of-way.
3. Churches or other Conditional Use Buildings - One wall or freestanding sign per building. Height and size restrictions shall be as outlined for signs in the Central Business District.

## **SECTION VII. PROHIBITED SIGNS**

The following types of signs are prohibited within the City of La Crescent.

- A. Animated Signs. Such signage is prohibited except as allowed for under "Temporary Signs" section 152.21 (H) Banners, pennants, streamers, balloons, stringers, spinners, inflatable signs or similar attention attracting devices, except as allowed for under "Temporary Signs" (see Section V.H.).
- B. Portable Signs. Such signage is prohibited except as allowed for under "Temporary Signs" section 152.21 (H). Signs painted on a commercial vehicle, if that vehicle is parked at a commercial premise or utilized in such a manner as to obviously and primarily constitute a static display advertising a business, product or service to the public, shall also be considered to be portable signs.
- ~~C.~~ Flashing signs, animated signs, searchlights or beacons.
- D. (*this becomes "C"*) Signs that violate general sign standards with regard to construction, maintenance, size, setbacks, illumination, obsolescence, placement, content and labeling. (See Section IV.)
- E. (*this becomes "D"*) All other signs not expressly permitted by this ordinance.

## **SECTION VIII. NONCONFORMING USES**

Any sign legally existing and covered by a proper sign permit at the time of the enactment of these code provisions, but not conforming to the provisions hereof, is eligible for characterization as a legal nonconforming sign. It may remain, provided it is maintained according to the requirements set forth in the general sign standards, except for the following: it may not be expanded, raised in height or replaced, it may not be repaired or rebuilt if more than 50% of the structure is destroyed, and it may not again be used if use thereof is discontinued or abandoned for a continuous period of 6 months.

If a legal nonconforming sign is not maintained in good repair, the Building Official shall notify the owner thereof and order him to repair the sign within a specified time, not less than 30 calendar days. If the necessary repairs are not completed within the time specified, the Building Official shall notify the owner of the sign and the owner of the real property on which said sign is located that the sign must be removed from the property. See Section X.

If the Building Official finds that the sign has deteriorated to a point where it is valued at less than 50% of its replacement value, the Building Official shall notify the owner of the sign and the owner of the real property on which said sign is located that the sign must be removed from the property. See Section X.

Any sign existing, but not covered by a valid sign permit, and/or not in conformance with sign regulations in place at the time of the enactment of these code provisions, may become eligible for characterization as a legal nonconforming sign under the special provisions outlined in Section IX Transition Period.

#### SECTION IX. TRANSITION PERIOD

Special procedures are established in order ease the implementation of the new ordinance. This transitional period is necessary to address several conditions which may exist, and which are outlined below.

- A. Signs either erected without a permit, or for which no permit is on file either with the owner or the City. These signs will fall into one of three categories.
  - 1. Signs that conform to the old sign ordinance and to the new ordinance. These signs will be conforming and a sign permit shall be automatically issued upon receipt of an application for a sign permit. The permit application fee will be waived if application is made during the transition period, which is 6 months from the date of enactment of this ordinance.
  - 2. Signs that conform to the old ordinance but do not conform to the new ordinance. The owner of these signs may apply for a conditional sign permit, which will allow the sign to be deemed a legal non-conforming sign as outlined in Section VIII. The permit application fee will be waived if application is made during the transition period.
  - 3. Signs that do not conform to either the existing ordinance or the new ordinance. The City Building Official shall have the discretion to issue a conditional sign permit, which will allow the sign to be a legal non-conforming sign as outlined in Section VIII. To be considered, the application must be made during the transition period. The permit application fee shall be waived during the transition period.
  
- B. Signs that have a valid sign permit under the existing ordinance.
  - 1. Signs that do not conform to the new ordinance. No action is required during the transition period and these signs become legal non-conforming signs as outlined in Section VIII.
  - 2. Signs that conform to the new ordinance. No action is required.

The City Building Official will evaluate all sign permit applications. The City Building Official shall consider such factors as the degree of noncompliance, the condition of the sign, public safety and the impact upon neighboring properties. The degree to which the sign owner has attempted to comply with the new sign ordinance, as well as the cost necessary to fully comply, shall also be considered. The City Building Official shall be empowered to make all decisions. Any sign owner wishing to appeal the decision of the City Building Official may do so by bringing the matter first to the City Planning Commission for consideration and then to the City Council for final action. No appeals will be heard after 3 months from the end of the transition period (9 months after the date of enactment of the ordinance).

After the transition period, See Section X relating to the removal of non-conforming signs.

#### **SECTION IX. REMOVAL OF SIGNS**

Signs that do not conform to the sign ordinance, and which lack a regular or conditional sign permit, may be ordered to be removed. Any sign in the City which must be removed pursuant to any of the foregoing provisions, shall be taken down and removed by the owner, agent or person having the beneficial use of the building, structure or lot upon which such sign is located. Such removal shall be effected within 30 days after written notification is received from the Building Official ordering such removal. Upon failure by any such owner, agent or person to comply with such notice within the time specified in such removal order, the Building Official with the prior authorization and direction of the City Council shall cause the removal of such sign. Any expense incident to such sign removal together with all expenses incident thereto including legal expense incurred by the City shall be paid by the owner of the land whereon the building, structure or property to which the sign is attached. The total expenses thereof, if not paid upon due demand therefore, shall be certified by the City Clerk to the Houston County Auditor for payment as a special assessment against the land whereon such sign or structure was located. The owner of the property from which the sign is removed shall be presumed to be the owner of all signs thereon for purpose of implementation of the foregoing assessment procedure.

Nothing in this Section shall be construed to prevent the earlier or immediate removal, under the same provisions, of nonconforming signs which by reason of their lack of appropriate maintenance, hazardous location or some other reason are deemed by the Building Official of the City of La Crescent to be dilapidated, dangerous or in violation of the herein incorporated rules and regulations of

some other authority having appropriate jurisdiction other than the City of La Crescent.

## **SECTION XI. PERMIT PROCESS**

If a sign requiring a sign permit under this Ordinance is to be placed, constructed or modified on a site, the owner or agent of the site shall secure a sign permit prior to the construction, placement, erection or structural modification of such sign. The process is outlined as follows.

- A. Permit Application and Fee: Permits shall be applied for on forms approved by the City Council, obtainable at the office of the City Building Official. Each application for a permit shall be accompanied by the required sign permit fee and must provide the following information:
  1. Name, address, telephone number and status of the applicant. The applicant must be the owner or agent of the building, structure or land to which or upon which the sign is to be placed or installed.
  2. Location of building, structure or lot to which or upon which the sign or other advertising structure is to be attached or erected.
  3. Dimensions of the proposed signage: area, height, and clearance over sidewalks. Dimensions of the building to which the sign will be attached, if applicable.
  4. Information relative to illumination of signage.
  5. Details about the placement of the sign in relation to nearby structures or roadways.
    - i. Evidence of MNDOT approval if required.
  6. Construction details to the extent requested by the City Building Official.
    - i. Two blueprints or ink drawings of the plans or specifications and method of construction and attachment to the building or in the ground.
    - ii. A copy of stress sheets and calculations showing the structure is designed for dead load and wind pressure in any direction in the amount required by this and all other laws and code provisions of the City.
  7. Name of person, firm, corporation or association erecting the sign.
  8. Such other additional information as the Building Official shall require in order to determine compliance with this Ordinance and other applicable code provisions of the City.
- B. Review and Approval: Upon receipt of a complete application and fee, the Building Official shall review same and within 10 days shall either approve the application and issue the permit, or shall deny the permit if the sign fails to comply in any respect to applicable standards of this Ordinance. In the case of a rejection, the Building Official shall identify those sections of this Ordinance with which the sign is inconsistent.

- C. Lapse of Approval: If an approved sign has not been erected or put into place within 6 months of the issuance of the permit, the permit shall lapse and be of no further effect.

## **SECTION XII. VARIANCES**

A variance is a modification or relaxation of the provisions of this Ordinance, and Variances may be granted in instances where it is determined that by reason of special and unusual circumstances unique to the individual property under consideration, the strict enforcement of the sign ordinance would cause undue hardship, or that strict conformity with the provisions of this Ordinance would be unreasonable, and granting a variance would be in keeping with the spirit and intent of the Ordinance. because of circumstances unique to the individual property under consideration. "Undue hardship" in connection with the granting of a variance means that the property in question cannot be reasonably used unless regulations otherwise applicable are modified and that the hardship is due to circumstances unique to the property and not created by the landowner. The variance, if granted, shall not alter the essential character of the locality, nor shall it be materially detrimental to the property owners in the vicinity. Economic considerations alone shall not constitute an undue hardship if reasonable use for the property exists. Applications for variances under the Sign Ordinance shall be made in a manner consistent with the rules for applying for variances under the Zoning Ordinances.

## **SECTION XIII. ADMINISTRATION and ENFORCEMENT**

Violations of the provisions of this ordinance are misdemeanors and upon conviction thereof are punishable in accordance with the laws of the State of Minnesota. The City may, at its discretion, charge violations of this ordinance as petty misdemeanors in which case punishment upon conviction shall be in accordance with the laws of the State of Minnesota for petty misdemeanors. The City may institute actions in equity or at law to enjoin or abate violations and each day a violation exists constitutes a separate offense. All violations of this ordinance are nuisances and prosecutable as such and/or subject to injunction or abatement in an appropriate civil action.

The Building Official or any such other official as may be designated by City Council Resolution is vested with the authority to enforce the provisions of this ordinance. Institution of enforcement as misdemeanor or petty misdemeanor shall not preclude subsequent actions at law or in equity.

## **SECTION XIIIIV. CONFLICTING REGULATION - SEVERABILITY**

Any other regulation of the City of La Crescent, conflicting with the regulations hereinbefore contained, are hereby, to that extent, repealed. In the event other regulations are consistent herewith, but one or the other more restrictive, the more restrictive shall control. In the event any provision hereof is declared invalid by a Court of competent jurisdiction, all other provisions of this ordinance shall remain in full force and effect.

**SECTION XIV. EFFECTIVE DATE**

This Ordinance shall become effective upon its due passage and enactment and publication according to law.

Passed and enacted this 10th-day of August 2015.

APPROVED:

/s/ Mikel Poellinger

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Mayor

ATTEST:

Bill Waller

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City Administrator