

### **1002.13. Proctor Sign Ordinance.**

Subdivision 1. Purpose. It is the purpose of this article to create the legal language and mechanism for a comprehensive and balanced system of standards, regulations, and procedures governing the erection, use, and display of all advertising street graphics and symbols used to facilitate visual communication of products and services in the City of Proctor.

It is also the purpose of this article to authorize all visual communicative devices which:

- (a) Are compatible with their surroundings.
- (b) Are appropriate to the type of activity to which they pertain.
- (c) Are safely located with respect to vehicular and pedestrian traffic.
- (d) Will preserve and promote the aesthetics of location, area, and community as a whole.
- (e) Will protect the value of land, buildings, and landscapes.

Subd. 2. Intent. The intent of this Ordinance is to protect the health, safety, and public welfare through the control of all signs so as to achieve the following:

- (1) To control signs which violate privacy or which increase the likelihood of accidents by distracting attention or obstructing vision;
- (2) To preserve and protect property values and civic beauty and not allow signs which detract from this objective due to excess size, height, number, visual impact, undesirable location, maintenance, spacing, or illumination;
- (3) To establish standards which will permit businesses a reasonable and equitable opportunity to advertise, but which will avoid excessive visual competition among sign displays; and
- (4) To provide signs which are compatible with their surroundings and appropriate to the type of activity to which they pertain.

Subd. 3. Definitions. Unless the context clearly indicates otherwise, the following terms shall have the meaning set forth herein in connection with the application of this article and as used elsewhere in this Title:

- (1) Abandoned Sign: A sign which becomes vacant or unoccupied for a period of six months or more, or a sign which pertains to an event, time, or purpose which no

longer applies, or a sign which no longer correctly directs a person or advertises a product or activity. A sign which applies to a business temporarily suspended because of a change of ownership or management of such business shall not be deemed to be an abandoned sign unless the property on which the sign is located remains vacant for a period of more than six months.

- (2) Address Sign: A sign identifying street address only, either written or numerical.
- (3) Area Identification Sign: A free-standing, on-premises sign which identifies a residential complex of five or more units, a shopping center or complex consisting of three or more separate business concerns, an industrial complex or park, an office building consisting of three or more separate business concerns and located on the contiguous property.
- (4) Banners and Pennants: Advertising or attention-getting devices which resemble flags, streamers, and similar devices and are made of paper, cloth, or plastic materials. Banners and Pennants are only permitted in the "O/R" zone or in association with a community festival pursuant to City Council resolution.
- (5) Changing Sign (Automatic): A sign including an electrically controlled public service information sign, message center, or reader board where different automatic messages of an informative or commercial nature of interest to the public are shown. The following are examples of this type of sign:
  - (a) Public Service Information Sign: Any sign intended primarily to promote messages of general interest to the community such as time, temperature, date, events, news, etc.
  - (b) Message Center Sign: Any sign which contains a changing message within the copy area that remains on for a specified period of time.
  - (c) Reader Board Sign: Any sign which contains a traveling message, usually in a horizontal manner. The characters of the message remain constant and do not change in hue or intensity as they travel across the copy area of the sign.
- (6) Free-standing Sign: A sign which is either attached directly to the ground or is on pylons, posts, or walls and is completely independent of any building or other structure on the property upon which it is located.
- (7) Flashing Sign: Any illuminated sign which when operated does not maintain a uniform light, intensity, or color at all times.

- (8) Governmental Sign: A sign erected by a local or other unit of government which is used to identify a public building or area, to direct traffic, or to otherwise inform the public.
- (9) Identification Sign: Freestanding signs which indicate the name of a subdivision, neighborhood, or business center.
- (10) Illuminated Sign: Any sign which depends upon any artificial light source either directed at the sign or as an integral component of the sign.
- (11) Informational/Directional Sign: A sign which has the purpose of informing or directing visitors, employees, or delivery vehicles on the premises of a business. Such signs shall not contain any advertising messages.
- (12) Institutional Sign: Any sign displaying the name of a medical clinic, hospital, veterinary facility, dental facility, school, library, public building, church or other religious structure, or nursing home.
- (13) Nameplate Sign: A sign designating the name of a person, business, or other entity which is directly attached and affixed flat to the wall of the building housing the individual, business, or entity.
- (14) Non-conforming Sign: Any advertising device or sign which was designed, converted, or adopted for a use prior to the adoption of provisions prohibiting such advertising device or sign in such location.
- (15) On-Premises Sign (Business Sign): Any sign used to direct the attention to a business, service, or commodity conducted upon the premises on which the sign is located and/or which refers to goods or services produced, offered for sale, or obtained on such premises.
- (16) Outdoor (Off-Site) Advertising Sign: A sign, including all supporting structures, poles, and supports which directs the attention of the general public to a business, product, service, or commodity which is conducted, sold, or offered other than on the premises on which the sign is located.
- (17) Political Campaign Sign: Signs, posters, or banners which pertain to an upcoming election of a candidate and/or political issue.
- (18) Portable Sign: A sign which is not affixed permanently to the premises on which it is located and is moveable on the premises or from one location to another.
- (19) Real Estate Sign: A sign affixed to a business or lot which advertises the premises on which it is located is for sale, lease, or rental.

- (20) Roof Sign: Any sign which is permanently attached to the roof of a building that extends above the roof of the building to which it is attached.
- (21) Sign: The use of any letter, symbol, art, device, reading matter, either non-illuminated or illuminated, which is visible by the public, is located upon public or private property, and is used to direct the public attention to any business, product, service, commodity, or profession located either on or off the premises on which the sign is located.
- (22) Sign Area; Calculating Surface Area: The area within a single continuous perimeter enclosing the extreme limits of the actual sign surface or, in the case of letters, numerals, symbols attached to a building, the area that is included in the smallest continuous perimeter enclosing the letters, numerals, or symbols. The sign surface area shall be computed using only one side of a double-face or V- type sign structure.
- (23) Temporary: 90 days or less.
- (24) Wall Sign: A sign affixed flush and flat to the wall of a building, dwelling, or other solid structure.
- (25) Window Sign: Any sign affixed to the interior surface of a window of a retail commercial business or service business in an area zoned. Commercial under the Zoning Laws of the City of Proctor which advertises the wares, business, function, price, quality, or quantity of items sold by the business.

#### Subd. 4. General Provisions.

- (1) Permit Required: The following general provisions are applicable to all signs. It shall be unlawful for any person to erect, alter, replace, or relocate any sign or other advertising structure without first obtaining a permit and paying required fees, except as herein otherwise provided.
- (2) Application: An application for a sign permit shall be made upon blanks obtained from the Proctor Building Inspector and shall state or have attached thereto the following information:
  - (a) The name and address of the applicant, location of the building, structure, or lot on which the sign is to be erected, the position of the sign in relation to nearby buildings or structure, the name of the person that will be erecting the sign, and the written consent of the owner of any land, if different from the applicant, on which the sign is to be erected.

- (b) A drawing of the plans, specifications, and method of construction or attachment to a structure on the ground.
- (c) Said application shall also reference the type of construction standard to be utilized by the applicant in installing the sign, to reference and meet or exceed one of the following alternative standards:
  - (i) Submission of blueprints, scale drawings, or other engineering design documentation reflecting the installation design has been approved by a licensed engineer;
  - (ii) Adherence to national standards as set forth in any nationally recognized and engineer-approved reference guide for the construction of signage. Applicants utilizing such design standards must provide the City with copies of the reference standards relied upon prior to approval of any applications hereunder;
  - (iii) Compliance with the Uniform Sign Code's Construction Standards as amended by the Proctor City Code.

(3) Fees:

- (a) Initial Sign Fee. Every applicant shall pay a sign permit fee for each sign regulated by the Chapter before being granted a permit. The signage permit shall be the sole and only permit required for signs to be constructed and erected.
- (b) Initial Inspection. All sign installations for which a permit is required shall be subject to inspection by the Building Inspection Department to insure that such signs are safely secured, supported, and braced.

The fee to be charged for any applications relative to this Sign Ordinance shall be in lieu of the fees charged for building permits and inspections.

Any fee charged shall thus be based upon the project cost of the sign, based upon the following scheduled:

<u>Valuation</u>	<u>Fees</u>
\$ 1.00 to \$ 500.00	\$ 5.00
501.00 to 600.00	5.75
Etc. @ \$1.50 per \$100.00 up to \$2,000.00	
2,001.00 to 3,000.00	19.25

3,001.00 to 4,000.00	22.25
4,001.00 to 5,000.00	25.25
5,001.00 to 6,000.00	28.30
6,001.00 to 7,000.00	31.25
7,001.00 to 8,000.00	34.25
8,001.00 to 9,000.00	37.25
9,001.00 to 10,000.00	40.25
10,001.00 to 11,000.00	43.25
11,001.00 to 12,000.00	46.25
12,001.00 to 13,000.00	49.25
13,001.00 to 14,000.00	52.25
14,001.00 to 15,000.00	55.25
15,001.00 to 16,000.00	58.25
16,001.00 to 17,000.00	61.25
17,001.00 to 18,000.00	64.25
18,001.00 to 19,000.00	67.25
19,001.00 to 20,000.00	70.25
20,001.00 to 21,000.00	73.25
21,001.00 to 22,000.00	76.25
22,001.00 to 23,000.00	79.25
23,001.00 to 24,000.00	82.25
24,001.00 to 25,000.00	85.25
25,001.00 to 26,000.00	87.50
26,001.00 to 27,000.00	89.75
27,001.00 to 28,000.00	92.00
28,001.00 to 29,000.00	94.25
29,001.00 to 30,000.00	96.50
30,001.00 to 31,000.00	98.75
31,001.00 to 32,000.00	101.00
32,001.00 to 33,000.00	103.25
33,001.00 to 34,000.00	105.50
34,001.00 to 35,000.00	107.75
35,001.00 to 36,000.00	110.00
36,001.00 to 37,000.00	112.25
37,001.00 to 38,000.00	114.50
38,001.00 to 39,000.00	116.75
39,001.00 to 40,000.00	119.00
40,001.00 to 41,000.00	121.25
41,001.00 to 42,000.00	123.50
42,001.00 to 43,000.00	125.75
43,001.00 to 44,000.00	128.00

44,001.00 to 45,000.00	130.25
45,001.00 to 46,000.00	132.50
46,001.00 to 47,000.00	134.75
47,001.00 to 48,000.00	137.00
48,001.00 to 49,000.00	139.25
49,001.00 to 50,000.00	141.50

In addition to the above, plan checking fees (if applicable) shall be included.

- (4) Revocation of Permit. The Building Inspection Department is hereby authorized to revoke a sign permit upon failure of the holder thereof to comply with any provision of this Chapter, including failure to pay the required inspection fee. Any party aggrieved by such revocation may appeal the action to the Board of Zoning Adjustment within 60 day after the revocation.
- (5) Expiration of Permit. A permit shall expire if the sign is not erected within 360 days after issuance, and no permit fees or inspection fees for such sign shall be refunded.

Subd. 5. On-Premises Signs.

- (1) Exempted Signs. The following signs are exempt from all of the requirements of this Chapter and do not require a permit or permit fee:
  - (a) Informational/Directional signs not exceeding 2 square feet in area.
  - (b) Memorial plaques, cornerstones, and historical tablets.
  - (c) Wall or window occupational signs of marquee, awning, or canopy signs giving the name or profession of a business; provided the sign does not exceed 6 square feet in area.
  - (d) Public signs, street signs, warning signs, railroad crossing signs, signs of public service companies for the purpose of safety or traffic, and on-site directional signs.

- (2) The following allowed signs do not require a permit or permit fee. The structural, design, and other requirements of this Chapter shall apply.
- (a) Informational signs not exceeding 2 square feet.
  - (b) Memorial plaques, cornerstones, and historical tablets.
  - (c) Construction signs designating the architects, lending institutions, engineers, or contractors when placed on a site where a building is to be constructed within 90 days.
  - (d) Temporary window signs.
  - (e) Holiday signs. Signs or displays which contain or depict message pertaining to a national, state, or local holiday and no other matter and which are displayed for a period not to exceed 60 days.
  - (f) Rummage sale signs. Rummage sales may be held and signs displayed; provided, therefore, that all related signs shall be confined to the private property, conform to the applicable provisions of this Ordinance, and be removed at the termination of the sale. Any signs allowed pursuant to the above designations shall not exceed 16 square feet in surface area in any "S" or "R" Zoned District. In all other zones, such signs may not exceed 20 square feet in surface area.
- (3) Prohibited Signs:
- (a) No signs shall be attached to trees or utility poles.
  - (b) No signs shall overhang the public right of way, except in the "C-1" Retail Zoning District and in conformance with other requirements in this chapter.
  - (c) No sign shall be installed which by reason of position, movement, shape, illumination, or color would constitute a traffic hazard by obstructing a driver's vision or by interfering, confusing, or misleading traffic.
  - (d) All other signs not expressly permitted by this chapter.
- (4) Size Limitations. On premises signs in commercial zones for use in connection with commercial structures located on streets or highways with a maximum speed limit of 55 miles per hour or more shall not exceed 200 square feet, or ten percent (10%) of the gross silhouette of the front of the structure, whichever is



less. The Planning and Zoning Commission shall review each application for a sign permit in areas falling within this provision.

Subd. 6. District Regulations for On-Premise Signs.

(1) Residential. In zoning districts "O/R," "R-1-a," "R-1-b," "R-1-c," "R-2," and "R-3" only the following signs shall be permitted to be erected:

(a) Type of Signs. The type of signs allowed is as follows:

- (i) Political campaign signs.
- (ii) Real estate signs.
- (iii) Nameplate signs.
- (iv) Identification signs.
- (v) Institutional signs

(b) Restrictions on Residential Signs. The restrictions on these type of signs are as follows:

- (i) Political campaign banners and pennants and real estate signs shall not exceed 12 square feet in area or be located not less than 5 feet from the property line and shall be removed within ten days after the election or sale or lease of the building respectively by the owner.
- (ii) Nameplate signs shall not exceed 12 square inches in area and be within the building lines of the property.
- (iii) Institutional signs where required shall not exceed 20 square feet or be located less than 5 feet from the property line. This sign may be illuminated.
- (iv) No signs shall be attached to trees or utility poles.
- (v) No sign shall be installed which by reason of position, movement, shape, illumination, or color would constitute a traffic hazard by obstructing a driver's vision or by interfering, confusing, or misleading traffic.

(vi) No permit or permit fee shall be required for the above-stated types of signs.

(2) Retail and Commercial Districts "C-1," "C-2". In zoning districts "C-1," "C-2" only the following signs shall be permitted to be erected:

(a) Types of Signs. The type of signs allowed is as follows:

- (i) All residential signs
- (ii) Changing Sign (Automatic).
- (iii) Message Center Sign.
- (iv) Reader Board Sign.
- (v) On-Premise Sign (Business Sign).
- (vi) Portable Sign.
- (vii) Roof Sign.
- (viii) Wall Sign.

(b) Restrictions on Signs. The restrictions on these types of signs are as follows:

- (i) There shall be no signs having blinking, flashing, or fluttering lights or having a changing brightness or colors.
- (ii) All other illuminated signs may be permitted; provided they do not constitute a traffic or safety hazard to the public.
- (iii) The aggregate square footage of sign surface shall not exceed the sum of 2 square feet per lineal foot of street frontage, but in no case shall the sign area exceed 100 square feet.
- (iv) The sign shall not exceed three feet in height above the roof line of the building.
- (v) The sign shall contain only the name of the business establishment, the principal product, the services sold on the premises, or all three.

- (vi) The changing sign shall become part of the total sign area allowed on the property.
- (3) Industrial District "I". In zoning district "I" only the following permitted uses will be allowed:
- (a) Types of signs. The type of signs allowed is as follows:
    - (I) All signs allowed in "C-1" and "C-2".
  - (b) Restrictions on signs. The restrictions on these types of signs are as follows:
    - (I) Restrictions as stated under "C-1" and "C-2" Commercial.

Subd. 7. District Regulations for Outdoor Advertising Signs (Off-Site Signs). Outdoor advertising signs or off-site signs and signs which direct the attention of the general public to a business, product, service, or commodity which is conducted, sold, or offered other than on the premises on which the sign is located.

For purposes of this subdivision, the term "I-35 Corridor" shall mean that area within the City adjacent to and within 100 feet of the northerly right-of-way boundary of Interstate Highway No. 35. No off-site advertising of any nature shall be permitted along the southerly right-of-way boundary of I-35 or the adjacent properties. For purposes of this subdivision, the term "Highway 2 Corridor" shall mean that area within the City adjacent to and within 100 feet of the right-of-way line of United States Highway No. 2.

Outdoor advertising signs or off-site signs are permitted upon the following conditions and under the following circumstances:

- (1) Location. Outdoor advertising signs or off-site signs shall be allowed on property which is zoned for commercial or industrial uses only as provided herein.
- (2) Size.
  - (a) For outdoor advertising signs or off-site signs located in the Highway 2 Corridor, the maximum sign area for any one face of an outdoor advertising sign or off-site sign shall not exceed 390 square feet, excluding border, trim, and structural supports and extensions.
  - (b) For outdoor advertising signs or off-site signs located in the I-35 Corridor, the maximum sign area for any one face of an outdoor advertising sign or

off-site sign shall not exceed 700 square feet, excluding border, trim, structural supports, and extensions.

- (c) For all such signs, the maximum sign area limitations shall apply to each face of a sign structure. Signs may be placed back to back, side by side, or in a "V" type construction (not to exceed 45 degrees), but not more than two separate advertisements are allowed on each face of an outdoor advertising sign structure. For purposes of calculating the sign area of a back to back or a "V" type constructed sign, only one face of such sign shall be considered.
- (3) Height. The maximum height of an outdoor advertising or off-site sign shall not exceed 50 feet. The height of an outdoor advertising sign or off-site sign shall be measured from the point where the base of the sign meets the ground or from the street grade, whichever is higher, to the top of the outdoor advertising sign or off-site sign.
- (4) Spacing.
- (a) In the Highway 2 Corridor, no outdoor advertising sign may be closer than 500 feet to any other outdoor advertising sign located on the same side of the street or highway.
  - (b) In the I-35 Corridor, no outdoor advertising sign may be closer than 1,000 feet to any other outdoor advertising sign located on the same side of Interstate No. 35.
  - (c) This provision shall not prohibit back-to-back or "V" type construction of outdoor advertising signs. The distance between outdoor advertising signs shall be measured along the nearest edge of the pavement between points directly opposite the center of such outdoor advertising signs along the same side of the street or highway.
  - (d) The spacing requirements of this subparagraph (4) shall apply to any outdoor advertising sign, outdoor advertising display, or off-site sign constructed pursuant to this subdivision or pursuant to any other provision of Chapter 1002 of the Proctor City Code.
- (5) Setbacks. All outdoor advertising signs must be off the highway, street, or other public right of way and must be placed within 100 feet from the street or highway right-of-way line.

- (6) Construction Requirements. All outdoor advertising signs, or off-site signs larger than 32 square feet in sign area shall be constructed to the design standards set forth in subd. 4 (2) (c) above.
- (7) Lighting. Outdoor advertising signs or off-site signs may be illuminated. Illumination of signs shall not be of a flashing type. Changing signs (automatic) are permitted.

Subd. 8. Identification Signs. Identification signs shall be permitted for the purpose of permanent identification. At each principal entrance to such an area, a maximum of one (1) sign, not to exceed twenty (20) square feet of sign area per side with a maximum of two (2) sides, excluding decorative landscaping and sign base, will be permitted on private property. The maximum height on such signs shall be six (6) feet above the natural grade including the base, or two and one-half (2-1/2) feet above natural grade including the base if located within 50 feet of the cross-section of an intersection, in which such case the sign may be located up to the property line. When such signs are proposed and constructed by an individual or firm other than the individual or association who will be responsible for the maintenance, there shall be a covenant or easement prepared to the proponent establishing responsibility for the maintenance for the sign or signs over the entire project or subdivision, to be approved by the City, and to be recorded on the property title(s) prior to issuance of the sign permit.

Subd. 9. Variances for Signage. The variance procedure established in City Code §1002.17 subd. 6 shall apply to all signs covered and regulated by this Ordinance.

Subd. 10. Nonconforming Uses/Signs. Any sign legally existing on the effective date of this chapter which does not conform to the requirements set forth in this Chapter shall become a nonconforming use. Nonconforming signs shall comply with the following requirements.

- (1) Permanent nonconforming or premises signs shall be allowed to continue, and reasonable maintenance of said sign shall be allowed, but said sign shall not be rebuilt, relocated, replaced, or substantially altered without being brought into compliance with all the requirements of this chapter.
- (2) All nonconforming signs shall be subject to the provision of City Code Section 1002.14 regarding nonconforming structures and shall be deemed nonconforming structures.

Subd. 10 Maintenance and Removal of Signs.

- (1) All signs shall be maintained by the owner in a safe condition. A sign shall be repainted whenever its paint begins to fade, chip, or discolor.

- (2) If the Building Inspection Department shall find that any sign is abandoned, unsafe, a detriment to the public, not maintained, or constructed, erected, or maintained in violation of the provisions of this chapter, the Building Official shall give written notice to the sign owner thereof. If the sign owner fails to comply with the standards of this chapter with 30 days after such notice, such a sign shall be removed, and the costs for the removal charged against the property in the manner prescribed for public nuisances. Erection of a sign which requires the issuance of a permit without a lawful permit shall further constitute a petty misdemeanor and fined based upon the City Administrative Fine Schedule.

Subd. 11. Bond Requirements. Every person regularly engaged in the business of erecting advertising and business signs in the City shall, before any sign permits are granted under this Chapter, file with the City Clerk a continuing bond in the penal sum of Ten Thousand Dollars (\$10,000.00) executed by the applicant and a surety company approved by the corporation counsel and conditioned for the faithful observance of the provisions of this chapter.