

ORDINANCE 22-102
ORDINANCE TO REPEAL AND REPLACE CHAPTER III, PART 3; SIGN REGULATIONS

303.12. Sign Regulations.

The city council finds that the lack of a comprehensive, constitutionally sound ordinance regulating signs in the city constitutes an emergency threatening public health, safety and welfare. This ordinance repeals and replaces in its entirety Courtland City Code Section 303.12 and subdivisions thereof (Revised by Ord. 99-102, 06/17/99). All signs hereafter erected or maintained, except official, public, traffic, and street signs, shall conform to the requirements herein and any other regulations and ordinances of the City.

Subdivision 1. Purpose: The purpose of this Section is to regulate the placement and construction of signs for the purposes of providing information in an orderly, effective, and safe manner. Restrictions on the design, dimensions, and location of signs help to preserve the character of the City, to protect the public from hazardous and distracting displays, and to create an attractive environment for the citizens and visitors alike which is conducive to business, industry, and recreation.

Signs are recognized as accessory uses and are permitted in all districts subject to the regulations of this section. It is not the purpose or intent of this Section to regulate the content displayed on any sign.

Subdivision 2. Permit Required:

1. No sign shall be erected, altered, reconstructed, maintained, or moved in the City without first securing a permit from the City or as part of a conditional use permit issued pursuant to Section 303.19 *et seq.*, of this Ordinance. The content of the message or speech displayed on the sign shall not be reviewed or considered in determining whether to approve or deny a sign permit. Application for a permit shall be in writing addressed to the zoning administrator and shall contain the following information:

- A. Names and addresses of the applicant, owners of the sign and lot;
- B. The address at which any signs are to be erected;
- C. The lot, block and addition at which the signs are to be erected and the street on which they are to front;
- D. A complete set of plans showing the necessary elevations, distances, size and details to fully and clearly represent the construction and placement of the signs;
- E. The cost of the sign;
- F. Type of sign;
- G. If the proposed sign is along the state trunk highway, the application shall be accompanied by proof that the applicant has obtained a permit from the state for the sign.

2. If the work authorized under a sign permit has not been completed within twelve (12) months after the date of issuance, the permit shall become null and void.

Subdivision 3. Exempted Signs: The following signs shall not require a permit:

1. Signs for a dwelling that are less than one (1) square foot in size.
2. Public signs, street signs, warning signs, railroad crossing signs, signs of public service companies for the purpose of public safety, or any other signs authorized by the responsible road authority or public entity.
3. Emergency signs required by any governmental agency.
4. Private traffic circulation signs and traffic warning signs in alleys, parking lots, or in other hazardous situations may be allowed on private property provided that such individual signs do not exceed three (3) square feet and are utilized exclusively for purposes intended.
5. Names of buildings, dates of erection, commemorative tablets, and the like, when carved into stone, concrete, or similar materials or made of bronze, steel, aluminum, or other permanent type of construction and made an integral part of the structure.
6. Signs on private property denoting "Private Property", "No Trespassing", "No Hunting", or similar messages.
7. Interior signs, provided that such signs are not flashing signs and do not interfere with any traffic control sign or signal, or otherwise pose a threat to public safety.
8. Elections signs which are governed by Minnesota State Statute 211 and subsequent amendments thereto.

Subdivision 4: Prohibited Signs: The following signs shall be prohibited in all zoning districts within this section:

1. No sign shall be erected that is a hazard to the public health, safety, or welfare; that obstructs any window, door, fire escape, stairway, or opening intended to provide light, air, ingress, or egress of any building or structure; 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 sign or signal, is misleading to vehicular traffic, or otherwise constitutes a traffic hazard.
3. Private signs, other than public utility warning signs, are prohibited within public rights-of-way and easements or on any other public property.
4. No private sign shall be erected that resembles any official marker erected by a government agency.
5. Signs shall not be painted on a fence, tree, stone, or other similar objects in any district. Signs shall not be painted on any road within the City.
6. Signs shall not be painted on vehicles where the vehicle is parked on a property and not intended to be moved for a period of seven (7) days or longer. Signs affixed to vehicles where the sign is incidental to the use of the vehicle are not prohibited. At all times, vehicles containing signs shall not be parked within the right-of-way.

7. Flashing signs, roof signs, rotating signs, revolving signs, moving signs, and signs attached to utility poles.
8. Signs containing revolving beacons and search lights.
10. No sign that exceeds one hundred (100) square feet in area shall be erected or maintained which would:
 - A. Prevent any traveler on any street from obtaining a clear view of approaching vehicles on the same street from a distance of five hundred (500) feet.
 - B. Be closer than one hundred (100) feet to residential structures.
 - C. Partly or totally obstruct the view of a lake, river, rocks, wooded area, stream, or other point of natural and scenic beauty.
11. Off-premises signs are prohibited in all zoning districts: R-1, R-2, R-3, A-1, B-1, B-2, I-1, I-2.

Subdivision 5: Signs Located Along State and Federal Highways: The Minnesota State Statute (Chapter 173), as amended, regulating advertising signs/devices along State Highways shall take precedence in such case where they are more restrictive than the regulations of this section. When a permit from the Minnesota Department of Transportation is required, it shall be obtained prior to issuance of a sign permit being issued by the City and a copy shall be attached to the application for a sign permit.

Subdivision 6: General Standards:

1. Awning, Canopy, and Marquee Signs: Any sign painted, mounted, constructed, or attached in any manner, on an awning, canopy, or marquee shall meet the following requirements:
 - A. Awning, canopy, and marquee signs shall not project into the public right-of-way.
 - B. No part of any awning, canopy, and marquee sign shall be less than nine (9) feet above the sidewalk or the ground level.
 - C. No part of any awning, canopy, or marquee sign shall exceed in height the highest point of the awning, canopy, or marquee to which it is affixed.
2. Dynamic Displays
 - A. The images and messages displayed must be static, and the transition from one static display to another must be direct and immediate without any special effects.
 - B. Each image and message displayed must be complete in itself, and may not continue on the subsequent one.
 - C. Each image and message displayed must remain constant for at least twelve (12) seconds before changing to the next one.
 - D. There shall be at least a one thousand (1,000) foot distance between any two dynamic signs.
 - E. Dynamic displays shall not be located within one thousand (1,000) feet of any residential zoning district.

3. Electrical Signs: All signs and displays using electric power shall be installed in accordance with the current State of Minnesota Electrical Code and shall have a cutoff switch on the outside of the sign and the outside of the building or structure to which the sign is attached.
4. Illuminated Signs:
 - A. Illuminated signs shall be constructed and maintained so as not to direct light onto adjacent property, or onto public right-of-ways.
 - B. Signs shall not be illuminated beyond any lot line.
 - C. Lighting systems owned or controlled by any public agency, for the purpose of directing or controlling navigation, traffic, or for highway or street illumination shall be permitted.
5. Projecting Signs.
 - A. No projecting sign shall extend more than (2) feet above the roof line of the building or structure to which it is affixed.
 - B. No part of any projecting sign, other than structural supports, shall be less than nine (9) feet above the sidewalk or the ground level
 - C. No projecting sign, or structural supports for a projecting sign, shall extend more than six (6) feet from the building to which it is attached.
 - D. All projecting signs for which a permit is required shall be constructed entirely of fire resistant materials approved by the Fire Marshal for this purpose.
 - E. All metal supports and braces shall be galvanized or be of corrosive resistant material.
6. Pylon Signs. No part of any pylon sign shall project over any building or structure.
7. Required Marking on Signs: All signs shall have printed in a visible place, in letters not less than one (1) inch in height: the date of issuance, the permit number, and voltage of any electrical devices used in connection therewith. Additionally, every advertising sign erected under the provisions of this Ordinance shall be plainly marked with the name of the person, or firm, erecting such sign.
8. Wall Signs.
 - A. Signs attached to exterior walls of solid masonry or concrete shall be safely and securely attached to the same by means of metal anchors, bolts or expansion screws, or a method supported by a building official.
 - B. No wooden blocks or anchorage with wood used in connection with screws or nails shall be considered proper anchorage, except in the case of wall signs attached to buildings with walls made of wood.
 - C. No wall sign shall be entirely supported by an un-braced parapet wall.
 - D. No wall sign shall extend in height above the roof line of the building to which the sign is affixed.
 - E. Signs may be painted directly on the outside wall of a building/structure.
 - F. Signs may be painted, attached by adhesive, or otherwise attached directly to a building.

Subdivision 7: District Standards:

1. A-1 - Agricultural.
 - A. Surfaces. No sign shall be constructed as to have more than two (2) surfaces. Multi- faced signs shall not exceed two (2) times the allowed square footage of single faced signs.
 - B. Number per property. Two (2) signs per property, excluding exempted signs.
 - C. Size. Not more than a total of twenty (20) square feet with a five (5) foot maximum for any dimension.
 - D. Height. No sign shall exceed ten (10) feet above grade.
 - E. Setbacks. Any sign over two (2) square feet shall be set back at least ten (10) feet from any lot line or right-of-way.
 - F. In no case shall any part of a sign be closer than ten (10) feet to a vertical line drawn at the property line.

2. R-1, R-2 and R-3 - Residential Districts.
 - A. Surfaces. No sign shall be constructed as to have more than two (2) surfaces. Multi- faced signs shall not exceed two (2) times the allowed square footage of single faced signs.
 - B. Number per property. One (1) sign per property, excluding exempted signs.
 - C. Size. Not more than a total of sixteen (16) square feet with a four (4) foot maximum for any dimension.
 - D. Height. No sign shall exceed eight (8) feet above grade.
 - E. Setbacks.
 - i. Any sign over one (1) square foot shall be set back at least ten (10) feet from any lot line or right-of-way.
 - ii. In no case shall any part of a sign be closer than ten (10) feet to a vertical line drawn at the property line.

3. B-1, B-2 and I-1, Business, Highway Business and Light Industry Districts
 - A. Number per frontage. One (1) sign per business per frontage, excluding exempted signs.
 - B. Size.
 - i. Except as provided herein, the total square footage of sign area for each lot shall not exceed three (3) square feet of sign area for each lineal foot of lot frontage, except where a location is a corner lot, the amount may be increased by one and one-half (1½) square feet of sign area per front foot of public right-of-way along a side lot line.
 - ii. No sign shall exceed six hundred (600) square feet in area.
 - C. Height. No sign shall exceed thirty-five (35) feet in height above average ground level.
 - D. Setbacks.
 - i. No part of a sign will be closer than ten (10) feet to a vertical line drawn at a property line or right-of-way.
 - ii. All signs over one hundred (100) square feet shall be set back at least fifty (50) feet from any residential or agricultural district.
 - iii. No dynamic sign shall be located within one thousand (1,000) feet of any residential zoning district.

4. I-2-Industrial Districts
 - A. Number per frontage. One (1) sign per business per frontage, excluding exempted signs.
 - B. Size.
 - i. Except as provided herein, the total square footage of sign area for each lot shall not exceed five (5) square feet for each lineal foot of lot frontage, except where a location is a corner lot, the amount may be increased by one and one-half (1½) square feet of sign area per front foot of public right-of-way along a side lot line.
 - ii. No sign shall exceed six hundred (600) square feet in area.
 - C. Height. No sign shall exceed forty-five (45) feet in height above average ground level.
 - D. Setbacks.
 - i. No part of a sign will be closer than ten (10) feet to a vertical line drawn at a property line or right-of-way.
 - ii. All signs over one hundred (100) square feet shall be set back at least fifty (50) feet from any residential or agricultural district.
 - iii. No dynamic sign shall be located within one thousand (1,000) feet of any residential zoning district.

Subdivision 8: Sign Maintenance:

1. All signs shall be maintained by the owner in a safe, presentable, and sound structural condition at all times. Maintenance shall include painting, cleaning, and replacement or repair of defective or vandalized parts.
2. The owner of any sign shall be required to have such a sign properly painted at least once every two (2) years, if needed, including all parts and supports of the sign, unless such parts or supports are galvanized or otherwise treated to prevent rust.
3. The owner, or lessee of any sign, or the owner or lessee of the land on which the sign is located, shall keep the grass, weeds, and/or other growth cut and the area free from refuse and debris between the sign and the public right-of-way and also for a distance of six (6) feet behind and at the ends of said sign.

Subdivision 9: Conforming Sign Violations: It is recognized that signs exist within the zoning districts which were lawful before the Ordinance creating this section was enacted, but will be prohibited under the terms of this section. It is the intent of this section that non-conforming signs shall not be enlarged upon or expanded, nor be used as grounds for adding other signs or uses prohibited elsewhere in the same district. It is further the intent of this section to permit legal non-conforming signs existing on the effective date of the Ordinance from which this section is derived to continue as legal non-conforming 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:

1. No sign shall be enlarged or altered in a way which increases its nonconformity.
2. If the use of the non-conforming sign or sign structure is discontinued for a period of one year, the sign or sign structure shall not be reconstructed or used except in conformity with the provisions of this section.

3. Should such non-conforming sign or sign structure be damaged or structure be destroyed by any means to an extent greater than 50 percent of its market value and all required permits for its reconstruction have not been applied for within 180 days of when the sign or sign structure was damaged, it shall not be reconstructed or used except in conformity with the provisions of this section.
4. 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.
5. 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, expanded or moved except in changing the sign to a sign permitted in the zoning district in which it is located.
6. When a building loses its non-conforming 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 color which will harmonize with the structure.

Subdivision 10: Obsolete Signs: On-premise and off-premise signs shall be removed from a building and property by the owner of such property within thirty (30) days after termination of the use for which the sign was intended.

Subdivision 11: Unsafe or Dangerous Signs: Any sign which becomes structurally unsafe or endangers the safety of a building or premises or endangers the public safety shall be taken down and removed by the owner, agent, or person having the beneficial use of the building, structure or land upon which the sign is located within ten (10) days after written notification from the Zoning Administrator.

Subdivision 12: Improvement to Public Roadways: Sign permits shall be granted only on the condition that the sign shall be removed at no expense or claim of damage to any governmental unit should the improvement thereof be necessary to the reasonable construction, reconstruction, or relocation of any public roadway or easements necessary thereof.

Subdivision 13: Sign Removal:

1. Any sign which is erected or maintained contrary to the provisions of this Ordinance, or for which no permit has been obtained, or which is abandoned is hereby declared to be a public nuisance, non-conforming, and illegal. The City may enter upon the land where the sign is located and may remove and dispose of such sign after a hearing, as provided by law, and after thirty (30) days' notice to the owner and lessee, if known.
2. No compensation shall be paid for any sign to be removed or disposed of pursuant to this Section. If the City receives any proceeds from the sign, the City shall first apply the proceeds to reimburse the City for any expenses incurred, and refund the remainder to the owner of the sign, if known. Any costs incurred by the City which are not reimbursed may be assessed against the property upon which the sign was located as a special assessment.

Subdivision 14: Substitution Clause: The owner of any sign which is otherwise allowed by this section may substitute non-commercial speech in lieu of any other commercial speech or non-commercial speech. 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 any particular non-commercial speech over any other non-commercial speech. This provision prevails over any more specific provision to the contrary.

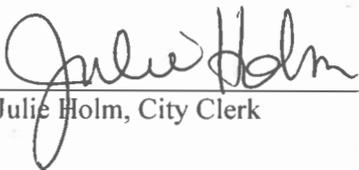
Subdivision 15: Retroactive Effect: This section shall apply to all sign applications applied for and/or pending prior to its enactment.

Subdivision 16: Non-Commercial Speech: Notwithstanding any other provisions of this section, all signs of any size containing non-commercial speech may be posted from August 1 in any general election year until ten days following the general election and 13 weeks prior to any special election until ten days following the special election.

This ordinance shall be in full force and take effect from and after its passage, approval and publication.

Passed by the City Council of the City of Courtland, Minnesota on the 5th day of August 2021.

Signed: 
Al Poehler, Mayor

Attest: 
Julie Holm, City Clerk

