

CITY OF PIPESTONE
ORDINANCE NO. 168, FOURTH SERIES

AN ORDINANCE OF THE CITY OF PIPESTONE REPEALING AND REPLACING
SECTION 153.32 OF THE PIPESTONE CITY CODE WITH REGARD TO SIGNS

THE CITY OF PIPESTONE ORDAINS:

Article I. Pipestone City Code, Section 153.32 is hereby repealed and replaced with the following language:

§ 153.32 SIGNS.

(A) *Purpose and intent.* The purpose and intent of this Ordinance is to:

(1) Regulate the number, location, size, type, illumination and other physical characteristics of signs within the City in order to promote the public health, safety and welfare.

(2) Maintain, enhance and improve the aesthetic environment of the City by preventing visual clutter that is harmful to the appearance of the community.

(3) Improve the visual appearance of the City while providing for effective means of communication, consistent with constitutional guarantees and the City's goals of public safety and aesthetics.

(4) Provide for fair and consistent enforcement of the sign regulations set for herein under the zoning authority of the City.

It is not the purpose or intent of this section to regulate the message displayed on any sign; nor is it the purpose or intent of this section to regulate any building design or any display not defined as a sign, or any sign that cannot be viewed from outside a building.

(B) *Scope and applicability.* The requirements, conditions, prohibitions, and exceptions specified in this Ordinance apply to all signs and sign structures in all zoning districts within the City. No sign or sign structure, or part thereof, may be constructed, erected, converted, enlarged, extended, expanded, reconstructed, or relocated except in conformity with the regulations of this Ordinance.

(C) *Substitution.* The owner of any sign that is otherwise allowed by this Ordinance may substitute noncommercial speech in lieu of any other commercial speech or noncommercial speech. This substitution of copy may be made without any additional approval or permitting. The purpose of this "Substitution" provision is to prevent any inadvertent favoring of commercial speech over noncommercial speech, or favoring of any particular noncommercial speech over any other noncommercial speech. This provision prevails over any more specific provision to the contrary.

(D) *Definitions.* The definitions of this Section apply in administering and interpreting the sign regulations of this Ordinance. These definitions are in addition to those set forth in Section 153.03 of the City Code, except that in the event of a conflict between the sections, the definitions in this Section shall apply:

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

AREA (of a sign). See "sign area".

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

AWNING SIGN. A building sign or graphic printed on or in some fashion attached directly to the awning material.

BILLBOARD. An outdoor, off-premises sign on which lettered, figured or pictorial matter is displayed that has an area greater than 150 square feet.

BUILDING SIGN. Any sign attached or supported by any building.

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

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

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

COMMERCIAL SPEECH. Any sign text, wording, logo, or other representation that directs attention to a business, profession, commodity, service, or entertainment for business purposes.

COMMERCIAL ZONING DISTRICT. B-1, B-2 and B-3 zoning districts

DRIVE-THROUGH SIGN. A sign located on the site of an allowed drive-through use.

DRIVEWAY SIGN. A sign located near a driveway entrance from a street or near an internal site driveway or drive aisle.

DIRECTIONAL SIGN. A sign which serves solely to designate the direction of any place or area and is located on the same lot as said place or area. Examples include "entrance" and "exit" signs.

DWELL TIME. The duration or interval of time during that each individual advertisement or message is displayed on any dynamic sign.

DYNAMIC SIGN. An sign, portion of a sign or characteristics of a sign that appears to have movement or that appears to change and which is caused by any method other than physically removing and replacing the sign or its components, whether the apparent movement or change is in the display, the sign structure itself, or any other component of the sign. This includes a display that incorporates a technology or method allowing the sign face to change the image without having to physically or mechanically replace the sign face or its components. This also includes any rotating, revolving, moving, waving, flashing, blinking, or animated display; or structural element and any display that incorporates rotating panels, LED lights manipulated through digital input, "digital ink", incandescent bulbs, or any other method or technology that allows a sign face, or any other device, to present a series of images or displays.

ELECTRIC SIGN. Signs and displays using electrical power.

ELEVATION. The view of the side, front, or rear of a given structure.

ELEVATION AREA. The area of all walls that face any lot line.

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

FLAG. Any fabric or similar lightweight material attached at one end of the material, usually to a staff or pole, so as to allow movement of the material by atmospheric changes and that contains distinctive colors, patterns, symbols, emblems, insignia, or other symbolic devices.

FLASHING SIGN. A directly or indirectly illuminated sign that exhibits changing light or color effect by any means, so as to provide intermittent illumination that includes the illusion of intermittent flashing light by means of animation. The term "flashing sign" also means mode of lighting that resembles zooming, twinkling, or sparkling.

FREESTANDING SIGN. Any sign that has supporting framework that is placed on, or anchored in, the ground and that is independent from any building or other structure.

GRADE. The final ground elevation after construction. Earth mounding for landscaping and screening is not part of the final grade for sign height computation.

HEIGHT (of sign). The vertical distance measured from the base of the sign at grade to the top of the highest attached component of the sign.

ILLUMINATED SIGN. Any sign that contains an element designed to emanate artificial light internally or externally.

INDUSTRIAL ZONING DISTRICT. I-1 and I-2 zoning districts.

INTERIOR SIGN. A sign that is located within the interior of any building, or within an enclosed lobby or court of any building, and a sign for and located within the inner or outer body, court or entrance of any theater.

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

MARQUEE SIGN. Any building sign painted, mounted, constructed or attached in any manner, on a marquee.

MONUMENT SIGN. Any freestanding sign with its sign face mounted on the ground or mounted on a base at least as wide as the sign.

MULTIPLE TENANT SITE. Any site that has more than one tenant, each of which (tenant) has a separate ground level exterior public entrance.

NONCOMMERCIAL SPEECH. Dissemination of messages not classified as commercial speech, that includes, but are not limited to, messages concerning political, religious, social, ideological, public service and informational topics.

NONCONFORMING SIGN. Any sign and its support structure that was lawfully erected prior to the effective date of the regulations of this Ordinance that fails to conform to the requirements of this Ordinance. A sign that was erected in accordance with a variance granted before the adoption of the ordinance from which this chapter is derived and that does not comply with this code is deemed to be a nonconforming sign. A sign that was unlawfully erected is deemed to be an illegal sign.

OFF-PREMISES SIGNS. A commercial speech sign that directs the attention of the public to a business, activity conducted, or product sold or offered at a location not on the same lot where such sign is located. For the purposes of this Ordinance, easements and other accessory are considered to be outside such lot and any sign located or proposed to be located in an easement or other accessory is deemed an off-premises sign.

ON-PREMISES MESSAGES. Messages that identify or advertise an establishment, person, activity, goods, products or services located on the premises where the sign is installed.

OWNER (of a lot). The legal owner of the lot as officially recorded by the County, and including fee owners, contract for deed purchasers and ground lessees.

OWNER (of a sign). The owner of the sign, including any lessees.

POLE SIGN. See Pylon Sign.

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

PROJECTING SIGN. Any sign that is affixed to a building or wall in such a manner that its leading edge extends more than one foot beyond the surface or such building or wall face.

PUBLIC NOTICES. Official notices posted by public officers, employees or their agents in the performance of their duties, or as directed by such officers, employees or agents.

PUBLIC STREET RIGHT-OF-WAY. The entire right-of-way of any public street.

PYLON SIGN. Any freestanding sign that has its supportive structures anchored in the ground and that has a sign face elevated above ground level by poles or beams and with the area below the sign face open.

RESIDENTIAL ZONING DISTRICT. R-1, R-2 and R-3 zoning districts.

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

ROOF LINE. The upper-most edge of the roof or in the case of an extended facade or parapet, the upper-most height of the facade.

ROOF SIGN. Any sign erected and constructed wholly on and above the roof of a building, supported by the roof structure, and extending vertically above the highest portion of the roof. (47)

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

ROTATING SIGN. A sign or portion of a sign that turns about on an axis.

SHIMMERING SIGNS. A sign that reflects an oscillating sometimes distorted visual image.

SIGN. Any letter, word or symbol, poster, picture, statuary, reading matter or representation in the nature of advertisement, announcement, message or visual communication, whether painted, posted, printed, affixed or constructed, including all associated brackets, braces, supports, wires and structures, that is displayed for informational or communicative purposes.

SIGN AREA. A measurement of the area (size/square footage) within the frame of the sign, excluding any structural elements outside the limits of such sign and not forming an integral part of the display. When letters or graphics are mounted directly on a wall, canopy, or awning without a frame, the calculation of the sign's area shall be the smallest rectangle which encloses the sign message or logo. Each surface utilized to display a message or to attract attention must be measured as a separate sign. Symbols, flags, pictures, wording, figures or other forms of graphics painted on or attached to windows, walls, awnings, free-standing structures, suspended by balloons, or kites or on persons, animals, or vehicles are considered a sign and are included in calculating total sign area.

SIGN FACE. The surface of the sign upon, against, or through which the message of the sign is exhibited.

SIGN STRUCTURE. Any structure including the supports, uprights, bracing and framework that supports or is capable of supporting any sign.

SITE. A lot or combination of contiguous lots that are intended, designated, and/or approved to function as an integrated unit.

TOTAL SITE SIGNAGE. The combined area of all freestanding and wall identification signs on a specific property.

VISIBLE. Capable of being seen by a person of normal visual acuity (whether legible or not) without visual aid

WALL. Any structure that defines the exterior boundaries or courts of a building or structure and that has a slope of 60 degrees or greater with the horizontal plane.

WALL SIGN. Any building sign attached parallel to, but within 2 feet of a wall, painted on the wall surface of, or erected and confined within the limits of an outside wall of any building or structure, that is supported by such wall or building, and that displays only one sign surface.

WALKWAY SIGN. A sign located near an internal site sidewalk circulation network that provides a permanent pathway for pedestrians between public streets and building entrances.

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

(E) *Permits.*

(1) *Required.* Except as expressly stated in Section 153.32(E)(3), no sign may be erected, altered, reconstructed, maintained or moved without first securing a permit from the City. The content of the message or speech displayed on the sign may not be reviewed or considered in determining whether to approve or deny a sign permit. Permit applications must be submitted to

the Zoning Administrator and include at least the following:

- (a) The applicable application/permit fee;
- (b) Name and address of the applicant, and the owners of the sign and the subject lot;
- (c) The address at which any signs are to be erected;
- (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 sign;
- (e) Type of sign (i.e., wall sign, monument sign, etc.);
- (f) Certification by the applicant indicating the application complies with all requirements of this Ordinance; and
- (g) If the proposed sign is along state trunk highway, the application must be accompanied by proof that the applicant has obtained a permit from the State of Minnesota.

(2) *Processing.* The Zoning Administrator must act to approve or deny the sign permit in an expedited manner no later than 60 days from the receipt of the complete application. If the permit is denied, the Zoning Administrator must provide a written notice of denial describing the applicant's appeal rights under Section 153.27 of the City Code, and send such notice to the applicant by mail.

(3) *Exemptions.* The following signs do not require a permit. These exemptions, however, are not to be construed as relieving the owner of the sign from the responsibility of compliance with the provisions of the City Code or any other law or ordinance regulating signs in the City.

- (1) The changing of the display surface on a painted or printed sign. This exemption applies only to poster replacement and/or on-site changes involving sign painting elsewhere than directly on a building.
- (2) Signs 6 square feet or less in size.
- (3) Flags.
 - Up to three (3) noncommercial flags per lot or site.
 - Up to two (2) commercial flags per site, provided that each flag must not exceed 25 square feet in area.

(4) Election Period Exemption. Notwithstanding any provision of this Ordinance, noncommercial signs of any size in any number may be placed as follows:

- For years other than state general election years in which elections (including any primaries or votes on ballot questions) are scheduled, beginning August 1 until ten days following the election date.
- For years other than state general election years in which elections (including any primaries or votes on ballot questions) are scheduled, beginning 46 days prior to the election, until ten days following the election date.

(F) *Prohibited signs.* The following signs are prohibited in all zoning districts:

- (1) Any sign, signal, marking or device that purports to be or is an imitation of or resembles any official traffic control device or railroad sign or signal, or emergency vehicle signs, or which attempts to direct the movement of traffic or which hides from view or interferes with the effectiveness of any official traffic control device or any railroad sign or signal;
- (2) Signs over 150 square feet in area, excluding signs in industrial zoning districts;
- (3) Flashing signs;
- (4) Inflatable signs;
- (5) Portable signs;
- (6) Changeable copy signs;
- (7) Roof signs;
- (8) Rotating signs;
- (9) Shimmering signs;
- (10) Signs painted on, attached to or in any other manner affixed to trees or similar natural surfaces, or attached to utility poles, bridges, towers, transit shelters, benches or similar public structures, except for official signs; and
- (11) Signs containing content classified as “obscene” as defined by Minnesota Statutes, section 617.241.

(G) *General Provisions.*

- (1) Signs allowed by zoning district.

Types of Signs allowed by district:

	Zoning District								
Type	I-1	I-2	B-1	B-2	B-3	R-1	R-2	R-3	C-1
Awning	P	P	P	P	P	N	N	N	P
Billboard	N	N	N	N	P	N	N	N	N
Canopy	P	P	P	P	P	N	N	N	P
Changeable Copy	P	P	P	P	P	N	N	N	P
Driveway/Walkway	P	P	P	P	P	N	N	N	P
Drive-thru	P	P	P	P	P	N	N	N	P
Directional	A	A	A	A	A	N	N	N	A
Electric	P	P	P	P	P	N	N	N	P
Dynamic	P	P	P	P	P	N	N	N	P
Freestanding	P	P	P	P	P	N	N	N	P
Marquee	P	P	P	P	P	N	N	N	P
Monument	P	P	P	P	P	P	P	P	P
Projecting	P	P	P	P	P	N	N	N	P
Sidewalk	A	A	A	A	A	A	A	A	A
Temporary	P	P	P	P	P	P	P	P	P
Wall	P	P	P	P	P	N	N	N	P
Window	P	P	P	P	P	N	N	N	P

A = Allowed without permit

P = Permit required

CUP = Conditional use permit required

N = Not allowed

(2) *Illumination.* External illumination for signs must be constructed and maintained so that the source of light is not visible from the public right-of-way or property used or zoned for residential purpose.

(3) *Electric signs.*

- (a) Electric signs must be installed in accordance with the current electrical code and a separate permit from the Building Official must be obtained before placement of such a sign.
- (b) No more than one electric sign shall be attached to each face of the building for any one occupant thereof.
- (c) The leading edge of any electric sign must be located at least 100 feet from any parcel that is both residentially zoned and residentially used.

(4) *Vertical clearance.* All signs mounted above sidewalks and other pedestrian walking surfaces must be mounted to ensure at least 8 feet vertical clearance above the walking surface directly below.

(5) *Sign placement.* Signs mounted on buildings may not block or obstruct design details, windows or cornices of the building to which they are attached. Signs are prohibited within the public street right-of-way and may not be placed in a manner that creates a distraction or a hazard to the public health, safety or welfare.

(6) *Freestanding signs.*

- (a) *Number.* A maximum of one freestanding sign is allowed per lot except that lots with more than 300 feet of street frontage are allowed one additional freestanding sign.
- (b) *Illumination.* Freestanding signs, if illuminated, may use only indirect light, with the light source fully diffused and aimed toward the ground.
- (c) *Decorative base.* All permanent monument signs must have a base made of decorative materials compatible with the exterior materials of the principal building on site. The width of the decorative sign base must be least 50% of the greatest width of the sign face.

(7) *Window signs.* Permanent window signs must be on the inside of the window. Temporary or permanent window signs are limited to 33% of the surface area of the window to which they are affixed. Such signs are not counted against the maximum sign area limits.

(8) *Sign setbacks.* In addition to additional setback requirements in this Ordinance, freestanding signs must be setback five (5) feet from lot lines.

(9) *Sign Height.*

- (a) *Wall signs.* The top of any wall sign, including any superstructure, may not extend higher than the roof of the building to which such sign is attached.
- (b) *Freestanding signs.* Freestanding signs may not exceed the following heights:
 - (i) Residential districts (R-1, R-2 and R-3): 4 feet
 - (ii) Commercial districts (B-1, B-2 and B-3): 25 feet
 - (iii) Industrial districts (I-1 and I-2): 25 feet
 - (iv) Conservation district (C-1): 8 feet
- (c) *Billboard.* Billboards may not exceed 25 feet in height.

(10) *Maximum sign area.*

- (i) Residential districts (R-1, R-2 and R-3): 12 square feet
- (ii) Commercial districts (B-1, B-2 and B-3): 150 square feet
- (iii) Industrial districts (I-1 and I-2): 300 square feet
- (iv) Conservation district (C-1): 8 square feet

(11) *Federal and State Regulations.* All signs, including billboards, in the right-of-way for state or federal highways and roads must comply with all applicable federal and state signage requirements.

(H) *Sign Specific Standards.*

(1) *Driveway and walkway signs.* One driveway sign may be installed at each vehicle entrance and exit to any lot occupied by an allowed nonresidential use or multi-unit residential building. Such signs must be located within 10 feet of the intersection of the driveway and the street right-of-way. Driveway signs may be illuminated but may not exceed 4 square feet in area or 3 feet in height.

(2) *Canopies, marquees and awnings.* Canopies, marquees and fixed awnings are considered an integral part of the structure to which they are attached. They are allowed in Commercial zoning districts, subject to compliance with the applicable sign area limitations and the following regulations:

- (a) Awnings, canopies or marquees may not project into the public right-of-way closer than 3 feet to the street curb or curb line.
- (b) Awnings, canopies or marquees may have no part of the structure, other than supports, nearer the ground surface than 7 feet.
- (c) The architectural style of the awning, canopy or marquee must be consistent with the building being served.
- (d) Load capacity shall be so designed as to safely sustain a load of at least 40 pounds per superficial foot of its upper surface.
- (e) Construction, anchors, support, and materials used shall be approved by the Building Official before a permit is issued.
- (f) *Minimum clearance.* Projecting and suspended signs must have a minimum clearance of eight feet above any sidewalk.

(3) *Sidewalk signs.* Sidewalk signs are allowed in Commercial zoning districts without a sign permit. Such signs are not counted against the maximum sign area limits established in this Ordinance. Sidewalk signs are subject to the following regulations:

- (a) Signs shall be limited to 2 feet in width and 3 feet in height, including support members.
- (b) No sign shall have more than 2 faces.
- (c) Signs may not limit the normal pedestrian use of the sidewalk, and a minimum passable contiguous space of 3 feet must be maintained at all times.
- (d) One sign is permitted for each building adjacent to the public right-of-way. For buildings with multiple occupants, additional sidewalk signs are allowed only if such signs are spaced at least 30 feet apart.
- (e) All sidewalk signs must be removed from the sidewalk at the end of each business day.
- (f) No sidewalk may be internally or externally illuminated.

(4) *Projecting signs.* Projecting signs are allowed in Commercial zoning districts, subject to compliance with the regulations of this section. Such signs are not counted against the maximum sign area limits established in this Ordinance.

- (a) Projecting signs may not exceed 12 square feet in area or 3 feet in width.
- (b) Projecting signs may not project more than 2 feet from the surface of the wall to which they are attached and no closer than 12 inches from the curbline.
- (c) Proof of liability insurance and a hold harmless agreement indemnifying the City must be provided to the Zoning Administrator before the issuance of any permit for sign projecting into the public right-of-way.

(5) *Drive-through signs.* Drive-through signs are permitted in conjunction with drive-through uses, in accordance with the following regulations.

- (a) *Location.* Drive-through signs must be located within 10 feet of a drive-through lane.
- (b) *Number and dimensions.* One primary drive-through sign not to exceed 36 square feet in area or 8 feet in height is allowed per order station up to a maximum of 2 primary drive-through signs per lot. One secondary drive-through sign not to exceed 15 square feet in area or 6 feet in height is allowed per lot.

- (c) *Residential separation.* Drive-through signs must be set back at least 50 feet from Residential zoning districts.
 - (d) *Visibility.* Drive-through signs must be oriented to be visible by motorists in allowed drive-through lanes.
- (6) *Dynamic signs.* All dynamic signs are subject to all regulations of this section.
 - (a) *Residential zoning districts.* Dynamic signs may be approved in Residential zoning districts through the conditional use permit process on any lot occupied by a public, civic, or institutional use, provided that such signs will be located along a principal arterial, minor reliever or major collector road as designated in the Comprehensive Plan.
 - (b) *Commercial and Industrial zoning districts.* Dynamic signs are prohibited in Industrial zoning districts. Dynamic signs may be located on properties within Commercial zoning districts, provided the proposed dynamic sign will be located along a principal arterial or minor reliever road as designated in the Comprehensive Plan. Dynamic signs Commercial zoning districts are permitted as of right, except that conditional use permit approval is required for any dynamic sign located on a property abutting a Residential zoning district or a lot occupied by a residential use.
 - (c) *Location.* Dynamic signs must be located on the site of the use identified or advertised by the sign.
 - (d) *Orientation.* Dynamic signs must be positioned so as to limit their impact on adjacent residential uses. At a minimum, such signs must be positioned perpendicular to the adjacent public right-of-way.
 - (e) *Type of sign.* Dynamic signs are limited to freestanding signs only.
 - (f) *Mode.* Dynamic signs may only operate in a static mode. Animation, motion or video displays are prohibited. Any change from one static display to another must be instantaneous and may not include any distracting effects, such as dissolving, spinning or fading. The images and messages displayed must be complete in and of themselves, without continuation in content to the next image or message or to any other sign.
 - (g) *Size and number of displays.* The dynamic portion of any sign may not exceed 80% of the total allowable area of the subject sign. The remaining 20% of the allowable sign area may not include dynamic capabilities even if it is not used. Each site can have only one dynamic sign and such dynamic signs may include only one dynamic display.

- (h) *Minimum display time.* The images and messages displayed on a dynamic sign must have a minimum dwell time of at least 1 minute, except for time, date and temperature signs. Time, date and temperature information must have a dwell time of at least 2 seconds, provided that the display of this information remains for at least 1 minute before changing to another display.
 - (i) *Brightness.* Dynamic signs may not exceed a maximum illumination of 5,000 nits during daylight hours and a maximum illumination of 500 nits between dusk to dawn as measured from the sign's face at maximum brightness. All dynamic sign applications shall include certification from the sign manufacturer that the sign has been preset to conform to the luminance levels noted above and these settings are protected from end users' manipulation by password protected software.
 - (j) *Color.* Dynamic signs may use multiple colors within the display but the use of color must not create distraction or a hazard to the public health, safety or welfare. No portion of the display may change in color or color intensity in any manner. Each line of text in any direction must be uniform in color.
 - (k) *Operation.* All dynamic signs must be equipped with a means to immediately discontinue the display if it malfunctions. The owner of a dynamic sign must immediately cease operation of their sign when notified by the City that it fails to comply with the regulations of this Section. The dynamic sign must remain inoperable until such time that the owner demonstrates to the City that the device is in satisfactory working condition and conforms to the regulations of this Section. The City's decision regarding the operation of a dynamic sign may be appealed in accordance with the appeal procedures of Section 153.27 of the City Code.
 - (l) *Application to existing signs.* The dynamic sign standards of this Section apply to all existing and future dynamic signs, unless otherwise determined by the City that an existing sign qualifies as a nonconforming use under state statute or the City Code.
- (7) *Temporary signs.*
- (a) *Permits.* Applications for on-premises temporary sign permits are subject to the sign permit provisions of this Ordinance. Temporary signs are not counted against the maximum sign area limits set forth in this Ordinance.
 - (b) *Number and duration of permit.* Each property is allowed a maximum of one temporary sign permit at any one time. Permits for temporary signs may be issued a maximum of 6 times per year for no more than 14 days per permit. Permits may run consecutively. Businesses open to customers on an intermittent basis may assign the 14-day permits to the days such businesses are actually open to customers.

- (c) *Location and exceptions.* Temporary signs are allowed in all zoning districts.
- (d) *Type, size and placement.* Temporary signs may not exceed 32 square feet in area, and may not be placed in such a way as to effect public safety or necessary ingress or egress of a building.

(I) *Signs in heritage preservation sites and within Historic Districts.*

- (1) *Permit.* All signage to be installed on buildings within the Historic District or on buildings designated as heritage preservation sites must be reviewed and approved by the Heritage Preservation Commission (“HPC”). A special HPC permit application shall be submitted in order for signage to be considered, and a detailed drawing of the proposed signage will be an integral part of each permit. All proposed signage shall comply with all conditions of this Ordinance regarding signage as well as the additional conditions set forth in this Section.
- (2) *Guidelines.* The HPC reviews each sign request on a case-by-case basis and reserves the right to deviate from any specific guideline if it determines that an application of the guideline would adversely affect a historic property or to make exception to these guidelines in the cases of non-contributing historic buildings if the exception would not adversely affect other adjacent historic properties.
- (3) *Existing historic signs.* Maintenance or restoration of existing historical signs shall be mandatory.
- (4) *Signs not permitted.* Signs advertising products or businesses not located in the building or on the lot on which the sign is displayed are prohibited.
- (5) *Number of signs.* Signs will be limited to one sign per building. If a building has more than one tenant, the sign may display the name and address of the building and a directory of tenants. If a property is occupied by more than one tenant and list separate ground level entries for each tenant, the HPC may grant permission for additional signage. Corner properties will be allowed a sign on each street face.
- (6) *Design criteria.* Lettering and numbering style for signs or identification will be of a contemporary period to the structure on which it is to be attached. Sign colors shall be limited to four per sign with at least three being the same hue, saturation, or brightness. Sign colors must be compatible with the colors of the building and its surroundings. Signs may list the building name and address. Advertising and tenant identification may be incorporated. Signs may display information such as the name of the firm or logo.
- (7) *Removal of sign.* Signage must be removed from buildings within 90 days from the date of vacancy if the tenant’s business closes or relocates.

(J) *Billboards.*

- (1) *Billboard prohibition.* Billboards are prohibited in all zoning districts except the Highway Business District (B-3).
- (2) *Mounting.* Billboards must be erected on single poles and maintained as required.
- (3) *Signs per face.* No billboard structure may contain more than two signs per face.
- (4) *Animations.* No billboard shall contain animations.
- (5) *Setbacks.* In addition to setbacks set forth in Section 153.32 (G)(8), the following setbacks shall apply to billboards:
 - (1) The minimum distance between billboards shall be 1,100 feet; and
 - (2) The minimum distance from a residential district boundary, park, playground, school or church shall be 200 feet.
- (6) *Maximum length.* The length of any billboard, including trim and extensions, must not exceed (25) feet.
- (7) *Maximum copy area.* The copy area for each billboard face is limited to 80% of the total billboard face with no copy, projection, or extension to the top, sides, or bottom.
- (8) *Maximum height.* No portion of any billboard, including the face, trim, or extensions, may exceed 25 feet above grade.
- (9) *Roof-mounting.* No billboard shall be erected on or above the roof of any building.
- (10) *Rotation.* No billboard or portion thereof may turn on an axis, rotate, revolve, or otherwise physically move.
- (11) *Electronic display techniques.* Any billboard utilizing electronic display techniques, in whole or in part, must meet the following operational regulations:
 - (a) *Dwell time.* The full billboard image or any portion thereof must have a static display as follows: Electronic changeable copy signs with ten words or less must have a static display for a minimum of eight seconds. Electronic changeable copy signs with 11 words or more or electronic graphic display signs must have a static display for a minimum of 20 seconds.
- (12) *Transition.* Where the full billboard image or any portion thereof changes, the

change sequence must be accomplished by means of instantaneous re-pixelization.

- (13) *Brightness.* Billboards signs may not exceed a maximum illumination of 5,000 nits during daylight hours and a maximum illumination of 500 nits between dusk to dawn as measured from the sign's face at maximum brightness. All billboard applications shall include certification from the sign manufacturer that the sign has been preset to conform to the luminance levels noted above and these settings are protected from end users' manipulation by password protected software.
- (14) *Dimmer Control.* All billboards with an electronic or dynamic display by means other than natural light must be equipped with an automatic dimmer control or other mechanism that automatically controls the sign's brightness to comply with this Ordinance.
- (15) *Audio or pyrotechnic or flashings.* Audio or any form of pyrotechnics and flashing are prohibited as part of a billboard.
- (16) *Video display.* No portion of any billboard may display the characteristics of a video sign.
- (17) *Digital Conversion.* a legally established nonconforming billboard may be converted from a non-digital to digital display, provided the billboard is in compliance with this section. A sign permit is required for the conversion.

(K) *Nonconforming signs.* It is recognized that signs exist within the City that were lawful before these sign regulations were adopted but are prohibited under the regulations of this Ordinance. Such nonconforming signs are allowed to continue as nonconforming signs provided that such signs are safe, are maintained so as not to be unsightly, and have not been abandoned or removed. Nonconforming signs are subject to compliance with the following provisions:

- (1) Nonconforming signs may not be enlarged or altered in a way that increases the sign's nonconformity.
- (2) If the use of the nonconforming sign or sign structure is discontinued for a period of one year, the sign or sign structure may not be reconstructed or used except in compliance with the provisions of this Ordinance.
- (3) Should a nonconforming sign or sign structure be damaged or structure be destroyed by any means to an extent greater than 50% 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 may not be reconstructed or used except in compliance with the provisions of this Ordinance.
- (4) If a nonconforming sign or sign structure is moved for any reason for any distance whatsoever, it must thereafter comply with the regulations of this Ordinance.

- (5) Existing signs on the site of a use that is not permitted in the zone in which the use is located may not be enlarged, expanded or moved except in changing the sign to a sign permitted in the subject zone.
- (6) When a building loses its nonconforming status, all signs devoted to the building must be removed and all signs painted directly on the building must be repainted in a neutral color or a color that matches the building.

Article II. Severability. Should any section or part of this ordinance be declared by a court of competent jurisdiction to be invalid, such decision will not affect the validity of the ordinance as a whole or any part other than the part declared invalid.

Article III. Effective Date. This ordinance shall become effective the day after its legal publication.

Adopted this 2nd day of September 2025.

Dan Delaney, Mayor

ATTEST: _____
Deb Nelson, City Administrator

Date of Publication September 3, 2025
Effective Date September 4, 2025