

## Section 24. Regulating and Controlling the Use of Signs

### Subd. 1.

#### A. Purpose.

1. The purpose of this section is intended to establish an effective means of communication in the City, to maintain and enhance the aesthetic environment and the City's ability to attract sources of economic development and growth, to improve pedestrian and traffic safety, to minimize the possible adverse effects of signs on nearby public and private property, and to enable fair and consistent enforcement of these sign regulations. It is the intent of this section to protect and promote the health, safety, general welfare, aesthetics, and image of the community by regulating signs that are intended to communicate to the public, and to use signs which meet the City's goals;

2. Establish standards which permit businesses a reasonable and equitable opportunity to advertise their name and service;

3. Ensure that signs do not create safety hazards;

4. Ensure that signs are designed, constructed, installed, and maintained in a manner that does not adversely impact safety and unduly distract motorists;

5. Preserve and protect property values;

6. Ensure that signs are in proportion to the scale of, and are architecturally compatible with the principal structures;

7. Limit temporary commercial signs and advertising displays which provide an opportunity for grand opening and occasional sale events while restricting signs that create continuous visual clutter and hazards at public rights-of-way.

#### B. Findings

The City finds it necessary for the promotion and preservation of the public health, safety, welfare, and aesthetics of the community that the construction, location, size and maintenance of signs be controlled. Further, the City finds:

1. Permanent and temporary signs have direct impact on, and a relationship to, the image of the community;

2. The manner of installation, location and maintenance of signs affects the public health, safety, welfare, and aesthetics of the community;
3. An opportunity for a viable identification of community businesses and institutions must be established;
4. The safety of motorists, cyclists, pedestrians, and other users of public streets and property is affected by the number, size, location and appearance of signs that unduly divert the attention of the drivers;
5. Installation of signs suspended from, projecting over, or placed on top of buildings, walks or other structures may constitute a hazard during periods of high winds and an obstacle to effective fire fighting and emergency service;
6. Uncontrolled and unlimited signs adversely impact the image and aesthetic attractiveness of the community and thereby undermines economic value and growth;
7. Uncontrolled and unlimited signs, particularly temporary signs, which are commonly located adjacent to public rights of way, or are, located at driveway/ street intersections, result in roadside clutter and obstruction of views of oncoming traffic. This creates a hazard to drivers and pedestrians and also adversely impacts a logical flow of information.
8. Studies concluded that drivers are more distracted by special effects used to change the message, such as fade-ins and fade-outs. Finally, drivers are generally more distracted by messages that are too small to be clearly seen or that contain more than a simple message. (Amended, Ord. No. 322- 06/10/08)

**Subd. 2.**

**Applicability/Effect.** A sign may be erected, placed, established, painted, created or maintained in the City only in conformance with the standards, procedures, exemptions and other requirements of this ordinance. The effect of this ordinance as more specifically set forth herein, is:

- A. To establish a permit system to allow a variety of types of signs in commercial and industrial zones, and a limited variety of signs in other zones, subject to the standards and the permit procedures of this ordinance;

B. To allow certain signs that are small, unobtrusive and incidental to the principal use of the respective lots on which they are located, subject to the substantive requirements of this ordinance, but without a requirement for permits;

C. To provide for temporary signs without commercial messages in limited circumstances in the public right-of-way;

D. To prohibit all signs not expressly permitted by this ordinance; and

E. To provide for the enforcement of the provisions of this ordinance.

Subd. 3.

**Definitions.**

**A. DISSOLVE**

A mode of message transition on an electronic message display accomplished by varying the light intensity or pattern, where the first message gradually appears to dissipate and lose legibility simultaneously with the gradual appearance and legibility of the second message.

**B. FADE**

A mode of message transition on an electronic message display accomplished by varying the light intensity, where the first message gradually reduces intensity to the point of not being legible and the subsequent message gradually increases intensity to the point of legibility.

**C. FRAME**

A complete, static display screen on an Electronic Message Display

**D. FRAME EFFECT**

A visual effect on an electronic message display applied to a single frame to attract the attention of viewers.

**E. SCROLL**

A mode of message transition on an electronic message display where the message appears to move vertically across the display surface.

**F. SIGNS**

A name, identification, description, display, illustration, or device which is affixed to or represented directly or indirectly upon a building, structure, or land in view of the general public.

**G. SIGNS ABANDONED**

Any sign which identifies or advertises a business, lessor, service, owner, product, or activity, which is no longer available at the indicated location or no longer available on the premises or for which legal owner can be found.

**H. SIGNS ADVERTISING**

A sign which directs attention to a message, business, commodity, service, activity, or entertainment not necessarily conducted, sold, offered or related to the premises where such sign is located. Only one sign face is allowed per facing, with no double decking of signs.

**I. SIGNS BANNER**

A sign made of fabric or other non-rigid materials with no enclosing framework.

**J. SIGNS BUSINESS**

A sign which directs attention to a business or profession or to a commodity, service, or entertainment sold or offered upon the premises where such a sign is located.

**K. SIGNS ELECTRONIC CHANGEABLE COPY**

A sign or thereof that displays electronically, non-pictorial, text information in which each alphanumeric character, graphic, or symbol is defined by a small number of matrix elements using different combinations of light emitting diodes (LED's), fiber optics, light bulbs or other illumination devices within the display area. Electronic Changeable Copy Signs include computer programmable, microprocessor controlled electronic displays. Electronic changeable copy signs do not include official or time and temperature signs.

**L. SIGNS ELECTRONIC GRAPHIC DISPLAY**

A sign or portion thereof that displays electronic, static images, static graphics, or static pictures, with or without text information, defined by a small number of matrix elements using different combinations of light emitting diodes (LED's), fiber optics, light bulbs or other illumination devices within the display area where the message change sequence is accomplished immediately or by means of fade, re-pixelization or dissolve modes. Electronic Graphic

Display Signs include computer programmable, microprocessor controlled electronic displays.

**M. SIGNS, FLASHING**

An illuminated sign which has intermittent flashing lights, revolving beacons, zip flashers or exhibits a noticeable change in color or light intensity.

**N. SIGNS, FREE STANDING**

Any sign that is attached directly to the ground or is supported vertically by any structurally sound support having its source or support independent of any building.

**O. SIGNS, ILLUMINATED**

Any sign lighted with an artificial light source or which has luminous tubes as a part of a sign.

**P. SIGNS, MOTION**

A sign which revolves, rotates, has moving parts or gives the illusion of motion.

**Q. SIGNS, NAMEPLATE**

Any sign which states the name or address of both of the business or occupant of the lot where the sign is placed.

**R. SIGNS, PORTABLE**

Any sign not permanently attached to the ground or other permanent structure, or a sign designed to be transported, including, but not limited to, signs designed to be transported by means of wheels; signs converted to A-or T-frames; menu and sandwich board signs; umbrellas used for advertising; and signs attached to or painted on vehicles parked and visible from the public right of way, unless said vehicles used in the normal day to day operations of baseness. Banners attached to buildings are not included in this definition.

**S. SIGNS, SURFACE AREA OF**

The entire area within a single, continuous perimeter enclosing the extreme limits of the actual sign surface. It does not include any structural elements outside the limits of such sign and not forming an integral part of the display. Only one side of a double-face or V-type sign structure shall be used in computing total surface area.

**T. SIGNS, TIME AND TEMPERATURE**

Any sign which displays exclusively current time and temperature information.

**U. TRANSITION**

A visual effect used on an electronic message display to change from one message to another.

**V. TRAVEL**

A mode of message transition on an electronic message display where the message appears to move horizontally across the display surface.  
(Amended, Ord. No. 322- 06/10/08)

**Subd. 4. Business Signs, Advertising Signs and Free Standing Signs.**

A. Business signs and advertising signs that are permitted by the zoning ordinance are subject to the following regulations:  
(Added, Ord. No. 321- 04/16/08 )

1. Business signs are considered an accessory for all businesses other than home occupations or other businesses permitted in residential districts.
2. No business sign shall be permitted within thirty (30) feet of any property line that abuts an adjoining residential district.
3. No advertising sign is allowed between Highway 10 and the railroad tracks from Roosevelt Avenue to County State Aid Highway 54. No advertising sign shall be permitted within three hundred (300) feet of an adjoining residential zoning district. No advertising sign shall be erected within five hundred (500) feet of a church, school, public park or library, except for the area within one hundred (100) feet of the Highway 10 Right of Way. (Added, Ord. No. 321- 04/16/08 )
4. No free standing sign shall be located within a 25 foot sight triangle at street intersections unless the bottom of any sign is at least 9 feet above grade.
5. The total surface area of all signs on a lot shall not exceed the sum of two (2) square feet per lineal foot of lot frontage or

fifteen (15) percent of the building facing area, or seventy-five (75) feet in area, whichever is greater; nor shall two (2) or more smaller signs be so arranged and integrated as to create a surface area in excess of these limitations. In the case of corner lots, such signs may be on both street sides of the building facing; however, the least width of a corner lot shall be the front for purposes of this ordinance. Such signs may be illuminated. (Added, Ord. No. 321- 04/16/08 )

6. Business signs may be placed on the roof of a covered walk or marquee of a building provided that they do not extend above the roof or parapet line of said building and provided that they do not exceed the area maximum set forth for this district, and business signs may be hanging below such covered walk or marquee provided they are at least eight (8) feet from the walk or ground grade line, and provided they do not exceed six (6) square feet in surface area, and provided further that all marquees or signs shall be at least two (2) feet inside all curb lines.
7. No advertising sign located on the same side of a street or highway shall be located within 300 feet of another advertising sign. Said 300 feet is to be measured along the nearest edge of the street or highway right of way and between the points directly opposite the centers of the advertising signs. Advertising signs are required to be at least 300 feet apart regardless of lot size.
8. Any free standing advertising sign face shall not exceed thirty feet (30) in total length nor 15 feet in height nor 300 square feet in total area. (Added, Ord. No. 321- 04/16/08 )
9. Any free standing business sign face shall not exceed 30 feet in total length nor 15 feet in height nor 300 square feet in total area.
10. No sign shall project higher than thirty-two (32) feet above average grade at the base of the sign.
11. The base of all free standing signs shall be screened with suitable plantings.

12. No advertising sign (billboard) shall be permitted within 1000 feet of the right of way of the Lake Country Scenic Byway which starts at the intersection of Highway 59 North and Highway 34 and runs east along Highway 34 to Park Rapids and Walker.  
(Added, Ord. No. 306- 12/12/06 )
13. Advertising signs are allowed only in the following districts:
  - "B-2" General Business District
  - "B-3" Auto Oriented Business District
  - "I-1" Light Industrial District
  - "I-2" Heavy Industrial District(Added, Ord. No. 321- 4/16/08)
14. Non-commercial speech signs are permitted anywhere that other signs are permitted subject to the same regulations and restrictions applicable to such signs. (Added, Ord. No. 322- 6/10/08)
  - B. Portable Signs. Portable signs are allowed on a temporary basis provided:
    1. The sign not exceed 54 square feet per side, except that inflatable signs used for promotions may exceed this square foot limitation;
    2. A sign permit is issued;
    3. The sign is not located in the public right-a-way;
    4. The sign may be illuminated, but shall not contain any strobe or rotating lights;
    5. Only two portable signs shall be allowed per lot of record or business;
    6. No more than two (2) permits per lot of record or business shall be granted during any calendar year;
    7. Each sign permit shall be valid for no more than sixty (60) days;
    8. Permits will not be renewed for signs that are not maintained as required in subdivision 6 below;



9. Temporary signs shall be removed when the permit expires; and
10. The fee for a temporary portable sign permit shall be set forth in Section 210 of the City Code.

Inflatable Signs: Inflatable signs and balloon signs shall not require a permit unless they are for a period of more than ten (10) days.

Subd. 5. **Signs in Residential Districts.** In all classes of residence districts, no sign, business sign, nameplate sign, or advertising sign shall be erected except the following:

A. **Nameplate**

1. A nameplate sign, or professional nameplate sign identifying the owner or occupant of a building or dwelling unit, provided the surface area of such sign does not exceed four (4) square feet. Such sign may be placed in any front yard, but in no case may it be placed in any side yard. Such sign may be illuminated.

2. One (1) nameplate sign for a dwelling group of five (5) or more units not exceeding five (5) square feet in surface area. Such signs may indicate the names and addresses of the buildings or they may be a directory for occupants. Such sign may be placed in any front yard, but in no case may it be placed in any side yard. Such sign may be illuminated.

3. One identification sign, not to exceed fifty (50) square feet in area, for the following uses: planned unit development, subdivisions, church, school, hospital, sanitarium, club, library, or similar uses. Such signs shall be solely for the purpose of displaying the name of the institution and its activities or services. Such sign may be illuminated but lighting shall be directed on to the sign face only unless the sign is internally lighted. Such sign may be placed in any front yard but, in no case, may it be placed in any side yard. (Added, Ord. No. 321- 4/16/08)

B. **Temporary Signs.**

1. A sign pertaining to the lease or sale of a building or property provided such sign shall not exceed twelve (12) square feet in surface area. Such sign shall not be illuminated.

2. Temporary signs advertising a new subdivision or development may be placed in any front yard; in no case shall such sign be placed in any side yard, nor shall such sign be illuminated. Each subdivision or development shall be allowed the following signs:

One sign not to exceed ninety-six (96) square feet in surface area, no more than fifteen (15) feet in height or less than two (2) feet above ground.

One sign not to exceed twelve (12) square feet in surface area, no more than fifteen (15) feet in height or less than two (2) feet above ground.

Directional signs not to exceed two (2) square feet in surface area, provided that each subdivision shall be limited to one such sign per major thoroughfare approach to the subdivision or development. No such sign shall be allowed adjacent to minor residential streets.

3. Temporary signs identifying an engineer, architect, contractor, or product engaged in or used in the construction of a building, provided such signs shall not exceed twelve (12) square feet each in surface area, except where a larger dimensioned sign is required by state or federal regulations, and are no more than fifteen (15) feet in height or less than two (2) feet above the ground, and provided that such signs are removed prior to occupancy of the building. Such signs may be placed in any front yard, but in no case may they be placed in any side yard. Such signs shall not be illuminated.

#### C. Directional Signs.

1. Directional un-illuminated signs not to exceed four (4) square feet in surface area for the following uses: church, school, hospital, sanitarium, club, library, or similar uses, provided that each shall be limited to one such sign per major thoroughfare approach. No such sign shall be allowed adjacent to minor residential streets.

2. Directional signs in any parking area necessary for the orderly movement of traffic, provided that such sign shall not be used as advertising space. Such sign may be illuminated.

Subd. 6. General Provisions.

A. PROHIBITED SIGNS

The following signs are specifically prohibited:

1. Electronic Changeable Copy Signs except as allowed by subdivision 4C.
2. Electronic Graphic Display Signs
3. Flashing signs
4. Portable Signs except as permitted by Subdivision 4B
5. Signs which are structurally unsafe in disrepair or abandoned. (See Subdivision 6B)
6. Illuminated signs that cause glare onto the public right of way or adjacent property.
7. Signs and decorations shall not be permitted that contain words or pictures of obscene, pornographic or immoral character.
8. Signs shall not be permitted by reason of size, location, movement, content, coloring or manner of illumination which may be confused with the light of an emergency or road equipment vehicle, a traffic sign, signal or device or which hides from view any traffic sign, signal or device.
9. Signs and decorations shall not be permitted within the public right of way or easements except that the City Council may grant a conditional use permit for a period not to exceed one (1) year to allow advertising on newspaper sale stands and special permits for temporary signs and decorations to be strung across the right of way.

10. No sign shall be placed that resembles any official marker erected by a governmental agency or display such words as “stop” or “danger”.
11. No sign shall be permitted to obstruct any window, door, fire escape, stairway, or opening intended to provide air, ingress or egress of any building or structure.
12. Any sign with any form of audio speakers or pyrotechnics.
13. Images projected onto buildings or other objects
14. Any signs not listed as permitted are prohibited

**B. SIGN MAINTENANCE**

Any signs, including signs painted on buildings which may be or hereafter become rotted, unsafe or unsightly shall be repaired, repainted, or removed. Also, in the event a business ceases operation for a period of time in excess of ninety (90) days, the sign owner or lessee, or the property owner, shall immediately remove any sign identifying or advertising said business or any product sold thereby; provided, however, this requirement shall not apply where under the provisions of this ordinance an existing conforming sign may be altered to advertise a new business or product sold thereby and there is evidence that a new business will be in operation on the premises within sixty (60) days. Upon failure of a sign owner or lessee, or property owner, to comply with this section, the Building Official shall issue a written notice, which shall state that such a sign shall be removed within thirty (30) days. If the sign owner or lessee, or property owner, fails to comply with such written notice to remove, the Building Official shall report that fact forthwith to the Council. Thereafter, the Council, after notice and hearing, may cause removal of such sign. The Council may also grant a building owner an extension of the time necessary to remove the sign. Any expense incidental to such removal shall be charged to the owner of the property upon which the sign is located and shall constitute a lien upon the property. For the purpose of this section, the word “remove” shall mean:

1. The sign face, along with posts, columns, or supports of freestanding signs, shall be taken down and removed from the property.
2. The sign face and supporting structures of “projecting”, “roof”, or “wall” signs shall be taken down and removed from the property.
3. The sign face of “painted wall signs” shall be removed by painting over the wall sign in such a manner as to completely cover up and hide from sight the sign in question.

Notwithstanding the provisions above a sign owner, lessee, mortgagee, or contract for deed vendor of the same may petition the Council in lieu of removal to cover the sign face or to remove all writing from the sign, or in cases where a successive business may use the same sign, to allow the same sign to remain for a period not to exceed one year. The Council, upon consideration of the petition, may grant or refuse the exception requested, after weighing the public and private interest.

**C. ILLUMINATION**

Lighting shall be directed to illuminate the sign face only

**D. ELECTION SEASON PRE-EMPTION**

Not withstanding any other provisions of this sign ordinance, all signs of any size containing non-commercial speech may be posted from August 1 in any general election year until ten (10) days following the general election and thirteen (13) weeks prior to any special election until ten (10) days (as allowed by Minnesota Statute 211B.045). Such signs shall be located on private property.

**E. TIME & TEMPERATURE SIGNS**

Time And Temperature Signs are permitted provided they meet the following standards:

1. **Location.** The sign must be located on the site or the use advertised or identified by the sign;
2. **District Limitations.** The signs are only allowed in the following Districts “B- 1”, “B-2”, “B-3”, “I-1” and “I-2”;

3. **Duration.** Time And Temperature Signs must have a minimum display duration of three seconds that is static during each individual message. No portion of the message may flash, scroll, twirl, change color, fade in or out or in any manner imitate movement; and
4. **Lights.** The lights displayed must all be one color;

**F. ELECTRONIC CHANGEABLE COPY SIGNS AND ELECTRONIC GRAPHIC DISPLAY SIGNS IN RESIDENTIAL DISTRICTS**

Electronic Changeable Copy Signs and Electronic Graphic Design Signs are permitted in residential districts provided they meet the following standards:

1. **Location.**  
The sign must be located on the site of the use identified or advertised by the sign.
2. **Size:**  
The electronic changeable portion of a sign in a residential district is limited to 50 square feet.
3. **Limitations:**  
Only one Electronic Changeable Copy Sign is allowed per zoning lot, except that businesses with more than one street front are allowed up to two Electronic Changeable Copy Signs but only one can be located on any street front.
4. **Setback:**  
Electronic Changeable Copy Signs or Electronic Graphic Display Signs are required to be at least 100 feet from a principal residential structure.
5. **Duration:**  
The message must have a display duration of six seconds that is static during each individual message. No portion of the message may flash, scroll, twirl, change color fade in or fade out or imitate movement. The transition from one static display to another must be instantaneous.
6. **Spacing:**  
Electronic Changeable Copy Signs and Electronic Graphic Display Signs must be separated from other Electronic

Changeable Copy Signs and Electronic Graphic Display Signs by at least 100 feet.

7. **Messages:**

The message or image displayed must be complete in themselves without continuation in content to the next message. The text of the message must be limited to twelve words or less to allow the entire copy to be read with minimal distraction.

8. **Text Size:**

Every line of copy and graphics in a display must be at least seven inches in height on a road with a speed limit of 25 to 34 miles per hour, nine inches on a road with a speed limit of 35 to 44 miles per hour, 12 inches on a road with a speed limit of 45 miles per hour or more.

9. **Malfunction:**

Every Electronic Changeable Copy Sign and Electronic Graphic Display Sign must be designed and equipped to freeze the device in one position if a malfunction occurs. The displays must also be equipped with a means to immediately discontinue the display if it malfunctions, and the sign owner must immediately stop the dynamic display when notified by the City that it is not complying with the standards of this ordinance.

10. **Brightness Standards:**

a. No sign may be of such location intensity or brilliance as to impair the vision of a motor vehicle driver with average eyesight or to otherwise interfere with the driver's operation of a motor vehicle.

b. No sign may be of such intensity or brilliance that it interferes with the effectiveness of an official traffic sign, device or signal.

c. The message area of an Electronic Changeable Copy Sign and an Electronic Graphic Display Sign may be illuminated by incandescent lamps, LED (light emitting diodes) or magnetic discs. Whatever the light source, undue brightness is prohibited. For the purpose of enforcing this provision, "undue brightness" will be construed to mean illumination of white portion of the sign in excess of the intensity levels specified below:

Day: 7,500 nits

Night: 500 nits

To ensure compliance with this provision, the sign must have an automatic phased proportional dimmer, which must be used to

reduce nighttime brightness levels (compared to daytime brightness levels). Further, prior to the issuance of a permit for an Electric Changeable Copy Sign message board sign, the applicant shall provide written certification from the sign manufacturer that the light intensity has been factory pre-set not to exceed the levels specified above, and the intensity level is protected from end-user manipulation by password-protected software or other method as deemed appropriate by the Community Development Director or Building Official.

- d. Signs in residential districts must be turned off between the hours of 10:00 PM and 7:00 AM.

**G. ELECTRONIC CHANGEABLE COPY SIGNS AND ELECTRONIC GRAPHIC DISPLAY SIGNS IN COMMERCIAL AND INDUSTRIAL DISTRICTS**

Electronic Changeable Copy Signs and Electronic Graphic Display Signs are permitted in the “B-1”, “B-2”, “B-3”, “I-1” and “I-2” Districts provided they meet the following standards:

1. **Location:**  
The sign must be located on the site of the use identified or advertised by the sign.
2. **Size:**  
The electronic changeable portion of a sign is limited to 75 square feet or 50% of the sign face, whichever is greater.
3. **Limitations:**  
Copy Signs or Electronic Graphic Display Sign or Electronic Graphic Sign Display is allowed per zoning lot, except that businesses with more than one street front are allowed up to two Electronic Changeable Copy Signs or Graphic Display Signs but only one can be located on any street front.
4. **Setback:**  
Electronic Changeable Copy Signs and Electronic Graphic Display Signs are required to be at least 100 feet from a principal residential structure.
5. **Duration:**



The message must have a minimum display duration of three seconds that is static during each individual message. The transition from one static display to another must be three seconds or less.

6. **Spacing:**  
Electronic Changeable Copy Signs and Electronic Graphic Display Signs must be separated from other Electronic Changeable Copy Signs and Electronic Graphic Display Signs by at least 100 feet.
7. **Messages:**  
Such displays shall be limited to static displays, messages that appear or disappear from the display through dissolve, fade, travel or scroll modes, or similar transitions and frame effects that have text or images that appear to move or change in size, or be revealed sequentially rather than all at once.
8. **Text Size:**  
Every line of copy and graphics in a display must be at least seven inches in height on a road with a speed limit of 25 to 34 miles per hour, nine inches on a road with a speed limit of 35 to 44 miles per hour, 12 inches on a road with a speed limit of 45 miles per hour or more.
9. **Malfunction:**  
Every Electronic Changeable Copy Sign and Electronic Graphic Display Sign must be designed and equipped to freeze the device in one position if a malfunction occurs. The displays must also be equipped with a means to immediately discontinue the display if it malfunctions, and the sign owner must immediately stop the display when notified by the City that it is not complying with the standards of this ordinance.
10. **Brightness Standards:**
  - a. No sign may be of such location intensity or brilliance as to impair the vision of a motor vehicle driver with average eyesight or to otherwise interfere with the driver's operation of a motor vehicle.

b. No sign may be of such intensity or brilliance that it interferes with the effectiveness of an official traffic sign, device or signal.

- c. The message area of an Electronic Changeable Copy Sign and an Electronic Graphic Display Sign may be illuminated by incandescent lamps, LED (Light emitting diodes) or magnetic discs. Whatever the light source, undue brightness is prohibited. For the purpose of enforcing this provision, "undue brightness" will be construed to mean illumination of white portion of the sign in excess of the intensity levels specified below:
- |        |           |
|--------|-----------|
| Day:   | 7500 nits |
| Night: | 500 nits  |

To ensure compliance with this provision, the sign must have an automatic phased proportional dimmer, which must be used to reduce nighttime brightness levels (compared to daytime brightness levels). Further, prior to the issuance of a permit for an electronic message board sign, the applicant shall provide written certification from the sign manufacturer that the light intensity has been factory pre-set not to exceed the levels specified above, and the intensity level is protected from end-user manipulation by password-protected software or other method as deemed appropriate by the Community Development Director or Building Official.

**H. OFF-PREMISE ELECTRONIC CHANGEABLE COPY SIGNS AND OFF PREMISE ELECTRONIC GRAPHIC DISPLAY SIGNS**

Off Premise Electronic Changeable Copy Signs and Off Premise Graphic Display Signs are permitted provided they meet the following standards:

1. **Location:**  
The sign must be located in a "B-2", "B-3", "I-1" or "I-2" District.
2. **Size:**  
The electronic portion of a sign is limited to the allowable size for off-premise advertising signs.

3. **Limitations:**  
Any free standing advertising sign face shall not exceed 30 feet in total length, nor 15 feet in height nor 300 square feet in total area.
4. **Setback:**  
Electronic Changeable Copy Signs and Electronic Graphic Display Signs are required to be at least 300 feet from any residential zoned district.
5. **Duration:**  
The message must have a display duration of fifteen minutes that is static during each individual message. No portion of the message may flash, scroll, twirl, change color fade in or fade out or imitate movement. The transition from one static display to another must be instantaneous.
6. **Spacing:**  
Electronic Changeable Copy Signs or Off Premise or Electronic Graphic Display Signs must be separated from other Electronic Changeable Copy Signs or Graphic Display Signs by at least 2000 feet.
7. **Messages:**  
The text of the message must be limited to allow the entire copy to be read with minimal distraction.
8. **Text Size:**  
Every line of copy and graphics in a display must be at least seven inches in height on a road with a speed limit of 25 to 34 miles per hour, nine inches on a road with a speed limit of 35 to 44 miles per hour, 12 inches on a road with a speed limit of 45 miles per hour or more.
9. **Malfunction:**  
Every Electronic Changeable Copy Sign and Electronic Graphic Display Sign must be designed and equipped to freeze the device in one position if a malfunction occurs. The displays must also be equipped with the means to immediately discontinue the display if it malfunctions, and the sign owner must immediately stop the display when notified by the City that it is not complying with the standards of this ordinance.

10. **Brightness Standards:**

a. No sign may be of such intensity or brilliance as to impair the vision of a motor vehicle driver with average eyesight or to otherwise interfere with the driver's operation of a motor vehicle.

b. No sign may be of such intensity or brilliance that it interferes with the effectiveness of an official traffic sign, device or signal.

c. The message area of an Electronic Changeable Copy Sign and an Electronic Graphic Display Sign may be illuminated by incandescent lamps, LED (Light emitting diodes) or magnetic discs. Whatever the light source, undue brightness is prohibited. For the purpose of enforcing this provision, "undue brightness" will be construed to mean illumination of white portion of the sign in excess of the intensity levels specified below:

Day: 7500 nits

Night: 500 nits

To ensure compliance with this provision, the sign must have an automatic phased proportional dimmer, which must be used to reduce nighttime brightness levels (compared to daytime brightness levels). Further, prior to the issuance of a permit for an electronic message board sign, the applicant shall provide written certification from the sign manufacturer that the light intensity has been factory pre-set not to exceed the levels specified above, and the intensity level is protected from end-user manipulation by password-protected software or other method as deemed appropriate by the Community Development Director or Building Official.

I. **ELECTRONIC SIGN CONFORMANCE WITH AMENDED REGULATIONS**

Any Electronic Signs with a building permit dated after June 10, 2008, will be required to conform with any future amendments to the Sign Ordinance regulating the operation of such signs.

(Amended, Ord. No. 323 – 06/10/08)

Subd. 7. Licenses and Permit Fees. When this ordinance becomes effective, the owner or other persons having control of any sign defined in Sections 2 and 3, except residential, professional, and institutional nameplate and advertising sign shall file an application for a permit for the maintenance of such sign. Application for such permits shall be accompanied by detailed plans and such other necessary information to determine the location and compliance with all applicable regulations and a permit shall be issued upon payment of the required permit fee to be determined by the lawful governing body.

Subd. 8. Violations and Penalties.

A. The violation of any provision of this section is a misdemeanor punishable as provided by Minnesota Statutes. Each day that a violation is permitted to exist shall be a separate violation.

B. Enforcement. The Building Inspector shall take whatever action or institute remedies that are necessary to enforce the provisions as set forth in this ordinance

(Added, Ord. No. 262 - 11/3/04)

Subd. 9. Severability.

If any section, subsection, sentence, clause, or phrase of this Article is for any reason held to be invalid, such decision shall not affect the validity of the remaining portions of this Article. The City Council hereby declares that it would have adopted the Article in each section, subsections, sentences, clauses, or phrases be declared invalid. (Added, Ord. No. 323 – 06/10/08)

(pages 499-509 reserved for changes)