



APPLICATION FOR LICENSE

City of Crystal
 4141 Douglas Drive N, Crystal, MN 55422
 Telephone: (763) 531-1000 / Facsimile: (763) 531-1188
 Deaf and hard of hearing callers may call Minnesota Relay at 711.

PLEASE PRINT CLEARLY

Applicant's Name:	Fee:* (0100-4125)	\$100.00
Home Address:	Home Phone: ()	
City/State/Zip:	Cell Phone: ()	
Business Name:	Business Phone: ()	
Doing Business As:	Fax Phone: ()	
Business Address, including zip code:		
MN Tax ID #: (NOTE: you must provide a copy of the confirmation letter from the State.)	Federal Tax ID #:	
If a Minnesota Tax ID number is not required, please explain here and provide your social security number:		

I enclose the sum of one hundred and 00/100 dollars to the City of Crystal as required by the Ordinances of said City and have complied with all the requirements of said Ordinances necessary for obtaining this License.

I hereby make application to **ENGAGE IN A SIGN-HANGING/BILLBOARD ERECTOR BUSINESS** in the City of Crystal for the period _____ through April 30, 20____, subject to all conditions and provisions of said Ordinance.

ADDITIONAL REQUIREMENTS

1. \$5,000 Bond
2. Certificate of Insurance (100/300/100)

The information in this Application For License is true and complete to the best of my knowledge.

Signature of Applicant

Date

*Fee: *If exempt, fill out Licensing Fee Exemption Form*

APPLICATION FOR LICENSE INVOLVING PRIVATE OR CONFIDENTIAL INFORMATION
(Includes Tennessee Warning)

Under Minnesota law (M.S. 270.72), the agency issuing you this license is required to provide to the Minnesota Commissioner of Revenue your Minnesota business tax identification number or the Social Security number of each license applicant.

Under the Minnesota Government Data Practices Act and the Federal Privacy Act of 1974, we must advise you that:

- This information may be used to deny the issuance, renewal or transfer of your license if you owe the Minnesota Department of Revenue delinquent taxes, penalties, or interest;
- The licensing agency will supply this information only to the Minnesota Department of Revenue. However, under the Federal Exchange of Information Act, the Department of Revenue is allowed to supply this information to the Internal Revenue Service;
- Failure to supply this information may jeopardize or delay the issuance of your license or the processing of your renewal application.

(ALSO FILL OUT REVERSE SIDE OF THIS FORM.)

City Use Only:	JDE# _____	Date Entered: _____
	PIMS ID# _____	Council Date: _____

Certificate of Compliance Minnesota Workers' Compensation Law

THIS FORM MUST BE COMPLETED BY THE BUSINESS LICENSE APPLICANT

PRINT IN INK or TYPE.

Minnesota Statutes, Section 176.182 requires every state and local licensing agency to withhold the issuance or renewal of a license or permit to operate a business in Minnesota until the applicant presents acceptable evidence of compliance with the workers' compensation insurance coverage requirement of Minnesota Statutes, Chapter 176. If the required information is not provided or is falsely stated, it shall result in a \$2,000 penalty assessed against the applicant by the commissioner of the Department of Labor and Industry.

A valid workers' compensation policy must be kept in effect at all times by employers as required by law.

LICENSE or CERTIFICATE NO (if applicable)	BUSINESS TELEPHONE NO.	FAX TELEPHONE NO.
BUSINESS NAME (Use the person(s) name if business structure is sole proprietor or partnership (i.e., John Doe, or John Doe and Jane Doe), otherwise it is the legal name of the business entity.)		
DBA ("doing business as" or also known as an assumed name) (if applicable)		
BUSINESS ADDRESS (must be physical street address, no PO boxes)	CITY	STATE ZIP CODE
COUNTY	E-MAIL ADDRESS	

YOUR LICENSE OR CERTIFICATE WILL NOT BE ISSUED WITHOUT THE FOLLOWING INFORMATION. *You must complete number 1 or 2 below.*

NUMBER 1 – Workers' compensation insurance policy information

INSURANCE COMPANY NAME (not the insurance agent)	NAIC Number
POLICY NO.	EFFECTIVE DATE
	EXPIRATION DATE

NUMBER 2 – Reason for exemption from workers' compensation insurance

If you have questions regarding the need to obtain workers' compensation coverage, including exemptions, contact 651.284.5032 or 1-800-342-5354.

- I have no employees. (See Minn. Stat. § 176.011, subd. 9 for the definition of an employee.)
- I am self-insured for workers' compensation (attach a copy of the authorization to self-insure from the Minnesota Department of Commerce).
- I have employees but they are not covered by the workers' compensation law. (See Minn. Stat. § 176.041 for a list of excluded employees.) Explain why your employees are not covered:

Other: _____

I certify that the information provided on this form is accurate and complete. If I am signing on behalf of a business, I certify that I am authorized to sign on behalf of the business.

PRINT NAME		
APPLICANT SIGNATURE (required)	TITLE	DATE

NOTE: You must notify us if there is any change to your Workers' Compensation Insurance Information or Employee Status Change by resubmitting this form. This material can be made available in different forms, such as large print, Braille or on a tape.



4141 Douglas Drive North • Crystal, Minnesota 55422-1696

Tel: (763) 531-1000 • Fax: (763) 531-1188 • www.crystalmn.gov

Certification of Financial Responsibility

This form must be completed and returned with a City license application.

To the best of my knowledge, based upon a review of the status of the property/business located in the City of Crystal at _____, I attest that the foregoing property/business is financially responsible as outlined in Crystal City Code 1005.29 (a), printed in full on the reverse of this form.

I hereby certify that I/we are current on the following financial obligations:

(Circle answers)

- Yes No Property Taxes paid
- Yes No Utility Bills paid
- Yes No State Taxes paid
- Yes No Federal Taxes paid
- Yes No Other governmental obligations or claims concerning me or the business entity named on this license application

If "NO" is circled for any of the above, describe the payment plan or other agreement approved by the applicable governmental entity.

See entire Crystal City Code 1005.29 (a) on the reverse side of this form.

I certify under penalty of perjury that the foregoing is true and correct.

Executed on: _____ (date)

Print Name

Signature

Note: Filing a false statement with a government agency is a criminal offense.

Staff use only:

__UB __PrevUB __UB Cert __Tax __PrevTax

Verified compliance _____ <date>

Staff initials: _____

The City of Crystal has adopted the following ordinance:

Crystal City Code 1005.29 Financial responsibility; applicability. (a) Prior to the issuance of a license the applicant must file with the city clerk satisfactory evidence of financial responsibility. "Satisfactory evidence of financial responsibility" shall be shown by a certification under oath that the property taxes, public utility bills, and all state and federal taxes or other governmental obligations or claims concerning the business entity applying for the license are current, and that no notice of delinquency or default has been issued, or if any of the financial obligations stated in this subsection are delinquent or in default, that any such delinquency or default is subject to a payment plan or other agreement approved by the applicable governmental entity. "Satisfactory evidence of financial responsibility" as required by this subsection shall in addition be shown by any individual applicant and all individual owners and/or shareholders of the business entity. Operation of a business licensed under this section without having on-going evidence on file with the City of the financial responsibility required by this subsection is grounds for revocation or suspension of the license.

What does this mean for a City-issued business license?

Prior to issuance of a City-issued business license or renewal license, license holders are required to certify that the property taxes, utility bill, and all state and federal taxes for the property or the business entity applying are current. Also, the applicant must certify that no notice of delinquency or default has been issued or is subject to a payment plan.

What will happen if a license holder is not financially responsible?

A hearing is granted before the City Council. The Council may deny, suspend or revoke the City-issued business license. Upon providing satisfactory evidence of financial responsibility, the business owner may re-apply for the license.

Section 405 - Signs

405.01. Title; scope. Subdivision 1. Title. This section is the sign code of the city and is referred to as "this code."

Subd. 2. Scope. The purpose of this code is to provide minimum standards to safeguard life, health, property and public welfare by regulating and controlling the design, quality of materials, construction, location, electrification, and maintenance of all signs and sign structures not located within a building, except as provided herein.

Subd. 3. Enforcement authority; right of entry. The manager is authorized and directed to enforce the provisions of this code. Whenever necessary to make an inspection to enforce any of the provisions of this code, or whenever the manager has reasonable cause to believe that there exists a sign or a condition which makes such sign unsafe, the manager may enter the premises or building on which such sign is located at reasonable times to inspect the sign or to perform any duty imposed upon the manager by this code. If the building or premises on which the sign is located is occupied, the manager will first present proper credentials and demand entry; if the building or premises is unoccupied, the manager must first make a reasonable effort to locate the owner or other persons having charge or control of the building or premises and demand entry. If entry is refused, the manager may pursue every remedy provided by law to secure entry. An owner or occupant or any other person having charge, care or control of any building or premise may not, after proper demand is made, refuse to permit entry by the manager for the purpose of inspection and examination pursuant to this code. A person who violates this subdivision is guilty of a misdemeanor.

405.03. Definitions. Subdivision 1. "Approved plastic materials" means those materials having a self-ignition temperature of 650 degrees fahrenheit or greater and a smoke-density rating not greater than 450 when tested in accordance with UBC Standard No. 42-1, in the way intended for use, or a smoke-intensity rating no greater than 75 when tested in the thickness intended for use by UBC Standard No. 52-2. Approved plastics are classified as and must meet the requirement for either CC1 or CC2 plastic.

Subd. 2. "Building code" means the building code contained in section 400.

Subd. 3. "Business" means an establishment, occupation, employment or enterprise where merchandise is manufactured, stored; exhibited or sold, or where services are offered for compensation.

Subd. 4. "Business property" means a parcel of land upon which is located one or more businesses or institutional uses. (Amended, Ord. No. 2007-18, Sec. 1)

Subd. 5. "Business proprietor" means a person owning or in effective control of a business.

Subd. 6. "Dwelling" means a building or portion thereof, designed exclusively for residential occupancy including one-family, two-family and multiple-family dwellings; the term does not include motels, hotels, and boarding houses.

Subd. 7. "Effective control" means that control exercised over property by a business proprietor, whether as owner or lessees, or by an owner or lessee of other property.

Subd. 8. "Electric sign" or "electrical sign" means a sign containing electrical wiring; the term does not include signs illuminated by an exterior light source.

Subd. 9. "Electronically or electrically controlled readerboard" means a sign, or section thereof, messages of which may be changed by electronic process or remote control and the only movement of which is the periodic changing of information against a solid, colorless background, having a constant light illumination level using lamps having a single color. (Amended, Ord. No. 2007-18, Sec. 1)

Subd. 10. "Face" or "face of the sign" means the area of a sign on which the copy is placed.

Subd. 11. "Institutional use" means a public building or facility, educational institution, place of worship, or cemetery. (Added, Ord. No. 2007-18, Sec. 1)

Subd. 12. "Limited multiple dwellings" means a dwelling containing four or fewer family units.

Subd. 13. "Marquee" means a permanent roofed structure attached to and supported by the building and projecting over public property.

Subd. 14. "Multiple dwelling" means a dwelling containing more than four dwelling units.

Subd. 15. "Noncombustible," as applied to building construction materials, means a material that, in the form in which it is used, is either one of the following:

- a) a material of which no part will ignite or burn when subjected to fire; any material conforming to UBC Standard No. 42-1 is noncombustible within the meaning of this section, or
- b) a material having a structural base of noncombustible material as defined in item a) above, with a surfacing material not over 1/8 inch thick that has a flame-spread rating of 50 or less.

The term does not apply to surface finish materials. Material required to be noncombustible for reduced clearances to flues, heating appliances, or other sources of high temperature will refer to material conforming to item a) above. A material is not classed as noncombustible that is subject to increase in combustibility or flame-spread rating beyond the limits herein established, through the effects of age, moisture or other atmospheric condition. "Flame-spread rating" refers to rating obtained according to tests conducted as specified in UBC Standard No. 42-1.

Subd. 16. "Nonstructural trim" means the molding, battens, caps, nailing strips, latticing, cutouts or letters and walkways attached to the sign structure.

Subd. 17. "Roof line" means the top edge of a roof or building parapet, whichever is higher, excluding any mansards, cupolas, pylons, chimneys, or minor projections.

Subd. 18. "Sign" means a device, structure, fixture or placard using graphics, symbols, written copy or both for the primary purpose of identifying, providing directions or advertising any establishment, product, goods or services.

Subd. 19. "Sign, bench" means a sign affixed to a bench. (Amended, Ord. No. 2007-18, Sec. 1)

Subd. 20. "Sign, directional" means an on-premises sign whose function is to provide locational directions. (Amended, Ord. No. 2007-18, Sec. 1)

Subd. 21. "Sign, free-standing" means a sign completely or principally self-supported by posts or other supports independent of a building or other structure. (Amended, Ord. No. 2007-18, Sec. 1)

Subd. 22. "Sign, identification" means a sign whose primary function is to identify a business upon the premises; a secondary function of such a sign may be to call attention to products, goods or materials. (Amended, Ord. No. 2007-18, Sec. 1)

Subd. 23. "Sign, monument" means a sign mounted directly to the ground with the maximum height not to exceed six feet. (Amended, Ord. No. 2007-18, Sec. 1)

Subd. 24. "Sign, off-premise" means a sign structure advertising an establishment, merchandise, service or entertainment that is not sold, produced, manufactured or furnished at the property on which the sign is located, e.g., "billboards" or "outdoor advertising." (Amended, Ord. No. 2007-18, Sec. 1)

Subd. 25. "Sign, on-premises" means a sign that pertains to the use of the premises or the property on which it is located. (Amended, Ord. No. 2007-18, Sec. 1)

Subd. 26. "Sign, portable" means a sign so designed as to be movable from one location to another and that is not permanently attached to the ground or any structure. (Amended, Ord. No. 2007-18, Sec. 1)

Subd. 27. "Sign, projecting" means a sign, other than a wall sign, that is affixed to a building and projects outward more than 15 feet from the building wall. (Amended, Ord. No. 2007-18, Sec. 1)

Subd. 28. "Sign, roof" means a sign erected upon or above a roof or parapet of a building or structure. (Amended, Ord. No. 2007-18, Sec. 1)

Subd. 29. "Sign structure" means a structure that supports or is capable of supporting a sign as defined in this section. A sign structure may be a single pole and may or may not be an integral part of the building.

Subd. 30. "Sign, temporary" means a sign which is erected or displayed, or both, for a limited period of time. (Amended, Ord. No. 2007-18, Sec. 1)

Subd. 31. "Sign, wall" means a sign attached or affixed to the exterior wall of a building and projecting 15 inches or less from the surface of the wall. (Amended, Ord. No. 2007-18, Sec. 1)

Subd. 32. "Sign, commercial" means a sign advertising a business, profession, commodity, service or entertainment. (Added, Ord. No. 2007-18, Sec. 1)

Subd. 33. "Sign, non-commercial" means a sign disseminating messages not classified as commercial speech which include, but are not limited to, messages concerning political, religious, social, ideological, public service and information topics. (Added, Ord. No. 2007-18, Sec. 1)

Subd. 34. "Street right-of-way" means that area limited by a lot line abutting a public street or alley.

Subd. 35. Terms defined elsewhere in the city code or in material adopted by reference in this section have the meanings given them.

405.05. Licenses. Subdivision 1. License required. It is unlawful to erect, install, reconstruct, alter, repair or remove a roof sign, wall sign, projecting sign, or free-standing sign within the city without a sign hanger's license.

Subd. 2. Application. Application for a sign hanger's license is made on forms furnished by the city clerk. The manager will evaluate and investigate the qualifications of the applicant and report those findings to the city council.

Subd. 3. Bonds and surety. Prior to the issuance of a sign hanger's license, the applicant must submit evidence of public liability and property damage insurance in the amount of \$100,000 because of bodily injury to or death of one person per accident, \$300,000 because of bodily injury to or death of more than one person per accident, and \$100,000 property damage per accident as a result of failure of any work performed by the licensee and save the city harmless from any and all claims for expenses and damages by reason of negligence, for any work performed or product furnished by the licensee. A bond in the amount of \$5,000 must be furnished conditioned such that all work performed by the licensee will be sufficient and secure support and attachments, and proper, suitable and skilled workmanship in the erection, construction, reconstruction, alteration, repair and removal of a sign requiring a permit under the provisions of this section.

Subd. 4. Issuance. The city council issues the sign hanger's license. The council may revoke, suspend or deny a license for cause as provided in appendix IV.

Subd. 5. Fee. The license fee must be submitted with the application for license and is set forth in appendix IV. Local non-profit/civic organizations are exempt from temporary sign permit fees for up to a maximum of six signs per event. Fees in effect at the time of application will be charged for any number of signs beyond six.

Subd. 6. License renewal. The license expires annually on the first Monday in February.

405.07. Permits. Subdivision 1. Permits required. It is unlawful to erect, install, repair, alter, relocate or repaint a sign within the city, except a permitted sign, as defined in subsection 405.17, subdivision 1, without first obtaining a permit to do so from the manager and payment of a fee as set by appendix IV. Except for temporary signs, permits may only be issued to licensed sign hangers.

Subd. 2. Application for permit. Application for a permit are made upon forms provided by the clerk. The applicant must state or have attached to the application the following information:

- a) name, address and telephone numbers of the applicant.
- b) name, address and telephone number of person owning the sign.
- c) a plot plan to scale, showing the location of lot lines, building, structures, parking areas, existing and proposed signs, and any other physical features.
- d) plans, location and specifications and methods of construction and attachment to the building or placement method in the ground.
- e) copy of stress sheets and calculations showing that the structure is designed for dead load and wind pressure in any direction in the amount required by this code and the city code.
- f) written consent of the owner or lessee (if other than the applicant) of any site on which the sign is to be erected.

- g) an electrical permit if required and issued for the sign.
- h) other information that the manager may require to show full compliance with this code.

Subd. 3. Permit issued if application in order. When an application for a permit is made, the manager must examine the plans, specifications and other data, and the premises upon which the proposed sign is to be erected. If the proposed structure is in compliance with all the requirements of this section and the city code, the permit will be issued. If the work authorized under a permit has not commenced within 180 days after the date of issuance of the permit, the permit is void. (Amended, Ord. No. 2007-18, Sec. 1)

Subd. 4. Annual licenses. (Repealed, Ord. No. 2001-02, Sec. 1)

405.09 Design and construction. All signs shall be constructed in such a manner and of such material that they shall be safe and substantial, and in full compliance with all requirements of this code. All signs shall be maintained in a safe, presentable condition and shall be structurally sound. Defective parts shall be promptly replaced. All signs shall be in compliance with the most currently adopted versions of the Minnesota State Building Code and 2006 International Building Code Appendix H. (Amended, Ord. No. 2007-18, Sec. 1)

405.11. Electrical signs. Subdivision 1. General. Except as otherwise provided in the code, electrical signs must be constructed of non-combustible materials. The enclosed shell of electric signs must be watertight, but service holes fitted with covers must be provided into each compartment of such signs.

Subd. 2. Installation. Electrical equipment used in connection with electric signs must be installed in accordance with national electrical code provisions regulating electrical installation.

405.13. Measurement standards. Subdivision 1. Area. The area of a sign is computed as follows:

Subd. 2. Calculating the area of the face of the sign. The area of the smallest geometric figure (circle, triangle, rectangle, or trapezoid) within a single continuous perimeter enclosing the extreme limits of the sign is considered the area of the face of the sign. The perimeter does not include any structural elements lying outside the limits of such sign when not forming an integral part of the sign area containing the message.

Subd. 3. Two or more faces. If a sign has two or more faces, the area of all faces will be included in determining the total area of the sign, except that if two sign faces are placed back-to-back, and are at no point more than 30 inches from one another, the area of the sign will be taken as the area of one face if the two faces are of equal area, or as the area of the larger face if the two faces are of unequal area. The area of free letter wall signs includes a border area equal to the letter spacing.

405.15. General provisions. Subdivision 1. Repair, removal. A sign or sign structure which is rotted, unsafe, defaced or otherwise altered, must be repainted, repaired, or replaced by the permit holder, owner or agent of the owner of the property on which the sign stands, as provided in subsection 405.37. (Amended, Ord. No. 2001-02, Sec. 2)

Subd. 2. Preservation. Signs, together with supports, braces, guys and anchors, must be kept in repair and in proper state of preservation. The faces of signs must be kept neatly painted or attached to the sign structure.

Subd. 3. Electrical signs. Electrical signs must be installed by a licensed electrician in accordance with the national electrical code.

Subd. 4. Signs in streets. Signs, other than governmental signs and courtesy bench signs regulated by chapter VIII, subsection 805.01 of the city code may not be erected or temporarily placed within a street right-of-way or upon any public lands or easements, or rights-of-way.

Subd. 5. Temporary signs. The temporary use of banners, pennants, portable signs and similar devices requires a permit. The permit is valid for seven consecutive days. Not more than ~~six permits~~ for each business property may be granted in a 12-month period. For business properties with multiple tenants, each tenant may be granted no more than four permits in a 12-month period. The permit must be prominently displayed at the principal use in the same manner required for building permits. Temporary signs shall conform to the same location and dimension requirements as permanent signs, including but not limited to subdivisions 6, 7 and 8 in this subsection and 405.19, subdivisions 2 and 4. (Amended, Ord. No. 2007-18, Sec. 1)

Subd. 6. Distance to lot line. No part of the sign or sign structure of any free-standing, roof sign or projecting sign may be within ten feet of any lot line except that in C-1, C-2 and I-1 districts, a projecting sign may be equidistant between the side lot lines of the land parcel if the parcel of land is less than 20 feet in width. (Amended, Ord. No. 2007-18, Sec. 1)

Subd. 7. Distance from street right-of-way. No part of any free-standing sign, roof sign, projecting sign or sign structure may be nearer than ten feet from the street right-of-way.

Subd. 8. Intersections. A sign or sign structure is not permitted on property at street intersections within a triangular area formed with two legs, lying along the street property line and being 25 feet long, and commencing at the intersection property corner, and the third leg connecting the ends of the other two legs. A sign (but not a sign structure) may be located in the triangular area provided that:

- a) the clearance above street grade is not less than 14 feet;
- b) no part of the sign structure encroaches in the triangular area at an elevation less than 14 feet above street grade;
- c) no other free-standing, roof sign, or projecting sign is located on the premises; and
- d) the provisions of subsection 405.15, subdivision 7, apply.

Subd. 9. Substitution of non-commercial speech permitted. The owner of any sign which is otherwise allowed by this code may substitute non-commercial copy in lieu of any other commercial copy. The purpose of this provision is to prevent any inadvertent favoring of commercial speech over non-commercial speech, or favoring of any particular non-commercial message over any other non-commercial message. This provisions prevails over any more specific provision to the contrary. (Added, Ord. No. 2007-18, Sec. 1)

405.17. Signs allowed without a permit. Subdivision 1. Except as otherwise provided in this subsection, the signs described in the following subsections are allowed without a permit but must comply with other applicable provisions of this code. (Amended, Ord. No. 2001-02, Sec. 3; Ord. No. 2007-18, Sec. 1)

Subd. 2. Public signs. Signs of a public, non-commercial nature, including safety signs, danger signs, trespassing signs, traffic signs, signs indicating scenic or historical points of interest, memorial plaques, and the like, when signs are erected by or on order of a public officer or employee in the performance of official duty. These signs need not comply with other provisions of the sign code.

Subd. 3. Home occupation identification signs. Signs that identify a lawful home occupation in accordance with section 515 (Zoning) and the address of the premises where the sign is located, but contain no other information. There may be one such sign per premise, not to exceed four square feet in area, not to be illuminated, and set back a minimum of ten feet from any property line. If the sign is free-standing, the total height may not exceed five feet. (Amended, Ord. No. 2007-18, Sec. 1)

Subd. 4. Integral signs. Names of buildings, dates of construction, commemorative tablets and the like, that are of a permanent type of construction and that are an integral part of the building or the structure.

Subd. 5. Political campaign signs. Temporary signs or posters announcing a candidate seeking political office or advocating political issues, and data pertinent thereto may not exceed eight square feet in all zoning districts. Campaign signs must contain the name and address of the person or committee responsible for such sign, and that person or committee will be responsible for its removal. These signs may remain in place for no longer than 45 days before and five days after the election for which they are intended. In state general election years noncommercial signs of any size may be posted from August 1 until ten days following the state general election. Political campaign signs must be confined to private property, may not be placed in the public street right-of-way, are not subject to the setback requirements of 405.15, subdivisions 6 and 7, but are subject to the intersection visibility requirements of 405.18, subdivision 8. (Amended, Ord. No. 2007-18, Sec. 1)

Subd. 6. Construction and development signs. A non-illuminated sign, announcing the names of architects, engineers, contractors, or other individuals or firms involved in the construction, alteration, or repair of a building (but not including any advertisement for any other service or product) or real estate development site or subdivision, or announcing the character of the building enterprise, or the purpose for which the building is intended. Construction signs must be confined to the site of the development, construction, alteration, or repair, shall be located on the respective property and not on any adjacent property or public street right-of-way, and shall only be displayed during the lawful duration of the project. One sign may be permitted for each street frontage which the project abuts. In the R-1 and R-2 districts, the area of a construction sign may not exceed four square feet per dwelling unit, up to a maximum of 32 square feet for each construction project or development site having more than one dwelling unit. In the R-3, C-1, C-2 and I-1 districts, the area of a construction sign may not exceed 32 square feet. (Amended, Ord. No. 2007-18, Sec. 1)

Subd. 7. Holiday signs. Signs or displays that contain or depict a message pertaining to a national or state holiday and no other matter, displayed for a period not to exceed 45 days.

Subd. 8. Individual property sale or rental signs. An on-premises sign announcing the name of the owner, manager, realtor or other person directly involved in the sale or rental of the property or announcing the purpose for which it is being offered. The signs must be removed within 14 days after sale or rental of property. The signs may not be illuminated. The signs may not measure more than four square feet in R-1, R-2, and R-3 districts. Only one sign per premise is permitted. Corner properties may contain one sign for each street frontage. Such signs must be confined to private property, may not be placed in the public street right-of-way, are not subject to the setback requirements of 405.15, subdivisions 6 and 7, but are subject to the intersection visibility requirements of 405.15, subdivision 8. (Amended, Ord. No. 2007-18, Sec. 1)

Subd. 9. Product identification signs. A product identification sign is an emblem, decal, design illustration, or device, not located on a sign structure, that is placed on and intended to draw attention to a product contained in a container, vehicle or structure, or to a service offered by the owner of such container, vehicle or structure.

Subd. 10. Garage sale signs. Signs identifying the location and times of a garage sale may be placed on the property at which the sale is to be conducted or on the property of others with their consent. The signs may not exceed four square feet in area per side, may not be placed on or attached to any utility pole or public signs, and are subject to the provisions of subsection 405.15, subdivision 8. Garage sale signs must be removed within 24 hours of the time stated on such sign for the conclusion of the sale, and such time must be stated on the sign. For purposes of this subsection a garage sale is an occasional sale, of limited duration, of used goods or merchandise conducted by a property owner on the owner's premises.

Subd. 11. Recreational area signs. Signs may be placed on the interior surface of fencing surrounding a recreational area used for organized sports functions including, but not limited to, little league, Babe Ruth leagues and similar activities. (Amended, Ord. No. 2007-18, Sec. 1)

Subd. 12. Directional signs. A sign may be placed at or near primary vehicular entrances to an establishment provided that the sign:

- a) is placed so as not to impair the vision of motorists either on a public street or entering or exiting therefrom;
- b) is set back at least one foot off the property line (the signs are exempt from other setback provisions);
- c) may not exceed six square feet in area nor six feet in height; and
- d) may not contain any advertising copy other than the name of the shopping center or establishment, its logo, or both, and the relevant directional information.

405.19. Special provisions for C-1, C-2 and I-1 zoning districts. Subdivision 1. Number and type of signs in C-1, C-2 and I-1 districts. A business property is limited to the following number and type of signs:

one free-standing sign in addition to wall signs, or

one projecting sign in addition to wall signs.

A property abutting more than one street may have one additional free-standing or projecting sign on one of the additional street rights-of-way (except as provided in subsection 405.15, subdivision 8) provided that such street right-of-way is on an arterial or collector street and such sign is more than 50 feet distant from any other free-standing, projecting or roof sign on the property. (Amended, Ord. No. 2007-18, Sec. 1)

Subd. 2. Free-standing signs. Free-standing signs in C-1, C-2, and I-1 zoning districts are subject to the following requirements: (Amended, Ord. No. 2007-18, Sec. 1)

- a) a maximum height of 25 feet. The height of free-standing signs is measured from the center line of the street nearest to the proposed sign location.
- b) a free-standing sign is not permitted on any street right-of-way frontage of less than 50 feet width, the provisions of subsection 405.19, subdivision 1 notwithstanding.
- c) the area of a free-standing sign may not exceed:

<u>Street designation</u> <u>(of street abutting frontage)</u>	<u>Area allowable</u> <u>(in square feet)</u>
Principal arterial	200
Minor arterial and major collector	150
Collector	100
Local	50

For the purpose of establishing free-standing sign area allowances, frontage is that width of property abutting the public right-of-way from which the sign is intended to be viewed or, if that width cannot be determined, the width of the property that abuts the closest street to the proposed sign location.

- d) The area of a free-standing sign is limited to one square foot of frontage on the public right-of-way. This allotment may not exceed the limits set forth in clause c) above.
- e) A free-standing sign will not be permitted within 50 feet of a residence or any district zoned R-1, R-2, R-3, or of a public park, school, library, church, or similar institution or government property. (Amended, Ord. No. 2007-18, Sec. 1)
- f) The minimum setback for a free-standing sign, or any part thereof (including the supports, structure, display or trim) will be ten feet, regardless of the sign's size.

Subd. 3. Projecting signs. Projecting signs in C-1, C-2 and I-1 zoning districts are subject to the following regulations: (Amended, Ord. No. 2007-18, Sec. 1)

- a) Minimum clearance of sign. Projecting signs must have not less than ten feet minimum clearance above grade and no sign may project more than four feet six inches from the face of the building to which it is attached; a sign may not project beyond the property line.
- b) Maximum area and height of sign. A projecting sign may not exceed the maximum height herein provided for free-standing signs. The area may not exceed 10% of the total area of the building frontage, either individually or in combination with wall signage.
- c) A projecting sign is not permitted within 50 feet of any district zoned for residential purposes (R-1, R-2, and R-3) or of any public park, school, library, church or similar institution, or government property. (Amended, Ord. No. 2007-18, Sec. 1)

- d) A projecting sign may not extend upward to a point higher than the roof line of the building to which the sign is attached.

Subd. 4. Wall signs. Wall signs in the C-1, C-2 and I-1 zoning districts are subject to the following regulations: (Amended, Ord. 2007-18, Sec. 1)

- a) The total area of all wall signs and projecting signs may not exceed 10% of the area of the wall it is on, up to a maximum as defined by the street designation scheme contained in subsection 405.19, subdivision 2 c). For the purposes of assigning a street designation, that street from which the sign is intended to be viewed is used. In commercial or industrial districts, buildings exceeding 80,000 square feet in size on lots of over 200,000 square feet are permitted to have wall signage of up to 250 square feet. The maximum number of signs that will be permitted on each wall is two. The area of free letter wall signs will include border area equal to the letter spacing. Wall signs may not extend beyond the ends of the wall. (Amended, Ord. No. 94-7, Sec. 1)
- b) A wall sign may be displayed on the side or rear of a building facing a yard not abutting on a street under the following conditions:
 - 1) The sign is visible from a public roadway on which the building abuts.
 - 2) The side or rear yard on the side of the building to be signed must meet district setback and buffering requirements.
 - 3) The sign(s) may not be larger in area than the largest sign permitted elsewhere on the building.
 - 4) If the side or rear yard on the side of the building to be signed abuts a park property or a residential district, any lighting of sign must be shielded in accordance with zoning code provisions in subsection 515.13. (Amended, Ord. No. 2007-18, Sec. 1)

Subd. 5. Canopies and marquees. Canopies and marquees in the C-1, C-2 and I-1 zoning districts are subject to the following regulations: (Amended, Ord. No. 2007-18, Sec. 1)

- a) Signs may be attached to canopies and marquees. A sign above or below the canopy or marquee is considered a projecting sign. A sign on the face of the canopy or marquee is considered a wall sign.
- b) Canopies and marquees are a part of the building structure but the area of canopies and marquees may not be used in the computation of total wall area.
- c) Signs attached to canopies or marquees may not extend over the roof line of the building structure.
- d) Signs attached below a canopy or marquee may not be less than eight feet above the grade below.

Subd. 6. Bench signs. An advertising matter may not be placed on benches unless the bench bears a legend indicating the name of the person donating or sponsoring the bench. The advertising copy may not exceed 12 square feet in area.

405.21. Special provisions for residential zoning districts. Subdivision 1. In the R-1, R-2 and R-3 districts, multiple family dwellings and institutional, commercial or industrial uses may have monument signs subject to the following limitations: (Added, Ord. No. 2007-18, Sec. 1)

- a) No monument sign shall exceed six feet in height above the average grade around the perimeter of the sign. (Added, Ord. No. 2007-18, Sec. 1)
- b) No monument sign shall exceed 75 square feet in area. (Added, Ord. No. 2007-18, Sec. 1)
- c) No more than one monument sign is permitted per business property, except that parcels fronting on more than one principal arterial, minor arterial or major collector may have a monument sign on each such frontage, provided such frontage is at least 150 feet in width. (Added, Ord. No. 2007-18, Sec. 1)

Subd. 2. In the R-1, R-2 and R-3 districts, multiple family dwellings and institutional, commercial or industrial uses may have wall signs subject to the following limitations: (Added, Ord. No. 2007-18, Sec. 1)

- a) Wall signs are only permitted on walls fronting on a public street or facing other property used for institutional, commercial or industrial purposes. (Added, Ord. No. 2007-18, Sec. 1)
- b) No more than one sign is permitted on each wall. (Added, Ord. No. 2007-18, Sec. 1)
- c) No wall sign shall exceed 10% of the wall area or 75 square feet in area, whichever is less. (Added, Ord. No. 2007-18, Sec. 1)

Subd. 3. Multiple family dwellings may have one identification sign per building containing the name of the building or complex. Such signs shall not exceed four square feet in the R-1 district and 12 square feet in the R-2 and R-3 districts. (Added, Ord. No. 2007-18, Sec. 1)

405.23. Prohibited signs. The following signs are prohibited by this code:

- a) A sign that obstructs or distracts the vision of drivers or pedestrians, or detracts from the visibility of any official traffic control device.
- b) A sign that contains or imitates an official traffic sign or signal, except for private, on-premise directional signs.
- c) A sign that rotates more than five revolutions per minute. A moving part of any rotating sign may not extend more than four feet from the rotational axis.
- d) A sign that contains or consists of banners, pennants, ribbons, streamers, strings of light bulbs, spinners, or similar devices, except as provided in subsection 405.15, subdivision 5.
- e) Portable signs, except as provided in subsection 405.15, subdivision 5.
- f) Signs that are tacked or posted on trees, fences, utility poles, or other such supports.

- g) Signs painted directly on walls of buildings; this clause does not apply to temporary on-premise signs painted on the window portion of a wall.
- h) Signs displaying moving parts, or illuminated with any flashing or intermittent lights, or animated except as provided below:

Electronically or electrically controlled readerboards that provide time and temperature, public service information, or on-site advertising are permitted provided that the sign:

 - 1) meets all the requirements of this section;
 - 2) displays a given copy or graphic image for a minimum of three seconds within the readerboard frame;
 - 3) is either a wall, free-standing or monument sign and when the readerboard is to be included in a wall, free-standing or monument sign, the area of the readerboard may not exceed 50% of the total area of the sign in which it is integrated, or 50 square feet, whichever is less, and only one readerboard per premise is allowed; and (Amended, Ord. No. 2007-18, Sec. 1)
 - 4) displays a static message with no fade, dissolve, scrolling, spinning or zooming action. (Added, Ord. No. 2007-18, Sec. 1)
- i) Unshielded display lighting that permits light to be directed at traffic in such brilliance that it may impair or distract the vision of the driver of a motor vehicle.
- j) A sign or illumination that may interfere, obscure, or cause confusion with an official traffic sign or signal. This provision is applicable to indoor signs visible from public streets.
- k) Roof signs.
- l) Off-premise signs. (Added, Ord. No. 2007-18, Sec. 1)
- m) Animated signs that utilize any motion picture, laser or visual projection of images or copy in conjunction with any business or advertisement. (Added, Ord. No. 2007-18, Sec. 1)
- n) Signs attached to or painted on motor vehicles or trailers that are parked on or adjacent to a property for more than 24 consecutive hours, the principal purpose of which is to attract attention to a product sold or business located on the property. This is not meant to include logos and product identification signs on trucks and equipment as described in 405.17, subdivision 11, unless it is used as a stationary advertising device for more than 24 hours. (Added, Ord. No. 2007-18, Sec. 1)

405.25. Variances. Subdivision 1. Purpose. To provide for flexibility and a reasonable interpretation of the provisions of this code, a permit applicant who wishes the council to vary the strict application of the provisions of this code may file a variance application. It is the policy of the city to ensure that no variance is granted that violates the literal provisions, intent or spirit of this code without the satisfaction of the several criteria specified in subsection 405.25, subdivision 3, below, which constitute undue hardship.

Subd. 2. Procedure. A person seeking a variance from the provisions of this code may apply to the manager showing such information as may be required to properly identify the sign and the proposed conditions of the requested variance. Upon receipt of the application and the fees required by appendix IV, the manager must forward the application to the planning commission together with necessary documentation and such other information as in the manager's judgment is necessary for the planning commission to make a recommendation.

Subd. 3. Hearing. The planning commission will hear the application at its next regular meeting, or as soon thereafter as is practicable. The commission, acting as the board of adjustment and appeals, must make its recommendation to the city council within 60 days. After reviewing the written recommendation of the planning commission, the council will consider requests for variances from the literal provisions of the code in instances where their strict enforcement would cause an undue hardship because of circumstances unique to the individual property under consideration and may approve the granting of variances where such an action will be in keeping with the spirit and intent of this code. The council may conduct a public hearing on such notice as the council deems advisable, about the variance request prior to council consideration of the request. Before the council may grant a variance, it is the responsibility of the applicant to prove, and the council must make the following findings:

- a) that there are exceptional or extraordinary circumstances applicable to the property or to the intended use that do not apply generally to other property similarly situated;
- b) that the variance is necessary for the preservation and enjoyment of a substantial property right possessed by other property similarly situated, but which right is denied to the property in question;
- c) that the strict application of this code would constitute an undue hardship;
- d) that the granting of the variance would not be materially detrimental to the public health, safety or general welfare;
- e) that the alleged difficulty or hardship is caused by this code and has not been created by any persons presently having an interest in the parcel;
- f) that the difficulty or hardship is not based solely on economic considerations; and
- g) that the proposed variance will not impair an adequate supply of light and air to adjacent property, substantially increase the congestion of the public streets, or interfere with the function of the police and fire department of the city.

Subd. 4. Lapse of variance. If within a period of one year after the granting of a variance, the work as permitted thereby is not completed the variance will lapse unless such time is extended by the council. The application for the same variance will not be considered by the council for a period of one year after such lapse.

Subd. 5. Termination of variance. A variance granted after the effective date of this section will terminate upon a change in the effective control of:

- a) the business property upon which the sign is located;

- b) the business to which the sign relates;
- c) the property on which the sign is located.

405.27. Non-conforming signs. Subdivision 1. Defined. A non-conforming sign is a sign or sign structure that was lawful at the time it was installed or constructed, but does not meet the requirements of this code. The term includes a sign that was granted a variance prior to the effective date of this code where the variance permitted conditions that do not conform to the provisions of this code. (Amended, Ord. No. 2007-18, Sec. 1)

Subd. 2. Non-conforming signs. Any nonconforming sign may be continued, including through repair, replacement, restoration, maintenance, or improvement, but not including expansion, unless the sign is destroyed by fire or other peril to the extent of greater than 50% of its market value, and no sign permit has been applied for within 180 days of when the sign is damaged. (Added, Ord. No. 2007-18, Sec. 1)

Subd. 3. Removal. A non-conforming sign must be removed as provided in subsection 405.37, when the owner is notified that the sign is unsound, damaged, in disrepair, or hazardous. Failure of notification on the part of the city will not place any liability on the part of the city nor absolve or mitigate any liability on the part of the owner of such sign. (Amended, Ord. No. 2007-18, Sec. 1)

405.29. Special area identification provision for multiple use buildings. Multiple use buildings are considered a single commercial establishment and are limited to one free-standing sign per qualifying street frontage, up to the limit set forth in subsection 405.19. However, in order to achieve a higher degree of area identification while pursuing the goal contained in the municipal comprehensive plan of reducing signage in the city, multiple use buildings located at a street intersection may opt to combine the free-standing sign area allowances for the two individual qualifying frontages into a single sign provided that:

- a) all setback requirements are met, including those provided in subsection 405.15, subdivision 8;
- b) the sign is placed within 35 feet of the intersection of the two streets in question and is intended to be viewed from both streets; and
- c) the total area of such sign may not exceed an area equal to 2/3rds of the sum of the area allowances for free-standing signs for the individual frontages, as provided in 405.19, subdivision 2, clauses c) and d).

405.31. Comprehensive sign plan required. Subdivision 1. General. Upon the first occasion of annual permit renewal after the effective date, owners (or their designated operating agents) of shopping centers and multiple use buildings of two or more businesses or industries, if they have not already done so, must submit a comprehensive sign plan to the manager for approval. The manager's approval will be contingent upon a) demonstrated consistency with all applicable provisions of this code and b) consistency with any other design guidelines or principles which have been applied to the area within which the development is contained, including, but not limited to, special provisions of a designated redevelopment project over a development district.

Subd. 2. Conformance. Signs erected within the shopping center or multiple use building must conform to the conditions of the sign plan.

Subd. 3. Non-conforming signs. Existing signs within a multiple use development that do not meet the requirements of this section or the development's sign plan are non-conforming signs and are subject to the restrictions set forth in subsection 405.27.

405.33. Illuminated signs. Where a sign is illuminated, the source of light may not be directed upon any part of a residence or into any area zoned for residential use. Such illumination must be indirect or diffused.

405.35. (Deleted, Ord No. 2007-18, Sec. 1)

405.37. Violations; notice; procedures. Subdivision 1. Nuisance declared. Signs placed, erected, or maintained in violation of this section are declared a public nuisance and may be abated as such.

Subd. 2. City manager; powers. If the manager finds a sign being erected by an unlicensed person, where a license is required, or finds a sign being erected without a permit or where continuation of such sign erection would constitute an immediate threat to the safety of the public, the manager must immediately orally notify the person erecting the sign that the action is in violation of this ordinance and will issue a stop-order as to such erection in the same manner as provided in the building code. It is unlawful to continue such erection after the notification provided for in this subsection.

Subd. 3. Notice. If the manager finds a sign placed, erected or maintained in violation of this section the manager will notify the owner of the sign, and the owner of the property upon which the sign is located of such violation. The notice must be in writing, handed to or mailed to the last known address of such person or persons. The notice must state in substance the nature of the violation and that if the sign is not removed or action taken to make the sign comply with this section within five days excluding Saturdays, Sundays and legal holidays, of receipt of the notice, the manager may cause the sign to be removed and disposed of by any appropriate means.

Subd. 4. Cost of removal. The cost of removal of a sign in violation of this section will be computed by the manager and will be assessed against the property involved as in the manner provided for in Minnesota Statutes, section 429.101.

Subd. 5. Penalty. It is unlawful for any person to fail to modify or remove a sign after the expiration of the five-days' notice provision of this subsection or to fail to comply with a lawful order given by the manager with respect to a sign. Violation of the provisions of this code is a misdemeanor.

