

SIGNS

§ 152.350 PURPOSE.

The purpose of this subchapter is to establish minimum requirements, adopted to protect the public health, safety, morals, comfort and general welfare of the people of the city by providing regulations governing all signs, including, but not limited to, the type, area, height, materials, construction, illumination, location and maintenance of all signs and sign structures in the city.

(Prior Code, § 11-24-1) (Ord. 258, passed 5-4-2006)

§ 152.351 EXISTING SIGNS AND NONCONFORMING SIGNS.

(A) *Existing signs.* Except for signs determined to create a public safety hazard due to content or due to disrepair and condition or illegally established signs, all legally established signs existing upon the effective date of this subchapter shall not be enlarged or reconstructed, but may be continued at the size and in the manner of operation existing upon that date.

(B) *Alterations.*

(1) A nonconforming sign may not be expanded.

(2) A nonconforming sign may be continued, including through repair, replacement, restoration, maintenance or improvement, unless:

(a) The nonconforming sign is discontinued for a period exceeding one year; or

(b) The nonconforming sign is destroyed by fire or other peril to the extent of greater than 50% of its market value, and no permit has been applied for within 180 days of when the nonconforming sign is damaged.

(3) Any permit is subject to reasonable conditions imposed by the City Council to mitigate the impact on adjacent properties.

(C) *Nonconforming sign maintenance and repair.* Nothing in this chapter shall be construed as relieving the owner or user of a legal nonconforming sign or owner of the property on which the legal nonconforming sign is located from the provisions of this chapter regarding safety, maintenance and repair of signs; provided, however, that any repainting, cleaning and other normal maintenance or repair of the sign or sign structure shall not modify the sign structure or copy in any way which makes it more nonconforming or the sign shall lose its legal nonconforming status.

(D) *Nonconforming uses.* When the principal use of land is legally nonconforming, all existing or proposed signs in conjunction with that land, shall be considered conforming if they are in compliance with the sign provisions for the most restrictive zoning district in which the principal use is allowed.

(Prior Code, § 11-24-2) (Ord. 258, passed 5-4-2006)

§ 152.352 GENERAL PROVISIONS.

(A) The design and construction standards for signs, as set forth in the State Building Code, as may be amended, are hereby adopted.

(B) The installation of electrical signs shall be subject to the State's Electrical Code. Electrical service to the sign shall be underground.

(C) Signs containing noncommercial speech are permitted anywhere that advertising or business signs are permitted, subject to the same regulations applicable to the signs.

(D) Signs shall not create a hazard to the safe, efficient movement of vehicular or pedestrian traffic. No private sign shall contain words which might be construed as traffic controls, unless the sign is intended to direct traffic on the premises.

(E) Signs and sign structures shall be properly maintained and kept in a safe condition. Sign or sign structures which are rotted, unsafe, deteriorated or defaced shall be repainted, repaired or replaced by the licensee, owner or agent of the building upon which the sign stands.

(F) No sign shall be attached or be allowed to hang from any building until all necessary wall and roof attachments have been approved by the Building Official.

(G) No signs, guys, stays or attachments shall be erected, placed or maintained on rocks, fences, utility poles, public signs or trees nor interfere with any electric light, power, telephone or telegraph wires or the supports thereof.

(H) Banners, pennants and similar devices shall require a license. The license shall be valid for no more than 15 consecutive days. No more than two licenses per business shall be granted during any 12-month period. Maximum sign size shall be limited to 32 square feet if the adjacent roadway has a posted speed of 44 mph or less, or 64 square feet if the adjacent roadway has a posted speed of 45 mph or more.

(I) Illuminated signs shall be shielded to prevent lights from being directed at oncoming traffic in a brilliance that it impairs the vision of the driver. Nor shall signs interfere with or obscure an official traffic sign or signal. This includes indoor signs which are visible from public streets.

(J) Except for legal, nonconforming portable signs existing prior to the effective date of this chapter, portable signs may not exceed 24 square feet and may not be illuminated with any flashing device. Use of a portable sign shall require a license. The license shall be valid for no more than 15 consecutive days. No more than two licenses per business shall be granted during any 12-month period.

(K) No sign or sign structure shall be closer to any lot line than a distance equal to one-half the minimum required yard setback. No sign shall be placed within any drainage or utility easement.

(L) No sign or sign structure shall be erected or maintained that prevents free ingress or egress from any door, window or fire escape. No sign or sign structure shall be attached to a standpipe or fire escape.

(M) A freestanding sign or sign structure constructed so that the faces are not back to back, shall not have an angle separating the faces exceeding 20 degrees unless the total area of both sides added together does not exceed the maximum allowable sign area for that district.

(N) Signs prohibited (but visible) in residential districts shall be positioned so that the copy is not visible from residential uses or districts along adjoining side and rear yard property lines.

(O) At least one address sign identifying the correct property number, as assigned by the city, shall be required on each principal building in all districts. The address number shall be at least four inches in height.

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

(Prior Code, § 11-24-3) (Ord. 258, passed 5-4-2006; Ord. 303, passed 5-18-2010)

§ 152.353 PERMITTED AND PROHIBITED SIGNS.

(A) *Permitted signs.* The following signs are allowed without a permit:

(1) *Public signs.* Signs of a public, noncommercial nature, including safety signs, directional signs to public facilities, trespassing signs, traffic signs, signs indicating scenic or historical points of interest, memorial plaques and the like, when erected by or on behalf of the city or its employees;

(2) *Identification signs.* Identification signs not exceeding three square feet;

(3) *Informational signs.* Informational signs not exceeding 16 square feet;

(4) *Directional signs.*

(a) *On-premise signs.* On-premise signs shall not be larger than four square feet. The number of signs shall not exceed four unless approved by the Council; and

(b) *Off-premise signs.* Off-premise signs shall be limited to situations where access is confusing and traffic safety could be jeopardized or traffic could be inappropriately routed through residential streets. The size of the sign shall be approved by the Council and shall contain no advertising.

(5) *Campaign signs.*

(a) All noncommercial signs of any size may be posted in any number from 46 days before the state primary in a state general election year until ten days following the state general election subject to the applicable provisions of M.S. § 211B.045, as it may be amended from time to time. The signs shall conform with the provisions of § 152.352.

(b) Campaign signs posted in connection with elections held at times other than as regulated by M.S. § 211B.045, as it may be amended from time to time, are subject to the following:

1. Campaign signs in commercial, industrial and institutional zones not exceeding eight square feet and in all residential zones not exceeding four square feet;

2. The sign shall contain the name and address of the person responsible for the sign and that person shall be responsible for its removal; and

3. The signs shall remain for no longer than 75 days in any calendar year.

(6) *Holiday signs.* Signs or displays which contain or depict a message pertaining to a religious, national, state or local holiday and no other matter and which are displayed for a period not to exceed 75 days in any calendar year;

(7) *Construction signs.* A non-illuminated construction sign confined to the site of the construction, alteration or repair. The sign shall be removed within two years of the date of issuance of the first building permit on the site or when the particular project is completed, whichever is sooner. One sign shall be permitted for each street the project abuts. No sign may exceed 32 square feet in residential districts, or 64 square feet in business, industrial and institutional districts;

(8) *"For Sale" and "To Rent" signs.* "For sale" and "to rent" signs shall be permitted subject to the following regulations:

(a) *Residential dwelling units, regardless of number of units.*

1. No more than one sign per lot, except on a corner lot, two signs, shall exceed 16 square feet in area or be illuminated;

2. Each sign shall be devoted solely to the sale or rental of the property being offered and shall be removed immediately upon the sale or rental of the property; and

3. Each sign shall be placed only upon the property offered for sale or rent.

(b) *Commercial, industrial or institutional property.* In the event of the sale or rental of commercial, industrial or institutional property, there shall be permitted one sign facing each public street, providing access to the property being offered. Each sign shall not exceed 32 square feet in area and shall be devoted solely to the sale or rental of the property being offered and must be removed immediately upon the sale or rental of the last property offered at that location. The sign may be located within the front yard setback provided it is on private property.

(9) *Rummage (garage) sale signs.* Rummage sale signs shall not be posted until the day before the sale and shall be removed within one day after the end of the sale and shall not exceed four square feet. Rummage sale signs shall not be located in any public right-of-way, or on utility poles, public signs, traffic signals or equipment. The city shall have the right to remove and destroy signs not conforming to this chapter.

(B) *Prohibited signs.* The following signs are prohibited:

(1) Advertising signs (off-premises). With the following exceptions:

(a) Signs advertising nonprofit organizations are permitted subject to the restrictions imposed within the zoning district in which the sign is located; and

(b) A real estate development sign advertising lots or property for sale may be located off-premises by permit. The permit shall be renewable annually and conditioned upon documentation allowing the sign or structure by the property owner upon which it is to be located. The sign shall conform to the size restriction of signs imposed within the respective district in which the sign is located.

(2) Advertising or business signs on or attached to equipment such as semi-truck trailers where signing is a principal use of the equipment on either a temporary or permanent basis;

(3) Motion signs and flashing signs, except time and temperature signs and barber poles;

(4) Projecting signs except as provided for in §152.355 of this subchapter;

(5) Roof signs, except that a business sign may be placed on the fascia or marquee of a building and provided:

(a) The sign does not extend above the highest elevation of the building, excluding chimneys;

(b) The sign is thoroughly secured and anchored to the frames of the building over when they are constructed and erected; and

(c) No portion of the sign extends beyond the periphery of the roof.

(6) Business signs which advertise an activity, business, product or service no longer produced or conducted on the premises upon which the sign is located. Where the owner or lessor of the premises is seeking a new tenant, the signs may remain in place for not more than 30 days from the date of vacancy.

(Prior Code, § 11-24-4) (Ord. 258, passed 5-4-2006; Ord. 303, passed 5-18-2010)

§ 152.354 GENERAL DISTRICT REGULATIONS.

(A) *R-E, R-1 and R-2 Districts; residential area identification.*

(1) Only one sign for each area.

(2) Sign area may not exceed 32 square feet with a maximum height of eight feet for freestanding signs.

(B) *R-3 and R-4 Districts.*

(1) *Residential area identification.* Only one sign for each area. Sign area may not exceed 32 square feet with a maximum height of ten feet for freestanding signs.

(2) *Single or double occupancy multiple-family or business sign.* The total sign area may not exceed 10% of the total front building facade, except that both front and side facades may be counted on a corner lot. Signs chosen to comprise the total sign area shall be consistent with the following provisions:

(a) *Freestanding.* Not more than one freestanding sign. Sign area may not exceed 32 square feet with a maximum height of ten feet; and

(b) *Wall, canopy or marquee.* Not more than one wall, canopy or marquee sign per building. However, on corner lots, two signs are allowed, one per street frontage. Individual sign area may not exceed 32 square feet.

(C) *R-B, B-1 and B-2 Districts.*

(1) *Area identification.* Only one sign. Sign area may not exceed 100 square feet with a maximum height of 25 feet for freestanding signs.

(2) *Single or double occupancy business sign.* The total sign area may not exceed 250 square feet or 15% of the total front building facade, whichever is less. In calculating building facade, both front and side facades may be counted on a corner lot. Signs chosen to comprise the total sign area shall be consistent with the following provisions:

(a) *Freestanding.* Not more than one sign. Sign area may not exceed a maximum height of 25 feet; and

(b) *Wall, canopy or marquee.* Not more than one wall, canopy or marquee sign per building. However, on corner lots, two signs are allowed, one per street frontage. Individual sign area for the second wall sign shall not be calculated in the maximum for the property, but shall be limited so as not to exceed 100 square feet.

(D) *I-1 and I-2 Districts.*

(1) *Area identification.* Only one sign. Sign area may not exceed 100 square feet with a maximum height of 25 feet for freestanding signs; and

(2) *Single or double occupancy business sign.* The total sign area may not exceed 15% of the front building facade, except that both front and side facades may be counted on a corner lot. Signs chosen to comprise the total sign area shall be consistent with the following provisions:

(a) *Freestanding.* Not more than one sign. Sign area may not exceed 100 square feet with a maximum height of 25 feet; and

(b) *Wall, canopy or marquee.* Not more than one wall, canopy or marquee sign per building. However, on corner lots, two signs are allowed, one per street frontage. Individual sign area may not exceed 100 square feet.

(E) *PUD, Planned Unit Development District.* In a PUD District, signing restrictions shall be based upon the individual uses and structures contained in the complex. Signs shall be in compliance with the restrictions applied in the most restrictive zoning district in which the use is allowed.

(Prior Code, § 11-24-5) (Ord. 258, passed 5-4-2006; Ord. 375, passed 5-4-2021)

§ 152.355 SPECIAL DISTRICT REGULATIONS.

(A) *Motor fuel stations.* Signs for motor fuel stations shall be regulated by the single occupancy business structure sign provisions for the zoning district in which the station is located. In addition, motor fuel stations may also display signs which identify current fuel prices and car wash facilities. The signs shall be limited to a maximum size of 16 square feet and a maximum height of ten feet each.

(B) *Wall, canopy or marquee signs in business, industrial and institutional zoning districts.* Where freestanding signs are not used and where principal structures have a front yard setback in excess of that which is required under the applicable zoning district regulations, the maximum property signage percentage limitation or maximum square feet restriction may be increased 1% for every five feet of additional setback beyond the zoning district front yard setback requirement. This increase shall be limited to a 25% maximum and shall be applied only to signs located in the year for which the calculation was made.

(C) *Multiple occupancy business and industrial buildings.* When a single principal building is devoted to four or more businesses, or industrial uses, a comprehensive sign plan for the entire structure shall be submitted and shall be of sufficient scope and detail to permit a determination as to whether or not the plan is consistent with the following regulations. The plan shall be subject to the approval of the Council. No permit shall be issued for an individual use except upon a determination that it is consistent with the approved comprehensive sign plan.

(1) The maximum individual sign sizes for multiple occupancy structures and individual uses which may display signs shall not exceed the maximum provisions for single or double occupancy structures in the same zoning district. The bonus provided in division (B) above of this section shall not apply in calculating maximum sign size.

(2) Multiple occupancy structures may display an area identification sign consistent with the applicable district provisions of § 152.354 of this subchapter. Individual freestanding signs identifying the tenants' business shall not be displayed.

(3) Except as provided in division (C)(4) below of this section, individual tenants of multiple occupancy structures shall not display separate business signs unless the tenants' business has an exclusive exterior entrance. The number of signs shall be limited to one per entrance, and each sign shall be limited to the maximum wall size sign permitted in the district. The signs shall be located only on exterior walls which are directly related to the use being identified.

(4) In any multiple occupancy structure qualifying as a shopping center, directory signs shall be permitted for each common public entrance. Each directory sign area shall not exceed a total of 50 square feet and shall be located within 50 feet of the common public entrance being served. The size of individual business identification signing within the directory shall be established during the site plan review process. Attention shall be given to the possible number of tenant or occupancy bays which may be served by the common public entrance for which the directory sign is intended.

(D) *Shopping centers and industrial parks containing more than 20 acres.* Where shopping center facilities or industrial parks cover more than 20 acres of land, two area identification signs may be displayed in accordance with the maximum sign size provisions per area identification sign of the applicable zoning district. Additional signs may be displayed subject to approval of the City Council.

(E) *Highway area directional signs.* Within the area immediately adjacent to U.S. 52, directional signs indicating business identification and access routing signs may be allowed by approval of the City Council. These signs shall be in compliance with the maximum sign size provisions of the district.

(F) *Schools, athletic complexes or other public or semi-public institutions.*

(1) For facilities occupying an area of five acres or more, an identification sign not larger than 96 square feet may be permitted upon approval of a permit by the City Council.

(2) Temporary signs, banners and displays for church, school, institutional or civic events are permitted but must be located on property owned or controlled by the church, school, institution or civic organization and may be displayed only during a period commencing 60 days prior to the scheduled event and ending three days after closing date of the scheduled event.

(3) For city parks and city athletic complexes, sponsorship signage if approved by the City Council.

(G) *Projecting signs.* These signs, including those projecting into the public right-of-way, may be allowed by a conditional use permit approved by the Council in the B-2 Zoning District, provided that:

(1) The sign conforms to the uniform character and design guidelines established for the area;

(2) The owner assumes all liability for the signs; and

(3) The signs conform to the size and height limitations of the respective district.

(H) *Murals.* Public art murals are allowed within the Historic Downtown Overlay District by a conditional use permit approved by the Council, provided that:

(1) Business identification signs for a commercial building may be separate from the wall mural or integrated into the wall mural. The business identification sign will be limited in size to 10% of the cumulative wall area of the facades facing a public street;

(2) Wall murals must be located on a side building facade facing either a public street or a parking area and not on the front building facade so as to preserve the historic character of the buildings;

(3) Wall murals shall not contain material which is obscene;

(4) The wall mural shall be maintained in presentable condition at all times. The property owner shall be responsible for repainting, cleaning and other acts required for maintenance purposes;

(5) The wall mural is a private venture. Should a building which includes a mural be sold, the new property owner takes on all maintenance responsibilities. Should the new owner choose not to maintain the mural as required, the owner(s) must return the building facade to its original state. Should the new owner(s) choose to change the mural in any fashion, an amendment to the approved conditional use permit is required; and

(6) The applicant must submit examples of the proposed mural design and dimensions to be reviewed by staff, the Downtown Committee, the Planning Commission and the City Council.

(I) *Business wall signs; temporary.* Within the B-1 and B-2 Districts, two business wall signs per building frontage are permitted without a permit and may be displayed for a maximum period of 60 days. The size of each sign may not exceed 32 square feet.

(J) (1) Dynamic displays on signs are allowed only on monument and pylon signs for schools, athletic complexes or other public or semi-public institutions pursuant to § 152.355(F) and for permitted (§ 152.646) and conditional (§ 152.648) uses within the B-2, Highway Business District. Within the B-1, Central Business District, a dynamic display sign is allowed as a wall sign only on structures that are not designated as a contributing property by the National Register of Historic Places (January 7, 2000).

(2) Signage for the display of current fuel prices for permitted Motor Fuel Stations is regulated by §152.355(A) and is not considered to be a dynamic display sign.

(3) Except within the B-1, Central Business District, dynamic displays may occupy no more than 35% of the total allowable sign area that is permitted by the Sign Code. Only one contiguous dynamic display area is allowed on a sign face.

(4) A dynamic display may not change or move more often than once every five minutes, except one for which changes are necessary to correct hour-and-minute, date or temperature information. Time, date or temperature information is considered one dynamic display and may not be included as a component of any other dynamic display.

(5) The images and messages displayed must be static and the transition from one static display to another must be instantaneous without any special effects.

(6) Dynamic displays 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 the Sign Code.

(7) Dynamic displays must comply with the brightness standards contained in §152.352(l).

(8) Dynamic display signs shall be allowed in the R-B, Residential Business District so long as the property the sign serves is a commercial use by definition, found in § 152.021 of the City of Cannon Falls zoning ordinance. The signage shall be allowed pursuant to all regulations and restrictions presented in Chapter 152 of the City of Cannon Falls City Code.

(Prior Code, § 11-24-6) (Ord. 258, passed 5-4-2006; Ord. 331, passed 8-6-2013; Ord. 353, passed 6-13-2017; Ord. 367, passed 10-1-2019)

§ 152.356 INSPECTION.

All signs for which a permit is required shall be subject to inspection by the Building Official. The Building Official may order the removal of any sign that is not maintained in accordance with the maintenance provisions of this subchapter.

(Prior Code, § 11-24-7) (Ord. 258, passed 5-4-2006)

§ 152.357 PERMIT, APPLICATION, LICENSE, VARIANCE AND CITY COUNCIL APPROVAL.

(A) *Permit requirement.* Except as provided in § 152.353 of this subchapter, it is unlawful for any person to erect, construct, alter, rebuild or relocate any sign or structure until a permit has first been issued by the city.

(B) *Sign application.* The following information for a sign license shall be supplied by an applicant if requested by the city:

(1) Name, address and telephone number of person making application;

(2) Name, address and telephone number of person owning sign;

(3) A site plan to scale showing the location of lot lines, building structures, parking areas, existing and proposed signs and any other physical features;

(4) Plans, location and specifications and method of construction and attachment to the buildings or placement method in the ground;

(5) 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 and all other laws and city code provisions;

(6) Written consent of the owner or lessee of any site on which the sign is to be erected;

(7) Sign specs, color, material and lighting; and

(8) Other information as the city may require to show full compliance with this and all other laws and city code provisions.

(C) *License issued if application is in order.* The Building Official, upon the filing of an application for a license, shall examine the plans, specifications and other data and the premises upon which it is proposed to erect the sign. If it appears that the proposed structure is in compliance with all requirements of this chapter and all other laws and city code provisions, the license shall be issued. If the work authorized under a license has not been completed within 60 days after the date of issuance, the license shall be null and void.

(D) *City Council approval.* When this subchapter requires Council approval for a sign, the application shall be processed in accordance with the procedural and substantive requirements of the zoning regulations for a conditional use permit.

(E) *Variances.* The City Council, acting as the Board of Adjustment and Appeals, may, upon application, grant a variance from the terms of this subchapter. The request for a variance shall be processed in accordance with the procedural and substantive requirements of §§ 152.100 through 152.103 of this subchapter.

(F) *Fees.* Fees for the review and processing of sign license applications and variance requests shall be imposed in accordance with the fee schedule established by City Council resolution.

(Prior Code, § 11-24-8) (Ord. 258, passed 5-4-2006) Penalty, see § 10.99

§ 152.358 ENFORCEMENT.

This subchapter shall be administered and enforced by the Building Official. The Building Official may institute, in the name of the city, appropriate actions or proceedings against a violator.

(Prior Code, § 11-24-9) (Ord. 258, passed 5-4-2006)

§ 152.359 VIOLATION A MISDEMEANOR.

Every person violates a section, division, paragraph or provision of this subchapter when he or she performs an act thereby prohibited or declared unlawful, or fails to act when the failure is thereby prohibited or declared unlawful, and upon conviction thereof, shall be punished as for a misdemeanor except as otherwise stated in specific provisions hereof.

(Prior Code, § 11-24-10) (Ord. 258, passed 5-4-2006)