

**CHAPTER 155**  
**REGULATION OF SIGNAGE DISPLAYED ON PRIVATE PROERTY**

**Contents**

§ 155.01 REPEAL PREVIOUS SIGN REGULATIONS ..... 2

§ 155.02 FINDINGS; PURPOSE ..... 2

§ 155.03 SEVERABILITY ..... 3

§ 155.04 DEFINITIONS ..... 3

§ 155.05 PERMIT REQUIRED ..... 8

§ 155.06 PERMIT EXEMPTIONS ..... 8

§ 155.07 FEES ..... 8

§ 155.08 MAINTENANCE AND INSPECTIONS ..... 9

§ 155.09 PROHIBITED SIGN INSTALLATIONS AND FEATURES ..... 9

§ 155.10 GENERAL REGULATIONS FOR ALL SIGNS ..... 10

§ 155.11 SIGN ILLUMINATION REGULATIONS FOR ALL SIGNS ..... 10

§ 155.12 REGULATIONS SPECIFIC TO SIGN TYPE ..... 11

    (A) BANNER SIGNS ..... 11

    (B) DYNAMIC COPY SIGNS ..... 11

    (C) FLAGS ..... 11

    (D) HANDHELD SIGNS ..... 12

    (E) INFLATABLE SIGNS ..... 12

    (F) PORTABLE SIGNS ..... 12

    (G) ROOF SIGNS ..... 12

    (H) SANDWICH BOARD SIGNS ..... 12

    (I) WINDOW SIGNS ..... 13

    (J) YARD SIGNS ..... 14

§ 155.13 SIGN RESTRICTIONS, PLACEMENT AND SIZES IN NON-C/I DISTRICTS ..... 15

§ 155.14 SIGN RESTRICTIONS, PLACEMENT AND SIZES IN C/I DISTRICTS ..... 17

§ 155.15 PROPERTY OWNER RESPONSIBILITY AND LIABILITY ..... 19

§ 155.16 EXISTING NON-COMPLIANT TEMPORARY SIGNS ..... 19

§ 155.17 NON-COMPLIANCE AND ENFORCEMENT ..... 19

§ 155.18 VARIANCES NOT PERMITTED ..... 20

§ 155.19 APPEALS ..... 20

**§ 155.01 REPEAL PREVIOUS SIGN REGULATIONS**

- (A) The definitions of BILLBOARD; SIGN; SIGN, FLASHING; SIGN, ILLUMINATED; and SIGN, SURFACE AREA OF shall be struck from the Zoning Ordinance General Provisions § 153.008 DEFINITIONS.
- (B) The existing sign ordinance, § 153.058 SIGNS, adopted the 3rd day of December 1974 as amended, is hereby repealed.
- (C) The existing sign policy, § 153.058 SIGNS the "Sign Policy City of Dassel" passed on the 6<sup>th</sup> Day of August 2012, as amended, is hereby repealed.

**§ 155.02 FINDINGS; PURPOSE**

**(A) Findings.** The City Council hereby finds as follows:

- (1) Signs provide an important medium for advertisement, communication, and expression of thought.
- (2) Signs have a substantial impact on the character and quality of the environment and the community.
- (3) Signs with the following characteristics can create traffic hazards, aesthetic concerns and detriments to property values, thereby threatening the public health, safety and welfare:
  - (a) Signs placed together in a quantity that increases the complexity of the driving environment.
  - (b) Signs that cause the perception of motion.
  - (c) Signs that are excessively bright.
  - (d) Signs that are illegible or difficult to read.
  - (e) Signs that are excessive in size.
  - (f) Signs that are poorly maintained.
  - (g) Signs that are Obscene.

**(B) Purpose and Intent.** Other than prohibiting signs that the State of Minnesota defines as Obscene, it is not the purpose or intent of this chapter to regulate the message displayed on any sign, nor is it the intent of this chapter to have content-based restrictions or content-based enforcement. It is not the purpose or intent of this chapter to regulate any building design or any display not defined as a sign, nor any sign which cannot be viewed from a roadway.

The purpose and intent of this chapter is to:

- (1) Regulate the number, location, size, type, Sign Illumination and other physical characteristics of signs displayed on Private Property within the city in order to promote the public health, safety and welfare.
- (2) Provide for the safety of the traveling public by limiting distractions, hazards, and obstructions.

- (3) Maintain, enhance and improve the aesthetic environment of the city by preventing visual clutter and light pollution that is harmful to the appearance of the community.
- (4) Provide for fair and consistent enforcement of the sign regulations set forth herein under the zoning authority of the city.
- (5) Protect the US Constitutional 1<sup>st</sup> Amendment rights of our citizens and businesses and ensure everyone is treated equally under this chapter by removing discretion normally afforded to the zoning authority.

### **§ 155.03 SEVERABILITY**

If any section, subsection, sentence, clause, or phrase of this chapter is for any reason held to be invalid, such decision shall not affect the validity of the remaining portions of this chapter. The City Council hereby declares that it would have adopted this chapter in each section, subsection, sentence, or phrase thereof, irrespective of the fact that anyone or more sections, subsections, sentences, clauses, or phrases be declared invalid.

### **§ 155.04 DEFINITIONS**

For the purposes of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning:

***AERIAL VEHICLE.*** A maned, unmanned or remotely controlled vehicle capable of becoming airborne and flying at low altitudes and displaying signage, including but not limited to a miniature airplane, drone, hot air balloon, or a gas filled balloon.

#### ***ABANDONED SIGN.***

- (1) Any Sign and/or its supporting Sign Structure which remains without a message or whose display surface remains blank for a period of one year or more.
- (2) Any sign which pertains to a time, event, or purpose which no longer applies is deemed to have been abandoned.
- (3) Any Handheld Sign found to be unattended.
- (4) Signs applicable to a business temporarily suspended because of a change in ownership or management of such business shall not be deemed abandoned unless the Premise remains vacant for a period of one year or more.
- (5) Any Freestanding Sign or Building Sign remaining on a Property after demolition of a Principal Building shall be deemed to be abandoned.
- (6) Signs removed by the City that remain at Dassel City Hall unclaimed by their owner for more than 30 business days.

***ADMINISTRATOR.*** The Administrator or City Clerk/Treasurer of the City of Dassel, or designee.

**AWNING SIGN.** A Permanent Sign printed, woven or otherwise manufactured into a roof-like cover, often of fabric, plastic, metal or glass designed and intended for protection from the weather or as a decorative embellishment, and which projects from a Wall or roof of a structure primarily over a window, walk, or the like.

**BANNER SIGN.** A Temporary Sign made of a durable fabric or similar medium or heavy weight pliable material.

**BUILDING SIGN.** Any Permanent Sign attached to or supported by any structure used or intended for supporting or sheltering any use or occupancy.

**CITY.** The City of Dassel as defined by its city limits.

**C/I DISTRICT.** Any district zoned for commercial or industrial uses.

**DWELLING.** A building or structure or portion thereof used for, or capable of use as, a living residence or for commercial operation of a business.

**DYNAMIC COPY SIGN.** A Permanent Sign or portion thereof with characters, letters, images or illustrations that can be changed or rearranged manually or electronically without altering the Sign Face of the sign.

**FLAG.** Any fabric or similar lightweight material attached at only one end, either attached on the side with the shortest dimension and flown from a straight, rigid staff or pole or hung inside a building and displayed through a window.

**FLASHING SIGN.** A Sign illuminated using an internal or external light source or sources which do not remain constant in illumination or are not stationary in appearance or constant in intensity and color at all times when the sign is in use. For the purposes of this chapter, a Dynamic Copy Sign is not a Flashing Sign unless it also meets this definition of a Flashing Sign.

**FREESTANDING SIGN.** Any Permanent Sign including its Sign Structure which is independent from any building or other structure.

**GABLE.** The angular portion of the Wall bordered by the edges of a pitched roof. The bottom of the gable is a line parallel to grade at the lowest point where the roof meets the wall.

**GRADE.** The final ground elevation after construction of the level ground plane. Earth mounding criteria for landscaping and screening is not part of the final grade.

**HANDHELD SIGN.** Any sign held off of the ground by an individual person or a group of people. handheld sign is not calculated into the Total Sign Faces or Total Site Signage of a Premise.

**HEIGHT OF SIGN.** The height of the sign shall be computed as the vertical distance measured from the base of the sign at Grade to the top of the highest point of the sign, its Sign Structure or any attached component.

**HOLIDAY AND SEASONAL DECORATIONS.** Ornaments, figures, statues, inflatable characters, lighting, and related items that are displayed for a temporary period of time to celebrate the current season, a federally recognized holiday, or locally celebrated holiday.

**INFLATABLE SIGN.** Any Temporary Sign that is given shape by pressurized or blown air.

**NON-C/I DISTRICT.** Any district not zoned for commercial or industrial uses. These districts may be residential, recreational or agricultural.

**OBSCENE.** Obscene as defined in Minn. Stat. §617.241.

**PARAPET (WALL).** That portion of building Wall that rises above the roof level.

**PERMANENT SIGN.** Any Sign that is anchored into the ground or the framework of a building and built of materials sufficient to withstand harsh weather, direct sunlight, and last for a period greater than 10 years with minimal maintenance.

**PORTABLE SIGN.** Any Temporary Sign which is manifestly designed to be transported, including by trailer or on its own wheels, even though the wheels of such sign may be removed and the remaining chassis or support is converted to another type of sign or attached temporarily or permanently to the ground since this characteristic is based on the design of such a sign. Handheld Signs, Sandwich Board Signs, and Yard Signs are not Portable Signs.

**PREMISE.** A Property or the portion of a property leased to a business, person, or persons that is occupied by a business or residence.

**PRINCIPAL BUILDING.** The building in which the primary use of the lot is conducted. Lots with multiple principal uses may have multiple principal buildings, but storage buildings, garages, and other buildings with clearly accessory uses shall not be considered Principal Buildings.

**PRIVATE PROPERTY.** Premises or Property not owned or under the management or control of the State of Minnesota, the County of Meeker, the City of Dassel, or other governmental entity, and not part of any public right-of-way.

**PROPERTY.** An entire property with a single Property ID as officially recorded by Meeker County.

**PROPERTY OWNER.** The legal owner or owners of Premises or of Property as officially recorded by Meeker County. For the purposes of this chapter, the lessee or lessees of a Premise have the same rights, privileges and responsibilities as the Property Owner.

**PUBLIC ART.** Works of art that are:

- (1) Commissioned by the City of Dassel or Dassel Area Historical Society, or
- (2) Donated to and accepted by the City of Dassel or Dassel Area Historical Society, or
- (3) Purchased with a majority of public funds and displayed on public or City of Dassel property.

**PUBLIC RIGHT-OF-WAY.** Publicly used land managed by a government unit through which streets, sidewalks, and utilities run. See Minn. Stat. §237.162.

**ROOF SIGN.** Any Building Sign attached to the sloped side of a pitched roof with only one Sign Face, or attached to a flat roof of a building with one or more Sign Faces.

**SANDWICH BOARD SIGN.** An 'A' shaped Temporary Sign with one or two Sign Faces that is hinged at the top and open at the bottom to provide support.

**SETBACK, FRONT.** The minimum horizontal distance permitted between the Public Right-of-Way and the nearest portion of a Sign Structure. In instances in which a Property has fronts on two Public Right-of-Ways, front setbacks are required on both street frontages.

**SETBACK, REAR.** The minimum horizontal distance permitted between the property line opposite the principal street frontage and the nearest portion of the Sign Structure.

**SETBACK, SIDE.** The minimum horizontal distance permitted between the side lot line and the nearest portion of the Sign Structure.

**SIGHT TRIANGLE.** The triangular area formed at the intersection of the Public Rights-of-Way of two intersecting streets or alleys. This is an isosceles triangle with its two 25-foot-long equal sides starting at the intersection of the Public Rights-of-Way and following the boundaries of the public Rights-of-Way away from the intersection. For a Sign in the Public Right-of-Way, the line of the triangle connecting the two points away from the intersection is extended in both directions to meet the roadway.

**SIGN.** Any letter, word or symbol, poster, picture, statuary, image, reading matter or representation in the nature of advertisement, announcement, message or visual communication, whether virtual, holographic, projected, painted, posted, printed, affixed or constructed, including all associated brackets, braces, supports, wires, devices and structures, which is intended to advertise, inform or to attract or which does attract the attention of operators and occupants of motor vehicles.

The following items shall **NOT** be considered Signs subject to the regulation of this chapter:

- (1) Public Art.
- (2) Holiday and Seasonal Decorations.
- (3) Cemetery markers.
- (4) Historical Markers placed by the Dassel Area Historical Society, Minnesota Historical Society or an affiliated organization.
- (5) Identification nameplates installed by manufacturers or distributors.
- (6) Building numbers required by Chapter 96.
- (7) Road signs placed by:
  - (a) MNDOT

- (b) Meeker County
  - (c) The City of Dassel for the purpose of identification, directional indications, and traffic management.
- (8) Items that would normally be considered as signs, but are not sufficiently visible from the roadway as to attract the attention of operators and occupants of motor vehicles.
- (9) Informational or warning signs such as, but not limited to “No Parking”, “Private Property”, “No Hunting or Trespassing”, “Beware of Dog(s)”, “Deaf Child”, etc.

**SIGN FACE.** The surface of the Sign upon, against, or through which the message of the sign is exhibited. The sign face includes background images and colors, and components of the Sign Structure that act as a background or part of the display. A Flag does not have a sign face.

**SIGN ILLUMINATION.** The use of any luminous energy that is redirected, stored, artificially created or converted from other forms of energy whether it is in the visible spectrum or imperceptible to humans that has the intent or effect of creating, enhancing or illuminating any Sign or Sign Structure.

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

**SIGN FACE SURFACE AREA.** The computed surface area of the shape created by connecting all of the outermost points of the Sign Face.

**TEMPORARY SIGN.** A Sign designed to be displayed for limited periods of time, or any sign that is not a Permanent Sign.

**TOTAL SIGN FACES.** The maximum permitted count of the Sign Faces of all Signs on the Private Property and the Public Right-of-Way directly abutting the Private Property, excluding Yard Signs, Sandwich Board Signs, Window Signs, Flags and Handheld Signs.

**TOTAL SITE SIGNAGE.** The maximum permitted sum of all Sign Face Surface Areas of all Signs on the Private Property and the Public Right-of-Way directly abutting the Private property, excluding Yard Signs, Sandwich Board Signs, Window Signs, Flags and Handheld Signs.

**VEHICLE SIGN.** Any vehicle or trailer which was specifically built to act as a Sign or has a current primary purpose of acting as a sign and is visible from a street. A vehicle with signage which has a primary purpose of delivery, vending or transportation and is not parked and visible from a street for more than 72 consecutive hours is not a vehicle sign.

**WALL.** Any structure which defines the exterior boundaries or courts of a building or structure.

**WALL SIGN.** Any Building Sign attached parallel to, but within two feet of a Wall, painted on the wall surface of, or erected and confined within the limits of an outside wall of any building or structure on Private Property, which is supported by such wall or building, and which displays only one Sign Face.

**WINDOW SIGN.** Any Sign that is placed inside or upon the window panes of glass and is visible from the exterior of the window.

**YARD SIGN.** A Temporary Sign secured by inserting no more than two legs of the frame material directly into the ground.

#### **§ 155.05 PERMIT REQUIRED**

- (A) No Sign may be erected, structurally-altered, reconstructed, or moved in the City without first securing a permit from the City.
- (B) No sign face may be added or altered from an existing sign structure without first obtaining a permit.
- (C) In determining whether to approve or deny a permit, the content of the sign shall not be considered other than to verify it is not Obscene.
- (D) If the proposed Sign is within the Right-of-Way of the state trunk highway or Meeker County roadway, the application shall be accompanied by proof that the applicant has obtained a permit from the state or county for the sign.
- (E) If the proposed structure is in compliance with all the requirements of this chapter, and all other city, county and state regulations met, the permit shall be issued. Otherwise, to ensure fairness, it shall be denied.

#### **§ 155.06 PERMIT EXEMPTIONS**

- (A) The following action or Signs shall **NOT** require a permit. These exemptions, however, shall not be construed as relieving the Private Property Owner(s) of the responsibility of its erection, maintenance and compliance with the provisions of this chapter or any other law or ordinance regulating the same:
  - (1) Changing the content of an existing Sign Face.
  - (2) Banner Signs
  - (3) Handheld Signs
  - (4) Yard Signs
  - (5) Building Signs with a Sign Face of 6 sf. or less with no illumination and without electrical power.
  - (6) Window Signs that are unpowered or powered only by a standard grounded 110 v. receptacle.
  - (7) Sandwich Board Signs

#### **§ 155.07 FEES**

Sign permit fees shall be established annually by the City Council in the fee schedule adopted at the first meeting of the year.



## § 155.08 MAINTENANCE AND INSPECTIONS

- (A) *Maintenance.* All Signs, including legal nonconforming signs meeting the applicable conditions defined by Minn. Stat. §462.357 sub. 1(e), together with all their supports, braces, guys, and anchors, shall be kept in repair, neatly painted or finished, free of rust, and in proper state of preservation. The display surfaces of all signs shall be kept in good condition, free of fading, no missing letters or other sign face components, neatly painted, posted, and electronics fully functional at all times. Every sign and the immediate surrounding premises shall be maintained by the Property Owner to be clean, free and clear of obnoxious substances, rubbish, weeds with mowed grass or otherwise neatly landscaped.
- (B) *Inspection.* All Signs shall be subject to inspection by the Administrator. The Administrator or his or her designee is authorized to enter upon any Premise to ascertain compliance with this chapter. Such entrance shall be made during business hours unless an emergency exists.

## § 155.09 PROHIBITED SIGN INSTALLATIONS AND FEATURES

- (A) The following are prohibited on Private Property:
- (1) Flashing Signs.
  - (2) Lasers, arc lamps, beacons, and search lights.
  - (3) Vehicle Signs not participating in an event where the city has approved the closing of the city street to traffic for that event.
  - (4) Signs with mirrored, polished metal or reflective materials.
  - (5) Signs using ultraviolet lights.
  - (6) Signs, other than Awning Signs that overhang the Public Right-of-Way.
  - (7) Signs utilizing wires or guy wires.
  - (8) Signs suspended or flown by any aerial vehicle, manned or unmanned, below treetop level or without prior FAA authorization.
  - (9) Signs not posted by authorized government officials or their designees within easements, parks, Property zoned as Recreational, publicly-owned land, or a Public Right-of-Way with the following exceptions:
    - (a) Sandwich Board Signs displayed according to the Sandwich Board Sign Regulations.
    - (b) Handheld Signs displayed according to the Handheld Sign Regulations.
  - (10) Signs painted, attached or in any other manner affixed to:
    - (a) Trees, rocks, or similar natural surfaces.
    - (b) Public utility poles, bridges, towers, or similar public structures by anyone other than authorized utility company, railroad or government officials.
  - (11) Temporary Signs attached to the Sign Structure of a previously existing sign but excluding Banner Signs displayed in compliance with Banner Sign Regulations.

- (12) Signs, Sign Structures, or items attached to them that move or change position but excluding Flags displayed in compliance with Flag Regulations.
- (13) Signs that utilize fire, water, or smoke.
- (14) Signs that produce sound.
- (15) Signs that are Obscene.

Any Sign types or display locations not expressly permitted in this ordinance are prohibited.

**§ 155.10 GENERAL REGULATIONS FOR ALL SIGNS DISPLAYED ON PRIVATE PROPERTY**

- (A) No Sign may, by reason of position, shape or color interfere in any way with the proper functioning or purpose of a traffic sign, signal or sight line.
- (B) All Signs, excluding Temporary Signs, shall be constructed in a manner and of such material that they shall be safe, substantial, and withstand winds up to 75 miles per hour and properly function in temperatures as low as -40°F or as high as 110°F.
- (C) All Signs shall be properly secured, supported, braced and kept in good repair so that public safety and traffic safety are not compromised.
- (D) Signs requiring electrical power shall be subject to the electrical requirements of the Electrical Code of the State of Minnesota.
- (E) No Sign may be attached to or placed upon any building that obstructs any window or door or fire escape
- (F) No Sign may be attached to any fire escape.
- (G) No Sign Face greater than two sf. shall exceed a ratio of:
  - (1) Height to width ratio of 5 to 1.
  - (2) Width to height ratio of 10 to 1.

**§ 155.11 SIGN ILLUMINATION REGULATIONS FOR SIGNS DISPLAYED ON PRIVATE PROPERTY**

- (A) Illuminating devices giving off an intermittent or rotating beam or rays of light are prohibited.
- (B) All external light sources shall focus all emitted light onto the Sign Face.
- (C) No light may shine or directly reflect into the sky.
- (D) All illumination sources must be of the same color except for the following:
  - (1) LED Dynamic Copy Signs.
  - (2) Signs with a sign face made of colored LEDs.
  - (3) Signs utilizing neon tubes.
- (E) All Illuminated Signs shall be equipped with a mechanism that automatically adjusts the brightness in response to ambient conditions.
- (F) The light emitted from or reflected from a Sign may not exceed .30 foot-candles (3.229 Lux) over the ambient light reading at any point along the property line at any time, day or night.
- (G) All Illuminated Signs shall be equipped with a means to immediately turn off the Sign or Sign Illumination if it malfunctions, and the Property Owner shall immediately do so

when notified by the Administrator that it is not complying with the standards in this (A) chapter.

**§ 155.12 REGULATIONS SPECIFIC TO SIGN TYPES DISPLAYED ON PRIVATE PROPERTY.**

**(A) BANNER SIGNS.**

- (1) Banner Signs shall meet the following requirements:
  - (a) Must be stretched tightly and secured at all ends sufficiently to prevent:
    - (i) Significant movement in the wind
    - (ii) Detachment in an unexpected or excessive wind.
- (2) When placed over another Sign Face, a Banner Sign shall be considered part of the underlying sign face.

**(B) DYNAMIC COPY SIGNS.**

- (1) The transition from one display of copy to the next must be instantaneous. All other effects including, but not limited to flipping panels, scrolling, rolling, animations, or flashing while changing from one display to another are prohibited.
- (2) The content of each display of copy must be independent of all other displays of copy. Consecutive displays of copy on a single sign are prohibited when the next message answers a question posed on the prior message, or completes a sentence or thought.
- (3) The Sign's illumination complies with the Sign Illumination Regulations.

**(C) FLAGS.**

- (1) Flags may be displayed in windows from the inside of a building as a Window Sign.
- (2) With the exception of a Window Sign, Flags may not be used as a Building Sign.
- (3) Each Flag shall not exceed 100 sf. in size.

**(D) HANDHELD SIGNS.**

- (1) A Handheld Sign shall meet the following requirements:
  - (a) It is not to be illuminated.
  - (b) It does not exceed eight sf. in size per Sign Face Surface Area.
  - (c) It has a maximum of two Sign Faces.
  - (d) The Height of the Sign does not exceed 60 inches.
  - (e) It is not displayed in an intersection Sight Triangle.
  - (f) The sign shall remain stationary while being held or supported; it may not spin, shake or otherwise move.
- (2) The Handheld Sign is being held on Private Property, with the permission of the Property Owner, or

- (3) It is being held on Public Right-of-Way and the following conditions are met:
  - (a) If a sidewalk exists in the Public Right-of-Way, there is at least four feet of unobstructed sidewalk to provide continuous access for pedestrians, bicyclists, and people using mobility devices.
  - (b) The person or persons holding or supporting the Sign and the sign are four feet or more from the curb.
- (4) If there are multiple people holding Signs, there is sufficient space between Signs so that the view of objects around or behind them is not obstructed from passing motorists and pedestrians.
- (5) Any person or persons holding a Handheld Sign shall obey any request of any Employee or Designee of the City of Dassel to temporarily move or relocate to accommodate city activities such as, but not limited to snow removal, sidewalk maintenance, or lawn mowing.

**(E) INFLATABLE SIGNS.**

- (1) An Inflatable Sign must comply with the following requirements:
  - (a) No more than one Inflatable Sign may be displayed by one Property Owner on one Private Property per calendar year.
  - (b) The Inflatable Sign may be displayed for any part of up to three consecutive days per calendar year.
  - (c) The Height of the Sign may not exceed 15 feet.
  - (d) The Inflatable Sign is not intended to move when in use.
  - (e) The Inflatable Sign is sufficiently secured to prevent it from breaking free during an unexpected wind.
  - (f) The Inflatable Sign is on Private Property and meets the Setback, Front requirements.

**(F) PORTABLE SIGNS.**

- (1) A Portable Sign may have one Sign Face or two Sign Faces directly opposite each other with the maximum Sign Face Surface Area of 32 sf. for each Sign Face.
- (2) No more than one Portable Sign is permitted per Private Property
- (3) A Portable Sign may not be visible on a Private Property for more than 180 days in a calendar year.

**(G) ROOF SIGNS.**

- (1) Roof Signs may not be painted on or applied directly to the roof surface.

**(H) SANDWICH BOARD SIGNS.**

- (1) A Sandwich Board Sign shall meet the following requirements:

- (a) It is not illuminated.
- (b) It has a maximum of two Sign Faces.
- (c) Each Sign Face Surface Area must not exceed eight sf.
- (d) The Height of Sign is between 36 inches and 60 inches.
- (e) The Sign is not placed in an intersection Sight Triangle.
- (f) It must be weighted down sufficiently to prevent movement or toppling during unexpected or excessive wind.
- (g) It is on Private Property with the permission of the Property Owner or,
- (h) It is on the Public Right-of-Way:
  - (i) Of a City street maintained by the City of Dassel, and
  - (ii) Is placed with the permission of the Property Owners of the Property or Premises directly abutting the Public Right-of-Way, and
  - (iii) The Sandwich Board Sign is a minimum of four feet from the curb.

- (2) Sandwich Board Signs may be placed on a public sidewalk if the following conditions are met:
  - (a) There is a minimum of four feet of unobstructed sidewalk between the sign and the edge of the sidewalk parallel to and nearest to the roadway.
  - (b) It does not have a footprint or prevent the use of more than four feet of sidewalk.
  - (c) It is placed so that it will not obstruct pedestrian or bicycle traffic, and will not obstruct or interfere in any way with a pedestrian having mobility limitations.
  - (d) It is placed with the permission of the Property Owner of the Property or Premises directly abutting the public sidewalk where the Sandwich Board Sign is placed.
  - (d) The sidewalk is free of snow, ice or other conditions that decrease the normal width of the sidewalk.
- (3) Sandwich Board Signs are not included in Total Site Signage or Total Sign Faces calculations.
- (4) Sandwich Board Signs may be removed by the city if they interfere with any city activities such as, but not limited to snow removal, sidewalk maintenance, or lawn mowing.

**(I) WINDOW SIGNS.**

- (1) Window Signs may not consume more than 50% of the total window surface area of any one side of a building.
- (2) Window Signs may not cover window locks, handles, or latches from the inside of the building or otherwise slow, hinder or block the opening and egress out of a window in case of emergency.
- (3) Window Signs are not included in Total Site Signage or Total Sign Faces calculations.

**(J) YARD SIGNS.**

- (1) Yard Signs may only be displayed on Private Property for a total of 180 days within a calendar year.
- (2) Yard Signs are not included in Total Site Signage or Total Sign Faces
- (3) A Yard Sign shall meet the following requirements:
  - (a) It is not illuminated.
  - (b) It has one Sign Face or two back to back sign faces.
  - (c) It is placed on Private Property with permission of the Property Owner.
  - (d) It is not placed on the Public Right-of-Way.
  - (e) It is not placed in an intersection Sight Triangle.
  - (f) It must be secured sufficiently to prevent movement or toppling during unexpected or excessive wind.

**§ 155.13 RESTRICTIONS, PLACEMENT, AND SIZES APPLICABLE TO SIGNS DISPLAYED ON PRIVATE PROPERTY IN NON-C/I DISTRICTS**

	Five or fewer Dwellings per platted Private Property	Six or more Dwellings per platted Private Property or C/I use by conditional use permit
<b>Banner Signs</b>	Prohibited	<ul style="list-style-type: none"> <li>• One Banner Sign Face is permitted per Private Property.</li> <li>• Max. Height of Sign: 6 ft.</li> <li>• Max. Sign Face Surface Area: 24 sf.</li> <li>• A single Banner Sign is not to be displayed more than 30 days in a calendar year.</li> <li>• Any number of Banner Signs may not be displayed more than 60 days in a year on a Private Property.</li> </ul>
<b>Building Sign</b>	<ul style="list-style-type: none"> <li>• Wall Signs, Window Signs or Awning Signs are permitted.</li> <li>• Max. area for all building Sign Face Surface Areas: 4 sf.</li> </ul>	<ul style="list-style-type: none"> <li>• Wall Signs, Window Signs or Awning Signs are permitted.</li> <li>• Max. total building Sign Face Surface Areas: 24 sf.</li> </ul>
<b>Dynamic Copy Signs</b>	Prohibited	Prohibited
<b>Flags</b>	<ul style="list-style-type: none"> <li>• Max. Height of Sign: 20 ft.</li> <li>• Up to 3 Flags may be displayed on each Private Property.</li> </ul>	<ul style="list-style-type: none"> <li>• Max. Height of Sign 20 ft.</li> <li>• Up to 3 Flags may be displayed on each Private Property.</li> </ul>
<b>Freestanding Sign</b>	Prohibited	<ul style="list-style-type: none"> <li>• One Sign Structure per Private Property with: <ul style="list-style-type: none"> <li>(A) Up to two Sign Faces.</li> <li>(B) Max. Sign Face Surface Area 16 sf.</li> <li>(C) Max. Height of Sign: 6 ft.</li> </ul> </li> </ul>
<b>Handheld Signs</b>	Permitted	Permitted
<b>Inflatable Signs</b>	Prohibited	Prohibited
<b>Portable Signs</b>	Prohibited	Permitted
<b>Setback, Front</b>	<ul style="list-style-type: none"> <li>• 2 ft.</li> </ul>	<ul style="list-style-type: none"> <li>• 2 ft.</li> </ul>
<b>Setback, Rear</b>	<ul style="list-style-type: none"> <li>• Signs in rear yards are prohibited.</li> </ul>	<ul style="list-style-type: none"> <li>• Signs in rear yards are prohibited.</li> </ul>
<b>Setback, Side</b>	<ul style="list-style-type: none"> <li>• 10 ft.</li> </ul>	<ul style="list-style-type: none"> <li>• 10 ft.</li> </ul>
<b>Sandwich Board Signs</b>	Prohibited	Prohibited

	Five or fewer Dwellings per platted Private Property	Six or more Dwellings per platted Private Property or C/I use by conditional use permit
<b>Yard Signs</b>	<ul style="list-style-type: none"> <li>• No more than 2 Yard Signs.</li> <li>• Max. Sign Face Surface Area per Sign Face: 6 ft.</li> <li>• Max. Height of Sign: 5 ft.</li> </ul>	<ul style="list-style-type: none"> <li>• No more than 2 Yard Signs.</li> <li>• Max. Sign Face Surface Area per Sign Face: 6 ft.</li> <li>• Max. Height of Sign: 5 ft.</li> </ul>
<b>Total Sign Faces</b>	<ul style="list-style-type: none"> <li>• 2</li> </ul>	<ul style="list-style-type: none"> <li>• 3</li> <li>• When the Property is C/I by conditional use permit, 1 additional Sign Face is permitted for each additional Dwelling on the Property.</li> </ul>
<b>Total Site Signage</b>	<ul style="list-style-type: none"> <li>• 4 sf.</li> </ul>	<ul style="list-style-type: none"> <li>• 32 sf.</li> <li>• When the Property is C/I by conditional use permit, 20 sf. of additional Sign face area is permitted for each additional Dwelling on the Property.</li> </ul>



**§ 155.14 RESTRICTIONS, PLACEMENT, AND SIZES APPLICABLE TO SIGNS  
DISPLAYED ON PRIVATE PROPERTY IN C/I DISTRICTS**

<b>C/I Districts</b>	
<b>Banner Signs</b>	<ul style="list-style-type: none"> <li>• Up to 2 Banner Sign Faces are permitted per Private Property.</li> <li>• The Maximum Height for a Banner Sign is the lowest of the following:               <ul style="list-style-type: none"> <li>(A) The height of the highest Parapet of the Principal Building on the side of the building it is mounted on, or</li> <li>(B) 6 ft. above the height of the outside Wall, excluding the Gable, of a Principal Building which has no Parapet, or</li> <li>(C) 1 ft. below the peak of the roof structure it is mounted on, or</li> <li>(D) 20 ft.</li> </ul> </li> <li>• Max. Sign Face Surface Area: 30 sf.</li> <li>• A single Banner Sign is not to be displayed more than 45 days in a calendar year.</li> <li>• Any number of Banner Signs may not be displayed more than 60 days in a year on a Private Property except when installed against the Wall of the Principal Building and secured in a frame or with fasteners—not ropes, straps, or bungee cords.</li> </ul>
<b>Building Sign</b>	<p>Wall Signs, Roof Signs, Banner Signs and Awning Signs are permitted; no other Building Signs are permitted. Building Signs may only be installed on the Principal Building.</p> <ul style="list-style-type: none"> <li>• The maximum Height for a Building Sign is the same as that set forth above for Banner Signs.</li> <li>• The maximum Sign Face Surface Area of all Building Signs is the largest of the following:               <ul style="list-style-type: none"> <li>(A) 4 sf.</li> <li>(B) 15% of the area of the building face.</li> </ul> </li> </ul> <p>Awning Signs made of fabric may project 6 ft. or less from the Wall. Awning Signs made of rigid materials may project 1 ft. or less from the Wall.</p>
<b>Dynamic Copy Signs</b>	Permitted
<b>Flags</b>	35 ft. maximum, computed under definition of Height of Sign.

C/I Districts	
<b>Freestanding Sign</b>	<ul style="list-style-type: none"> <li>• 1 Freestanding Sign is permitted on each Private Property if there is 25 ft. of space between the nearest point of the Principal Building and the Public Right-of-Way, and a Building Sign exists on the property.</li> <li>• The Maximum Height for a Freestanding Sign is the same as that set forth above for Banner Signs.</li> <li>• The ground area of 50% of the Sign Face area around the base of all Freestanding Signs shall be landscaped with shrubs and ground covers that can withstand the environmental conditions of the site and will provide seasonal interest.</li> <li>• Up to 2 Sign Faces.</li> <li>• Max. Sign Face Surface Area for each Sign Face on properties with a platted front lot dimension of: <ul style="list-style-type: none"> <li>(A) 100 linear ft. or less is 80 sf.</li> <li>(B) More than 100 linear ft. is 100 sf.</li> </ul> </li> </ul>
<b>Handheld Signs</b>	Permitted
<b>Inflatable Signs</b>	Permitted
<b>Portable Signs</b>	Permitted
<b>Sandwich Board Signs</b>	<ul style="list-style-type: none"> <li>• Prohibited when there is a Yard Sign on the Property.</li> <li>• Otherwise, one Sandwich Board Sign is permitted on a Private Property or the Public Right-of-Way directly abutting the Private Property for each Dwelling.</li> </ul>
<b>Setback, Front</b>	<ul style="list-style-type: none"> <li>• If the Height of Sign is eight feet or less: 2 ft., otherwise 10 ft.</li> <li>• Inflatable Signs: The Setback, Front as determined above, or 1½ times the Height of Sign, whichever is greater.</li> </ul>
<b>Setback, Rear</b>	<ul style="list-style-type: none"> <li>• Signs not within the area confined by the Setback, Side and the Setback, Front and the front of the building are prohibited.</li> </ul>
<b>Setback, Side</b>	<ul style="list-style-type: none"> <li>• Sandwich Board Signs: 5 ft.</li> <li>• Freestanding Signs and Portable Signs shall be the greater of the following calculations: <ul style="list-style-type: none"> <li>○ 10 ft.</li> <li>○ 40% of the length of the frontage.</li> </ul> </li> <li>• All other signs 10 ft.</li> </ul>
<b>Total Sign Faces</b>	<ul style="list-style-type: none"> <li>• 3</li> <li>• One additional Sign Face is permitted for each additional Dwelling on the Private Property.</li> </ul>
<b>Total Site Signage</b>	<ul style="list-style-type: none"> <li>• 200 sf.</li> <li>• 40 sf. of additional sign face area is permitted for each additional Premise on the property.</li> </ul>
<b>Yard Signs</b>	<ul style="list-style-type: none"> <li>• Prohibited when there is a Sandwich Board Sign on the Private Property.</li> <li>• Max. Sign Face Surface Area for each Sign Face: 15 sf.</li> <li>• 8 ft. maximum calculated under definition of Height of Sign.</li> </ul>

## **§ 155.15 NON-COMMERCIAL SIGNS DURING ELECTION SEASON**

In compliance with the Minnesota Election Season Pre-emption statute, Minn. Stat. § 211B.045, the City allows non-commercial signs of any size or number during election season, which runs from 46 days before the state general primary until 10 days after the state general election. Non-commercial signs are ones that do not advertise products, goods, businesses, or services but which express opinions or points of view. Political campaign signs are non-commercial signs.

Signs containing non-commercial speech are permitted anywhere and anytime advertising or business signs are permitted, subject to the same regulations applicable to advertising and business signs.

## **§ 155.16 PROPERTY OWNER RESPONSIBILITY AND LIABILITY**

The Property Owner is responsible for any Sign whether or not it is permitted, whether it is in compliance or non-compliance, or is legally non-compliant, that is displayed on their Private Property or in the Public Right-of-Way directly abutting their property. All Signs shall be safe, not distracting to passing vehicles, and may not create any condition that could contribute to an injury or loss. Should an injury or loss occur that is caused in whole or in part by the condition or location of the Sign, the Property Owner, as the responsible party, may be liable therefore.

## **§ 155.17 EXISTING NON-COMPLIANT TEMPORARY AND PERMANENT SIGNS**

Any Temporary Sign or Permanent Sign LEGALLY existing and in use at the time of passage of this ordinance may continue to be displayed as it was as a legally non-compliant sign, including through subsequent maintenance and repair and through restoration resulting from damage or destruction from fire or other peril, as long as the following conditions are met:

- (1) Within 60 days of the passage of this chapter the sign is registered as a pre-existing legally non-compliant sign with the City of Dassel. Registration shall include submittal of a color, high-resolution photograph accurately depicting the condition of the sign as it existed at the time of passage of this chapter.
- (2) The sign meets all maintenance requirements at the time of registration.
- (3) The sign continues to meet all maintenance requirements while in use.

Any Temporary Sign or Permanent Sign that fails to meet the applicable regulations or requirements of this chapter must be removed.

## **§ 155.18 NON-COMPLIANCE AND ENFORCEMENT**

- (A) Any Sign legally posted and removed as permitted by Minn. Stat. §211B.045 governing non-commercial and election signs proceeding and following a state general election shall not be found in non-compliance.
- (B) Should there be multiple Property Owners, the Administrator may contact and/or take enforcement action against whichever Property Owner or the Administrator determines is appropriate or is most reachable.

- (C) The Administrator shall order the repair of any Sign that is not maintained in accordance with the maintenance provisions of this chapter.
- (D) In the case of an emergency condition that may cause immediate harm, the Administrator shall order immediate repair or removal of any Sign or sign components to abate the condition.
- (E) The Administrator shall order necessary modifications or the removal of any Abandoned Sign or non-compliant sign to ensure the enforcement of this ordinance.
- (F) Signs not posted by authorized government officials or their designees within the Public Right-of- Way, easements, Parks, Property zoned as Recreational, or publicly-owned land, may be immediately removed by any employee or agent of the City of Dassel. The signs will be made available for pickup during regular business hours at Dassel City Hall. If they are not picked up within 30 business days, the signs will be considered abandoned and will be destroyed and/or disposed of in an appropriate manner.
- (G) Failure by a Property Owner to comply with the provisions of this chapter, or failure to comply with the Administrator's order abating an emergency condition or order to maintain, repair or remove a Sign:
  - (1) Shall be a **Misdemeanor and** enforceable under City Ordinance **§10.99 General Penalty**, as well as enforceable under any other procedures available to the City for enforcement of ordinance violations.
  - (2) The Administrator may direct city staff, or may hire qualified contractors, to maintain, repair or remove a Sign when the Property Owner fails to do so within the timeframe specified by the Administrator or when not maintained or repaired to the standards specified by this chapter.
- (H) In any instance where the City of Dassel has incurred expenses maintaining, repairing, removing, destroying or disposing of a sign, the City may assess the Property Owner, the Private Property itself, or the property directly abutting the Public Right-of-Way where the sign is placed to recover the full cost incurred.

## **§ 155.19 VARIANCES NOT PERMITTED**

To ensure consistent application and enforcement of this chapter, variances from the regulations and enforcement provisions of this chapter are not permitted. Any updates to this chapter shall be made only through the ordinance amendment procedures so that everyone will benefit from any enhancements. Requests for an amendment to this chapter may be made through the City Clerk/Treasurer or directly to the City Council.

## **§ 155.20 APPEALS**

- (A) Since the City is allowed no discretion in the sign permit approval process, appeals as noted hereafter will be decided only on whether or not there were missing or incorrect facts that were material to the permit application, or whether or not the application meets the applicable objective criteria set forth in this chapter

- (B) The initial determination on these issues is made by the Administrator. If the Administrator denies the application for any of these reasons, the Administrator shall make written findings to that effect that will be sent to the applicant along with the written denial of permit.
- (C) If a permit is denied by the Administrator:
- (1) Within 10 business days, the applicant may request in writing that an appeal be heard by a quorum of the Planning and Zoning Commission. Said request is to be submitted in writing to the City of Dassel Clerk/Treasurer as follows:
    - (a) the request is sent via post with delivery signature and confirmation, or
    - (b) delivered in person and a date-stamped and signed receipt obtained.
    - (c) the request includes a copy of the denial of permit, copies of all documents submitted with permit application, a copy of the letter of denial, and a statement with supporting facts as to why the appeal should be granted.
- (D) If the appeal to the full Planning and Zoning Committee is denied:
- (1) Within 10 business days of notice of denial the applicant may request in writing that an appeal be heard by a quorum of the City Council. This request in writing is to be submitted to the City of Dassel Clerk/Treasurer. The letter must:
    - (a) Be sent via post with delivery signature and confirmation, or
    - (b) Delivered in person and a date-stamped and signed receipt obtained.
    - (c) Include a copy of the denial of permit.
    - (d) Include copies of all documents submitted with permit application.
    - (e) Include a copy of the letter of denial.
    - (f) Include a copy of the finding by the Planning and Zoning Committee
    - (g) Include a statement with supporting facts as to why the appeal should be granted.
- (F) As elected representatives of the City of Dassel, the decision of the City Council is final.

This ordinance shall take effect on its passage and publication.

Adopted the 15<sup>th</sup> of July, 2019 and published the 26<sup>th</sup> of July, 2019.