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WHEREAS, the City of Rushford adopted an ordinance April 14, 1986, entitled Sign Ordinance, and;

WHEREAS, the City of Rushford adopted an ordinance August 11, 1997 entitled City of Rushford Zoning Ordinance, with several amendments thereafter, and;

WHEREAS, said Zoning Ordinance did not contain Chapter 18, Sign Regulations, and;

NOW, THEREFORE, the following amendment to the Zoning Ordinance will repeal the 1986 Sign Ordinance and incorporate Chapter 18 Sign Regulations into the Zoning Ordinance.

### AMENDMENT TO ZONING ORDINANCE

#### THE CITY OF RUSHFORD ORDAINS:

**SECTION 1.** The following section of that certain ordinance dated August 11, 1997, and amended in November 1997, February 2000, May 2000, June 2001 and July 2006, entitled City of Rushford Zoning Ordinance, is hereby amended as set forth hereinafter:

### CHAPTER 18 SIGN REGULATIONS

#### SECTION:

- 18.1: Applicability
- 18.2: Purpose
- 18.3: Definitions
- 18.4: Intent
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- 18.12: Appeals
- 18.13: Enforcement
- 18.14: Penalties
- 18.15: Repealing Ordinance
- 18.16: Severability & Savings Clause
- 18.17: Effective Date

#### 18.1: Applicability:

Any signs hereafter erected or maintained shall conform to the provisions of this chapter and any other provisions of this code.

## **18.2: Purpose:**

Because signs are an important and necessary element to business and organizations in all segments of the community, the purpose of this chapter is to promote growth in an orderly and attractive manner and to provide standards to safeguard life, health, property and public welfare, by regulating the type, area, height, construction, illumination, location and maintenance of all signs and sign structures in the City.

## **18.3: Definitions:**

As used in this chapter, the following words and terms shall have the meanings ascribed to them in this section:

ABANDONED SIGN: A sign or remote sign which no longer correctly directs or exhorts any person, advertises a bona fide business, lessor, owner, product or activity conducted or product available on the premises where such sign is displayed.

ADMINISTRATION: The zoning administrator and/or their designee or designated official is hereby authorized by the City Council to administer and enforce this chapter.

APARTMENT SIGN: Sign which identifies an apartment building or a group of apartment buildings of 8 or more units.

AREA OF A SIGN: The "area of a sign" is the area of the panel(s) or modules(s) on which sign copy is painted, etched, engraved or attached, exclusive of any structural support. The area of a billboard is the area of the sign available to attach any type of bulletin or poster panel and frame, exclusive of the base and structural support. The area of a sign consisting only of individual alphabetic, numeric and symbolic characters without background or affixed directly to a wall is the area within a single continuous perimeter of straight lines at right angles enclosing the characters.

AWNING SIGN: A sign on or attached to a temporary retractable or fixed shelter composed of non-rigid material except for the supporting framework and braced entirely from the exterior wall of the building.

BANNER SIGN: A temporary sign composed of lightweight material enclosed or not enclosed in a rigid frame, secured or mounted so as to allow movement of the sign caused by movement of the atmosphere.

BEACON: Illumination which comes from lamps, lenses or devices designed to focus or concentrate the light rays of the source.

BILLBOARD: A sign, including the supporting structures, which direct the attention of the general public on a public street or walk to business, service or activity not offered or sold upon the premises where such a sign is located.

BUSINESS SIGN: A sign which directs attention to a business or profession conducted upon the premises at which the sign is located, and which may refer to goods or services produced, offered for sale or obtained at such premises.

CANOPY OR MARQUEE: A permanent roof-like shelter either freestanding or extending from part or all of a building fascia over a public right of way or a portion of the premises and constructed of some durable material such as metal, glass or plastic

CANOPY OR MARQUEE SIGN: Any sign attached to or constructed on the fascia or hung from a canopy or marquee.

CHANGING SIGN (AUTOMATIC): A sign such as electronically or electrically controlled public service information signs, message centers or reader boards where different automatic changing messages of an informative or commercial nature of interest to the traveling public are shown.

- A. Message Center: A sign which contains a changing message within the copy area which remains on for a specified minimum period of time and blacks out for a specified minimum period of time between messages.
- B. Electronic Reader Board: A sign which contains a traveling message, or a message which appears to be traveling and usually in a horizontal manner. The characters incorporated into any message remain constant, and do not change in hue or intensity, as they travel or appear to travel across or through the automatic changing copy of the sign.
- C. Public Service Information Sign: Any sign intended primarily to promote messages of general interest to the community such as time, temperature, date, atmospheric conditions, and news or traffic control.

CONSTRUCTION SIGN: A sign placed at a construction site identifying the project or the name of the architect, engineer, contractor, financier or other involved parties.

DIRECTIONAL SIGN: Any sign which is designed and erected solely for the purpose of traffic or pedestrian direction and which is placed on the property to which or on which the public is directed. Such sign contains no advertising copy.

DOUBLE-FACED SIGN: A sign with faces on both sides showing in opposite directions and shall constitute one advertising sign.

EXEMPT SIGNS: Signs exempted from normal permit requirements.

FACE OF A SIGN: The entire area of a sign on which copy could be placed.

FLASHING SIGN: Any sign which contains an intermittent or flashing light source, or which includes the illusion of intermittent or flashing light by means of animation or an externally mounted intermittent light source.

GROUND SIGN: A sign which is firmly attached to the ground in a permanent location not attached to or forming part of a building.

HEIGHT OF SIGN: The vertical distance measured from the adjacent street grade or upper surface of the nearest street curb to the highest point of a sign.

HOME OCCUPATION SIGN: A sign identifying a residential professional office or home occupation.

ILLUMINATED SIGN: Any sign which emanates light either by means of exposed tubing or lamps on its surface, or by means of illumination transmitted through the sign faces.

INFORMATIONAL SIGN: Any sign giving information to employees, visitors or delivery vehicles but containing no advertising or identification.

INSTITUTIONAL SIGN: A sign or bulletin board which identifies the name or other characteristics of a public, semipublic or private institution on the site where the sign is located. Institutions shall include churches, schools, city buildings and other nonprofit, governmental, or charitable organizations.

INTEGRAL SIGN: A sign carrying the name of a building, its date of erection, monumental citations, commemorative tablets, addresses and the like when carved into stone, concrete or similar material or made of bronze, aluminum or other permanent type of construction and made an integral part of the structure.

NONCONFORMING SIGN (LEGAL): Any advertising structure or sign which was lawfully erected and maintained prior to such time as it came within the purview of this chapter, and any amendments thereto, and which fails to conform to all applicable regulations and restrictions of this chapter.

OWNER/OCCUPANT SIGN: A sign which identifies the name of the owner or occupant of a residential, commercial or industrial building.

PAINTED WALL SIGN: An advertisement painted directly on the wall of a building.

PEDESTAL SIGN: A sign supported by one or more columns, uprights or braces in or upon the ground, not attached to or forming part of a building.

POLITICAL SIGN: A sign on behalf of a candidate for office or measures on election ballots.

PORTABLE SIGN: A sign not permanently attached to the ground or a building, allowing it to be moved to various locations.

PROJECTING SIGN: Any sign other than a wall sign, awning, marquee or canopy which is attached to and projects from a structure, building face or wall.

PUBLIC RIGHT-OF-WAY: The particular distance across a public street, alley, sidewalk or boulevard measured from property line to property line. When property lines on opposite sides of the public street are not parallel, the public right-of-way width shall be determined by the city engineer.

REAL ESTATE SIGN: A sign pertaining to the sale, lease or rental of the property upon which it is located.

REVOLVING/FLASHING SIGN: Illuminated sign on which such illumination is not kept stationary or constant in intensity and/or color at all times when such sign is in use.

ROOF SIGN: A sign erected upon the roof or parapet of a building, the entire face of which is situated above the roof level of the building to which it is attached and which is wholly or partially supported by said building.

SIGN: Any identification, description, illustration or device illuminated or non-illuminated which is visible from any public place or is located on private property and exposed to the public and which directs attention to a product, service, place, activity, person, institution, business or solicitation, including any permanently installed or situated merchandise; or any emblem, painting, banner, pennant, placard or temporary sign designed to advertise, identify or convey information. For the purpose of removal, signs shall also include all sign structures. However, a "sign" shall not include any display of official court, public office notices or traffic signs, nor shall it include the flag, separate emblem or insignia of a nation, political unit or school or religious group, or incombustible tablet or lettering built into the wall of a building or other structure. A "sign" inside a building is not included unless its face is visible only from the exterior building. The "Rushford" sign located on the westerly bluff face shall not be considered a "sign" for purposes of this ordinance.

SIGN POSTERS/HANDBILLS: Flyer/brochure-type sign advertising event or activity.

SUBDIVISION PLAT SIGN: A temporary sign which advertises a new subdivision plat.

TRAFFIC SIGN: A sign which is erected by a governmental unit for the purpose of directing or guiding traffic.

UNLAWFUL SIGN: A sign which violates this chapter or which the administrator may declare as unlawful if it becomes dangerous to public safety by reason of dilapidation or abandonment.

WALL SIGN: Any sign affixed in such a way to a building or structure that its exposed face is parallel to or approximately parallel to the plane of the building or structure on which it is affixed.

#### **18.4: Intent:**

It is the intent of this Chapter to regulate the construction, use and maintenance of signs of all types within the City and permit such signs in a manner which will protect the public health, safety and general welfare of persons within the City, which will reduce advertising distractions and obstructions which may contribute to traffic hazards and which will enhance and protect the appearance of the community.

#### **18.5: General Regulations:**

- A. Applicability: All signs erected, repaired, altered, relocated or maintained within the City or within areas that are allowed to be regulated by the City due to their immediate proximity to City boundaries shall comply with the provisions of this Chapter.
- B. Permit Required: It shall be unlawful for any person to erect, alter or relocate any sign subject to the provisions of this ordinance without first obtaining a sign permit in compliance with the provisions of Chapter 21 of this ordinance, except as provided herein. A separate permit shall be required for a sign or signs on a single supporting structure when the group of signs is erected at one time. These regulations shall not be construed to require a permit for a change of copy on a sign nor for the repainting, cleaning and other normal

maintenance or repair of a sign or sign structure for which a permit has previously been issued, provided that the sign or sign structure is not modified in any way. In all events, a permit must be obtained before any visible work is done in connection with the erection, alteration or relocation. Any permit or license issued in conflict with this chapter shall be null and void and of no effect whatever.

1. A sign permit fee will be charged when an application form is completed. If no progress has been made in one year; a new permit will be required.
- C. MN/DOT Regulations: All sign, other than those exempted herein, adjacent to T.H. 30, T.H. 16, and T.H. 43 shall be in conformance with the Minnesota Department of Transportation (MN/DOT) regulations. For specific regulations, contact MN/DOT District Traffic Engineer at (507) 285-7381.
- D. Exempt Signs: The provisions of this Chapter shall not apply to the following:
1. Real estate signs not exceeding 6 square feet in area which advertise the sale, resale or lease of the premises upon which the signs are located only.
  2. Construction signs posted for no longer than 1 year and not exceeding 32 square feet in area.
  3. Owner/Occupant signs, Home Occupation signs and Institutional **signs** not exceeding 2 square feet, provided that the number of such signs does not exceed one for each use or occupant.
  4. Traffic or other Municipal or State signs, legal notices, railroad crossing signs and such temporary, emergency or non-advertising signs as may be approved by the City Council.
  5. Signs required by law, including legal notices or advertisements prescribed by law or posted by any lawful officer or agent.
  6. Integral signs.
  7. Political or campaign signs as approved and provided for in Minnesota Statutes.
  8. Informational signs not exceeding 4 square feet, including but not limited to signs identifying rest rooms, public telephones, walkways or signs providing direction such as parking lot entrance and exit signs and those of similar nature.
  9. Handbills/sign posters erected on private property with permission of the owner.
  10. Subdivision Plat signs posted for no longer than 2 years and not to exceed 32 square feet in area.
- E. Traffic Hazards: Signs shall not be located at the intersection of any streets in such a manner as to obstruct clear and adequate vision; nor any location where, by reason of the

position, shape or color, it may interfere with, obstruct the view or be confused with any authorized traffic sign, signal or device; nor shall any sign make use of the words "stop", "look", "danger", "caution", "warning" or any other word, phrase, symbol or character in such manner as to interfere with, mislead or confuse traffic. The source of light from any sign shall not be directed toward any oncoming vehicular traffic with such intensity or brilliance as to cause glare or impair the vision of the driver of any motor vehicle.

- F. Sign Encroachment: No sign shall encroach upon nor extend over public property except in compliance with City Ordinances. No sign, except for informational banners of community-wide importance displayed on a temporary basis with the written permission of property owners, and except for a wall sign which is located at least 8 feet above grade and which projects not more than 15 inches over public property shall be permitted to encroach upon or extend over the right of way of T.H. 30, T.H. 16 or T.H. 43. The City shall facilitate and obtain any necessary MDOT approvals for any applicant requesting a temporary banner extending over state right of way.
- G. Unallowable Signs: No signs shall be painted on, attached to or affixed to any trees, rocks or similar organic or inorganic natural matter, or on any power line pole or telephone pole.
- H. Sign Painting: The exposed uprights, superstructure and/or backside of all signs shall be painted a neutral color such as light blue, gray, tan or white unless it can be illustrated that such part of the sign designed or painted in another manner is integral to the overall design of the sign.
- I. Maintenance of Ground Signs and Surrounding Area: The owner, lessee or manager of the property upon which a sign is located is responsible for assuring the proper appearance of the sign, including a reasonable area around the base of the sign. A sign which becomes dangerous to the public safety by reason of dilapidation or abandonment will be considered unlawful.
- J. Subdivision, Addition or Apartment Signs: One sign not exceeding 24 square feet in area, or two signs not exceeding 12 square feet each, shall be permitted at any exclusive or major entrance to a subdivision or addition, such signs restricted to use of the subdivision or addition name only.
- K. Bonus of Landscaping: For each 2 square feet of landscaped garden area installed at the base and properly maintained the use of a ground sign shall be permitted 1 additional square foot of area over that normally permitted, up to a maximum increase of 20 percent of the normal sign area.

**18.6: On-Premise Signs:**

On-Premise signs shall be permitted in accordance with the following requirements:

A. The sum total area in square feet of all sign display area shall not exceed one and one-half (1 ½) times the width of the building front, up to 400 square feet of sign area.

B. Ground Signs, including Pedestal Signs:

1. No ground sign or supporting structure shall be placed, adjoining a driveway, in an area bounded by the adjacent street or alley right of way, the adjacent driveway line, and diagonal line intersecting the right of way and driveway lines at a distance of 10 feet from the point of intersection of the right of way and driveway lines.
2. No ground sign shall be placed in the traffic visibility zone as defined in Section 4.120 of this Ordinance.
3. Ground signs located within 100 feet of any residentially zoned property shall not exceed 25 feet in height. Ground signs in commercial and industrial zoned property shall not exceed 30 feet in height.
4. One ground sign is permitted on each premise for each street frontage. Where a parcel's frontage exceeds 300 feet one additional sign may be permitted for each additional 300 feet of street frontage in excess of the first 300 feet of street frontage abutting the developed portion of the parcel.

C. Wall Signs:

1. No wall sign shall project over a roof or parapet line.
2. Wall signs may not project from the wall to which they are affixed by more than 15 inches.
3. Painted wall signs are permissible following the area requirements above. Murals of artistic or historical significance, or of benefit to the entire community, shall not be considered signs for the purpose of this ordinance but review will be required before permission is granted.

D. Projecting Signs:

1. All projecting signs shall be installed in a manner such that no angle iron support structures are visible above a roof, building face or wall.
2. No projecting sign shall extend more than 6 feet above a roof or parapet.
3. Projecting signs may extend over a public street or alley right-of-way only after issuance of a conditional/interim use permit in compliance with this Ordinance. However, no signs projecting over street or alley right of way shall be allowed in the C-CBD District or extending over the right of way of T.H. 30, T.H. 16 and T.H. 43

in Rushford, except time and temperature data or signs constructed or printed as an integral part of an awning, shall be permitted.

4. The area of a projecting sign is calculated on one face of the sign only.
5. Projecting signs shall have a minimum clearance of 10 feet above grade.
6. The number of projecting signs per use shall not exceed one.
7. Swinging signs must be securely fastened with appropriate hardware. The Planning Commission reserves the right to restrict the size, weight and design to ensure public safety.

E. Awning Signs:

1. No awning sign may extend over public property more than 7 feet from the face of a supporting building nor extend nearer than 2 feet to the face of the nearest curb line measured horizontally. In no case shall the awning sign extend over public property greater than  $2/3$ 's of the distance from the lot line to the curb in front of the building site.
2. All portions of any awning sign shall be at least 8 feet above any public walkway except when a valance is attached. Any valance shall not extend more than 12 inches below the roof of the awning at the point of attachment and in no instance shall any portion of a valance be less than 7 feet in height above the public walkway.
3. No awning sign shall project over a roof or parapet line.
4. Awning signs shall have non-combustible frames and coverings. When collapsed, retracted or folded, the design shall be such that the awning does not block any required exit.

F. Canopy or Marquee: Every marquee shall be so located as not to interfere with the operation of any exterior standpipe or obstruct the clear passage of a means of egress from the building or the installation or maintenance of electrifiers.

1. Projection and Clearance: The horizontal clearance between a marquee and the curb line shall not be less than 2 feet. A marquee projecting more than  $2/3$ 's of the distance from the property line to the curb line shall not be less than 12 feet above the ground or pavement below and shall not exceed 25 feet in length along the direction of the street.
2. Thickness: The maximum height or thickness of a marquee measured vertically from its lowest to its highest point shall not exceed 3 feet when the marquee projects more than  $2/3$ 's of the distance from the property line to the curb line and shall not exceed 9 feet when the marquee is less than  $2/3$ 's of the distance from the property line to the curb line.

G. Portable Signs:

1. Portable signs shall be allowed to be erected and maintained for a period not to exceed 30 days. Each permit issued for such usage shall be effective only for such period. Such portable sign shall be removed immediately upon expiration of such permit. No permit issuance for a portable sign on the same property shall be permitted within the ensuing two month period after the date of expiration of such permit.
2. Portable signs shall not exceed 32 square feet in area.
3. Portable signs shall not be allowed to be erected or maintained upon any public right-of-way.
4. Portable signs must advertise the use located on the premises.

H. Banners, Pennants, Etc.

1. Banners, ribbons, pennants, twirling signs, balloons or other similar devices shall be permitted in a commercial or industrial district for a period not to exceed thirty days in conjunction with a special promotion of a business, or in a residential district in conjunction with an open house or model home demonstration for a period commencing two days before and ending two days following such demonstration, the total period of use not to exceed 30 days.

I. A-Frame and/or Sandwich Board Signs:

1. A-Frame or Sandwich Board signs shall be permitted only in compliance with the following requirements:
  - a. One such sign per business at a maximum size of 24" x 48".
  - b. Such signs will be allowed in the public right-of-way only when directly adjacent to the principal entrance of such business.
  - c. Such signs may only be placed in the public right of way during daylight hours.

**18.7: Off-Premise Signs:**

Off-premise signs shall be permitted in the C-A, I-1 and I-2 Districts, only in compliance with the following requirements:

- A. Off-premise signs shall not exceed 300 square feet in area nor 35 feet in height.
- B. All off-premise signs shall comply with set-back requirements for main buildings in the zoning district in which they are located.

- C. Off-premise signs shall be of the ground sign type only.
- D. There shall be a minimum spacing of 300 feet between off-premise sign structures located on the same street, facing the same traffic flow. One sign facing shall be permitted for each sign structure in the C-A Districts. Single or double-faced signs shall be permitted in any given traffic flow in the I-1 or I-2 Districts.
- E. Off-premise signs shall be located at least 75 feet from any residential zoning district, public building, church or school, except where the zoning districts are separated by a public street or railroad. In such case, off-premise signs may be placed within the 75 foot limit providing it complies with the building setback requirements of Subsection B above.
- F. All off-premise signs shall have written permission from property owner stating the size, location and period of time for which permission is granted.

**18.8: Directional Signs Permitted On Public Right Of Way:**

- A. Subject to the provisions of this section, the owner or operator of an airport, library, community center, church, hospital, institution of an educational, philanthropic or charitable nature, cemetery, mausoleum, mortuary, governmental institution or armory may place directional sign on any city street sign located adjacent to a state highway or county road or state aid designated street within the city.
- B. Any such sign shall be 216 square inches as per state guidelines.
- C. The city may mandate the design of the sign except that all such signs shall conform to the coloring and construction materials used in State of Minnesota Highway Department information signs.
- D. No sign shall be erected pursuant to this section until the person or agency erecting the sign has obtained a sign permit and approval on the specific location of the sign. The city zoning administrator will issue the sign permit after consulting with the public works director as to the public safety of the proposed sign. No sign permit will be issued for a sign that would constitute a hazard to public safety.
- E. The city shall install any such sign for which a permit issued after the person or agency requesting such sign has paid the costs thereof. The person or agency erecting the sign shall be responsible for the maintenance and upkeep of any sign placed on a city street sign. In the event the sign so installed is not maintained and kept in the same condition as the city street sign or become a hazard to public safety, the city, at its option, may request such person or agency to remove the sign. If the sign is not removed, the city may remove the sign and recover the costs thereof from the person or agency erecting the same.

**18.9: Prohibited Signs:**

The following signs are prohibited in all zoning districts, except as otherwise provided by this Ordinance:

A. Flashing Signs, Revolving Signs or Beacon Signs:

No signs shall be permitted which makes use of beacon lights, flashing, blinding or traveling lights with reflectors or reflecting materials used to increase the intensity of the sign illumination. However automatic changing signs shall be permitted.

B. Moving Signs: Except as otherwise provided in this Ordinance, no sign, or any portion thereof, shall be permitted which moves or assumes any motion constituting a non-stationary condition. This requirement is not intended to prohibit any form of signage attached to a motor vehicle.

C. Roof Signs: A sign erected upon the roof or parapet of a building, the entire face of which is situated above the roof level of the building to which it is attached and which is wholly or partially supported by said building, is prohibited.

D. Billboard Signs: No billboard sign is to be placed along a state or federal scenic byway.

E. Sign posters/handbills: No posters or handbills on public property or on private property without permission of the owner.

**18.10: Unlawful Signs:**

Signs which have become dangerous to public safety by reason of dilapidation or abandonment.

A. Removal Required: Unlawful signs shall be removed by the owner of the sign. Any such sign not removed shall be subject to removal by the City 30 days after the zoning administrator shall have served a notice of removal on the owner thereof by mail, or if the owner cannot be found, publication in the legal newspaper of the City. The notice of removal shall specify the nature of the violation, the action required by the owner, the date by which the action must be completed and an opportunity to appear before the City Council and be heard as to any objections concerning the proposed action of the council. If the owner of the sign is not the owner of the premises on which the sign located, the owner of the premises shall also be served.

B. Removal by City; Expense Responsibility of Owner: If, after such notice has been served, the party or parties served fail to remove the sign in accordance with the terms of the notice, and after having heard the objections thereto, if any, the council does not determine otherwise, the council may cause the sign to be removed at the expense of the City and recovered in the manner in which improvements are assessed. This shall not limit any other rights which the City has to enforce collection of the cost against the owner of the sign and the owner of the property.

C. Exception: Permanent signs applicable to a business temporarily suspended because of a change of ownership or management of such business shall not be deemed abandoned unless the property remains vacant for a period of more than six months.

### 18.11: Nonconforming Signs:

A. Permitted to Continue: Within the districts established by this title, there exist signs and sign structures which were lawful before this chapter was passed or amended, but which would be prohibited under the terms of this chapter or future amendment. It is the intent of this chapter to permit these nonconformities to continue until they are removed, but not to encourage their survival. It is further the intent of this chapter that nonconformities shall not be enlarged upon, expanded or extended or used as a basis for allowing additional signs or uses prohibited elsewhere in the same district.

B. Restrictions: Any sign or sign structure which does not conform to the use regulations contained in this chapter at the time it becomes applicable may be continued subject to the following provisions:

1. Damage: Any conforming sign or sign structure which has been damaged such that its value has been reduced to less than fifty percent of its fair-market value prior to such damage shall be required to conform to the use regulations of this chapter.
2. Repairs: Such repairs and maintenance work as required to keep a nonconforming sign or sign structure in sound condition may be made; provided, that no additions shall be made to a nonconforming sign.

### 18.12: Appeals:

A. The Board of Appeals & Adjustments shall have the power and duty of hearing appeals or requests on the following cases:

1. Appeals from any action of the zoning administrator in granting or denying a sign permit.
2. Appeals where it is alleged there is an error in any order, requirement, decision or determination made by an administrative officer in the enforcement of this chapter.
3. Requests for variances as in other cases involving zoning ordinances of the city, from the literal provisions of this chapter in instances where their strict enforcement would cause undue hardship because of circumstances unique to the individual property under consideration. In granting a variance, the board may impose conditions to ensure compliance and to protect adjacent properties. The board may not permit as a variance any sign which is not permitted in the zoning district in question by this chapter.

B. All appeals are subject to the procedures as set forth in Chapter 21 of this Zoning Code.

### 18.13: Enforcement:

A. Right of Entry: This chapter shall be enforced by the zoning administrator and/or their designee or designated officials of the City and shall have the right to enter at any reasonable hour upon any premises, for the purpose of enforcement of this chapter.

B. Violations: If it is found that any of the provisions of this chapter are being violated, the zoning administrator shall notify in writing the persons responsible for such violations, indicating the nature of the violation and ordering the action necessary to correct it or shall take such action authorized by this chapter to ensure compliance with or to prevent continued violation of its provisions. The person responsible for such violation shall be given 30 days to correct the violation except in the case of a violation involving portable signs where the person responsible for such violation shall be given 5 days to correct the violation.

**18.14: Penalties:**

A. Petty Misdemeanor: Any violation of this chapter of the code shall be a petty misdemeanor punishable according to petty misdemeanor limits as established from time to time by the State of Minnesota. Each day that violation exists shall constitute a separate offense.

B. Removal Without Notice: If a sign is found to be an immediate and serious danger to the public because of its unsafe condition, it may be removed without notice, and notice of removal and reasons for such shall be served as soon as possible under the terms of this chapter.

**18.15: Repealing Ordinance**: Any sign ordinance or part thereof adopted prior to this date that is inconsistent with this Chapter is hereby repealed. If there are conflicts between this Chapter and any other ordinances, the terms of the latest ordinance to be adopted shall control.

**18.16 Severability & Savings Clause**: If any section or portion of this ordinance shall be found unconstitutional or otherwise invalid or unenforceable by a court of competent jurisdiction, that finding shall not serve as invalidation or affect the validity or enforceability of any other section of provision of this ordinance.

**SECTION 2. EFFECTIVE DATE**

This ordinance become effective upon its passage and publication according to law.

Adopted by the City Council of the City of Rushford this 23<sup>rd</sup> day of August, 2010.

  
Chris Hallum, Mayor

Attest:

  
Kathy Zacher, City Clerk/Treas.

*Published 8/26/10*

**CITY OF RUSHFORD**  
**APPLICATION FOR SIGN PERMIT**

**APPLICANT IDENTIFICATION**

Applicant: \_\_\_\_\_

Address: \_\_\_\_\_

Phone: \_\_\_\_\_

Contractor: \_\_\_\_\_

Address: \_\_\_\_\_

Phone: \_\_\_\_\_

**PROPOSED SIGN LOCATION**

A. Location of building or lot on which sign is to be constructed: \_\_\_\_\_  
\_\_\_\_\_

B. Are you the owner of the building or lot on which the sign is to be constructed?  Yes  No  
If NO, attach a letter of authorization from building or lot owner.

**DESCRIPTION OF PROPOSED SIGN**

A. Type of sign

On-Premise Sign—check type below

**OR**

Off-Premise Sign

(Only ground sign type permitted)

Ground sign, includes pedestal type

Wall sign

Projecting sign

Awning sign

Canopy or marquee sign

Portable sign

Banner/pennant sign

A-frame and/or sandwich board sign

*(Note: Prohibited signs include flashing signs, revolving signs, beacon signs, moving signs, roof signs, billboard signs along state or federal scenic byways, and sign posters or handbills on public property or private property without permission of the owner.)*

B. Size of sign

Sign dimensions: \_\_\_\_\_

Sign area in square feet: \_\_\_\_\_

C. Width of the building front on which the sign will be constructed or for which the sign will be advertising, identifying or conveying information: \_\_\_\_\_

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D. If this is a ground sign, is there any landscaped garden area proposed for the base of the sign?

Yes  No

E. If this is a ground sign, including pedestal type, what is the total proposed height? \_\_\_\_\_

F. If this is a projecting sign, will it be a swinging sign?  Yes  No

G. Attach a sketch of the sign's location on the building or lot showing lot line set backs and/or position of sign on building

**CERTIFICATIONS**

I have read and will comply with all provisions of Chapter 18 Sign Regulations of the City of Rushford's Zoning Ordinances, specific or implied, as currently stated or as shall be amended from time to time.

I certify, under penalty of law, that the construction of the sign applied for shall be as described in this application.

\_\_\_\_\_  
Signature of Applicant

\_\_\_\_\_  
Date

*\$15-fee*

**FOR OFFICIAL USE:**

Paid permit fee:  CASH  CHECK # \_\_\_\_\_  OTHER \_\_\_\_\_

Notes on any follow-up questions of applicant:  
\_\_\_\_\_  
\_\_\_\_\_

Permit Approved—Permit Number: \_\_\_\_\_

Permit Disapproved—State reason(s): \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_  
Signature of City Representative

\_\_\_\_\_  
Date

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