

## ORDINANCE NO. 33

### AN ORDINANCE RELATING TO AND REGULATING THE LOCATION AND CONSTRUCTION OF SIGNS AND BILLBOARDS IN THE TOWN OF WHITE BEAR, RAMSEY COUNTY, MINNESOTA; PROVIDING PENALTIES FOR THE VIOLATION THEREOF; AND REPEALING ALL ORDINANCES AND PARTS OF ORDINANCES IN CONFLICT THEREWITH

#### THE TOWN BOARD OF THE TOWN OF WHITE BEAR ORDAINS:

**SECTION 1. PURPOSE AND SCOPE.** The purpose of this Ordinance is to protect and promote the public health, safety, and welfare within the Town of White Bear by establishing a set of standards covering the fabrication, erection, use or display of signs, symbols or markings that serve as visual communication media. The provisions of this Ordinance are intended to allow for creativity, give a reasonable degree of freedom of choice and grant opportunities for effective communication to those that design, display or utilize the type of media covered by this Ordinance, while at the same time ensuring that the public is not endangered, annoyed, distracted or displeased by unsafe, disorderly, indiscriminate and unnecessary use of this communication media.

**1-1. Repeal of Conflicting Ordinances.** Those parts of Ordinance No. 8 (Building Code), Ordinance No. 35 (Zoning Ordinance) and all other ordinances or parts of ordinances inconsistent herewith are hereby repealed. In all other respects said Ordinance No. 8 (Building Code), Ordinance No. 35 (Zoning Ordinance) and other ordinances shall remain in full force and effect.

**SECTION 2. DEFINITIONS.** For the purpose of this Ordinance the following terms and words are defined as follows:

**2-1. CODE ENFORCEMENT OFFICER.** For the purpose of this Ordinance the Code Enforcement Officer shall be the person or party responsible for issuing sign permits, examining design plans for sign, inspecting all signs within the Town of White Bear on a regular basis, determining the status of said signs, issuing notice(s) of violation and for ordering the removal and/or destruction of obsolete or hazardous signs.

**2-2. SIGN** – Identification, description, display, illustration, structure or display which is affixed or constructed directly or indirectly upon a building, structure or land which directs attention to a product, place, activity, events, service, person, institution or business.

**2-2.1. SIGN, AREA** – The entire area within a continuous perimeter enclosing a sign, exclusive of sign embellishments, which may extend beyond said perimeter as regulated herein; such perimeter shall not include any structural elements lying outside of said sign and is not an integral part of the display. Double faced signs are permitted with the maximum square footage allowed on each face as that allowed for a single faced sign; multi-faced sign areas may not exceed the area permitted for a single faced sign.

**2-2.1(a). SIGN, AREA IDENTIFICATION** – A free standing sign which identifies the name of a neighborhood, a residential subdivision, multiple family complex of three or more structures or 10 or more units or a shopping center of 3 or more stores or any combination of the above.

**2-2.1(b). SIGN MONUMENT** – Any sign that is self-supported by a solid base extending horizontally.

**2-2.2. SIGN, COMBINATION** – A sign incorporating any combination of the features of ground, projecting and roof signs.

**2-2.3. SIGN, ELECTRIC** – Any sign containing electrical wiring, but not including signs illuminated by an exterior, unattached light source.

**2-2.4. SIGN, GROUND** – A sign supported by one or more uprights, poles or braces in or upon the ground other than a combination sign.

**2-2.5. SIGN, IDENTIFICATION** – In a residential district, a nameplate sign identifying a resident (name, address and profession or occupation), school, church or other non-business use.

**2-2.5(a).** In a business or industrial district, a nameplate or directory sign identifying the business, industry or occupant of the lot (name, address, business(s), industry or lot occupant).

**2-2.6. SIGN, ILLUMINATED** – Any sign which has characters, letters, figures, design or outline illuminated by electric lights or tubes as part of the sign proper. Also can be a sign on which the artificial light does not remain stationary and/or is not constant in intensity and color.

**2-2.6(a). SIGN, ELECTRONIC DISPLAY SCREEN** – An illuminated sign or portion of a sign that displays an electronic text or uses changes in lights to form a sign message or messages in text form wherein the sequence of messages

and the rate of change is electronically programmed and can be modified by electronic process. This definition includes digital screens, and LED screens only. Any electronic display screen shall meet the requirements of Section 4-1.4 of this Ordinance.

**2-2.7. SIGN, MARQUEE** – A sign attached to or hung from a permanent roofed structure which is attached to a building.

**2-2.8. SIGN, OFF PREMISE** – (Advertising Sign). A sign which directs attention to a business, profession, commodity, service or entertainment which is conducted, offered, sold or manufactured elsewhere than on the premises upon which the sign is placed.

**2-2.9. SIGN, ON PREMISE** – A sign which directs attention to business, enterprise, or profession conducted, or a commodity or service sold or offered upon the real property where such a sign is located.

**2-2.10. SIGN, PROJECTING** – Any sign permanently attached to a structure which is designed to physically protrude from that structure.

**2-2.11. SIGN, REAL ESTATE** – A sign offering property (land and/or buildings) for sale, lease or rent.

**2-2.12. SIGN, REVOLVING** – A sign which has moving structural parts but, does not include flashing signs which blink on and off. It does include signs which produce moving effects through the use of illumination; signs that revolve or turn on an axis point shall not be considered revolving if less than 2 complete revolutions are made per minute.

**2-2.13. SIGN ROOF** – A sign erected upon a roof or parapet of a building.

**2-2.14. SIGN, STRUCTURE** – The supports, uprights, braces and framework of the sign.

**2-2.15. SIGN, TEMPORARY** – A sign which is not solidly affixed to any building, structure, or land and announces an event such as a bazaar, garage/rummage, and estate sale and/or a sporting or special event of limited duration and certain real estate, construction or development related signs.

**2-2.15(a). SIGN, TRANSIT BENCH** – A sign which is affixed to or painted on a transit bench backrest.

**2-2.16. SIGN, WALL** – A sign attached to or erected against the wall of a building with the exposed face of the sign in a plane parallel to the plane of said wall.

**2-2.17. SQUARE FOOTAGE** – As used in this Ordinance “square footage” and “square feet” shall mean the area of the total display surfaces which contain lettering, symbols, numbers, or other graphic features. If a sign has more than one display surface, the area of each display surface must be taken into account.

**2-2.17(a). TRANSIT BENCH SIGNS.** Transit bench signs are permitted, subject to obtaining a permit.

**2-2.18. YARD AREA** – The definition of YARD AREA as provided in Ordinance No. 35 (Zoning Ordinance), Section 7, Table 7-1, is hereby adopted by reference.

### **SECTION 3. PERMITTED SIGNS.**

#### **3-1. General Regulations.**

**3-1.1. General Set Back Requirements.** Except those signs designated, any sign, in any district, which exceeds one and one-half (1 1/2) square feet shall be set back ten (10) feet from any property line and not within any public easement.

**3-1.2. Height Above Grade Level.** Except for necessary poles, uprights, pedestals, and other supporting structural elements, no portion of any sign designed to be placed overhead shall be less than eight (8) feet above grade level, except for signs that are designed such that they present no hazard to pedestrians or vehicles.

**3-1.2(a). Exceptions.** Certain circumstances may exist where a sign may be required to be at another elevation depending upon location or pedestrian or vehicle safety.

**3-1.3. Corner and Through Lots; Alleys.** All corner and through lots (more than one lot line on public street) shall be considered as having two front lot lines for application of regulations pertaining to signs.

**3-1.4. Exemptions.** No signs shall be permitted within the public right-of-way or upon any public easement, except as follows:

**3-1.4(a).** Public traffic control signs.

**3-1.4(b).** Banners, decorations, and other temporary signs.

**3-1.4(c).** Mailboxes.

**3-1.4(d).** Bus shelter and bench signs.

**3-1.4(e).** Newspaper boxes.

**3-1.5.** Repealed.

**3-2. Temporary Signs.** Temporary signs for any lawful purpose, under eight (8) square feet of display surface, may be erected for thirty (30) days or less without a permit.

**3-2.1. Portable and Trailer Signs.** A sign designed to be movable from one location to another which is not permanently attached to the ground or any other structure, other than the trailer. Such sign shall be a maximum of fifty (50) square feet of display surface, and shall not be used more than two (2) times within a calendar year at the same locations. Display of such a sign shall be allowed for thirty (30) consecutive days or for the duration of the event, whichever is less. These signs require a permit which must be prominently displayed during the period of validity. The sign, supports and portable stand shall be removed from public view at the end of the display period. No such sign will be allowed if it interferes with the use and enjoyment of adjacent land or constitutes a hazard or endangers the public.

**3-2.2. Construction/Development Assistance.** These are considered temporary signs that denote a construction project or advertise the fact that an agency has assisted in financing, instigating or continuing a project. These signs must be on the construction site, no larger than fifty (50) square feet of display surface and must be removed upon final inspection of construction project.

**3-2.3. Grand Opening Signs.** A sign announcing the opening of a new business or enterprise. Such a sign shall not exceed fifty (50) square feet of display surface and shall not be located within fifteen (15) feet of a public right-of-way. A permit is required for such a sign. Such a sign may be made of cloth or other suitable material and should be securely attached to the new business, enterprise or physical structure. Such a sign shall be removed within three (3) days after completion of event.

**3-2.4. Employment Opportunity Sign.** One sign announcing employment opportunities for each business is permitted, within the I-1, B-1 and B-2 Zoning Districts. Such sign shall be secured to the ground but not permanently affixed by footings, must be placed on the site of the business advertising employment opportunities, and shall not exceed 20 square feet of display surface. Such sign shall be constructed of wood or metal, shall be limited to the wording "Employment Opportunities", a phone number, positions available, and hours of operation, and shall display the company name or logo and shall be painted to match the building and company monument or pylon sign. Employment opportunity signs may be displayed for a period of one (1) year from the date of issuance of a sign permit. Permits may be renewed upon review and approval by the Town Board. Each permit renewal shall not exceed a period of more than one (1) year, additional one (1) year renewals may be approved by the Town Board.

**3-3. Campaign and Election Signs.** Election signs are permitted in any district on private property, with owner approval. Such signs must be removed within ten (10) calendar days following any public election. Election signs are regulated in size to a maximum provided by Minnesota State Statutes. Election signs are exempted from any other regulations of this Ordinance.

**3-3.1.** The volunteer or political committee, however organized and required by law or ordinance to identify itself in support of a candidate or issue, shall be the responsible entity for conformance to this section regarding size, display and removal of temporary campaign and election signs.

**3-4. Electric Signs.** Any sign illuminated and located within 50 feet of a residential district lot line shall be diffused or indirect so as not to reflect direct rays of light into adjacent residences. All illuminated signs in business and industrial districts in close proximity to residential districts shall be designed so as to illuminate the sign and not the residential property to the fullest extent practicable. Signs lighted by any means as an integral part of the sign, by flood lights, or by other means which cast light away from the sign shall be governed as follows:

**3-4.1.** Any combination of signs or light sources which cast light on a public street shall not exceed one (1) foot candle per meter reading as measured from the centerline of the said street.

**3-4.2.** Any combination of signs or lights illuminating signs which cast lights on property zoned for residential use shall not exceed a

four tenths (0.4) foot candle per meter reading as measured from any part of said residential area.

**3-4.3.** All signs and displays using electric power shall have a cut-off switch on the outside of the premises and on the outside of the sign. All electrical work shall conform with the Building Code and be subject to inspection by the Electrical Inspector.

**3-5. Ground Signs.** All ground signs shall meet the following requirements:

**3-5.1.** No ground sign shall be erected, constructed, altered, rebuilt or relocated to a height exceeding thirty-five (35) feet above ground, except where an advanced speed artery or thoroughfare faced by the ground sign is elevated above the surface on which the ground sign is placed, the height shall be measured from the nearest road surface of the advanced speed artery.

**3-5.2.** The uprights and basic sign structure of the ground advertising signs shall be of metal or weather resistance material construction.

**3-5.3.** The bottom of the facing of every ground sign shall be at least thirty (30) inches above the ground, which space may be filled with platform or decorative trim of light wood or metal construction.

**3-5.4.** No private sign shall be erected, constructed, or maintained within the boundary of any street, avenue, highway, alley, or public ground of the Town, County or State.

**3-5.5.** The soil replaced after an anchor or post has been placed in the ground shall be thoroughly compacted. The anchors or posts shall penetrate to a depth below ground greater than that of the frost line.

**3-5.6.** Portable signs supported by frames or posts rigidly attached to bases shall be so proportioned that the weight and size of the bases are adequate to resist the wind pressure specified in the Building Code. Such signs shall not exceed seven (7) feet in height.

**3-5.7.** The owner of a lot upon which there is a ground sign or the person occupying such a lot or both are hereby required to keep such a lot and ground sign clean, sanitary, inoffensive and free and clear of all obnoxious substances and unsightly conditions.

**3-6. Marquee Signs.** Fire resistant signs may be attached to or hung from a marquee. When attached to or hung from a marquee such signs shall be at least eight (8) feet above the sidewalk or grade level. No such sign shall extend outside the vertical lines of such marquee. Marquee signs shall require a Conditional Use Permit if they overhang the public right-of-way.

**3-7. Projecting Signs.** Signs shall in no case project from a building or structure to any point within two (2) feet of a line drawn perpendicularly upward from the curb line. No projecting sign shall be less than eight (8) feet above the sidewalk or the ground level. All projecting signs, for which a permit is required, shall be constructed entirely of fire resistant material in accordance with Ordinance No. 8 (Building Code). Projecting signs shall be securely attached to a building or structure by metal bolts, anchors, supports, chains, fire ropes or steel rod, in accordance with Ordinance No. 8 (Building Code). All metal supports and braces for projecting signs shall be galvanized or of corrosive resistant material or painted annually.

**3-8. Real Estate Signs.** All real estate signs will conform to the following conditions:

**3-8.1.** Temporary real estate signs located on the premises of the structure or land advertised for sale or lease, shall not exceed six (6) square feet of display surface and shall be no closer than ten (10) feet to a front property line. There shall be only one such sign per front property lot except for corner lots, which are considered as having two front property lots. These signs shall be removed from the property within ten (10) days following the lease or closing of sale. These signs do not require a sign permit.

**3-8.2.** Temporary real estate signs located off the premises of the structure or land advertised for sale or lease, shall not exceed thirty-two (32) square feet of display surface and shall be no closer than twenty (20) feet from any front property line. If this sign is displayed on private – residential property, the owner must give consent to having the sign displayed. This type of sign shall not be illuminated. This type of sign does require a sign permit.

**3-8.3.** Temporary real estate signs announcing or promoting a new residential, commercial or industrial project, multi-family development, provided that each residential project contains at least six (6) dwellings or lots must meet the following conditions:

**3-8.3(a).** Sign shall not exceed one hundred (100) square feet of display surface.

**3-8.3(b).** Sign shall be at least one hundred and thirty (130) feet from any pre-existing home.

**3-8.3(c).** One such sign is permitted for each major thoroughfare the project abuts.

**3-8.3(d).** The sign(s) are removed within two (2) years unless an extension of time is granted by the Town Board.

**3-8.4.** Temporary real estate signs located on the premises of a multiple dwelling unit advertised for sale, lease or rent, shall not exceed sixteen (16) square feet of display surface and only one ground or wall sign is allowed per building on front lots facing public streets. This type of sign does require a Sign Permit.

**3-9. Roof Signs.** Every roof sign shall be constructed entirely of fire resistant materials including the uprights, supports, and braces, except the ornamental battens, cappings and nailing strips, platforms, decorative trimmings and facings may be constructed of combustible materials.

**3-10. Service Stations.** Service stations may erect a pylon or pedestal sign not to exceed thirty (30) feet in height anywhere in a setback area, but no part of any such sign shall be closer to side lot lines than the required side yard setback or within five (5) feet of the rear lot line or street right-of-way line.

**3-11. Wall Signs.** Signs attached to exterior walls of solid masonry or concrete shall be safely and securely attached to the same. Refer to Ordinance No. 8 (Building Code).

**3-12. Area Identification Signs and Entrance Monuments.** Area identification signs and entrance monuments shall be located a minimum of 10 feet from any property line, shall not exceed 6 feet in height, and shall not be located on drainage and utility easements unless approved by the Town Board. Sign area shall not exceed 32 square feet and shall be required to incorporate the Township logo or the words "White Bear Township" into the sign design.

**3-13. On-Site Directional Signs.** On-site directional signs intended to facilitate the movement of pedestrians and vehicles within the site upon which such signs are located are limited to not more than 2 signs per lot. Square footage for directional signs shall not exceed a total of 25 square feet in area.

**3-14. Transit Benches.** All transit benches shall be subject to the following requirements:

**3-14.1. Purpose.** The purpose of this section is to regulate the placing and maintenance of transit benches in public rights-of-ways in order to control location, appearance, proliferation and traffic safety.

**3-14.2. License and Permit Required.** It is unlawful for a person to place a transit bench in White Bear Township without first above been issued a permit and license by the Town. Any license issued shall expire on December 31<sup>st</sup> of each year.

**3-14.2(a). Permit/License Fee.** The permit and license fees shall be as set forth in Ordinance No. 54 (Fees & Charges).

**3-14.2(b). Permit & Application.** Application for permits shall be made to the Town Clerk. The application shall contain the following:

**(1).** A scale drawing showing the size and location of the transit bench relative to all other objects on the property, including the layout of applicable adjacent roadways, intersections, traffic signage, sidewalks, trails, utility poles, fences and other objects in the vicinity.

**(2).** Name, address, and phone number of applicant.

**(3).** Detailed plans and specifications of each proposed bench, including the general nature of the advertising matter, if any, to be posted thereon, and total surface area intended as signage, not to exceed 12 square feet, using the front or seating side surface of the bench back.

**(4).** Current general liability Certificate of Insurance from an insurance company, and authorized to do business in the State of Minnesota, naming the Township as additional insured in the minimum amount of \$500,000 for any and all claims arising out of the use or existence of the transit bench. The certificate shall provide for automatic notification of the Town with a minimum 30 days advance notice in the event of cancellation.

(5). An executed hold harmless agreement from the licensee, protecting the Town from any and all claims arising out of the use and existence of the transit bench.

(6). Written permission from the road authority as defined in Minnesota Statutes, Section 160.02, if White Bear Township is not the road authority for the right-of-way adjacent to the transit bench location.

(7). Such other information the Town Clerk may require.

**3-14.2(c). Town Board Review.** The Town Clerk shall forward all completed permit applications to the Town Board for review and approval.

**3-14.2(d). Revocation and License.** The Town Board may revoke a license for failure to comply with the conditions of the permit.

**3-14.3. Permitted Locations.** Transit benches may only be placed in public rights-of-ways when posted and designated as bus stop locations.

**3-14.4. Installation and Maintenance.** The permittee shall install benches in accordance with the following criteria:

**3-14.4(a). Location.** Transit benches shall be installed parallel with the curb, sidewalk or trail, and set back at least 3 feet.

**3-14.4(b). Size.** Size limitations on transit benches are as follows:

- (1). Height – 42 inches maximum;
- (2). Width – 30 inches maximum;
- (3). Length – seven feet maximum.

**3-14.4(c). Construction.** A transit bench shall be installed and maintained on a durable level surface, including but not limited to, concrete, bomanite or decorative brick. The durable surface shall extend six inches on either end of the bench and one and one-half feet in front. The transit bench shall be of sufficient weight or shall be secured in a manner to minimize the potential of accidental tipping or vandalism. No transit

bench shall be fastened, secured, or anchored to Township property.

**3-14.(d). Materials.** A transit bench shall be constructed of durable materials, including but not limited to, concrete, wood, plastic or combination thereof, with colors limited to whites, earthtones of subdued greens, grays, browns, reddish-browns, and golds.

**3-14.4(e). Conditions.** It is the responsibility of the licensee to maintain each bench in a safe condition and to keep benches neat, clean and in usable condition. The licensee shall keep the transit bench and bench base free of ice and snow and accessible at all times.

**3-14.4(f). Advertising Matter.** Advertising matter may be displayed only on the front (roadway side) surface of the backrest of the transit bench, and shall not exceed 12 square feet in surface area. Advertisements for liquor, beer, tobacco, political advertisements, obscene, immoral or illegal matter is prohibited on all transit bench signs. No advertising matter on any transit bench may display the words "Stop", "Look", "Drive In", "Danger", or any other word, phrase or symbol, reflective materials, or illumination device, which might interfere with, mislead or distract traffic.

### **3-14.5. Removal of Transit Bench.**

**3-14.5(a). Removal by Licensee.** Licensee shall remove transit benches within ten (10) days of license expiration or revocation.

**3-14.5(b). Removal by Town.** Upon the revocation or expiration of any license without renewal, if the licensee fails promptly to remove a bench, the Town Public Works Department may do so within ten (10) days after written notice given by mail, directed to the address of the licensee on file, and if the licensee shall fail to pay the cost of removal and storage thereof, within a period of sixty (60) days after the giving of such notice, the licensee's rights in said bench shall be forfeited, but such forfeiture shall not excuse the licensee from the payment of the cost of removal and storage of said bench.

**3-15. Commercial/Industrial Monument and Pylon Signs.** All monument and pylon business identification signs shall include the words

“White Bear Township” or the White Bear Township logo on all sign faces. White Bear Township lettering or logo shall occupy an area which is not less than 10% of the sign face. The White Bear Township lettering/logo shall not be included when calculating the display surface square footage of any sign.

**3-16. Off-Premise Advertising Signs.** Off premise advertising signs are permitted upon approval of a Conditional Use Permit (CUP) in the I-1 Zoning District, subject to the conditions set forth by Ordinance No. 35, Section 9-4, and the following requirements:

**3-16.1. Location.** Off premise advertising signs are permitted only on lots defined by Section 7-18 of Ordinance No. 35, the Advertising Sign Overlay Area.

**3-16.2. Height.** Off premise advertising signs shall have a maximum height of 40’ measured from the grade at the base of the sign or the elevation of the adjacent travel lane of I-35E, whichever is greater.

**3-16.3. Spacing.** Off premise advertising signs shall be located no closer than 800 feet measured along the freeway, from any other off premises advertising sign.

**3-16.4. Size.** No off premise advertising sign shall have more than two faces, and each sign face must be intended to read from an opposite direction. The area of the basic sign face shall not be more than 672 square feet, but, may, in addition to the basic sign face, contain extensions, cutouts or top lettering provided such extensions do not exceed 20% of the area of the basic sign face and are an integral part of the design of the message of the basic sign face.

**3-16.5. Design.** The design of the off premises advertising sign must provide a balance between the sign structure and the sign face, and express the message of quality, permanence and elegance.

**3-16.6. Structure Design.** The design of the off premise advertising sign structure must be innovative and custom, and capture the opportunity to install elements that provide order, rhythm, verticality, illumination and image to the roadside experience. The design features of the structure shall be readable at a freeway scale and speed, provide a balance between the sign structure and the sign face, and express the message of quality, permanence and elegance.

## **SECTION 4. PROHIBITED SIGNS.**

### **4-1. General Regulations.**

**4-1.1.** Signs that provide refuge from police surveillance.

**4-1.2.** Signs that accumulate debris and present a fire hazard.

**4-1.3.** Except for temporary signs, a sign which directs attention to a business or profession or to the commodity, service or entertainment not sold or offered upon the premises where such sign is located or to which it is attached.

**4-1.4.** Flashing signs or revolving signs, except those with symbols or numerals indicating time and temperature and word changes, provided the words do not change more frequently than once every thirty (30) seconds.

**4-1.5.** Red, yellow or green lights that by position or color or in any other manner would cause confusion in the proper reading of traffic signs or signals.

**4-1.6.** Revolving beacons, beamed lights or similar devices that would distract automobile traffic constituting a safety hazard.

**4-1.7.** Any sign which obstructs the vision of drivers, obstructs or detracts from the visibility of any traffic sign or control device on public streets and roads by reason of the size, location, coloring or illumination of the sign.

**4-1.8.** Signs which made use of words such as "stop", "look", "danger" or other similar words, phrases, symbols or characters or the existence of danger.

**4-1.9.** Any sign containing obscene, indecent or immoral matter.

**4-1.10.** Any sign now or hereafter existing which advertises a business, activity, campaign, service or product which no longer exists.

**4-1.11.** Any sign unlawfully installed, erected or maintained.

**4-1.12.** Any sign which obstructs free ingress to, or egress from a required door, window, fire escape, or other required exit way, or as required in the Town Code.

**SECTION 5. DISTRICT REGULATIONS.** The following table sets forth the requirements for signs in each zoning district (as defined in the Zoning Ordinance), subject to various exceptions contained in this Ordinance.

**5-1. Residential Zoning Districts (R-1, R-2, and R-3).**

<b>Type of Signs Allowed:</b>	Identification, ground, combination wall, pedestal, real estate, election, temporary off-premises, school, church, exempt and other non-business.
<b>Number &amp; Size Allowed:</b>	One sign per front lot, except corner and through lots. Residential Identification: 2 square feet of display surface. On Premise Real Estate: 6 square feet of display surface. Off Premise Real Estate: 16 square feet of display surface.
<b>Height:</b>	Not over ten (10) feet from ground level except as otherwise provided herein.
<b>Setback:</b>	Any sign over 1½ square feet shall be set back at least ten (10) feet from any lot line.
<b>Illumination:</b>	No sign permitted in the Residential District may be illuminated (except for holiday displays). A church, funeral home or school within a Residential District may have an electronic display screen as part of or as their permitted sign.

**5-2. Business Zoning Districts (B-1, B-2).**

<b>Type of Signs Allowed:</b>	Identification, on premise, wall, roof, combination, ground, real estate, election, temporary off-premises, marquees, pylon, electric, church, school, window and exempt signs.
<b>Number &amp; Size:</b>	One identification sign per business, plus one overall business or identification sign per business center. No sign shall be larger than one hundred (100) square feet of display surface. The total combined square footage for all signs in a business

center on a pylon or monument, shall not exceed a total of 100 square feet in area.

**Height:** No more than two (2) feet above highest wall of building in an existing business district. Not over six (6) feet above highest outside wall, except that an overall shopping center sign may extend forty (40) feet above ground level except where an advanced speed artery or thoroughfare faced by a roof or ground sign is elevated above the surface on which the sign is placed, the height limitation shall be measured from a point level from the nearest road surface to the advanced speed artery.

**Setback:** Overall shopping center sign may be located in any yard area, but not within ten (10) feet of any other lot line or in any public easement.

All other signs may project a maximum of two (2) feet into building setback area subject to any easement restrictions.

**Illumination:** Illuminated signs are permitted.

### **5-3. Industrial Zoning District (I-1).**

**Type of Signs Allowed:** Identification, on premises, wall, roof, combination, ground, marquee, pylon, pedestal, real estate, election, temporary, electric, temporary off-premises, church, school and exempt signs.

**Size & Number:** One business or identification sign per business or building by permit. No sign shall be larger than one hundred (100) square feet of display surface. Light industrial business with multiple buildings may place up to two (2) signs on each building over 50,000 square feet in size. Signs on these large buildings (over 50,000 square feet) may not exceed 250 square feet each and the total of the two

signs may not exceed 400 square feet. The maximum number of signs allowed for a light industrial business is four.

**Height:** No ground or pedestal sign more than forty (40) feet above ground level. No more than two (2) feet above highest wall of building in an existing business district. Not over six (6) feet above highest outside wall, except that an overall shopping center sign may extend forty (40) feet above ground level except where an advanced speed artery or thoroughfare faced by a roof or ground sign is elevated above the surface on which the sign is placed, the height limitation shall be measured from a point level from the nearest road surface to the advanced speed artery.

**Setback:** A sign may be located in any yard area, but not within ten (10) feet of a street right-of-way or within ten (10) feet of any other lot line or in any public easement.

All other signs may project a maximum of two (2) feet into building setback area subject to any easement restrictions.

**Illumination:** Illuminated signs are permitted.

#### **5-4. Open Space District (OS).**

**Type of Signs Allowed:** Identification, boundary and ground.

**Size & Number:** One identification sign per park or open space area, no larger than 32 square feet of display surface. Boundary signs, one square foot of display surface, as necessary. Ground signs, either identification or welcome, 32 square feet of display surface.

**Heights:** No ground, identification or welcome sign more than 10 feet above the ground.

**Setback:** A sign may be located in any yard area, but not within ten (10) feet of a street right-of-way or within ten (10) feet of any other lot line or in any public easement.

All other signs may project a maximum of two (2) feet into building setback area subject to any easement restrictions.

**Illumination:** Illuminated signs are not permitted in any open space area.

**5-5. Conservation Wetland (CW) Overlay District.** No signs are allowed in a Conservation Wetland Overlay District.

## **SECTION 6. ADMINISTRATION AND ENFORCEMENT.**

**6-1. Code Enforcement Officer.** The Code Enforcement Officer shall be appointed by the Town Board and shall:

**6-1.1.** Administer and enforce the provisions of this Ordinance in accordance with it's literal terms and shall not have the power to permit any sign or change of sign which does not conform to this Ordinance.

**6-1.2.** Issue sign permits.

**6-1.3.** Maintain a permanent file of all sign permits.

**6-2. Code Conformity.** All signs shall comply with the provisions of the Town Ordinance and Building Code of the Town of White Bear.

**6-3. Permits.** No signs, except exempted signs, shall be erected, constructed, altered, rebuilt, or relocated until a sign permit has been issued by the Town.

**6-3.1. Permit Fee.** An application fee in an amount established by Town Ordinance shall accompany each application for a sign permit.

**6-3.2. Expiration of a Permit.** If the work authorized under a sign permit has not been completed within twelve (12) months after the date of issue, the permit shall lapse and be of no further force and effect.

**6-3.3. Exemptions.** The following is a list of signs exempt from obtaining a sign permit:

**6-3.3(a).** A sign not to exceed two (2) square feet of display surface on residential property stating only the name, address, and profession of the occupant.

**6-3.3(b).** Real estate signs under six (6) square feet of display surface.

**6-3.3(c).** Street, hazard and other official non-advertising signs erected by a government body or others where regulated pursuant to a legal authority.

**6-3.3(d).** Election signs.

**6-3.3(e).** Temporary signs for use by civic groups.

**6-3.3(f).** Church signs.

**6-3.3(g).** Newspaper boxes.

**6-3.3(h). Temporary Signs.** Temporary signs for any lawful purpose, under eight (8) square feet of display surface, may be erected for thirty (30) days or less without a permit.

**6-3.3(i).** The exemptions permitted by the preceding paragraph shall apply only to the requirement of obtaining a permit. This shall not be construed as relieving the owner of the sign from the responsibility for its erection and maintenance in a state of good and safe condition.

**6-4. Application for a Permit.** Applications for a sign permit shall be made to the Town. The application must include the following information:

**6-4.1.** Name, address and telephone number of the property owner.

**6-4.2.** Name, address and telephone number of the sign owner and party responsible for the erection, maintenance and removal of said sign if different than the property owner.

**6-4.3.** Street address of the property for the proposed sign.

**6-4.4.** Legal description of the property.

**6-4.5.** A site plan, sketch or drawing of the property showing the location of all buildings, roads, driveways, and the proposed site and position of the proposed sign.

**6-4.6.** The Code Enforcement Officer will recommend to the Town Board, based on information received in the application process, for approval or denial of each sign.

**6-4.7. Periodic Inspection.** The Code Enforcement Officer will inspect, as necessary or as directed by the Town Board, each sign to ascertain whether the same is secure or insecure and whether it is in need of removal or repair.

**6-5. Licensing and Insurance.** No person, firm or corporation shall erect, install, construct, reconstruct, alter, repair or remove any sign within the Town of White Bear unless a copy of the certificate of current liability insurance issued by an insurance company authorized to do business in the State of Minnesota is on file in the Town office.

**6-5.1. Exceptions.**

**6-5.2.** Insurance is not required for work on signs not requiring a permit, as provided by this Ordinance.

**6-5.3.** The owner, lessee or bona fide occupant of the property upon which a sign is located may perform the actual work of installing a sign without insurance, provided that the person has acquired a permit.

**6-6. Non-Conforming Use.** Any sign lawfully existing or under construction on the effective date of this Ordinance which does not conform to one (1) or more of the provisions of this Ordinance may be continued in operation and maintained indefinitely as a legal non-conforming sign subject to compliance with the requirements of Section 6-6.1.

**6-6.1. Maintenance and Repair of Non-Conforming Signs.** Normal maintenance of legal, non-conforming signs, including changing of copy, necessary non-structural repairs, and incidental alterations which do not extend or intensify the non-conforming features of the sign, shall be permitted. However, no structural alteration, enlargement, or extension shall be made to a legal non-conforming sign unless the alteration, enlargement, or extension will result in the elimination of the non-conforming features of the sign. If a legal non-conforming sign is damaged or destroyed by any means to the extent of fifty (50) percent or more of its replacement value at that time, the sign may not be rebuilt or used thereafter unless it conforms to all of the provisions of this Ordinance. In the event the damage or destruction of the non-conforming sign is less than fifty

(50) percent of its replacement value at that time, the sign may be rebuilt to its original condition and may continue to be displayed.

**6-7. Obsolete Signs.** Any sign which the display becomes obsolete because of non-existence shall be taken down and removed by the property and/or sign owners within thirty (30) days. Upon failure to comply within the time specified, the Code Enforcement Officer is hereby authorized to cause removal of such sign and any expense incident thereto shall be paid by the property and/or sign owner.

**6-8. Town Board Review.** A permit application or permit holder may appeal any order or determination made by the Code Enforcement Officer pursuant to this Ordinance by filing a notice of appeal with the Town Clerk requesting a review before the Town Board. The Town Board will hear:

**6-8.1.** Appeals where it is alleged that there is an error in any order, requirement, decision or determination made by the administrative officer in the enforcement of this Ordinance.

**6-9. Variances.** Variances from the literal provisions of this Ordinance may be considered in instances where the strict enforcement would cause undue hardship because of circumstances unique to the individual property or sign under consideration. Such variances shall be granted only when it is demonstrated that such a request will be in keeping with the spirit and intent of this Ordinance. Economic considerations alone shall not constitute an undue hardship if reasonable use of the property and accompanying sign(s) exists under the terms of this Ordinance. Variances shall not be granted for any sign that is not permitted under this Ordinance for property in the district where the affected property is located. Conditions may be imposed in the granting of variances to insure compliance and to protect adjacent properties.

**6-9.1. Applications.** Applications for variances shall be filed with the Town Clerk together with the review and approval of all governmental agencies having such authority.

**6-9.1(a).** An application fee in an amount established by Ordinance No. 54 (Fees and Charges) shall accompany the application.

**6-9.1(b).** The applicant shall provide ten (10) copies of the site and sign plans together with all supporting data. This information shall be submitted in the following manner:

**(1).** The sign plan shall contain the following data:

(i). A scale no greater than one inch equals ten feet (1" = 10'), and not less than one-quarter inch equals one foot (1/4" = 1').

(ii). The location of the site and the use of adjacent land.

(2). The applicant shall include a time schedule for the proposed construction.

(3). The Town Board may require the applicant to provide additional information where such information is deemed necessary for review of the application. The Town Board may waive any of the requirements where such information is deemed not necessary for review of the application.

**6-9.1(c).** The applicant shall provide a statement signed by the affected property owners, recording their comments relative to the requested action. Affected property owners are defined as those having a recorded legal or equitable ownership interest in property adjacent to the property to which the action relates. If such a signed statement is not provided, the Town Board shall conduct a public informational meeting relative to the variance application.

**SECTION 7. PENALTIES.** Every person convicted of a violation of any provision of this Ordinance shall be punished as provided by Ordinance No. 26 (Maximum Fines).

**SECTION 8. SEVERABILITY.** Should any section, subdivision, clause or other provision of this Ordinance be held to be invalid by any court of competent jurisdiction, such decision shall not affect the validity of the Ordinance as a whole, or of any part thereof, other than the part held to be invalid.

**SECTION 9. EFFECTIVE DATE.** This Ordinance shall take effect and be in force from and after its passage and publication.

Passed by the Town Board of Supervisors of the Town of White Bear, Ramsey County, Minnesota, this 3<sup>rd</sup> day of May, 1971.

APPROVED:

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TERRANCE M. ROONEY, Chairman

ATTEST:

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MARIE ROLPH, Clerk-Treasurer

Board of Supervisors:  
TERRANCE M. ROONEY, Chair  
JEROME L. PERRON, Supervisor  
KENNETH L. KING, Supervisor

Published in the White Bear Press May 20, 1971.

Historical Notes

2014

Section 5-1 passed September 15, 2014, and effective October 1, 2014 by Kermes (Chair), Mample, Prudhon; Short (Clerk-Treasurer).

2004

Section 5-2 – Number and Size passed April 19, 2004, and effective May 5, 2004 by Weisenburger (Chair), Sand and Mample; Short (Clerk-Treasurer);

2003

Section 2-2.6(a) and 5-1 passed August 4, 2003, and effective August 20, 2003 by Weisenburger (Chair), Sand and Mample; Short (Clerk-Treasurer).

2002

Section 3-16.3 passed November 18, 2002, and effective November 27, 2002 by Weisenburger (Chair), Sand and Mample; Short (Clerk-Treasurer).

2001

Section 2-2.8 passed June 18, 2001, and effective July 4, 2001 by Weisenburger (Chair), Sand and Ford; Short (Clerk-Treasurer);

Section 3-16 passed June 18, 2001, and effective July 4, 2001 by Weisenburger (Chair), Sand and Ford; Short (Clerk-Treasurer).

2000

Section 5-3 passed October 2, 2000, and effective October 25, 2000 by Weisenburger (Chair), Sand and Ford; Short (Clerk-Treasurer).

Section 3-2 passed February 14, 2000, and effective March 1, 2000 by Weisenburger (Chair), Sand and Ford; Short (Clerk-Treasurer).

1999

Section 5-1 passed June 7, 1999, and effective June 7, 1999 by Weisenburger (Chair), Sand and Ford; Short (Clerk-Treasurer).

1998

Section 3-15 passed September 8, 1998, and effective September 16, 1998 by Weisenburger (Chair), Sand and Ford; Short (Clerk-Treasurer).

Section 2-2 passed March 16, 1998, and effective March 25, 1998 by Weisenburger (Chair), Sand and Ford; Short (Clerk-Treasurer).

1997

Section 3-13 passed May 5, 1997, and effective May 21, 1997 by Weisenburger (Chair), Sand and Ford; Short (Clerk-Treasurer).

1995

Section 2-2, 3-12 passed February 27, 1995, and effective March 8, 1995 by Weisenburger (Chair), Sand and Ford; Short (Clerk-Treasurer).

1991

Section 1, 2, 3, 4, 5, 6, 7, 8, and 9 passed June 17, 1991, and effective August 21, 1991 by Weisenburger (Chair), Sand and Pfeffer; Short (Clerk-Treasurer).

1988

Section 3-6 passed August 1, 1988, and effective September 28, 1988 by Weisenburger (Chair), Jungkunz and Sand; Malinen (Clerk-Treasurer).

1978

Section 1, 2, 3, 4, 5, 7, and 10 passed August 7, 1978, and effective August 24, 1978 by Perron (Chair), Sand and Jungkunz; Rolph (Clerk-Treasurer).

1971

Ordinance, Title and Section 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, and 13 passed May 3, 1971, and effective May 21, 1971 by Rooney (Chair), Perron and King; Rolph (Clerk-Treasurer).