



MEMORANDUM

**DATE:** January 21, 2020

**TO:** Honorable Mayor and City Councilmembers  
Dave Perrault, City Administrator

**FROM:** Mike Mrosła, Community Development Manager/City Planner

**SUBJECT:** Non-Commercial Signs Discussion

<b>Budgeted Amount:</b>	<b>Actual Amount:</b>	<b>Funding Source:</b>
N/A	N/A	N/A

**Background**

At its December 16, 2019 meeting, the City Council directed staff to make necessary ordinance changes to make political signs (non-commercial sign) consistent with existing temporary off-premise signs placement standards. In addition, Council requested staff to review and bring the ordinance into conformance with State statute for when signs may be placed.

Staff then proposed amendments to Chapter 12, Sign Code to clarify existing language to make non-commercial signs in an election year consistent with placement standards of temporary off-premise signs. The existing ordinance language for non-commercial signs was silent on placing signs on publicly owned land and there was no roadway setbacks standards for non-commercial signs. In addition, the existing language did not discuss prohibited signs placement locations. The proposed language provides the same setback standards for non-commercial and temporary off-site signs (five feet from the curb).

Then as staff reviewed the non-commercial sign code it determined that the existing ordinance language was inconsistent with Minnesota State Statute 211B.045. Minnesota State Statute 211B.045 states:

*“All noncommercial signs of any size may be posted in any number beginning 46 days before the state primary in a state general election year until ten days following the state general election. Municipal ordinances may regulate the size and number of noncommercial signs at other times.”*

The existing ordinance language restricts the placement of non-commercial signs until August 1st in an election year. However, Minnesota State Statute 211B.045 permits non-commercial signs to be posted 46 days prior to the state primary election. Minnesota primary elections occur on the second Tuesday of August in election years or on August 11, 2020. Per the statute, signs may be

posted 46 days prior to the primary election or June 28, 2020. In response, staff worked with the city attorney on the proposed language below.

*“Non-commercial Signs in an Election Year. In years where a federal, state or local government election is conducted within the city, non-commercial signs may be posted no more than 46 days prior to that election. These non-commercial signs shall be placed in accordance with Section 1230.02 and 1250.03 Subd 2, 3, and 4. Those responsible for posting the signs shall remove any signs within 10 days following an election.”*

The proposed language addresses all types of elections and removes the need to address special elections. The proposed language is in conformance with Minnesota State Statute 211B.045 and permits non-commercial signs to be posted no more than 46 days prior to the primary. Staff added specific code sections that defines where signs may be located. Section 1230.02 is addresses prohibited sign placement locations and 1250.03 regulates temporary off-premise signs.

**Budget Impact**

N/A

**Attachments:**

- A. Proposed Non-commercial Sign Language with Notes
- B. Proposed Ordinance Changes