

Hubbard County Ordinance #34

An Ordinance of the Hubbard County Board of Commissioners to Regulate Signage in Hubbard County.

Enacted on 7, May, 2003.
Amended May 27, 2010.
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10.0 General

This Ordinance shall be known as the Sign Ordinance for Hubbard County, Minnesota and herein referred to as the Ordinance.

11.0 Purpose and Intent

The purpose of this Ordinance shall be to regulate the type, placement, and scale of signs within the different management districts; to recognize the commercial communication requirements of all sectors of the business community; to encourage the innovative use of design; to promote both renovation and proper maintenance; to allow for special circumstances; and to guarantee equal treatment under the law through accurate record keeping and consistent enforcement. These shall be accomplished by regulation of the display, erection, use and maintenance of signs. No sign shall be permitted as a main or accessory use except in accordance with the provisions of this Ordinance.

Because of Hubbard County's unique environmental settings and awareness, and its reliance on tourism, it is further the intent of this Ordinance to encourage quality and aesthetics in the size, design, and the materials used for construction; to enhance the overall appearance and image of the area; and to assure that the public is not endangered by the unsafe, disorderly or unnecessary use of signage.

This Ordinance shall not regulate official traffic or government signs; signs not intended to be viewed from a public right-of-way; window displays; product dispensers and point of purchase displays; scoreboards on athletic fields; flags of any nation, government or noncommercial organization; gravestones; barber poles; religious symbols; commemorative plaques; the display of street numbers; or any display or construction not defined herein as a sign.

Thus, the primary intent of this Ordinance shall be to regulate signs of a commercial nature intended to be viewed from any vehicular or pedestrian right-of-way.

12.0 Authority and Jurisdiction

This Ordinance establishes sign regulations for those unincorporated areas of Hubbard County, Minnesota, in pursuance of the authority granted by Chapter 394, Minnesota Statutes.

13.0 Interpretation

In their interpretation and application, the provisions of this Ordinance shall be held to be minimum requirements and shall be liberally construed in favor of the governing body and shall not be deemed a limitation or repeal of any other powers granted by Minnesota Statutes.

13.1 Conflicting Regulations

Whenever any provision of this Ordinance is found to be in conflict with the provisions of any other ordinance, the ordinance containing the more restrictive requirements shall govern.

It is not intended by this Ordinance to repeal, or impair any existing easements, covenants, or deed restrictions. However, where this Ordinance imposes greater restrictions, the provisions of this Ordinance shall prevail.

13.2 Severability

General application. If any court of competent jurisdiction shall adjudge any provisions of this Ordinance to be invalid, such judgments shall not affect any other provision of this Ordinance not specifically in said judgment.

Specific application. If any court of competent jurisdiction shall adjudge invalid the application of any provision of this Ordinance to a particular property, use, building or other structure, such judgment shall not affect the application of said provision to any other property, use, building or other structure not specifically included in said judgment.

14.0 Definitions

Abandoned Sign – A sign which no longer identifies or advertises a bona fide business, lessor, service, product, or activity, and/or for which no legal owner can be found.

Administrator – The Environmental Services administrator or designated representative.

Area – (see “Sign, Area of”)

Area Identification Sign - A freestanding sign identifying the name of a commercial or industrial development consisting of three or more businesses or industries or a shopping center or industrial development of more than 20 acres. The sign may not contain advertising.

Awning - A shelter projecting from and supported by the exterior wall of a building constructed of nonrigid materials on a supporting framework. (compare “Marquee”)

Awning Sign – A sign painted on, printed on, or attached flat against the surface of an awning.

Banner Sign - A sign made of fabric or any nonrigid material with no enclosing framework.

Billboard - A sign erected and used for the purpose of advertising a product, event, place, person, or subject not related to the premises on which the sign is located.

Blade Sign – (see “Ground Sign”)

Building Face - The exposed face of a building, including windows and doors, from ground level to the roofline.

Canopy - A rigid multi-sided structure covered with fabric, metal or other material and supported by a building at one or more points or extremities and by columns or posts embedded in the ground at other points or extremities. May be illuminated by means of internal or external sources. (compare “Marquee”)

Canopy Sign – A sign affixed or applied to the exterior facing surface or surfaces of a building or freestanding canopy.

City Street – City St. – Any street under the jurisdiction of a municipality not otherwise designated as a Trunk Highway, State Aid Street/Highway or County Highway.

Clearance - (of a sign) The smallest vertical distance between the grade of the adjacent street, highway, or street curb and the lowest point of any sign, including framework and embellishments, extending over that grade.

Clearview Zone – The area of a corner lot closest to the intersection which is kept free of visual impairment to allow full view of both pedestrian and vehicular traffic.

Construction Sign - A temporary sign identifying an architect, contractor, subcontractor, and/or material supplier participating in construction on the property on which the sign is located.

Copy – The graphic content of a sign surface in either permanent or removable letter, pictographic, symbolic, or alphabetic form.

County Road – Co. Rd. – A road established and designated under the sole authority of the county board.

County State Aid Highway – C.S.A.H. - A road or street established and designated under county jurisdiction in accordance with Minnesota Statutes Chapter 162.

Directional sign, off-premise – An off-premise sign which provides directional assistance to access an establishment conveniently and safely.

Directional sign, on-premise – An on-premise sign giving directions, instructions, or facility information and which may contain the name or logo of an establishment but not advertising copy, e.g., parking or exit and entrance signs.

Directory Sign - An exterior information wall sign identifying the names of businesses served by a common public entrance in a shopping center or office building.

Double-faced Sign – A sign with two faces, essentially back-to-back or v-construction.

Electrical Sign – A sign or sign structure in which electrical wiring, connections, or fixtures are used.

Façade – The entire building front including the parapet.

Face of sign – The area of a sign on which the copy is placed.

Flashing sign – A sign which contains an intermittent or sequential flashing light source used primarily to attract attention. This does not include changeable copy signs, or signs which, through reflection or other means, creates an illusion of flashing or intermittent light.

Freestanding sign – A single-pole sign supported permanently upon the ground by a pole or brace and not attached to any building; or a double-pole sign with multiple signs between the two supports.

Frontage – The length of the property line of any one premise along a public right-of-way on which it borders.

Government Sign – Any temporary or permanent sign erected and maintained by the township, county, state, federal government, or school district for traffic direction or for designation of or direction to any school, hospital, historical site, or public service, property, or facility. National and state flags are exempt from sign regulations.

Ground sign (also “Blade Sign”) – A sign which is anchored to the ground similar to a pylon or freestanding sign, but which has a monolithic or columnar line and which maintains essentially the same contour from grade to top.

Height (of a sign) – The vertical distance measured from the highest point of the sign, excluding decorative embellishments, to the grade of the average adjacent natural terrain or the surface grade beneath the sign, whichever is less in height. (compare “Clearance”)

Identification sign – A sign whose copy is limited to the name and address of a building, institution, or person and/or to the activity or occupation being identified.

Illegal sign – A sign which does not meet the requirements of this Ordinance and which has not received legal nonconforming status.

Incidental sign – A small sign, emblem, or decal informing the public of goods, facilities, or services available on the premises, e.g., a credit card sign or a sign indicating hours of business.

Intermittent lighting – see “Flashing sign”.

Low Profile sign – (also “Monument Sign”) – A sign mounted directly to the ground with maximum height not to exceed six (6) feet.

Maintenance – For the purposes of this Ordinance, the cleaning, painting, repair or replacement of defective parts of a sign in a manner that does not alter the basic copy, design or structure of the sign.

Mansard – A roof having two slopes on all sides with the lower slope steeper than the upper one.

Marquee – A permanent roof-like structure or canopy of rigid materials supported by and extending from the façade of a building. (compare “Awning”)

Marquee sign – Any sign attached to or supported by a marquee structure.

Monument sign – (see “Low Profile” sign)

Multiple-faced sign – A sign containing three (3) or more faces, not necessarily in back-to-back configuration.

Municipal State Aid Street – M.S.A.S – A street within a city having a population of 5,000 or more, established and designated under municipal jurisdiction in accordance with Minnesota Statutes Chapter 162.

Nameplate – A non-electric on-premise identification sign giving only the name, address, and/or occupation of an occupant or group of occupants.

Nonconforming Sign – A sign which was erected legally, but which does not comply with subsequently enacted sign restrictions and regulations.

Off-premise Sign – A sign structure advertising an establishment, merchandise, service or entertainment, which is not sold, produced, manufactured, or furnished at the property on which said sign is located, e.g., “billboards” or “outdoor advertising.”

On-premise Sign – A sign which pertains to the use of the premises and/or property on which it is located.

Owner – A person recorded as such on official records. For the purposes of this Ordinance, the owner of property on which a sign is located is presumed to be the owner of the sign unless facts to the contrary are officially recorded or otherwise brought to the attention of the Administrator, e.g., a sign leased from a sign company.

Painted Wall Sign – Any sign that is applied with paint or similar substance on the surface of a wall.

Person – Any individual, corporation, association, firm partnership, or similarly identified interest.

Point of Purchase Display – Advertising of a retail item accompanying its display, e.g., an advertisement on a product dispenser, tire display, etc.

Political sign – A temporary sign used in connection with a local, state, or national election or referendum.

Portable sign – Any sign designed to be moved easily and not permanently affixed to the ground or to a structure or building. Included are signs affixed to vehicles that are parked or placed in such a way as to display the sign face toward the roadway.

Premise – A parcel of land with its appurtenances and buildings which, because of its unity of use, may be regarded as the smallest conveyable unit of real estate.

Projecting sign – A sign other than a flat wall sign, which is attached to or projects from a building wall or other structure not specially designed to support the sign.

Public Entrance – Passage or opening which affords entry and access to the general public.

Public Entrance, Common – A public entrance providing access for the use and benefit of two (2) or more tenants or building occupants.

Real Estate sign – a temporary sign advertising the real estate upon which the sign is located being for rent, lease or sale.

Roof sign – Any sign erected over or on the roof of a building. (compare “Mansard,” “Wall sign”)

Sign – Any device, structure, fixture, or placard using graphic symbols, and/or written copy for the primary purpose of identifying, providing directions, or advertising any establishment, product, goods, or services.

Sign, Area of – Includes the space inside a continuous line drawn around and enclosing all letters, designs, and background materials exclusive of border, trim and structural supports. For the purpose of calculating the sign area of multiple-faced or back-to-back signs, the stipulated maximum sign area shall refer to a single face.

Snipe sign – A temporary sign or poster affixed to a tree, fence, etc.

Subdivision Identification Sign – A freestanding or wall sign identifying a recognized subdivision, condominium complex, or residential development.

Temporary Sign - A sign not constructed or intended for long-term use. Such sign is intended for special events, prior to a permanent sign, etc. e.g., a business that is opening soon, grand openings, etc.

Township Road – Twp. Rd. – A road established by and under an authority of the town board, or reverted to township jurisdiction by the county board.

Trunk Highway – T.H. – A road established and designated by and under the authority of the state or federal government.

Under-Canopy Sign – A sign suspended beneath a canopy, ceiling, roof, or marquee.

Variance – Any modification or variation of official controls where it is deemed that, by reason of exceptional circumstances, the strict enforcement of the official controls would cause unnecessary hardship. A variance shall not be used to permit a use in a district where it is not allowed under the terms of the Ordinance.

Wall sign – A sign attached essentially parallel to and extending not more than twenty-four (24) inches from the wall of a building with no copy on the sides or edges. This definition includes painted, individual letter, and cabinet signs, and signs on a mansard.

Window sign – Lettering placed directly on a window surface.

20.0 Jurisdiction

The jurisdiction of this Ordinance shall apply to all the area of Hubbard County outside the incorporated limits of municipalities.

21.0 Functional Classification

Functional Classification is a system by which highways and streets are grouped in classes according to the character of service they are intended to provide. This system is the basis for establishing sign regulations through the county. All signs are regulated on the basis of the initial functional class of the roadway the sign faces or is visible from.

21.1 Classification Map

Hubbard County hereby adopts the existing state functional classification map for the county as the Official Map for the administration of this Ordinance. The Official Map for Hubbard County is retained and can be accessed at the Hubbard County Environmental Services office.

Regardless of the existence of purported copies of the Official Map, or the existence of the Official Minnesota Department of Transportation Functional Classification Map, the Official Map, which shall be located in the County Office of Environmental Services, shall be the final authority as the current functional classification status for regulations under this Ordinance.

21.2 Functional Classifications

Principal Arterials. Serve corridor movements having trip lengths and travel density characteristics indicative of statewide or interstate travel. Also serve all urbanized areas and a large majority of the small-urban areas with over 25,000 population.

Minor Arterials. Link cities, larger towns, and other traffic generators, such as major resort areas. Consistent with population density, minor

arterials are spaced so that all developed areas of the state are within reasonable distance of an arterial highway.

Major Collectors. These routes: (1) provide service to the larger towns not served by higher systems and other traffic generation of equivalent intra-county importance such as consolidated schools and county parks; (2) link these places with nearby large towns or cities or with arterials; and (3) serve important intra county travel corridors.

Minor Collectors. At intervals consistent with population density these routes collect traffic from local roads and bring all developed areas within a reasonable distance to a collector road and provide service to the remaining small communities.

Local. Comprised of all facilities not on one of the higher systems. It serves to provide direct access to abutting land and access to the higher order systems.

30.0 Performance Standards

30.1 General Regulations

The following signs or characteristics of signs shall not be permitted or erected in Hubbard County:

- A. Any sign which resembles, imitates or approximates the shape, size, form or color of railroad or traffic signs, signals, or devices.
- B. Any sign which is located so as to interfere with the visibility or effectiveness of any official traffic sign or signal, or with driver vision at any access point or intersection.
- C. Any sign which is erected, relocated or maintained so as to prevent free ingress or egress from any door, window, or fire escape, and no sign shall be attached to a standpipe or fire escape.
- D. Any sign which emits sounds.
- E. Any sign or structure which is unsafe or constitutes a hazard.
- F. Abandoned signs.
- G. Any sign displaying obscene, indecent, immoral or offensive matter.
- H. Any sign erected and/or maintained so as to direct constant or flashing beams or rays of light at any portion of the traveled way of any highway or street of such intensity or brilliance as to cause glare or impair the vision of the operator of any motor vehicle, or which directs

constant or flashing beams or rays of light at any portion of a building or residence.

- I. Any signs within public rights-of-way or public easements unless posted by government agencies or public utilities.
- J. If a sign is illuminated, the source of light shall be directed so as not to shine upon any part of a residence or into any residential area or any roadway.
- K. Any sign not abiding by all standards set forth in other federal, state, county or local ordinances, including but not limited to the Hubbard County Shoreland Ordinance.

30.2 Design, Construction and Maintenance

All signs shall be properly maintained. Exposed surfaces shall be clean and painted if required. Defective parts shall be replaced. The Administrator shall have the right under Section 50.0 to order the repair or removal of any sign which is defective, damaged, or substantially deteriorated.

- A. In districts where allowed, signs may be illuminated by the following methods: internally or externally lighted and shielded to prevent glare to adjoining roadway and residences.
- B. Projecting signs, awnings and canopies that overhang a sidewalk or other pedestrian way shall provide a minimum clearance above the said pedestrian way of eight (8) feet.
- C. Except for banners, flags, temporary and portable signs, and window signs conforming in all respects with the requirements of these regulations, all signs shall be permanently attached to the ground, a building, or other structure by direct attachment to a rigid wall, frame or structure.

30.3 Sign Classifications

A. Class A: On-Site Advertising

Class A signs are signs which advertise a business, product, service, commodity or profession located on the same premises as the sign.

B. Class B: Off-Site Advertising

Class B signs are outdoor advertising signs which direct the attention of the general public to a business, product, service, commodity or profession which is conducted, sold or offered other than on the premises on which the sign is located.

C. Class C: Temporary Advertising

Class C signs are signs which advertise a business, product, service, commodity or profession located on the same premises as the sign and which are not permanently affixed to the premises.

D. Class D: Exempt

Exempt signs are signs which do not require a permit as long as the pertinent performance standards are satisfied. Class D signs include, but are not limited to, the following: signs required by the governing body having jurisdiction including, but not limited to the Hubbard County Highway Department and the Minnesota Department of Transportation; signs used to inform the general public in a non-advertising message; temporary construction and election signs, posters or banners.

31.0 Class A – On-Site Advertising Signs

31.1 All Class A signs shall abide by the general regulations noted in section 30.1 of this Ordinance and any more restrictive provisions of this Ordinance.

31.2 All Class A signs shall abide by all standards set forth in other federal, state, county or local ordinances.

31.3 Physical Requirements

The maximum size, height and quantity of Class A signs per lot shall not exceed the limitations listed in the chart below. These limitations are based on the lineal dimensions of the lot along the frontage with the roadway. Such size limitations shall apply to each face of a sign structure; for the purposes of calculating the area of a back-to-back or “V” type construction sign, however, only one face of such sign shall be considered.

Total Linear Frontage of Lot	Maximum Number per Lot	Maximum Area per Lot	Maximum Height per Sign
≤ 200 feet	1	100 sq. ft.	15 feet
>200 feet, but ≤ 500 feet	2	200 sq. ft.	20 feet
> 500 feet	3	200 sq. ft. max for any one sign, 300 sq. ft. total	25 feet

32.0 Class B – Off-Site Advertising Signs

32.1 Location

Class B signs will be allowed as a permitted use in conjunction with MN/DOT approval. All Class B signs shall abide by all standards set forth

in other federal, state, county or local ordinances, including any more restrictive provisions of this Ordinance.

32.2 Size

The maximum sign area for any one face of a Class B sign shall not exceed the size allowed in section 32.6. Such maximum size limitation shall apply to each face of a sign structure. Class B signs may be placed back-to-back or in a “V” type construction, which is not to exceed forty-five (45) degrees, but not more than one (1) display is allowed on each face of a sign structure. For purposes of calculating the area of a back-to-back or “V” type construction sign, however, only one face of such sign shall be considered.

32.3 Height

The maximum height of any Class B free standing sign shall not exceed the maximum height listed in section 32.6.

32.4 Spacing

No Class B free standing sign shall be closer than the distance allowed in section 32.6 to any other Class B sign. This provision does not prohibit back-to-back or “V” type construction of Class B signs. This distance between Class B signs shall be measured along the center line of the pavement between points directly opposite the center of the signs and along the same street or highway.

32.5 Directional Signs

Wherever possible, the use of non-advertising off-premise directional signs of a standard design purchased and placed through the appropriate road authority within the roadway right of way will be encouraged as an alternate to private Class-B signs.

32.6 Size and Spacing Requirements

The following requirements apply to the appropriate roadway functional classification listed. Other portions of this or other ordinances may have more restrictive standards.

Functional Class	Maximum Size	Minimum Spacing	Maximum Height
Principle Arterial	400 sq. feet	1,000 feet	35 ft
Minor Arterial	400 sq. feet	1,000 feet	35 ft
Major Collector	150 sq. feet	400 feet	25 ft
Minor Collector	65 sq. feet	400 feet	15 ft
Local	65 sq. feet	400 feet	15 ft

33.0 Class C – Temporary Advertising Signs

33.1 Type

Class C signs shall be limited to banners, pennants and portable signs.

33.2 Size

The maximum square footage for the total of all Class C signs on a single lot of record shall be thirty-five (35) square feet.

33.3 Height

The maximum height for all Class C signs not attached to buildings shall not exceed ten (10) feet.

33.4 Time

The maximum time that a temporary sign may be displayed is ninety (90) days or less each calendar year, unless otherwise specified in this Ordinance.

33.5 Lighting

Temporary signs are not permitted to be a flashing sign or have an intermittent lighting source.

33.6 All Class C signs shall abide by the general regulations noted in section 30.1 of this Ordinance and any more restrictive provisions of this Ordinance.

33.7 All Class C signs shall abide by all standards set forth in other federal, state, county or local ordinances.

34.0 Class D – Exempt Signs

All Class D signs shall abide by all standards set forth in other federal, state, county, or local ordinances, including any more restrictive provisions of this Ordinance.

Government signs. Government signs shall be allowed in any zone district as required by the governing body having jurisdiction including, but not limited to, school districts, Hubbard County Highway Department, and State of Minnesota Department of Transportation. Class D government exempt signs include fire numbers, emergency (9-1-1) identification numbers, and directional signs purchased through the road authority for placement within the right of way. Size, height, spacing, and other requirements shall conform to those set by the appropriate governing body.

Temporary construction. One (1) temporary construction or identification sign of not more than one hundred (100) square feet may be installed upon a construction

site in any district denoting the name of the architect, engineer, contractor and/or future business, provided the sign shall not be installed prior to the issuance of a building permit for the proposed construction and provided further that the sign shall be removed within thirty (30) days following occupancy of the building.

Place of worship directional signs. Signs directing people to places of worship shall be allowed in all districts provided the total area of such signs shall not exceed four (4) square feet and shall not be considered Class B off-site advertising signs for the purposes of this Ordinance.

Public service signs. Temporary signs which advertise a special event of a public service nature may be displayed in any commercial or industrial district for thirty (30) days or less each calendar year.

Informational signs. Signs of a non-advertising nature which inform, direct address information, warn or similar signs shall be allowed in all districts provided that the total area of such signs shall not exceed six (6) square feet in surface area. Class D exempt informational signs include, but are not limited to, signs that indicate to a visitor on the property that the visitor should enter, exit, stop, not enter, or not trespass.

Election signs. Signs, posters, or banners which pertain to an upcoming election of a candidate or political issue shall be allowed in all districts. Class D exempt election signs shall not include Class B off-site outdoor advertising signs purchased or rented by political candidates or in connection with a political issue. In any election year, except when there are no primary elections, signs may be posted from forty-six (46) days before the election to ten (10) days following the election. In years when there are no primary elections, excluding townships that conduct elections before August 1, election signs may be posted from August 1 of the year in which the election is held, to ten (10) days following the election. In townships that conduct elections before August 1, election signs may be posted from forty-six (46) days before the election to ten (10) days following the election. All election signs must be removed by those responsible for their being posted within ten (10) days following the election. There shall be no size or quantity limit on election signage. In addition, election signs shall not be placed upon any right-of-way or on any publicly owned property, any public utility pole or on any private property without the consent of the owner or occupant of such property and shall not be placed so as to constitute a hazard to any person or property. Signs in violation of the above provisions may be removed by the county.

Garage/yard/rummage sale/real estate signs. Signs advertising garage, yard or rummage sales shall be allowed in all districts provided that the signs shall be located on private property and removed immediately after the sale date. On-site signs advertising the property for sale shall be allowed in all districts and shall be removed immediately after the sale date.

Works of art. Works of art that do not include a commercial message are allowed in all districts.

No trespassing, no hunting signs. No trespassing signs, no hunting signs, and similar signs are allowed in all districts.

40.0 Scenic Byway Overlay District

The Scenic Byway Overlay District is intended to promote quality signage opportunities while protecting the special scenic qualities of the county's state designated scenic byway routes. There are two scenic byways located in Hubbard County that comprise the overlay district: The Lake Country Scenic Byway and the Great River Road. Roads covered by this district are T.H. 34 from the Becker County Line to the Cass County Line; T.H. 71 from the T.H. 34 north junction to the west junction of T.H. 200; T.H. 200 from the west junction of T.H. 71 to the Clearwater County Line; and C.S.A.H. 2 from the Clearwater County Line to the Beltrami County Line. All signs are regulated on the basis of their facing or being visible from the roadways within the Overlay District.

41.0 Class A – On-Site Advertising Signs

No Class A signs will be allowed in the overlay district except in conformance with other sections of this Ordinance.

42.0 Class B – Off-Site Advertising Signs

No Class B signs will be allowed within the overlay district, subject to the following exemptions and conformance with other sections of this Ordinance.

42.1 Location

Class B signs will only be allowed within one (1) mile of the city limits of the City of Park Rapids; one half (1/2) mile of the city limits of the City of Nevis and the City of Akeley; and one thousand (1,000) feet of the centerline of the junctions of T.H. 34 and T.H. 226, T.H. 34 and C.S.A.H. 4, T.H. 71 and C.S.A.H. 41, T.H. 71 and C.S.A.H. 18, and T.H. 71 and T.H. 113.

42.2 Size

The maximum square footage for Class B signs is fifty (50) square feet and no more than ten (10) feet in height. Such maximum size limitation shall apply to each side of a sign structure, with no more than two sides per structure or one display per side. This maximum size can be extended to one hundred (100) total square feet and fifteen (15) total feet in height if two or more displays are stacked vertically on the same sign structure.

42.3 Spacing

No Class B free standing sign shall be closer than four hundred (400) feet to any other Class B sign on the same side of the street or highway. This

provision does not prohibit the back-to-back or “V” type construction (not to exceed forty-five degrees) of Class B signs. This distance between Class B signs shall be measured along the nearest edge of the pavement between points directly opposite the center of the signs and along the same side of the street or highway.

42.4 Construction

Class B signs shall be constructed of natural wood or stone materials in keeping with the native visual aesthetics of the area. They will also be painted, maintained, and repaired in a quality and timely manner.

43.0 Class C – Temporary Signs

43.1 No Class C temporary signs will be allowed in the overlay district except in conformance with other sections of this Ordinance.

43.2 Time

The maximum time that a temporary sign may be displayed in the overlay district is one hundred twenty (120) days or less each calendar year.

44.0 Class D – Exempt Signs

No Class D exempt signs will be allowed in the overlay district except in conformance with other sections of this Ordinance. Wherever possible, the use of non-advertising off-premise directional signs of a standard design purchased and placed through the appropriate road authority within the roadway right of way will be encouraged as an alternate to private Class-B signs.

50.0 Administration

The Hubbard County Environmental Services Office shall regulate signage in Hubbard County pursuant to this Ordinance.

50.1 Duties

The Department shall have the following duties and responsibilities.

1. To review all applications for signage permits;
2. To issue all permits required by this Ordinance;
3. To inspect work in progress and to perform the necessary tests to determine its conformance with this Ordinance;
4. To investigate complaints regarding signs;

5. To perform compliance inspections;
6. To issue certificates of compliance or notices of noncompliance where appropriate;
7. To issue Stop Work Orders and Notices of Violation, pursuant to this Ordinance;
8. To take complaints to the County Attorney for violations of this Ordinance; and
9. To maintain proper records for permitted signage including applications, inspections, and all other correspondence.

51.0 General Provisions

It shall hereafter be unlawful for any person to erect, place, or maintain a sign in Hubbard except in accordance with the provisions of this Ordinance.

51.1 Except as otherwise specifically authorized, no sign shall be located, erected, moved or reconstructed, extended, enlarged or structurally altered within the County until a sign permit has been issued by the Environmental Services Office.

51.2 All applicable provisions of this Ordinance shall apply except that no permit or permit fee shall be required for the following signs or conditions:

1. Class A signs;
2. Class C signs;
3. Class D signs;
4. Copy changes on permitted signs.

51.3 Application for a sign permit shall be made to the Environmental Services Office. The application shall contain the following information: exact location of the proposed sign; the dimensions of the proposed sign; a listing of the materials with which the proposed sign will be constructed; whether the sign will be illuminated or use any type of artificial light source; name and address of the owner of the property on which the sign is to be constructed; name and address of the person that is to construct the proposed sign. The Department may require additional information consistent with the provisions of this Ordinance. All signs shall be constructed and placed in substantial compliance with the permit and data submitted by the applicant.

An application for a sign permit shall be accompanied by the fee specified in the Hubbard County fee schedule. No application will be considered

unless and until the required fee has been paid by the applicant. Any fee paid shall be refunded if the applicant withdraws the application prior to its consideration by the Environmental Services Department.

51.4 The structural design of the following signs shall be certified by an engineer or architect registered in the State of Minnesota:

1. Any freestanding sign which has a sign area in excess of one hundred (100) square feet or a height greater than fifteen (15) feet;
2. Any projecting sign which has a sign area in excess of fifty (50) square feet;
3. Permitted signs supported by the roof of a building.

In lieu of the above, if a structural design book showing standard sign designs is filed with the Environmental Services Office and the designs therein are certified by an engineer licensed in the State of Minnesota, and the proposed sign is shown in the standard design book, no individual certification shall be required.

51.5 All signs shall be maintained so as not to constitute a potential danger to persons or property. Abandoned signs and signs that have become damaged, dangerous, or dilapidated shall be repaired or removed immediately. The County shall have the rights and shall follow the procedures set forth in Minnesota Statutes with respect to any abandoned, dangerous or dilapidated sign.

51.6 All signs regulated by this Ordinance shall be subject to inspection by the Environmental Services Administrator. The Administrator or his/her duly authorized representative may enter upon any property or premises to ascertain whether the provisions of this Ordinance are being obeyed. Such entrance shall be made during business hours unless an emergency exists. The County shall order the removal of any sign that is not maintained in accordance with the maintenance provisions of this Ordinance.

51.7 A violation of this ordinance is a misdemeanor. Signs that are in violation of this ordinance may be removed by the county at the sign owner's expense.

52.0 Permits

Unless otherwise provided by this Ordinance, all signs shall require permits and payment of fees as described in the Hubbard County Fee Schedule. No permit is required for the maintenance of a sign or for a change of copy on painted, printed, or changeable copy signs. If the work authorized by the sign permit is not completed within 6 months from date of issuance, the permit shall be considered

null and void and the site for which the permit was sought shall be returned to its condition prior to the issuance of said sign permit. Failure to obtain a sign permit prior to erection of a sign will result in a double permit fee and removal of sign, if non-conforming, at owner's expense. Any sign under construction at the time of the adoption of this ordinance shall have six months to be completed, or the construction site shall be returned to its original condition, at owner's expense.

53.0 Non-Conforming Signs

53.1 Non-conforming signs are signs which were legally constructed or placed at the time of the enactment of this Ordinance but fail to conform with the Ordinance in one or more respects. Non-conforming signs shall be allowed to continue and reasonable maintenance of said signs shall be allowed. The changes in advertising message and/or maintenance and repair upon an existing sign shall not be considered a relocation, replacement or structural alteration.

53.2 A sign which is non-conforming because of its location may be structurally altered or modified in its existing location, provided that the sign is not made less conforming. For the purpose of administering this section, the following test will be used:

1. The modified sign may not be larger in area than the existing sign;
2. The modified sign may not encroach into a required yard any farther than the existing sign;
3. The modified sign must meet all other applicable codes and requirements.

53.3 Non-conforming signs shall not be relocated or replaced without being brought into compliance with all requirements of this Ordinance. A sign will be considered in need of replacement if the repairs to the sign exceed 50% of its valuation, as determined by independent, professionally prepared estimates submitted to the Administrator before any construction takes place.

53.4 Portable and/or temporary signs, except as allowed in this Ordinance, shall either be removed or brought up to the requirements of this Ordinance within twelve (12) months of the adoption of this Ordinance.

54.0 Amendments

The procedure for amendments to this Ordinance shall be as follows:

1. An amendment may be initiated by a property owner, the Planning Commission or the County Board of Commissioners. Property owners

wishing to initiate an amendment shall fill out an Application for Amendment form, available from the Administrator. Such application shall be filled out and submitted to the Administrator at least fifteen (15) days before the next regularly scheduled meeting of the Planning Commission together with the appropriate fee;

2. The applicant shall appear before the Planning Commission to answer any questions that Commission members may have concerning the amendment request;
3. A public hearing on the amendment request shall be conducted by the Planning Commission within sixty (60) days following such initial meeting. The Public hearing shall be conducted in accordance with M.S. 394.26;
4. The Planning Commission shall make a recommendation to the County Board of Commissioners after the proceedings of this public hearing. The applicant shall be notified in writing of the recommendation that shall be forwarded to the County Board of Commissioners;
5. The County Board shall consider the recommendation of the Planning Commission recommendation within thirty (30) days after the public hearing is conducted.

55.0 Variances

An affected property owner may request a variance from standards as specified in this Ordinance and may be requested pursuant to this Ordinance.

55.1 Practical Difficulty

An application may be made, and a variance may be granted by the Hubbard County Board of Adjustment pursuant to the provisions of Minnesota Statute Section 394.27 when the applicant/owner establishes the existence of all of the following criteria:

1. The condition causing the plight of the landowner is unique to the property and was not caused by the actions of the landowner/applicant;
2. The variance, if granted, will not alter the essential character of the locality;
3. The granting of the variance will not be contrary to the public interest or damaging to the rights of other persons or to the property values in the vicinity;
4. The granting of the variance will be in harmony with the general purposes and intent of the ordinance and consistent with the comprehensive plan;

5. The property owner or owners proposes to use the property in a reasonable manner in light of the essential character of the area;
6. The granting of the variance is not based solely on economic considerations.

No variance shall be granted simply because there are no objections, or because those who do not object outnumber those who do, nor for any reason other than a proven practical difficulty.

In granting any variance, the Board of Adjustment may impose conditions that if finds necessary or desirable to effect the purposes of this Ordinance and to protect the public interest.

55.2 Process

1. An applicant desiring a variance shall fill out and submit to the Administrator a Variance Application form, copies of which are available from the Administrator. The appropriate fee shall be paid in order for the application to receive consideration by the Board of Adjustment.
2. The Administrator shall make a staff report, in writing, to the Board of Adjustment, which shall make the final decision after conducting a public hearing in accordance with M.S. 394.26 and the provisions of this Ordinance.
3. An appeal of any administrative decision made in the enforcement of this Ordinance shall be made within fifteen (15) days of the date of the administrative decision by filling out and submitting to the Administrator an Administrative Decision Appeal Application form, which is available from the Administrator. Such appeal shall be heard by the Board of Adjustment within sixty (60) days of the date that such application is submitted to the Administrator.
4. The Hubbard County Board of Adjustment has been established by the Hubbard County Shoreland Management Ordinance and is vested with such authority as provided by Minnesota Statutes 394.27 and all acts amendatory thereof and as is hereinafter provided:

The Board of Adjustment shall have the exclusive power concerning the following:

- A. To grant variances from the strict enforcement of the standards and provisions prescribed by this Ordinance. Variances shall only be granted based upon the criterion prescribed in Section 55.1 of this Ordinance;

- B. To hear and decide any appeal from an order, requirement, decision, or determination made by the Administrator;
 - C. All decisions by the Board of Adjustment in granting variances, or in hearing any appeals from administrative order, requirement, decision or determination shall be final except that any aggrieved person, department, agency, Board of Commission shall have the right to appeal to the District Court within thirty (30) days after receipt of the notice of the decision made by the Board of Adjustment.
5. A variance shall expire five (5) years from the date of issuance if the variance is not utilized.
 6. An applicant or landowner cannot request the re-hearing of a variance request or administrative decision appeal for a period of one (1) year from the date of the Board of Adjustment's decision. An applicant or landowner may request the re-hearing of a request for a variance or an administrative decision appeal that has been denied when substantial new information is obtained that is relevant to the issue. The Board of Adjustment shall then re-hear the issue at another duly called public hearing.
 7. If necessary, an extension of a variance shall be requested in writing and filed with the Environmental Services Officer at least thirty (30) days before the expiration date of the original variance. The request for extension shall state facts showing a good faith attempt to utilize the variance in the allowed five (5) years. Upon receipt of a request for a variance extension, the Environmental Services Officer shall review the request and make a decision to grant or deny the extension based on the information submitted. At staff's discretion, the request may be referred to the Board of Adjustment. No extension shall be for more than one (1) year, after which if the variance is not utilized, the variance becomes void. In no case shall more than one (1) variance extension be approved for an individual variance request.