

PLANNING AND ECONOMIC DEVELOPMENT COMMITTEE

10-020-0

ORDINANCE NO. _____

AN ORDINANCE AMENDING SECTION 44-2 OF THE DULUTH CITY CODE, 1959, AS AMENDED, AMENDING THE DEFINITION OF "SIGN" AND PROVIDING FOR SEPARATE SECTION NUMBERS FOR EACH DEFINITION.

CITY PROPOSAL:

The city of Duluth does ordain:

Section 1. That Section 44-2 of the Duluth City Code, 1959, as amended, be amended to read as follows:

Sec. 44-2. Definitions.

For the purposes of this ~~ordinance~~ [Chapter] the following words and phrases shall have the meanings respectively ascribed to them by ~~this~~ the following sections.

Sec. 44-2.1. ~~(a)~~ Animated sign.

An animated sign is one which has any moving, rotating or otherwise physically animated part (as distinguished from lights that give the appearance of animation by flashing, blinking or fluctuating) but does not include changeable message signs which are stationary for a continuous time period of at least four seconds in each eight-second period.

Sec. 44-2.2. ~~(b)~~ Awning sign.

Awning sign means any sign affixed to an awning, as such term is defined in Section 4506 of the Uniform Building Code, 1982 Edition.

Sec. 44-2.3. ~~(c)~~ Changeable message signs (CMS).

Any off premise advertising sign, display or device which changes the message or copy on the sign by means of electronic rotation or panels or slats. CMS's are considered outdoor advertising signs and must comply with all requirements applicable to outdoor advertising signs. This includes a flashing sign that is

off premise~~+~~.

Sec. 44-2.4. ~~(d)~~ Double or triple faced sign.

A double or triple faced sign is any sign having displays on an integral structure which has two or three faces which are either back to back or "V" or triangular shaped with no internal angle of more than 60 degrees~~+~~.

Sec. 44-2.5. ~~(e)~~ Electronic signs (ES).

An off premise advertising sign, display or device that changes the message copy on the sign by means of light emitting diodes (LED's), fiber optics, light bulbs or other illumination devices with the display area~~+~~.

Sec. 44-2.6. ~~(f)~~ Ground sign.

Ground sign means any sign, other than a pole sign, which is supported vertically by a structure attached to the ground~~+~~.

Sec. 44-2.7. ~~(g)~~ Flashing sign.

Flashing sign shall mean a sign which has direct illumination which is not kept constant in intensity at all times when in use, or which exhibits sudden or marked changes in lighting effects. Signs with direct illumination which indicate the time, temperature, date or other public service information shall not be considered flashing signs~~+~~.

Sec. 44-2.8. ~~(h)~~ Direct illumination.

Direct illumination means illumination by light sources which are effectively visible, either directly or through a translucent material, as a part of the sign and illuminate outward therefrom~~+~~.

Sec. 44-2.9. ~~(i)~~ Indirect illumination.

In direct illumination means illumination which is derived from light sources which are not visible to intended viewers of the sign but which illuminate the sign by being directed at the sign's

reflective face~~†~~.

Sec. 44-2.10. ~~(j)~~ Marquee sign.

Marquee sign means any sign affixed to a marquee, as such term is defined in Section 414 of the Uniform Building Code, 1982 Edition~~†~~.

Sec. 44-2.11. ~~(k)~~ Mobile sign.

Mobile sign means any sign so constructed as to permit movement from place to place, whether on wheels or otherwise~~†~~.

Sec. 44-2.12. ~~(l)~~ Off premises sign.

Off premises sign means a sign which directs attention to a business, product, service or entertainment not conducted, sold or offered upon the premises where such sign is located~~†~~.

Sec. 44-2.13. ~~(m)~~ On premises sign.

On premises sign means a sign which directs attention to the name of the building or the name of the building management firm or to a business, principal product, service or entertainment conducted, sold or offered upon the premises where such sign is located~~†~~.

Sec. 44-2.14. ~~(n)~~ Pole sign.

Pole sign means any free standing, elevated sign erected on a pole or poles connected to the ground and which is less than 60 square feet in area~~†~~.

Sec. 44-2.15. ~~(o)~~ Political sign.

Political sign means any sign which directs attention to an issue in an election or to either the name of a candidate running for election to a public office or the name of the office for which he is a candidate, or both~~†~~.

Sec. 44-2.16. ~~(p)~~ Projecting sign.

Projecting sign means a sign which is affixed to the outside of an exterior wall of any building and which extends more than 18

inches from the building wall face~~†~~.

Sec. 44-2.17. ~~(q)~~ Property owner opinion sign.

Property owner opinion sign means a sign which conveys a noncommercial message~~†~~.

Sec. 44-2.18. ~~(r)~~ Pylon.

Pylon means a decorative extension above the roof line of a building which is designed as an integral part of such building and which is constructed of masonry or is completely enclosed by the same material as the main exterior walls of such building~~†~~.

Sec. 44-2.19. ~~(s)~~ Roof sign.

Roof sign means any sign erected, constructed or maintained above and connected to the roof of any building. For purposes of this Section a penthouse, elevator housing or any structure housing mechanical equipment of any kind shall not be deemed a part of the roof of any building~~†~~.

Sec. 44-2.20. ~~(t)~~ Sign.

Sign means any letter, word, symbol, model, printed, projected or affixed device, poster, picture, reading matter or representation in the nature of an advertisement, announcement, direction or informative device including its structure or component parts, which is located outdoors, when more than one square foot in area; but shall not be deemed to include inscriptions on any publically owned building when such inscription is incorporated into the architectural design as a permanent feature and has been approved by the governing body of the public entity, or temporary parks and recreation signs permitted pursuant to Chapter 35 of this Code, or overhead banners and devices regulated under Article III of Chapter 45 of this Code, or to any street name sign, public directional, utility or transportation sign, or motor vehicle traffic signs of

any kind when officially placed, or to advertising or other information affixed to any motor vehicle, provided that such vehicle's primary use is not as a stationary advertising device. The area of a sign includes the space inside a continuous line drawn around and enclosing all letters, designs and background material, except that the area of a double or triple faced sign shall be the area of the largest face, and the area of a spherical sign shall be the area of the outline against the horizon formed by the largest dimension thereof.

Sec. 44-2.21. (~~u~~) Wall sign.

Wall sign means a sign which is affixed to the outside of an exterior wall of any building when such sign extends no more than four feet above the top of such exterior wall and is parallel thereto, and when such sign projects no more than 18 inches from the building wall face or from a parapet constructed thereon. Signs painted directly on the surface material of a building shall be considered a wall sign only if limited in content to the name of the principal firm or establishment located in such building or the name of the building's management firm.

Sec. 44-2.22. (~~v~~) Height.

The height of a sign shall be the vertical distance from the average finished grade directly below the sign to the uppermost point on the sign or sign structure, whichever is higher.

Section 2. That this ordinance shall take effect 30 days after its passage and publication.

Approved:

Approved for presentation to council:

Department Director

Chief Administrative Officer

Approved as to form:

Attorney

ADM/ATTY MAL: jkw 3/30/2010

STATEMENT OF PURPOSE: This ordinance amends the definition of "sign" and creates separate sections to simplify the drafting and publication of future amendments.