



*The City That Soars!*

## REQUEST FOR PLANNING COMMISSION ACTION

<b>Meeting Date</b>	May 25, 2010
<b>Agenda Item</b>	2
<b>Title</b>	Ordinance amending the Falcon Heights sign code consistent with new Minnesota statute
<b>Submitted By</b>	Deborah Jones, Staff Liaison

<b>Description</b>	Falcon Heights city code needs to be updated to conform to changes in state law with respect to non-commercial signs
<b>Background</b>	<p>The date of state primaries was changed to the 2nd Tuesday in August and the sign provision in state law was amended accordingly.</p> <p>Minnesota Sessions Laws 2010 Chapter 184</p> <p>Sec. 42. Minnesota Statutes 2008, section 211B.045, is amended to read:</p> <p>211B.045 NONCOMMERCIAL SIGNS EXEMPTION.</p> <p>In any municipality, whether or not the municipality has an ordinance that regulates the size or number of noncommercial signs, all noncommercial signs of any size may be posted in any number from 46 days before the state primary in a state general election year until ten days following the state general election.</p> <p>Falcon Heights city code needs to be kept consistent with state law. The proposed ordinance, attached, will bring the code up to date with respect to this change.</p>
<b>Budget Impact</b>	None
<b>Attachment(s)</b>	<ul style="list-style-type: none"> <li>Proposed ordinance amending Section 113-415</li> <li>Comparison of proposed section and existing section</li> </ul>
<b>Action(s) Requested</b>	<ul style="list-style-type: none"> <li>Hold a public hearing on the proposed ordinance</li> <li>Make a recommendation to the City Council</li> </ul>

ORDINANCE NO. \_\_\_\_\_

**CITY OF FALCON HEIGHTS  
RAMSEY COUNTY, MINNESOTA**

**AN ORDINANCE AMENDING CHAPTER 113 OF THE CITY CODE  
CONCERNING NONCOMMERCIAL SIGNAGE**

THE CITY COUNCIL OF THE CITY OF FALCON HEIGHTS ORDAINS:

**SECTION 1.** Section 113-415 of the Falcon Heights City Code is amended to read:

Sec. 113-415. Noncommercial speech.

The owner of any sign that is otherwise allowed by this article may substitute noncommercial speech in lieu of any other commercial speech or noncommercial speech. This substitution of copy may be made without any additional approval or permitting. The purpose of this section is to prevent any inadvertent favoring of commercial speech over noncommercial speech or favoring of any particular noncommercial speech over any other noncommercial speech. This section prevails over any more specific provision to the contrary. All noncommercial signs of any size may be posted in any number from 46 days before the state primary in a state general election year until 10 days following the state general election subject to the applicable provisions of M.S. 211B.045.

**SECTION 2. EFFECTIVE DATE:** This ordinance shall take effect from and after its passage.

**ADOPTED** this \_\_\_\_\_ day of \_\_\_\_\_, 2010, by the City Council of Falcon Heights, Minnesota.

CITY OF FALCON HEIGHTS

BY: \_\_\_\_\_  
Peter Lindstrom, Mayor

ATTEST:

\_\_\_\_\_  
Justin Miller, City Administrator/Clerk

## Comparison of existing and proposed sections

Existing code:

### **Sec. 113-415. Substitution clause.**

The owner of any sign that is otherwise allowed by this article may substitute noncommercial speech in lieu of any other commercial speech or noncommercial speech. This substitution of copy may be made without any additional approval or permitting. The purpose of this section is to prevent any inadvertent favoring of commercial speech over noncommercial speech or favoring of any particular noncommercial speech over any other noncommercial speech. This section prevails over any more specific provision to the contrary.

With Proposed Amendment:

### **Sec. 113-415 ~~Substitution clause~~ *Noncommercial Speech***

The owner of any sign that is otherwise allowed by this article may substitute noncommercial speech in lieu of any other commercial speech or noncommercial speech. This substitution of copy may be made without any additional approval or permitting. The purpose of this section is to prevent any inadvertent favoring of commercial speech over noncommercial speech or favoring of any particular noncommercial speech over any other noncommercial speech. This section prevails over any more specific provision to the contrary. *All noncommercial signs of any size may be posted in any number from 46 days before the state primary in a state general election year until 10 days following the state general election subject to the applicable provisions of M.S. 211B.045.*

# CITY OF FALCON HEIGHTS, MINNESOTA

## PUBLIC HEARING NOTICE

**NOTICE IS HEREBY GIVEN**, that the Falcon Heights Planning Commission will meet on May 25, 2010, at approximately 7:00 p.m. at Falcon Heights City Hall, 2077 Larpenteur Avenue West, Falcon Heights, Minnesota 55113, to consider amendments to Chapter 13, the zoning ordinance, Article VII of the Falcon Heights City Code concerning signs.

All persons who desire to speak on this issue are encouraged to attend and will be given an opportunity to be heard at this meeting. Additional information can be obtained by contacting the City of Falcon Heights at (651) 792-7600.

Dated: May 10, 2010.

  
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Justin Miller, City Administrator/Clerk  
City of Falcon Heights, Minnesota